

**Proposed Amendment to Include the Definitions of Comprehensive Plan and
Consistent With to the Definitions Listed Under Section 13-1-4(a) Regarding
Definitions.**

Sec. 13-1-4 Definitions.

(a) The following terms used in this Chapter have the meanings indicated:

(9m) **Comprehensive Plan.** For a county, a development plan that is prepared or amended under §59.69(2) or (3). For a city or a village, or for a town with a master plan that is adopted or amended under §62.23(2) or (3). Contents of a comprehensive plan shall contain all of the following elements: issues and opportunities element; housing element; transportation element; utilities and community facilities element; agricultural, natural and cultural resources element; economic development element; intergovernmental cooperation element; land use element; and implementation element. Wis. Stat. § 66.1001(1), (2).

(11m) **Consistent With.** Furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan. Wis. Stat. §66.1001(1)(am).

**Proposed Amendment to Section 13-1-41(b)(4) and Regarding the Procedure for
Decision by the Planning and Zoning Committee Upon Applications for
Conditional Uses.**

Sec. 13-1-41 Conditional Uses.

(4) Decision.

- a. The Planning and Zoning Committee shall act upon an application at a public meeting of the Planning and Zoning Committee following the public hearing thereon. In making its decision, the Planning and Zoning Committee shall ~~evaluate the effect of the proposed use upon:~~ follow procedures indicated in Section 13-1-41B.
- ~~1. The maintenance of safe and healthful conditions.~~
 - ~~2. The prevention and control of water pollution (including sedimentation), air pollution and noise.~~
 - ~~3. Existing topographic, drainage features and vegetative cover on the site.~~
 - ~~4. The location of the site with respect to floodplains and floodways of rivers or streams.~~
 - ~~5. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.~~
 - ~~6. The location of the site with respect to existing or future access roads.~~
 - ~~7. The amount of liquid wastes to be generated and the adequacy of the proposed waste disposal systems and water supply systems.~~
 - ~~8. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, etc., which would be affected by the proposed use and the adequacy of existing services to meet the increased demand.~~
 - ~~9. The prevention of the overcrowding of a natural resource, such as a lake.~~

~~10. The potential impact of the proposed use on other lands and land uses in the vicinity and the extent to which it would be compatible or incompatible therewith.~~

~~11. The extent to which the proposed use would be compatible or incompatible with the land use plan, if any, of the Town in which the proposed use would be located and the Bayfield County Land Use Plan, if any.~~

~~12. The community or general welfare.~~

~~b. Upon consideration of the factors listed in subparagraph a, the Zoning Committee may grant the application, deny the application, grant the application with such conditions, in addition to those required elsewhere in this Chapter, that it deems necessary in furthering the purpose of this Chapter, or grant the application in part, with or without conditions, and deny it in part. Such conditions may include, without limitation, requirements for type of shorecover, increased setbacks and yards, specified sewage disposal and water supply facilities, parking and signs, type of construction, granting or denial of lake access and boat docks to off-lake developments. The Committee may also require that any permit or license required for the proposed use from another governmental entity or agency be obtained before the issuance of a conditional use permit. The Planning and Zoning Department shall notify the applicant in writing of the Planning and Zoning Committee's decision within fifteen (15) days thereafter.~~

**Proposed Creation of Section 13-1-41B Regarding Rules and Procedures of the
Planning and Zoning Committee.**

Sec. 13-1-41B. Planning and Zoning Committee Rules and Procedure

(a) **General Provisions**

(1) **Authority.** The Planning and Zoning Committee has been established pursuant to Section 59.69 (2) of the Wisconsin Statutes and assumes thereby, all responsibilities, duties and powers as provided therein.

(2) **Conflicts of Interest.**

a. Members of the Planning and Zoning Committee shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily be limited to, the following:

1. Reviewing, deliberating upon, or voting on an application concerning oneself or work on land owned by oneself.
2. Reviewing, deliberating upon, or voting on an application concerning a property located adjacent to or within 1000 feet of one's property.
3. Reviewing, deliberating upon, or voting on an application involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss.
4. Reviewing, deliberating upon, or voting on an application, if such action results in a pecuniary benefit to oneself.
5. Reviewing, deliberating upon, or voting on an application concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household.

6. Reviewing, deliberating upon, or voting on an application where an employee or employer of the member is:

- a. an applicant or agent for an applicant, or
- b. has a direct interest in the outcome.

b. When a conflict of interest exists, the member shall do all of the following upon determining that a conflict exists:

- 1. declare that a conflict exists at the next meeting of the Planning and Zoning Committee,
- 2. cease to participate at the Planning and Zoning Committee meetings pertaining to the matter, until the matter giving rise to the conflict has been decided; and refrain from representing oneself before the Planning and Zoning Committee or its staff.

