

**CHAPTER 82
MISCELLANEOUS PLANNING AND
DEVELOPMENT ORDINANCE**

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**SUBCHAPTER I
NMP MORATORIUM**

82.01 TITLE. This chapter may be referred to as the Miscellaneous Planning and Development Ordinance.

82.02 ADMINISTRATION. This chapter shall be administered by the Planning and Development Department.

82.03 NORTH MENDOTA PARKWAY MORATORIUM. (1) *Authority.* This section is enacted to promote the public safety, convenience and general welfare of the citizens of Dane County, as authorized by sections 59.69 and 236.45, Wisconsin Statutes.

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

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

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

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

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

4. On June 21, 2007, the Dane County Board of Supervisors approved an Intergovernmental Agreement with the aforementioned municipalities, and that Agreement was fully executed by the parties on June 26, 2007.

5. The Intergovernmental Agreement requires that all parties adopt a short-term development moratorium on land divisions, subdivisions, rezonings and conditional use permits in the defined North Mendota Parkway area within 60 days of complete execution of the Agreement.

6. Dane County has invested a substantial amount of time and money into the cooperative planning process with the other parties to the Agreement regarding the long-term needs of the North Mendota Parkway area.

7. Existing county ordinances may allow new development or intensification of existing development in the unincorporated portions of the North Mendota Parkway area that may hamper and curtail the effectiveness of the ongoing planning process.

8. A short-term development moratorium on the acceptance, review and approval of land divisions, subdivisions, rezones and conditional use permits in the North Mendota Parkway area will provide the county and other participating municipalities an opportunity to place the North Mendota Parkway on the official maps of all of the parties to the Intergovernmental Agreement.

9. The Dane County Board of Supervisors believes that the adoption of a short-term moratorium will promote the public health, safety, general welfare and convenience of the county and encourage the most appropriate use of land in the North Mendota Parkway area.

(3) *Applicability.* This section shall apply to lands in Dane County within the Towns of Springfield and Westport located in the North Mendota Parkway area as shown on the map

that is attached hereto and incorporated into this section by reference.

(4) Duration. This section shall expire either 24 months after its effective date or upon all parties to the Intergovernmental Agreement placing the North Mendota Parkway on their official maps, whichever occurs first.

(5) Development moratorium. There is hereby established a temporary moratorium on the acceptance, review and approval by county officials and staff of any application for a land division, subdivision, rezone or conditional use permit received by the county on or after the effective date of this ordinance.

(6) Exceptions. Notwithstanding the provisions of sub. (5), the moratorium shall not apply to the following:

1. A complete land division, subdivision, rezone or conditional use application that is submitted in conformity with the applicable county ordinances on or before the effective date of this section.
2. Certified survey maps that do not create additional building sites.
3. Divisions of land or rezones that are necessary to avoid a property owner being denied all economic use of his or her land.
4. Divisions of land that are essential for the correction of or remediation of a situation that threatens the public health or welfare.

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

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

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

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

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

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

[82.04 – 82.49 reserved.]

SUBCHAPTER II DANE COUNTY COMPREHENSIVE PLANNING

82.50 SUBCHAPTER II. Subchapter II of this chapter consists of sections 82.50 through 82.99, inclusive.

82.51 TITLE. Subchapter II shall be known as the Dane County Comprehensive Plan Ordinance.

82.52 PURPOSE. This subchapter is adopted under authority granted by sections 59.69(2) and (3) and 66.1001, Wis. Stats.

82.53 ADOPTION OF DANE COUNTY COMPREHENSIVE PLAN. Pursuant to sec. 66.1001(4)(c), Wis. Stats., the Dane County Board of Supervisors does, by enactment of this ordinance, adopt the document entitled “Dane County Comprehensive Plan,” including all maps and descriptive materials contained therein, and including all amendments adopted by the county board of supervisors as of June 15, 2016. A copy of the Dane County Comprehensive Plan is incorporated herein as Appendix A and is on file at the Dane County Clerk’s office.

[History: am., OA 15, 2012-13, pub. 11/14/12; am., 2015 OA-37, pub. 06/14/16.]

82.54 CONSISTENCY WITH PLAN. Commencing January 1, 2008, the following actions shall be consistent with the Dane County Comprehensive Plan:

- (1) County subdivision regulation under s. 236.45 or 236.46, Wis. Stats.
- (2) Zoning ordinances enacted or amended under s. 59.69, Wis. Stats.
- (3) Zoning of shoreland or wetlands under s. 59.692, Wis. Stats.
- (4) Other actions as required by law.

