

## **ARTICLE K**

### Changes and Amendments to the Zoning Code

#### **SEC. 13-1-140 AUTHORITY.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Common Council may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein and/or the Supplementary Floodland Zoning Map incorporated herein, or amend, change or supplement the text of the regulations established by this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

#### **SEC. 13-1-141 INITIATION OF CHANGES OR AMENDMENTS.**

The Common Council, the City Plan Commission, the Zoning Board of Appeals and other government bodies and any private petitioners may apply for an amendment to the text of this Chapter to the District boundaries hereby established or by amendments hereto in the accompanying zoning map made a part of this Chapter and/or the Supplementary Floodland Zoning Map to be made a part of this Chapter.

Cross Reference: Section 13-1-16.

#### **SEC. 13-1-142 PROCEDURE FOR CHANGES OR AMENDMENTS.**

##### **(a) PROCEDURE ESTABLISHED.**

- (1) Whenever all owners of a parcel of property petition the Common Council for rezoning, they must first present to the City Clerk a photocopy of their deed and a permit fee. This fee shall be recommended to the Common Council by the Director of Community Development. If the same is not amended by the Common Council, said fee shall stand. Recertification to the Common Council is not necessary in the following years and the fees remain unchanged. The original recommendation shall be to the Administration Committee. Requests by agents for owners will not be accepted. In the case where a parcel of land is owned by a corporation, said petition must be signed by the president and the secretary of such corporation along with a certified copy of the minutes authorizing said rezoning.
- (2) All applicants for rezoning must present the City Clerk with a photocopy of the deed in which they received the property. Abbreviations from the Assessor's office will not be accepted. Every rezoning ordinance shall contain the exact description from the deed and must contain the following language after the description: "as recorded in the Winnebago County Registry as Document No. \_\_\_\_\_."
- (3) Petitions for any change to the district boundaries and map(s) or amendments to the text regulations shall be addressed to the Common Council and shall be filed with the Zoning Administrator, describe the premises to be rezoned or the portions of text of regulations to be amended, list the reasons justifying the petition, specify the proposed use, if applicable, and have attached the following, if petition be for change

of district boundaries:

- a. Plot plan, drawn to a scale of one (1) inch equals one hundred (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 three hundred (300) feet of the area proposed to be rezoned.
- b. Owners' names and addresses of all properties lying within one hundred (100) feet of the area proposed to be rezoned.
- c. Together with additional information as may be required by the City Plan Commission or Common Council.

(b) **RECOMMENDATIONS.**

- (1) The Common Council or the City Clerk shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation.
- (2) Within 30 days of receipt of the application, the Community Development Department shall schedule an informal public hearing before the Plan Commission and shall schedule a formal public hearing before the Common Council.
- (3) The Plan Commission cannot act on any matter unless the agenda is received by them at least five (5) days prior to the scheduled meeting so that individual members can read the material and view the premises.
- (4) The Plan Commission shall review all proposed amendments to the text and zoning map(s) within the corporate limits and shall recommend in writing that the petition be granted as requested, modified or denied. A recording of the recommendation in the Plan Commission's official minutes shall constitute the required written recommendation.

(c) **HEARINGS.**

- (1) The City Clerk or Community Development Department shall notify all property owners immediately adjacent and extending one hundred (100) feet from or directly opposite the property and extending one hundred (100) feet from the street frontage of the opposite land. Such notice shall be by first class mail and shall include the proposed rezoning, the date of the informal hearing before the Plan Commission, and the date of the formal hearing before the Common Council. Such notice shall be sent not less than seven (7) days prior to the informal hearing. The Clerk shall, with all due diligence, ascertain who all the owners of the property are. Failure to notify all owners where, with due diligence, such information cannot be obtained will not invalidate a rezoning ordinance per se. Copies of all notices shall be filed with The Clerk. The Clerk shall call upon the City Planner and Assessor for aid in their endeavor.
- (2) The Common Council, following receipt of recommendation of the Plan Commission, shall hold a public hearing upon each proposed change or amendment, giving notice of the time, place and the change or amendment proposed by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days' prior, written notice shall also be given to the clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.
- (3) The Common Council may delegate to the City Plan Commission the responsibility to hold public hearings as required under this Section.

(d) **COMMON COUNCIL'S ACTION.** Following such hearing and after consideration of the Plan Commission's recommendations, the Common Council shall vote on the proposed ordinance effecting the proposed change or amendment.

- (e) **RECORDING.** When a rezoning ordinance is passed, the Clerk shall mail a copy to the successful applicant instructing such person that, if he desires to have the instrument recorded at his own expense, he shall contact the City Attorney's office who may advise the petitioner thereafter.

**SEC. 13-1-143            PROTEST.**

- (a) In the event of a protest against amendment to the zoning map, duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Common Council membership.
- (b) In the event of protest against amendment to the text of the regulations of this Chapter, duly signed and acknowledged by twenty percent (20%) of the number of persons casting ballots in the last general election, it shall cause a three-fourths (3/4) vote of the full Common Council membership to adopt such amendment.

**SEC. 13-1-144 THROUGH SEC. 13-1-149 RESERVED FOR FUTURE USE.**