

1           ORDINANCE AMENDMENT MAKING CORRECTIONS AND REVISIONS  
2                           TO THE TOWN ZONING ORDINANCE  
3

4           WHEREAS, the Town of Blue Mounds has adopted a Town Zoning Ordinance, which  
5 has been in effect since January 1, 2018;

6           WHEREAS, the Town will, from time to time, review and revise the Ordinance to  
7 address issues which arise as the implementation of the zoning ordinance continues;

8           WHEREAS, several issues requiring attention have arisen to date, and it is appropriate to  
9 adopt amendments to the Ordinance;

10          NOW, THEREFORE, the Town Board of Supervisors of the Town of Blue Mounds does  
11 hereby Ordain as follows:

12   ARTICLE ONE. Section 1.022 (17m) is created to read:

13   (17m) “Area Variance” means a modification to a dimensional, physical, or locational  
14 requirement such as the setback, frontage, height, bulk, or density restriction for a structure that  
15 is granted by the board of adjustment under section 1.098 of this Ordinance.

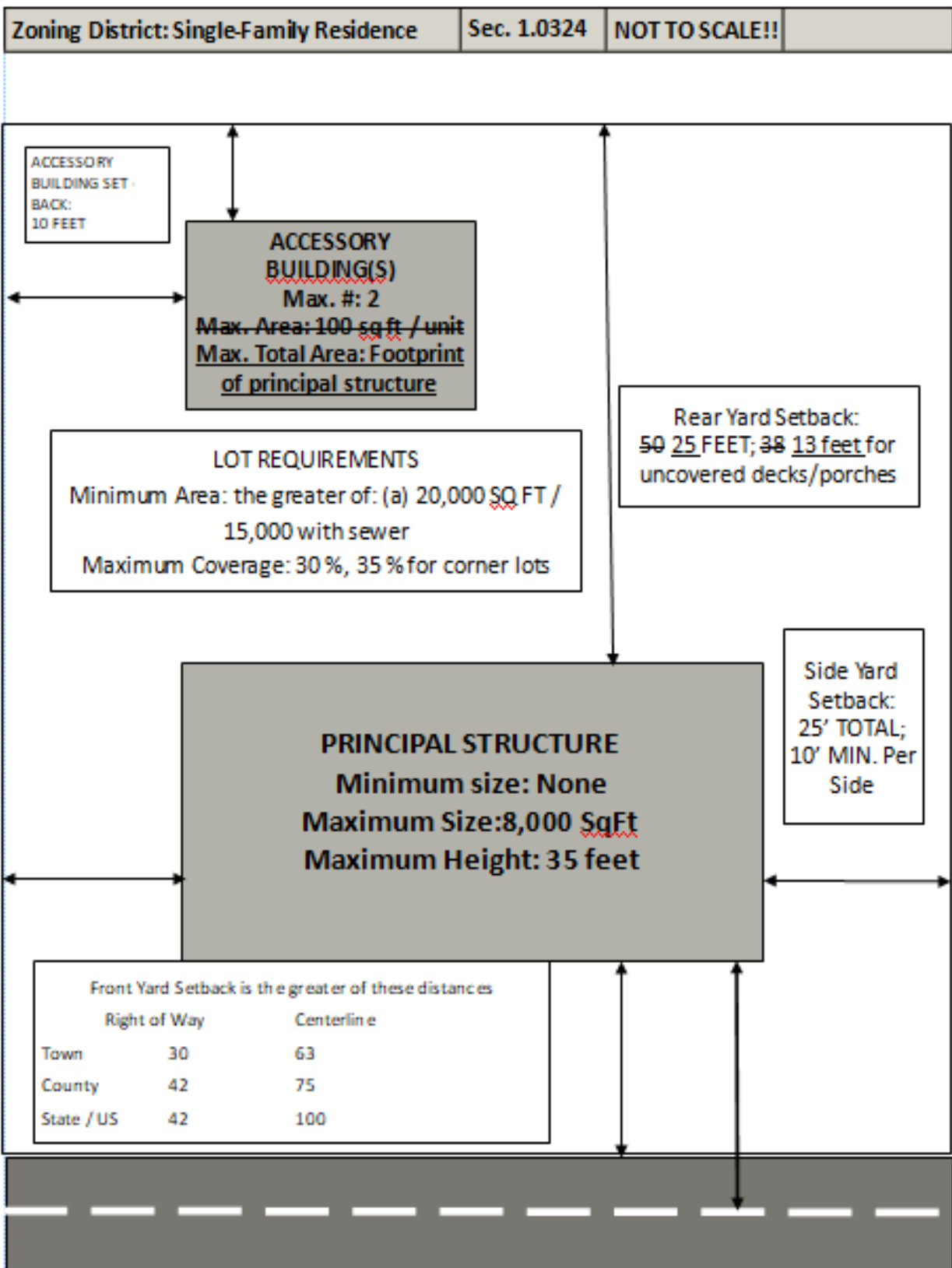
16   ARTICLE TWO. Section 1.022 (111m) is created to read:

