

1
2
3 **2022 OA-044**

4 AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
5 REGARDING CONDITIONAL USE PERMIT APPEALS

6 The County Board of Supervisors of the County of Dane does ordain as follows:
7

8 ARTICLE 1. Unless otherwise expressly stated herein, all references to section
9 and chapter numbers are to those of the Dane County Code of Ordinances.
10

11 ARTICLE 2. Section 10.101(7)(c)4. is amended to read as follows:

12 **(7) Conditional Use Permits.**

13 **(c) Approval Process.**

14 **4. Appeals to ~~Board of Adjustment~~Circuit Court.**

15 **a.** Any person aggrieved by the grant or denial of a conditional use permit
16 may appeal the decision ~~of the town board or zoning committee to the Dane~~
17 County Board of Adjustment to the circuit court as authorized by Wis. Stat. s.
18 59.69(5e)(e) using the procedures contained in Wis. Stat. s. 59.694(10).

19 ~~**b.**—Aggrieved parties must file their appeal with the zoning administrator within~~
20 ~~30 days of the final action.~~

21
22 ARTICLE 3. Section 10.101(7)(d)2.a.xiii. & xiv. are amended to read as follows:

23 **(d) Conditions.**

24 **a.** Standard conditions. The town board and zoning committee shall impose,
25 at a minimum, the following conditions on any approved conditional use permit:

26 **xiii.** Failure to comply with any imposed conditions, or to pay reasonable county
27 costs of investigation or enforcement of sustained violations, may be grounds for
28 revocation of the conditional use permit. The holder of a conditional use permit
29 shall be given ~~a reasonable opportunity~~ 30 days from the date of a written notice
30 of violation to correct any violations prior to revocation.

31 **xiv.** If any use allowed by an approved conditional use permit is not
32 commenced within one year of issuance of the permit or is abandoned for one
33 year or more, the associated conditional use permit shall be terminated. Future
34 re-establishment of an abandoned conditional use shall require approval of a
35 new conditional use permit.
36

37 ARTICLE 4. Section 10.200(2)(b)2. is amended to read as follows:

38 **(2) Zoning Districts.**

39 **(b)** In each zoning district, land uses are divided into permitted and
40 conditional uses.

41 **2.** No land use listed as a conditional use in the applicable zoning district may
42 take place until the town board and zoning committee approve a conditional use
43 permit under s. 10.101(7), ~~or the board of adjustment overturns a denial of a~~
44 ~~conditional use permit under s. 10.101(7)(c)4.~~

47

48 ARTICLE 5. Section 10.500(6)(b) is amended to read as follows:

49 **(6)** Board of Adjustment.

50 **(b)** Powers and Duties. The Board of Adjustment has the following specific
51 powers and duties related to this ordinance, and other land use ordinances of
52 Dane County.

53 ~~1. Hearing and deciding appeals of conditional use permit decisions under s.~~
54 ~~10.101(7)(c)4.~~

55 **21.** Hearing and deciding appeals of administrative decisions under s.
56 10.101(9) and Chapters 11, 14 and 17, Dane County Code.

57 **32.** Hearing and deciding variances under s. 10.101(10) and Chapters 11,
58 14 and 17, Dane County Code.

59

60 *[EXPLANATION: This amendment provides for appeals of approvals or denials*
61 *of conditional use permits to circuit court rather than the board of adjustment,*
62 *and provides a certain time for commencement of a conditional use and*
63 *correction of violations of conditions.]*