

**SOME KEY DIFFERENCES BETWEEN LEGISLATIVE  
AND QUASI-JUDICIAL ZONING DECISIONS**

(38)

Legislative

Quasi-Judicial

	<u>Legislative</u>	<u>Quasi-Judicial</u>
<b>Decision-maker</b>	Only governing board can decide (others may advise)	Can be board of adjustment, planning board, or governing board
<b>Notice of hearing</b>	Newspaper and mailed notice to owners and neighbors required	Only notice to parties required unless ordinance mandates otherwise
<b>Type of hearing</b>	Legislative	Evidentiary
<b>Speakers at hearings</b>	Can reasonably limit number of speakers, time for speakers	Witnesses are presenting testimony, can limit to relevant evidence that is not repetitious
<b>Evidence</b>	None required; members free to discuss issue outside of hearing	Written findings of fact required
<b>Voting</b>	Simply majority, but 3/4 required if protest petition filed or rezoning	4/5 to decide in favor of applicant, but if special/conditional use permit is issued by governing board, only a simple majority required
<b>Standard for decision</b>	Creates standard	Can only apply standards previously set in ordinance
<b>Conditions</b>	Not allowed	Allowed if based on standard in ordinance
<b>Time to initiate judicial</b>	Two months to file challenge	30 days to file challenge
<b>Conflict of interest</b>	Requires direct financial interests	Any financial interest or personal bias disqualifies
<b>Creation of vested right</b>	None	Yes, if substantial expenditures are made in reliance on it

Source: David Owens, Institute of Government