
Improving the Conditional Use Permit (CUP) Process in Dane County

Presented by the CUP Work Group
(DCTA members and Dane County Planning & Development Staff)

Dane County Towns Association (DCTA) Meeting

May 15, 2024

Town of Middleton

Update on OA-068

- Approved by County Board March 21, 2024 (see Legistar information [here](#))
- 16 Towns in favor, none opposed, 10 no action
- Requires a 1-year wait for Rezone and CUP resubmittals
- Reorganizes code sections to reflect actual order of operations
- Other minor wording changes

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2023 OA-068

AMENDING CHAPTER 10 OF THE DANE COUNTY CODE OF ORDINANCES,
REGARDING THE REVIEW PROCESS FOR CONDITIONAL USE PERMITS
AND REZONES

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

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

ARTICLE 2. Sections 10.101(7) is amended to read as follows:

(7) Conditional Use Permits

(a) Purpose. The development and execution of this ordinance is based upon the division of the county into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land are mutually compatible and substantially uniform. Certain uses, because of their unusual nature and potential for impacts on neighboring lands, public facilities, the environment or general welfare, warrant special consideration and review. With appropriate limitations on siting, development and operation, such uses may be compatible with other uses in a particular zoning district. Such uses are classified as conditional uses and are subject to the following provisions.

(b) Application Requirements. An application for a conditional use shall be filed with the zoning administrator on a form prescribed by the zoning administrator. Only complete applications will be accepted. The application shall be accompanied by such plans and other information as required by this section, by requirements for particular uses or as prescribed by the zoning administrator, and shall include, at a minimum, the following:

1. Statement. The applicant shall provide a written statement and adequate evidence demonstrating that the proposed conditional use conforms to:
 - a. the standards for approval described in s. 10.101(7)(a),
 - b. any standards applicable to the particular use under s. 10.103, and
 - c. any additional standards required in the applicable zoning district.
2. Legal description. The applicant shall provide a written legal description accurately describing the specific area on the property where the conditional use will operate and the conditional use permit will be effective. Conditional use permit areas should be the minimum size necessary to accommodate the proposed use, and need not conform to lot, zoning lot or tax parcel boundaries.
3. Site plan. All applications for a conditional use permit must be accompanied by a site plan, meeting all the standards described in s. 10.101(6).
4. Operational plan. All applications for a conditional use permit must be accompanied by an operational plan that describes, at a detail acceptable to the zoning administrator, the following characteristics of the operation, as applicable:
 - a. Hours of operation.
 - b. Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.
 - c. Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to neighboring properties.
 - d. Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.
 - e. Compliance with county stormwater and erosion control standards under Chapter 11 or Chapter 14, Dane County Code.
 - f. Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans approved by the Madison & Dane County Public Health Agency and/or the Dane County Land and Water Resources Department.

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CUP Work Group

- After OA-068, DCTA representatives and County staff continue to discuss the issues that remain with the CUP process, and brainstorm proactive improvements
- Group is preparing potential ordinance amendment language, and updates to other County materials (CUP documents, ZLR Committee rules) for future consideration by DCTA
- Group is reviewing what other counties are doing, and legal options

Other outstanding issues

- Having county ZLR Committee act on all CUPs, and defend decisions on all petitions if appealed to Circuit Court
- Amend CUP process to ensure compliance with 2017 Act 67 / state statutes (address process ambiguity)
- Ensure as much deference as legally possible to town authority and process
- Ensure applications are not modified during the review/public hearing process

Helpful Links

Chapter 10 Zoning Code (1 and 2-column format + zoning district fact sheets):

<https://www.danecountyplanning.com/Zoning/Zoning-District-Fact-Sheets>

“Understanding the CUP Process” guide:

<https://danecountyplanning.com/documents/pdf/Zoning-Information/Understanding-Conditional-Use-Process.pdf>

CUP Application Form and checklist:

<https://danecountyplanning.com/documents/pdf/Zoning-Forms/Conditional-Use-Permit-Application-Revised-3-18-20.pdf>

CUP Process flowchart:

<https://danecountyplanning.com/documents/CUP/CUP-Flowchart.pdf>

ZLR info page:

<https://danecountyplanning.com/Zoning/ZLR>

ZLR Committee adopted rules and procedures:

<https://danecountyplanning.com/documents/pdf/ZLR-Information/ZLR-Rules-and-Procedures.pdf>

THANK YOU

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