

Zoning Ordinance Map and Text Amendments

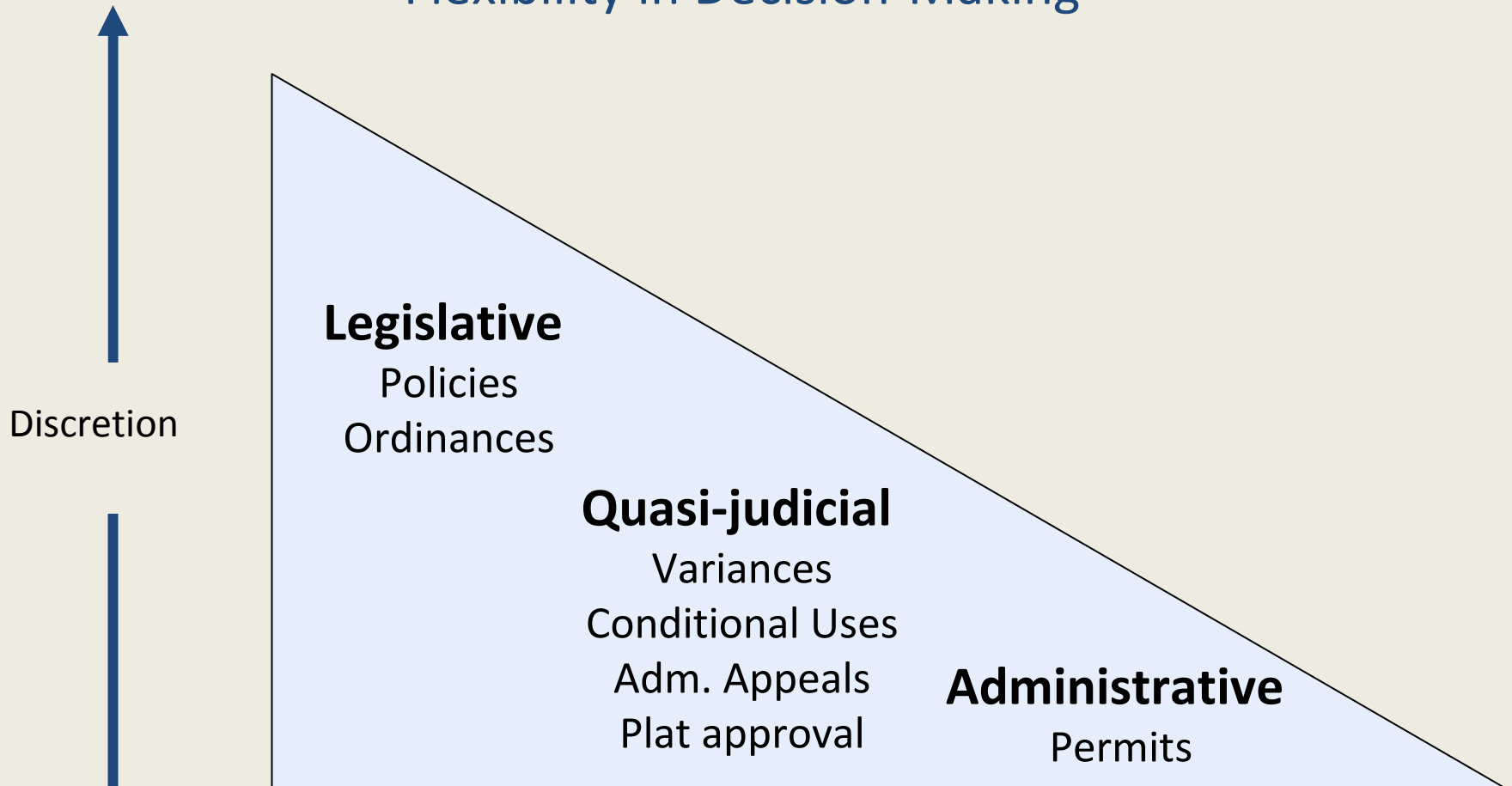
January 31, 2012

3 roles, 3 standards of conduct

- 1) Legislative: *policy-making*
- 2) Quasi-judicial: *application of laws*
- 3) Administrative: *ministerial duties*

Discretion:

Flexibility in Decision-Making



Zoning Options

- Door County has comprehensive county zoning
 - To be subject to county ordinance, a town must approve county ordinance
 - Per state statute, once under county zoning, towns can leave only after “comprehensive revision” of county ordinance
 - 9 towns (of 14) have adopted county zoning
- Two towns administer their own zoning
 - Original town ordinance and any later amendments require county approval

Balance of power between county and towns

- Towns have an effective veto over most zoning map & text amendments.
- Towns have no authority to approve/disapprove county shoreland & floodplain provisions.
- Towns may adopt shoreland provisions that are at least as restrictive as their county standards (with village powers & county approval).

County Zoning Ordinance Amendment Process

Start - Amendment petition by landowners or officials

Hearing notice to public & affected town/s; town/s gives recommendation

Filing of town disapproval

Public hearing	
<u>Map</u> amendment to: <ul style="list-style-type: none">• Describe a new district, or• Change current district boundaries	<u>Text</u> amendment to: <ul style="list-style-type: none">• Define a new district,• Change standards of an existing district, or• Change general requirements
<u>Decision criteria:</u> Consistent with comprehensive plan Meets criteria for proposed district Compatible with adjacent uses & environmental criteria	

County Committee recommendation to governing body

Protests of affected landowners

County board decision ($\frac{3}{4}$ vote if protested)

Amendment goes into effect & is published

Appeal to Circuit Court – **No end in sight!**

Map Amendments

- Process
- Considerations
 1. Was the existing district due to a mistake?
 2. Have circumstances changed for this or surrounding properties since original designation?
 3. How are adjacent properties zoned and used?
 4. Is the land area in question large or small?
 5. Would the new district fit official plan guidelines for the property? Is the existing a better fit?
 6. Is the request simply to economically benefit one or a small group of property owners?
 7. Is there an overriding public good to be gained?

Map Amendment Pitfalls

Spot Zoning

In general, a rezoning that 1) will economically benefit only one or a few property owners, 2) affects a small area of land, 3) is not a fit with official plans, 4) will allow for higher intensity or higher density uses than those allowed on surrounding properties, and 5) will not result in any overall public benefit may constitute “spot zoning,” which may be deemed illegal.

Contract Zoning

“We will rezone to _____ if you agree to _____.”

Cannot bind legislative decisions by contract. All uses of new district are available.

Text Amendments

- Process
- Considerations
 1. Will the amendment correct an inconsistency or loophole within the ordinance?
 2. Is the amendment more consistent with the goals of the comprehensive plan than existing ordinance text?
 3. Is the amendment contrary to the stated goals of the ordinance itself?

ZONING AMENDMENT PROCESS

Comprehensive County Zoning Town Disapproval Process

1st filing period for disapproval or 20-day extension starts.

Public hearing notice.

RPC recommendation.

2nd filing period (40 days) for disapproval starts.

Town(s) RoD: deny or mod./appr.

1st filing period for disapproval or ext. ends 10 days after public hearing.

County Process

DCPD
Petition filed;
DCPD reviews.

DCPD
Petition to town(s)/DNR.

~ 4 weeks

DCPD
Public hearing notice to town(s), DNR, neighbors, etc.

~ 3 weeks

RPC
Public hearing & recommendation.

County Board
Meeting & decision.

Neighbors/Airport Protest Petition Process

Protest petition period begins.

Neighbors/airport notified of RPC recommendation.

Protest petition period ends 24 hours prior.

Neighbors/airport notified of county board recommendation.

