

SECTION 17.1300 CHANGES AND AMENDMENTS

17.1301 AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board may, by Ordinance, change the district boundaries or amend, change, or supplement the regulations established by this Ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

17.1302 INITIATION

A change or amendment may be initiated by the Village Board, the Plan Commission, a petition of one or more of the owners or lessees of property within the area proposed to be changed or the Administrator. The initiation of a petition can be done simultaneously with the Plan Commission consideration or recommendation of the petition.

17.1303 PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- A. Plot Plan drawn to a scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owners Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional Information required by the Plan Commission or Village Board.

17.1304 REVIEW AND RECOMMENDATIONS

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified and granted, or denied.

17.1305 HEARINGS

The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in Section 17.1400 of this Ordinance, listing the time, place, and the changes of amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

17.1306 VILLAGE BOARD'S ACTION

As soon as possible after such public hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall act on the petition either approving, modifying and approving, or disapproving of the same.

17.1307 FLOODLAND DISTRICT BOUNDARY CHANGES LIMITED

Refer to Sections 14.900 to Section 14.990.

17.1308 SHORELAND LCO AMENDMENTS

- A. Notice to DNR. The Village shall transmit a notice of any change (text or map) in the LCO Lowland Conservancy Overlay District if such change affects land in the shoreland, as defined in Section 17.1300 of this Ordinance, to the Wisconsin

Department of Natural Resources (DNR). Notice requirements shall be as follows:

1. A copy of every petition for a text or map change mailed within five days of filing with the Village Clerk.
 2. At least 10 days prior notice of any public hearing on a Shoreland LCO zoning amendment.
 3. Notice of a Plan Commission recommendation no later than 10 days following the recommendation.
 4. Notice of a Village Board decision no later than 10 days following the decision.
- B. Review Standards. No wetland in a Shoreland LCO District shall be rezoned if the rezoning may result in a significant adverse impact on storm or floodwater storage capacity; maintenance of dry season streamflow, the discharge of groundwater from the wetland to another area, or the flow of groundwater through a wetland; filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters; shoreline protection against soil erosion; fish spawning, breeding, nursery or feeding grounds; wildlife; habitat; or areas of special recreational, scenic or scientific interest, including scarce wetland types.
- C. DNR Objections. If the DNR has notified the Plan Commission that an amendment to the shoreland portion of the LCO District may have a significant adverse impact upon any of the criteria listed in Paragraph B above, that amendment, if approved by the Village Board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed since written notice of the Village Board's approval of this amendment was mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village pursuant to Section 61.351 of the Wisconsin Statutes. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the Section 61.351 adoption procedure is completed or otherwise terminated."

17.1309

PROTEST

In the event of a protest against such district change or amendment to the regulations of this Ordinance, duly signed and acknowledged by the owners of 20 percent or more of the areas of the land included in such proposed change, by the owners of 20 percent or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of three-fourths (3/4) of the full Village Board membership.

17.1310

SPECIAL REQUIREMENTS RELATING TO THE P-2 OPEN SPACE PRESERVATION DISTRICT.

- A. In addition to the other requirements and procedures described in this section, the following requirements must be met before changes can be made to the district boundaries of the P-2 district, and before amendments, changes, or supplements may be made to the regulations of the P-2 district.
1. The Plan Commission may recommend changes to the district boundaries of the P-2 district, or amendments, changes or supplements to the regulations of the P-2 district only upon the favorable vote of at least three

quarters (3/4) of the full membership of the Plan Commission, and failure to make a favorable recommendation shall constitute a recommendation against any such changes. The Plan Commission shall forward its recommendation and report to the Village Board of Trustees.

2. After careful consideration of the Plan Commission's recommendations, the Village Board may by ordinance, change the district boundaries of the P-2 district, or amend, change or supplement the regulations of the P-2 district only upon the favorable vote of at least three quarters (3/4) of the full membership of the Village Board.

B. The boundaries of the P-2 district may not be amended, changed or supplemented to include private lands within the district.