17   (111m) “Substantial evidence” means facts and information, other than merely personal  
18 preferences or speculation, directly pertaining to the requirements and conditions an applicant  
19 must meet to obtain a conditional use permit and that reasonable persons would accept in support  
20 of a conclusion.

21   ARTICLE THREE. Section 1.022 (117m) is created to read

22   (117m) “Use variance” means an authorization by the board of adjustment under this subsection  
23 for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable  
24 zoning ordinance.

25   ARTICLE FOUR. Section 1.0324 (Figure) is amended as follows:  
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ARTICLE FIVE. Section 1.095 (2)(e) is amended to read as follows:

**1.095 Conditional use: review procedure and standards.**

1.095 (2)(e) 1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The town's decision to approve or deny the permit must be supported by substantial evidence.

ARTICLE SIX. Section 1.095 (12) of the Ordinance is created to read:

(12) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

ARTICLE SEVEN. Section 1.095 (13) of the Ordinance is created to read:

(13) If a town denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures described in s. 61.35.

ARTICLE EIGHT. Section 1.098 (1) of the Ordinance is amended to read:

**1.098 Variances.**

(1) Intent. (a) Zoning variances are a discretionary action which provides relief from practical difficulties or unnecessary hardships resulting from strict application of zoning ordinance requirements.

(b) A property owner bears the burden of proving "unnecessary hardship," as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.

(c) In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.

ARTICLE NINE. Section 1.098 (2) of the Ordinance is amended to read:

(2) Applicability; Authorized Variances. The board of zoning appeals is authorized to grant variances to the provisions of this zoning ordinance in accordance with the variance procedures of this section, except that these variance procedures may not be used to:

~~(a) Permit a principal use in a zoning district that is not otherwise allowed in that zoning district (i.e., "use variances" are prohibited);~~

~~(b) Waive, modify or amend any definition or use classification;~~

~~(c) (a)~~ Waive, modify or otherwise vary any of the review and approval procedures;

~~(d) (b)~~ Waive, vary, modify or otherwise override a condition of approval or requirement imposed by an authorized decision-making body or the state or federal government;

~~(e) (c)~~ Waive, vary or modify applicable "minimum lot area per unit" (density) standards for a land division or subdivision.

~~(f) (d)~~ Waive, vary or modify provisions over which jurisdiction for exceptions or other modifications is assigned to another decision-making body; or

~~(g) (e)~~ Waive, vary or modify provisions for which variances are expressly prohibited.

ARTICLE TEN. Section 1.099 is created to read:

1.099 (1) Notwithstanding any other law or rule, or any action or proceeding under the common law, The Town may not enact or enforce an ordinance or take any other action that prohibits a property owner from doing any of the following:

(a) Conveying an ownership interest in a substandard lot.

(b) Using a substandard lot as a building site if all of the following apply:

1. The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.

2. The substandard lot or parcel is developed to comply with all other ordinances of the political subdivision.

(2) The Town may not may enact or enforce an ordinance or take any other action that requires one or more lots to be merged with another lot, for any purpose, without the consent of the owners of the lots that are to be merged.