

2014 OA-054

AMENDING CHAPTER 7 OF THE DANE COUNTY CODE OF ORDINANCES,  
REGARDING PROCEDURE FOR CONDITIONAL USE PERMIT APPEALS

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. Section 7.68 is created to read as follows:

**7.68 COUNTY BOARD MEETINGS; CONDITIONAL USE PERMIT APPEAL PROCEDURE.**

(1) For appeals of the grant or denial of a conditional use permit, the county board acts in a quasi-judicial capacity and, notwithstanding the provisions of s. 7.63, shall follow the procedures set forth in this section.

(2) The appellant or applicant shall appear in person or be represented by an agent or attorney. In the event that neither the appellant, applicant, or representative appears at the public hearing, the Board has the discretion to abey the matter to a future meeting or dismiss the appeal.

(3) No evidence or other information in any form, not in the record of the Zoning and Land Regulation Committee, will be presented to Supervisors outside the hearing proceedings.

(4) Order of Business For Conditional Use Permit Appeals

(a) The Zoning Administrator shall summarize the conditional use permit application and the decision being appealed.

(b) Appellants case. The Appellants will be afforded 30 minutes to present their case by presentation of testimony by witnesses or other evidence and argument.

(c) Questioning of Appellant’s witnesses by County Board members.

(d) Respondent (if applicable) will be afforded 30 minutes to present their case by presentation of testimony by witnesses or other evidence and argument.

(e) Questioning of Respondent’s witnesses by County Board members.

(f) Public testimony. Testimony by non-party members is limited to 5 minutes.

(g) Questioning of members of the public providing testimony by County Board members.

(h) Closing Statements. Each party will be afforded 3 minutes to make a closing statement.

(i) Board Action. Debate and final action by the County Board as set forth in these rules.

(5) If there are more than one party who’s interests are aligned, the parties shall share the 30 minutes allocated for presentation of their case.

*[EXPLANATION: This amendment creates a county board procedure for consideration of conditional use permit appeals.]*