82.55 INCORPORATION OF TOWN PLANS. The following town plans are incorporated into the Dane County Comprehensive Plan:

- (1) Town of Albion Comprehensive Plan, including all amendments adopted by the county board of supervisors as of November 18, 2016.
- (2) Town of Berry Comprehensive Plan, as revised by the town as of July 16, 2012 and as further modified by any provisions in the Town of Berry chapter of the Dane County Comprehensive Plan Addendum as adopted by the county board of supervisors as of November 15, 2012.
- (3) Town of Black Earth Comprehensive Plan, including all amendments adopted by the county board of supervisors as of April 22, 2016.
- (4) Town of Blooming Grove Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of September 7, 2000.
- (5) Town of Blue Mounds Land Use Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of September 3, 1998.
- (6) Town of Bristol Land Use Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of May 7, 1981.
- (7) Town of Burke Comprehensive Plan, including all amendments identified in the Town of Burke chapter of the Dane County Comprehensive Plan Addendum adopted by the county board of supervisors as of March 18, 2014.
- (8) Town of Christiana Comprehensive Plan, including all amendments adopted by the county board of supervisors as of April 16, 2010.
- (9) Town of Cottage Grove Comprehensive Plan, including all amendments adopted by the county board of supervisors as of November 18, 2016.
- (10) Town of Cross Plains Comprehensive Plan, including all amendments adopted by the county board of supervisors as of March 7, 2013.
- (11) Town of Dane Comprehensive Plan, including all amendments adopted by the county board of supervisors as of February 24, 2017.
- (12) Town of Deerfield Comprehensive Plan, including amendments identified in the Town of Deerfield chapter of the Dane County Comprehensive Plan Addendum as of December 18, 2009.
- (13) Town of Dunkirk Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of July 19, 2007.
- (14) Town of Dunn Comprehensive Plan, including all amendments adopted by the county board of supervisors as of September 4, 2008.
- (15) Town of Mazomanie Comprehensive Plan, including all amendments identified in the Town of Mazomanie chapter of the Dane County Comprehensive Plan Addendum adopted by the county board of supervisors as of March 4, 2015.
- (16) Town of Medina Comprehensive Plan, including all amendments adopted by the county board of supervisors as of April 16, 2010.
- (17) The Town of Middleton Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of September 1, 2011.
- (18) Town of Montrose Comprehensive Plan, including all amendments adopted by the county board of supervisors of January 6, 2011.
- (19) Town of Oregon Comprehensive Plan, including all amendments adopted by the county board of supervisors as of December 18, 2009, and including map amendments adopted by the county board of supervisors as of December 16, 2010.
- (20) Town of Perry Land Use Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of June 2, 2005.
- (21) Town of Pleasant Springs Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of September 7, 2006.
- (22) Town of Primrose Comprehensive Plan, including all amendments adopted by the county board of supervisors as of September 11, 2010.
- (23) Town of Roxbury Comprehensive Plan, including all amendments identified in the Town of Roxbury chapter of the Dane County Comprehensive Plan Addendum adopted by the county board of supervisors as of June 19, 2013.
- (24) Town of Rutland Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of May 16, 2007.
- (25) Town of Springdale Comprehensive Plan, including all amendments adopted by the county board of supervisors as of January 10, 2014.
- (26) Town of Springfield Comprehensive Plan, including all amendments adopted by the county board of supervisors as of November 18, 2016.
- (27) Town of Sun Prairie Comprehensive Plan, including all amendments identified in the Town of Sun Prairie chapter of the Dane County

Comprehensive Plan Addendum adopted by the county board of supervisors as of July 3, 2013.

(28) Town of Vermont Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of December 18, 2009.

(29) Town of Verona Comprehensive Plan, including the Cross Country Neighborhood Plan and all amendments adopted by the county board of supervisors as of June 24, 2015.

(30) Town of Vienna Comprehensive Plan, as revised by the town as of July 9, 2012 and as further modified by any provisions in the Town of Vienna chapter of the Dane County Comprehensive Plan Addendum as adopted by the county board of supervisors as of November 15, 2012.

(31) Town of Westport Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of November 4, 2004.

(32) Town of Windsor Comprehensive Plan, including all amendments adopted by the county board of supervisors as of July 30, 2014.

(33) Town of York Comprehensive Plan, including all amendments adopted by the county board of supervisors as part of the Dane County Farmland Preservation Plan as of February 1, 2007.

