



Dane County Planning & Development Zoning Division

TO: Town Clerks, Supervisors, and Planning Commissioners

FROM: Rachel Holloway, Assistant Zoning Administrator

DATE: December 7, 2023

RE: Ordinance Amendment 2023 OA-068 regarding conditional use permit and rezoning processes

CC: Todd Violante, Planning & Development Director
Roger Lane, Zoning Administrator
Majid Allan, Senior Planner
Renee Lauber, Executive Director, Dane County Towns Association

Ordinance Amendment 2023 OA-068, regarding conditional use permit and rezone processes will be introduced to the County Board this month. The Zoning and Land Regulation (ZLR) Committee will hold a public hearing on the proposed amendments on January 23, 2024 at 6:30pm. Information about accessing this meeting is included at the end of this memo. Please direct any questions to Rachel Holloway at 608-266-9084 or holloway.rachel@countyofdane.com.

I. Summary

The proposed amendment was prompted by recent experiences with conditional use permits and a request from the Dane County Towns Association. Primarily, the amendment would result in the following changes:

- Add language regarding 1-year resubmittal of conditional use permit (CUP) proposals
- Add language regarding 1-year resubmittal of rezone proposals

In addition, the following changes are requested:

- Change wording of “approval” process to “review” process
- Move the CUP town process language before the ZLR process to reflect actual process
- Renumber the appeal language section to fall in line with the layout of the section
- Add language regarding the revocation process of a CUP
- Remove the standard condition of posting a CUP placard on site
- Remove the standard condition requiring having a copy of the CUP available for inspection by the public
- Correct a typographical error in the zoning districts listed under rezone petition requirements

II. Background and Description

When comprehensive updates were made to the Chapter 10 Zoning Ordinance in 2019, the one-year timeframe for resubmittals of denied CUPs was inadvertently left out. Since then, a handful of CUP proposals have been denied by towns for various reasons. In one case, the applicants submitted multiple new petitions in an attempt to get approval with very minimal changes to the original proposal, and without addressing the concerns that led to the prior petition being denied.

In fall of 2023, the DCTA indicated that they would like to reinstitute the provisions from the old code that address “effect of denial” (reapplication) for both CUP and rezones, and the revocation provision for CUPs. Staff coordinated with DCTA to draft ordinance changes, which were recommended by the DCTA at their October 25, 2023 meeting and which are reflected in the proposed OA.

If approved, this amendment would:

- Establish clearer limits for resubmittals when a petition is denied or withdrawn
- Establish a clear process for revoking a CUP if necessary
- Make the ordinance language more user-friendly

III. Timeline for Town Action

If the town would like to provide comments or take action on the proposed text amendment, it can be done in two ways: 1) provide comments at the January 23rd ZLR Committee public hearing, or 2) review the amendment at a Town Board meeting and send in a Town Action Report (attached) by FEBRUARY 22, 2024.

You may complete the enclosed form and submit it by mail or fax, or use the online reporting tool available on our website at danecountyplanning.com/town-information-page.

If you would like County Staff to attend a town meeting to explain the changes, please contact us to arrange a time.

Enclosures:

2023 OA-068 Public Notice
2023 OA-068 Ordinance Text
Town Board Action Form