

## PC Overall Detailed Hearing Procedure

### County Zoning Office Procedures

**PREPARED BY:** Winnebago County Zoning Administrator

**SCOPE:** These procedures cover the following items:

1. Zoning Changes (Shoreland/Non-Shoreland/Town)
2. Conditional Uses (Shoreland/Non-Shoreland)
3. Variances (All)

### **INTRODUCTION:**

The procedures listed have been prepared as an aid to Town Officials. It is the intent of this document to provide local officials and the public a concise summary of what municipal actions are available for the above items.

In addition to these procedures, local officials are strongly encouraged to work with their Town Attorney regarding compliance with local ordinances and such things as the Open Meetings Law.

### **General Note:**

All Town actions on zoning matters within the Shoreland jurisdiction are advisory only. The Planning & Zoning Committee and Board of Adjustment **prefer** to know the Town position on all items however.

References made to the Shoreland Jurisdiction, refer to those areas that are:

1. Within 1,000' of a lake or pond, or,
2. Within 300' of a navigable river or stream, or,
3. Within the floodplain.

For Towns with their own ordinance, County Zoning is only in effect in the Shoreland Area. In other areas the local ordinance applies, not a combination of the two.

Please review material sent and call County with any questions prior to your Town review. This avoids confusion and eliminates unnecessary requests for delays.

**ZONING CHANGES**

A. Shoreland Jurisdiction

1. Hearing items, including ordinance text amendments, will be mailed to the Clerk **unless** the Town Board formally requests that items be mailed to someone such as the local Zoning Administrator.
2. **Town Board action:**
  - (a) is advisory only, regardless of whether or not the Town has adopted County Zoning.
  - (b) may be to approve or deny, with specific findings for approval or denial. Approval may be for a lesser area, or, a lesser zoning classification (single family instead of duplex, for example). Findings are always required.

Delays may be requested if additional information is needed. A request for a delay should specify the amount of time needed (generally 30 days) and the **reason** for the delay.

- (c) should be filed with the County so they know what the Town position is on a zoning change.
3. **Filing** of Town Board action must be made with the County Zoning Office, **prior to, at, or within 10 days** after the Public Hearing.
4. Town action consists of the certified resolution submitted to each Town with the Hearing Notice.

**Verbal notice** of Town Board action will be accepted provided the resolution is also submitted shortly thereafter.
5. **No conditions** may be placed on a zoning change.

B. Non-Shoreland Jurisdiction Zoning Changes

1. Hearing items will be mailed to the Clerk **unless** the Town Board formally requests that items be mailed to someone such as the local Zoning Administrator.

2. **Town Board action** may be to **approve** or to **deny** the zoning change. Specific findings for approval or denial are required to be submitted to the County.

Delays may be requested if additional information is needed. A request for a delay should specify the amount of time needed (generally 30 days) and the **reason** for the delay.

- (a) If the Town Board approves, denial may still be made by the County.
  - (b) Approval may be for a lesser area, or, a lesser zoning classification (single family instead of duplex, for example).
  - (c) If the Town denies, the County may only deny, or approve “with change”. “With change” means that the County may approve a lesser area, or, a lesser zoning classification (single family instead of duplex, for example)
3. **Filing** of Town Board action must be made with the County Zoning Office, **prior to, at, or within 10 days** after the Public Hearing.
  4. Town action consists of the certified resolution submitted to each Town with the Hearing Notice.

**Verbal notice** of Town Board action will be accepted provided the resolution is also submitted shortly thereafter.

5. **No conditions** may be placed on a zoning change.

C. Town Zoning Changes - Town Jurisdiction

1. Town zoning changes, including text amendments, require:
  - (a) public hearing, (b) proper notice and publication, (c) action by the governing body to approve or deny, (d) Final approval by the Winnebago County Board of Supervisors.
2. Town Clerk, or designated representative, **sends** Town resolution and legal description to County Zoning Office. Findings are also required.
3. County Zoning Office submits to County Board for action. Zoning change is not in effect until approved by County Board.

D. Town Conditional Use Permits & Variances

These items are not subject to County action and do not need to be sent to the County.

**CONDITIONAL USE PERMITS**A. Shoreland Jurisdiction

1. Hearing items will be mailed to the Clerk **unless** the Town Board formally requests that items be mailed to someone such as the local Zoning Administrator.
2. **Town Board advisory action** may be to approve, approve with conditions, or deny. ALL ACTION REQUIRES FINDINGS.
  - (a) conditions of approval must relate to the request being considered such as hours of operation, parking, surveying, etc. See 17.25(2)(c)(3).
  - (b) denial should include the reasons for the action.

Delays may be requested if more information is needed. A request for delay should specify the amount of time needed (generally 30 days) and the **reason** for the delay.

3. **Filing, or verbal notice**, of Town Board action must be made with the County Zoning Office, **prior to, or at** the Public Hearing. Receipt after the hearing has been closed **cannot be considered**.

B. Non-Shoreland Jurisdiction

1. Hearing items will be mailed to the Clerk **unless** the Town Board formally requests that items be mailed to someone such as the local Zoning Administrator.
2. Town Board action may be to approve, approve with conditions, or deny. ALL ACTION REQUIRES FINDINGS. Conditions must relate to the request being considered. A denial must specify the reasons for denial. **Town Board action to deny is binding and cannot be overridden**.

**CONDITIONAL USE PROCEDURE CONTINUED ON NEXT PAGE**

Delays may be requested if more information is needed. A request for delay should specify the amount of time needed (generally 30 days) and the **reason** for the delay.

- 3. **Filing, or verbal notice**, of Town Board action must be made with the County Zoning Office, **prior to, or at** the Public Hearing. Receipt after the hearing has been closed **cannot be considered**.

**VARIANCES**

A. Shoreland Jurisdiction

- 1. Hearing items will be mailed to the Clerk **unless** the Town Board formally requests that items be mailed to someone such as the local Zoning Administrator.
- 2. **Town Board action is advisory ONLY**. Action may be to approve, approve with conditions, or deny.

Delays may be requested if additional information is needed. A request for a delay should specify the amount of time needed (generally 30 days) and the **reason** for the delay.

**Effective Town Board action** will address the statutory requirements of exceptional circumstances, preservation of property rights, and absence of detriment. See 17.32 (7).

- (a) conditions of approval must relate to the request being considered such as hours of operation, parking, surveying, etc.
- (b) denial should include the reasons for the action.
- 3. **Filing** of Town Board action must be made with the County Zoning Office, **prior to, or at** the Public Hearing. Failure to file with Zoning Office may make an appeal more difficult.
- 4. Town Board action received after the hearing has been closed cannot be considered.

B. Non-Shoreland Jurisdiction

All Town Board options and procedures are the same as in the Shoreland jurisdiction.