

1 **2023 OA-49**

2
3 AMENDING CHAPTER 82 OF THE DANE COUNTY CODE OF ORDINANCES,
4 AMENDING THE DANE COUNTY COMPREHENSIVE PLAN, UPDATING THE
5 FARMLAND PRESERVATION PLAN, AND DELETING OBSOLETE LANGUAGE
6

7 The County Board of Supervisors of the County of Dane does ordain as follows:
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9 ARTICLE 1. Unless otherwise expressly stated herein, all references to section
10 and chapter numbers are to those of the Dane County Code of Ordinances.
11

12 ARTICLE 2. The Table of Contents for Chapter 82 is amended to read as follows:
13

14 ~~SUBCHAPTER I~~
15 ~~NMP MORATORIUM~~

16 ~~82.01 Title.~~

17 ~~82.02 Administration.~~

18 ~~82.03 North Mendota Parkway Moratorium.~~
19

20 ARTICLE 3. Subchapter I, including ss. 82.01 through 82.03 is rescinded:
21

22 ~~SUBCHAPTER I~~
23 ~~NMP MORATORIUM~~

24
25 ~~82.01 TITLE. This chapter may be referred to as the Miscellaneous Planning and~~
26 ~~Development Ordinance.~~
27

28 ~~82.02 ADMINISTRATION. This chapter shall be administered by the Planning~~
29 ~~and Development Department.~~
30

31 ~~82.03 NORTH MENDOTA PARKWAY MORA TORIUM. (1) Authority. This~~
32 ~~section is enacted to promote the public safety, convenience and general welfare~~
33 ~~of the citizens of Dane County, as authorized by sections 59.69 and 236.45,~~
34 ~~Wisconsin Statutes.~~

35 ~~(2) Purpose. The adoption of this section is supported by the following findings:~~

36 ~~1. The North Mendota area of Dane County, including areas located within the~~
37 ~~Towns of Springfield and Westport, the Village of Waunakee, and the Cities of~~
38 ~~Middleton and Madison, has and continues to experience~~

39 ~~82.01—82.03(3)~~

40 ~~Increasing growth pressure, requiring an integrated strategy for dealing with~~
41 ~~transportation issues and other secondary effects upon the land in the area.~~

42 ~~2. Dane County and the aforementioned municipalities participated in a North~~
43 ~~Mendota Parkway Advisory Committee that approved a final report and~~
44 ~~recommendation on October 23, 2003.~~

45 ~~3. On March 8, 2004 the Dane County Board of Supervisors approved the North~~
46 ~~Mendota Parkway Advisory Committee's Final Report and Recommendations.~~

47 ~~4. On June 21, 2007, the Dane County Board of Supervisors approved an~~
48 ~~Intergovernmental Agreement with the aforementioned municipalities, and that~~
49 ~~Agreement was fully executed by the parties on June 26, 2007.~~
50 ~~5. The Intergovernmental Agreement requires that all parties adopt a short-term~~
51 ~~development moratorium on land divisions, subdivisions, rezoning and~~
52 ~~conditional use permits in the defined North Mendota Parkway area within 60~~
53 ~~days of complete execution of the Agreement.~~
54 ~~6. Dane County has invested a substantial amount of time and money into the~~
55 ~~cooperative planning process with the other parties to the Agreement regarding~~
56 ~~the long-term needs of the North Mendota Parkway area.~~
57 ~~7. Existing county ordinances may allow new development or intensification of~~
58 ~~existing development in the unincorporated portions of the North Mendota~~
59 ~~Parkway area that may hamper and curtail the effectiveness of the ongoing~~
60 ~~planning process.~~
61 ~~8. A short-term development moratorium on the acceptance, review and approval~~
62 ~~of land divisions, subdivisions, rezones and conditional use permits in the North~~
63 ~~Mendota Parkway area will provide the county and other participating~~
64 ~~municipalities an opportunity to place the North Mendota Parkway on the official~~
65 ~~maps of all of the parties to the Intergovernmental Agreement.~~
66 ~~9. The Dane County Board of Supervisors believes that the adoption of a short-~~
67 ~~term moratorium will promote the public health, safety, general welfare and~~
68 ~~convenience of the county and encourage the most appropriate use of land in the~~
69 ~~North Mendota Parkway area.~~
70 ~~(3) Applicability. This section shall apply to lands in Dane County within the~~
71 ~~Towns of Springfield and Westport located in the North Mendota Parkway area~~
72 ~~as shown on the map that is attached hereto and incorporated into this section by~~
73 ~~reference.~~
74 ~~(4) Duration. This section shall expire either 24 months after its effective date or~~
75 ~~upon all parties to the Intergovernmental Agreement placing the North Mendota~~
76 ~~Parkway on their official maps, whichever occurs first.~~
77 ~~(5) Development moratorium. There is hereby established a temporary~~
78 ~~moratorium on the acceptance, review and approval by county officials and staff~~
79 ~~of any application for a land division, subdivision, rezone or conditional use~~
80 ~~permit received by the county on or after the effective date of this ordinance.~~
81 ~~(6) Exceptions. Notwithstanding the provisions of sub. (5), the moratorium shall~~
82 ~~not apply to the following:~~
83 ~~1. A complete land division, subdivision, rezone or conditional use application~~
84 ~~that is submitted in conformity with the applicable county ordinances on or before~~
85 ~~the effective date of this section.~~
86 ~~2. Certified survey maps that do not create additional building sites.~~
87 ~~3. Divisions of land or rezones that are necessary to avoid a property owner~~
88 ~~being denied all economic use of his or her land.~~
89 ~~4. Divisions of land that are essential for the correction of or remediation of a~~
90 ~~situation that threatens the public health or welfare.~~
91 ~~(7) Variances.~~