(b) **Decision of the Planning and Zoning Committee**

(1) **Procedures.** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide and tool in making informed zoning decisions, by the Planning and Zoning Committee.

(2) **Decision Making Considerations.** The Planning and Zoning Committee shall review and base its decision on the following:

- a. Zoning Ordinance
- b. Consistency with Town Comprehensive Plan (more specific detail)
- c. Consideration of the Town Board Recommendation
- d. Consistency with County Comprehensive and Land Use Plan (general overview)
- e. Public Input
- f. Consideration of the Departmental file report and site specifics

(3) **Decision.**

a. The Planning and Zoning Committee shall act upon an application at a public meeting of the Planning and Zoning Committee following

the public hearing thereon. In making its decision the Planning and Zoning Committee shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.
2. The community or general welfare.
3. The prevention of the overcrowding of a natural resource, such as a lake, river or stream.
4. The prevention and control of water pollution (including sedimentation), air pollution and noise.
5. Existing topographic, drainage features and vegetative cover on the site.
6. The location of the site with respect to floodplains and floodways of rivers or streams.
7. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
8. The location of the site with respect to existing or future access roads.
9. The amount of liquid wastes to be generated and the adequacy of the proposed waste disposal systems and water supply systems.
10. The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, etc., which would be affected by the proposed use and the adequacy of existing services to meet the increased demand.
11. The potential impact of the proposed use on other lands and land uses in the vicinity and the extent to which it would be compatible or incompatible therewith.
12. The extent to which the proposed use would be consistent with or inconsistent with the comprehensive ~~compatible or incompatible~~ with the land use plan, if any, of the Town in which the proposed use would be located; and with the Bayfield County comprehensive land use plan, if any.

- b. Upon consideration of the factors listed in subparagraph a, the Planning and Zoning Committee may grant the application, deny the application, grant the application with or without such conditions that it deems necessary in furthering the purpose of this Chapter, or grant the application in part, with or without conditions, and deny it in part.. Any conditions in addition to those required elsewhere in this Chapter, Such conditions may include, duration, property ownership, hours of operation, parking restrictions, limits regarding; equipment, product lines, livestock, employees, etc. without limitation, requirements for type of shorecover, increased setbacks and yards, specified sewage disposal and water supply facilities, parking and signs, type of construction, granting or denial of lake access and boat docks to off-lake developments, The Planning and Zoning Committee may also require that any permit or license required for the proposed use from another governmental entity or agency be obtained before the issuance of a conditional use permit. The Planning and Zoning Department shall notify the applicant in writing of the Planning and Zoning Committee's decision within fifteen (15) days thereafter.
- c. The Planning and Zoning Committee shall state its reasons and rationale for its decision.

**Proposed Amendment to Section 13-1-105 Regarding the Procedure for Review of
Petitions to Change District Boundaries**

Sec. 13-1-105 Petition to Change District Boundaries. Rezoning.

The rezoning of a parcel of land, i.e. changing the zoning district boundaries on the county zoning map to include the parcel in a different zoning district than that in which it is currently located, constitutes an amendment of this ordinance, and accordingly, the procedure for amending county zoning ordinances set forth in Section 59.69(5)(e) of the Wisconsin Statutes must be followed in making and considering any rezoning request. The provisions of Section 104 of this Chapter also apply to such requests.

- (a) **Procedures.** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide and tool in making informed zoning decisions by the Planning and Zoning Committee.

- (b) **Decision Making Considerations.** The review and recommendation of the Planning and Zoning Committee and the decision of the County Board shall be based on the following:
 - (1) Zoning Ordinance
 - (2) Consistency with Town Comprehensive Plan.
 - (3) Review future land use map for future land use designation and narrative
 - (4) Review goals and objectives of the comprehensive plan
 - (5) Consideration of the Town Board Recommendation or resolution of disapproval
 - (6) Consistency with County Comprehensive and Land Use Plan
 - a. Proposed zoning is consistent with surrounding zoning districts and does not result in spot zoning.
 - b. Proposed use is consistent with surrounding land uses
 - c. Land is better for a use not allowed in the farmland preservation district and/or managed forest crop land
 - d. Rezoning is consistent with the county certified farmland preservation plan

- e. Rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (7) Public Input
- (8) Consideration of the Departmental file report and site specific findings
- (c) The Planning and Zoning Committee shall state its reasons and rationale for its recommendation of approval or denial of the petition. Wis. Stat. § 59.69(5)(e)(4).