

Door County Land Use Services

ZONING AMENDMENT – TEXT

(See also Door County Comprehensive Zoning Ordinance section 11.08 and Wisconsin Statutes section 59.69(5).)

By state law, petitions to change the text of the Door County Comprehensive Zoning Ordinance are heard at a public hearing before the Door County Resource Planning Committee, which makes a recommendation to the county board for final decision.

If a majority of the town boards under county zoning do not approve of an amendment passed at the county level, there is a statutory procedure those towns can follow to "veto" that text amendment. *(Towns may not, through this authority, force the county to make amendments to the zoning ordinance text – they can only prevent an ordinance change.)*

WHO CAN SUBMIT A PETITION?

A petition to change the zoning district designation of a property or change the ordinance text may be submitted by:

- 1) any property owner affected by the proposed amendment,
- 2) the town board, if the town is under county comprehensive zoning,
- 3) the Door County Resource Planning Committee, or
- 4) any county board supervisor.

CONSIDERATIONS IN EVALUATING PETITIONS TO CHANGE TEXT OF THE ORDINANCE

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

HEARING PROCESS & DECISION

1. Submit a completed application form with a \$750.00 non-refundable fee.
2. Provide proposed text to be added or changed.
3. Once the Door County Land Use Services Department deems the application complete, a copy of the application and draft staff report will be sent to the town to ask for recommendations and comments. The applicant will receive a copy of the letter which forwards the application to the town. Please call the town to see if/when the town may be meeting to discuss this matter.
4. The Door County Land Use Services Department will publish a notice of the hearing in the Door County Advocate and will notify the applicant and neighboring property owners in writing of the hearing date / time. It takes ~2 months from time of application submittal to hearing date.

ZONING AMENDMENT – TEXT

HEARING PROCESS & DECISION (continued)

5. The application packet (including staff report and letters) will be posted to the Land Use Services Department website the Friday before the hearing date.
6. If the applicant/petitioner fails to appear at the hearing (in person, or by agent or counsel), s/he will be deemed to be in default and the petition for zoning amendment may, in the Resource Planning Committee's sole discretion, be denied. The applicant/petitioner may, if s/he failed to appear (in person, or by agent or counsel) for good reason, request in writing that the Resource Planning Committee reopen the default denial. Any request to reopen must be made (i.e., written request received by the Door County Land Use Services Department) within thirty (30) days of the default denial. The Resource Planning Committee may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/petitioner must submit a new fee, unless the Resource Planning Committee determines otherwise.
7. Other people can also attend the hearing to testify for or against the petition request.
8. The Resource Planning Committee will consider the evidence presented and will most likely make a decision that same day at a business meeting after the hearing(s). If the case hearings are lengthy or if additional information is needed, it is possible that the decision could be tabled to a later date.
9. The Resource Planning Committee will recommend approval, denial or a modified version of the request. Within a few days after the hearing and meeting, the Door County Land Use Services Department will send the applicant a copy of the Resource Planning Committee's recommendation along with information regarding the date/time that the rezoning will be on the county board meeting agenda (it could be close to one month after the hearing, depending on timing).
10. The County Board will make a final decision and within a few days after county board, the Door County Planning Department will send a letter notifying the applicant of the final decision and the effective date (immediate or 40 day delay).

RESUBMISSION

A petition for zoning amendment that has been heard and decided shall not be eligible to be resubmitted during the 6 months following final action by the Door County Board of Supervisors. The 6 month period may be waived by the Resource Planning Committee provided that the petitioner submits a written report identifying how the new zoning amendment petition differs substantially from the previous petition or identifying substantial new evidence that will be offered and provided that the Resource Planning Committee votes by simple majority that the changes or new evidence would be of such significance that the Door County Board of Supervisors might consider changing the previous decision.