

Sub. No. 1 to 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 county board shall make its decision based on the record.

(a) The record is composed of the following sources of information:

1. All evidence submitted to the Zoning and Land Regulation Committee, and documents incorporated therein.

2. Testimony heard by the county board in the hearing on the appeal.

(b) Evidence or other information in any form, not in the record of the Zoning and Land Regulation Committee, which is presented to Supervisors outside the hearing proceedings is not part of the record.

(23) 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 conditional use permit appeal shall follow the following sequence of events:

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

(b) Appellants case. 1. The Appellants will be afforded 30 minutes to present their case by presentation of testimony by witnesses or other evidence and argument. **If there is more than one appellant of record, it is the responsibility of appellants to allocate the 30 minutes among themselves.**

2. Following the testimony by the appellants, members of the county board may ask questions of the appellants and their witnesses.

~~**(c) Questioning of Appellant's witnesses by County Board members.**~~

(dc) Respondent's case. 1. Respondent (if applicable) will be afforded 30 minutes to present their case by presentation of testimony by witnesses or other

47 evidence and argument. If there is more than one respondent of record, it is the
48 responsibility of the respondents to allocate the 30 minutes among themselves.

49 2. Following testimony by the respondent, members of the county board may
50 ask questions of the respondent and their witnesses.

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

52 (fd) Public testimony. 1. Members of the public may present testimony for or
53 against the appeal. Testimony by non-partiesy members is limited to 5 minutes.

54 2. Following testimony by members of the public, members of the county board
55 may ask questions of any member of the public who testified or registered
56 without indicating a desire to speak.

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

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

61 (if) Board debate and Aaction. The county board shall Ddebate the merits of the
62 appeal and take final action by the County Board as set forth in these rules.

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

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