[History: 82.55 am., OA 46, 2007-08, pub. 04/23/08; (14) am., OA 12, 2008-09, pub. 09/16/08; (28) am., OA 12, 2009-10, pub. 12/17/09; (19) am., OA 20, 2009-10, pub. 12/17/09; (12) am., Sub. 1 to OA 36, 2009-10, pub. 12/17/09; (3) am., Sub. 1 to OA 35, 2009-10, pub. 02/01/10; (10) am., OA 39, 2009-10, pub. 02/01/10; (27) am., OA 40, 2009-10, pub. 02/01/10; (8) am., OA 49, 2009-10, pub. 04/15/10; (16) am., OA 50, 2009-10, pub. 04/15/10; (25) am., OA 51, 2009-10, pub. 04/15/10; (29) am., OA 52, 2009-10, pub. 04/15/10; (32) am., OA 9, 2010-11, pub. 09/02/10; (22) am., OA 6, 2010-11, pub. 09/10/10; (9) am., OA 3, 2010-11, pub. 12/06/10; (19) am., OA 12, 2010-11, pub. 12/30/10; (18) am., OA 19, 2010-11, pub. 01/26/11; (2) am., OA 15, 2010-11, pub. 08/01/11; (9) am., OA 7, 2011-12, pub. 08/01/11; (17) am., OA 13, 2010-11, pub. 08/01/11; (3) am., OA 25, 2011-12, pub. 12/12/11; (32) am., OA 34, 2011-12, pub. 02/14/12; (23) am., OA 7, 2012-13, pub. 07/23/12; (9) am., OA 8, 2012-13, pub. 08/30/12; (15) am., OA 6, 2012-13, pub. 08/30/12; (23) am., OA 17, 2012-13, pub. 09/18/12; (2) am., OA 16, 2012-13, pub. 11/14/12; (30) am., OA 18, 2012-13, pub. 11/14/12; (10) am., OA 39, 2012-13, pub. 03/19/13; (23) am., OA 3, 2013-14, pub. 06/18/13; (27) am., Sub. 1 to OA 2, 2013-14, pub. 07/02/13; (25) am., OA 24, 2013-14, pub. 01/23/14; (7) am., Sub. 1 to OA 27, 2013-14, pub. 03/17/14; (32) am., 2014 OA-19, pub. 07/29/14; (15) am., 2014 OA-059, pub. 03/03/15; (29) am., 2014 OA-68, pub. 06/24/15; (26) am., 2015 OA-14, pub. 09/17/15; (9) am., 2015 OA-29, pub. 01/20/16; (3) am., 2015 OA-036, pub. 04/21/16; (26) am., 2015 OA-34, pub. 11/17/16; (1) am., 2016 OA-30, pub. 11/17/16; (9) am., 2016 OA-29, pub. 11/17/16; (11) am., 2016 OA-41, pub. 02/23/17.]

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

(1) City of Fitchburg Farmland Preservation Plan, including all amendments adopted by the county board of supervisors as of April 23, 2011.

(2) Dane County Farmland Preservation Plan, including all amendments adopted by the county board of supervisors as of November 18, 2016.

[History: cr., OA 39, 2010-11, pub. 04/22/11; (2) cr., OA 15, 2012-13, pub. 11/14/12; (2) am., 2014 OA-42, pub. 12/02/14; (2) am., 2015 OA-18, pub. 12/04/15; (2) am., 2016 OA-28, pub. 11/17/16.]

82.56 AMENDMENTS AND PERIODIC UPDATES. **(1)** The Dane County Board of Supervisors may amend the Dane County Comprehensive Plan at any time, in accordance with the procedures set forth in sec. 66.1001(4), Wis. Stats.

(2) (a) Five years after the effective date of the Dane County Comprehensive Plan, the chair of the Dane County Board of Supervisors shall appoint a Comprehensive Plan Steering Committee to review the plan and make recommendations regarding any necessary revisions.

(b) The Comprehensive Plan Steering Committee shall:

1. Solicit public participation in reviewing the plan using the procedures in the Public Participation Plan.

2. Review Department of Planning and Development annual reports on the Dane County Comprehensive Plan.

3. Evaluate progress against established benchmarks to determine whether goals, objectives, policies, programs or the benchmarks need to be revised.

4. Review goals and objectives to determine whether they have continued relevance and reflect the current needs of the community.

5. Review policies, programs and implementation strategies to remove completed tasks and identify new approaches if necessary.

6. Review timetables and recommend needed revisions.

82.57 INTERPRETATION. The provisions of this ordinance shall be interpreted as a minimum requirement and shall be liberally construed in favor of the purposes of this ordinance. This

ordinance shall not be deemed to limit or repeal any other powers granted to Dane County by state law.

(1) To assist in the consistent administration and interpretation of town plans incorporated into the Dane County Comprehensive Plan under s. 82.55, the Dane County Board of Supervisors adopts the Dane County Comprehensive Plan Addendum, incorporated herein as Appendix B. The Addendum shall include chapters for each town plan incorporated into the Dane County Comprehensive Plan and may be utilized by the Board of Supervisors to note town plan policy clarifications, interpretations, or to omit provisions of incorporated town plans that may conflict with county plan policies. A copy of the Dane County Comprehensive Plan Addendum is on file with the County Clerk's Office and the Dane County Department of Planning and Development.

[History: (1) cr., Sub. 1 to OA 36, 2009-10, pub. 12/17/09.]

82.58 SEVERABILITY OF ORDINANCE PROVISIONS. Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole to any part thereof, other than the part so declared to be invalid.

[82.59 – 82.99 reserved.]

[History: Ch. 82 cr., OA 11, 2007-08, pub. 08/29/07; Subch. II cr., Sub. 1 to OA 16, 2007-08, pub. 11/02/07, eff. 01/01/08.]

END OF CHAPTER