92 ~~1. Any property owner of property within the North Mendota Parkway area, or his~~
93 ~~or her agent, may apply to the Zoning & Land Regulation Committee for a~~
94 ~~variance from the terms of this section.~~

95 ~~2. Application for a variance shall be made to the Zoning Administrator and~~
96 ~~processed pursuant to the procedures as set forth in section 10.255(2).~~

97 ~~3. Upon receipt of an application, the Zoning Administrator shall refer the~~
98 ~~application to the North Mendota Implementation Committee, which may make a~~
99 ~~recommendation to the Zoning & Land Regulation Committee.~~

100 ~~4. A variance from the terms of the moratorium may be granted if the applicant~~
101 ~~demonstrates that the proposed development is not detrimental to potential~~
102 ~~routes of the North Mendota Parkway or the E-way.~~

103 ~~(8) Inconsistent ordinances voided. All ordinances or provisions of ordinances~~
104 ~~inconsistent with or contravening the provisions of this section are hereby~~
105 ~~temporarily voided and shall have no legal force or effect during the period of this~~
106 ~~ordinance.~~

107 ~~(9) Severability. If any part of this section is deemed to be unconstitutional,~~
108 ~~unlawful or invalid by a court of competent jurisdiction, the remainder of the~~
109 ~~section shall not be affected thereby.~~

110
111 [82.01-82.49 reserved]
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114 ARTICLE 4. Section 82.53 is amended to read as follows:

115 **82.53 ADOPTION OF DANE COUNTY COM PREHENSIVE PLAN.** Pursuant to
116 sec. 66.1001(4)(c), Wis. Stats., the Dane County Board of Supervisors does, by
117 enactment of this ordinance, adopt the document entitled “Dane County
118 Comprehensive Plan,” including all maps and descriptive materials contained
119 therein, and including all amendments adopted by the county
120 board of supervisors as of ~~June 15, 2016~~[County clerk to insert effective date of
121 the amendment]. A copy of the Dane County Comprehensive Plan is
122 incorporated herein as Appendix A and is on file at the Dane County Clerk’s
123 office and the Dane County Department of Planning and Development.
124

125 ARTICLE 5. Section 82.555 is amended to read as follows:

126 **82.555 INCORPORATION OF COUNTY, REGIONAL AND MUNICIPAL**
127 **PLANS.** The following plans are incorporated into the Dane County
128 Comprehensive Plan:

129 **(1)** Dane County Farmland Preservation Plan, including all amendments adopted
130 by the county board of supervisors as of [County Clerk to insert effective date of
131 this amendment]~~December 23, 2022.~~
132

133 *[EXPLANATION: This amendment deletes obsolete language related to the*
134 *North Mendota Parkway moratorium, adopts amendments to the Dane County*
135 *Comprehensive Plan, and amendments to the Dane County Farmland*
136 *Preservation Plan.]*