



## Dane County Planning & Development Department

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### Planning

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### Records & Support

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### Zoning

(608)266-4266, Rm. 116

### MEMORANDUM

**TO:** Members of the Dane County Zoning & Land Regulation Committee (ZLR)

**FROM:** Todd A. Violante, Director

**DATE:** August 2, 2023

**RE:** 2023 OA-010, Amending Chapter 10 of the Dane County Code of Ordinances Regarding the Definition of "Day Care Center"

Attached to this memo is the communication that was sent by both certified mail and via email to all towns within Dane County's zoning jurisdiction. It summarizes the proposed change to the Dane County Zoning Ordinance being effectuated by 2023 OA-010.

The ZLR public hearing for OA-010 was held on June 27, 2023, and there were no public comments received on the amendment at that meeting. As the attached memo notes, under state statutory requirements, the towns had until 30 days after the public hearing (i.e. July 27) to take action on OA-010. While action by the towns is discretionary, if a majority of those under the jurisdiction of the Zoning Ordinance vote in opposition to the OA, it cannot be approved by the county. As of July 27, 13 towns responded with Town Board Action Reports, and all of them recommended approval of the OA; no towns expressed opposition or provided formal action opposing OA-010. The full town tally and each Town Board Action Report can be found in Legistar as part of the amendment's record.

In light of the need to bring Dane County's zoning ordinance into conformity with state law, no opposition was expressed at the ZLR public hearing on OA-010, 13 towns voted in support of the OA, and no towns expressed opposition, staff continue to fully support and recommend approval and adoption of 2023 OA-010 regarding the definition of "day care center."



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**TO:** Town Board Supervisors & Plan Commissioners  
Town Clerks

**FROM:** Todd Violante, Director

**DATE:** June 5, 2023

**RE:** 2023 OA-010, Amending Chapter 10 of the Dane County Code of Ordinances Regarding the Definition of “Day Care Center”

**CC:** Majid Allan, Senior Planner  
Rachel Holloway, Assistant Zoning Administrator  
Roger Lane, Zoning Administrator  
Renee Lauber, Planning Consultant, Dane County Towns Association

An ordinance amendment (OA) to Chapter 10, *Zoning*, of the Dane County Code of ordinances has been introduced to the County Board regarding the definition of “Day Care Center.” The Zoning & Land Regulation (ZLR) Committee will hold a public hearing on 2023 OA-010 on Tuesday, June 27, 2023. This meeting will be held in-person in Rm. 354 of the City-County Building, and it will have a virtual attendance option as well via the Zoom application. Information about accessing this meeting is included at the end of this memo. Please feel free to let me know of any questions or comments you may have at either (608) 266-4021, or [violante@countyofdane.com](mailto:violante@countyofdane.com).

### I. DESCRIPTION

OA-010 changes the definition of “day care center” in DCO § 10.004(50) to coincide with the Wisconsin Statutes definition of “family child care home” under Wis. Stat. § 66.1017.

The current definition reads:

“Day care centers. A place or home which provides care for eight (8) or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in s. 48.65 of the Wisconsin Statutes.”

Under the proposed ordinance amendment the definition is changed to read:

“Day care centers. A place or home which provides care for **nine (9)** or more children under the age of seven (7) years for less than 24 hours a day and is licensed as provided for in s. 48.65 of the Wisconsin Statutes.”

The Zoning & Land Regulation Committee Public Hearing on 2023 OA-010 will be on Tuesday, June 27, 2023.  
Town action on OA-010 is due to the zoning office by the end of the day on Thursday, July 27, 2023.

## II. BACKGROUND AND SUMMARY

OA-010 was prompted following ZLR committee action in 2021 on a conditional use permit (CUP) for an in-home day care center. At that time, it was discovered that there is a slight inconsistency between the Dane County Zoning Code and Wisconsin Statutes in the county's definition of "day care center." State law limits local regulation of in-home day care centers with eight (8) or fewer children, and this OA simply brings Dane County's ordinance into compliance with state law. A copy of OA-010 is attached to this memo.

2023 OA-010 is a resubmittal of an identical amendment proposed earlier as 2021 OA-058. OA-058 never reached fruition because the amendment expired before it could be adopted by the County Board. By reintroducing the text amendment we are able to restart the approval process. The sponsors of 2023 OA-010 are ZLR Chair Sup. Michele Doolan and ZLR member Sup. Tim Kiefer.

### ZLR PUBLIC HEARING & TOWN BOARD ACTION TIMELINE

**ZLR Public Hearing.** The Dane County Zoning and Land Regulation Committee will hold a public hearing on 2023 OA-010 on Tuesday, June 27, 2023 at 6:30 p.m. in Rm. 354 of the City-County Building, located at 210 Martin Luther King, Jr. Blvd., in Madison, Wisconsin, 53703. This will be a hybrid meeting.

Members of the public may attend the meeting either in-person at the location listed above, or virtually by phone or computer. To attend the meeting by computer, follow this link: <https://zoom.us/j/99257259763>. To attend the meeting by phone, dial: (888) 788-0099 and enter Webinar ID: 992 5725 9763.

All persons wishing to speak on an agenda item must pre-register for the meeting at least 30 minutes in advance of the start of the meeting. To register for the meeting, please follow this link: [https://zoom.us/webinar/register/WN\\_AEk3xE9nTXGfywbyFswD7Q](https://zoom.us/webinar/register/WN_AEk3xE9nTXGfywbyFswD7Q), or call (608) 266-4266, or email [plandev@countyofdane.com](mailto:plandev@countyofdane.com) to obtain a registration slip. Any written testimony must be submitted within one week prior to the public hearing (by June 20th) by emailing it to [plandev@countyofdane.com](mailto:plandev@countyofdane.com).

**Town Board Action and Timeline.** Under state statutes, town boards have until 30 days *after* the public hearing to complete action on zoning ordinance text amendments. In this case, 30 days following the Tuesday, June 27, 2023 public hearing is Thursday, July 27. If towns choose to act on OA-010, action must be received by the end of the day on Thursday, July 27, 2023. Towns are not required to act. State statutes regarding ordinance text amendments place the emphasis on disapproval, i.e. if a majority of towns within the jurisdiction of Chapter 10, *Zoning*, DCO object to OA-010, it will not pass, and if less than a majority of towns object to OA-010, it will pass and be enacted subject to County Board and County Executive approval. If towns choose to take formal action on OA-010, town clerks may use the online Town Board Action Report portal to submit their actions via the following link:

<https://townboardactionreport.countyofdane.com/Login.aspx?ReturnUrl=%2f>

Again, please feel free to let me know of any questions or comments you may have at either (608) 266-4021, or [violante@countyofdane.com](mailto:violante@countyofdane.com).