

## **CHAPTER 8**

### **AMENDMENTS AND CHANGES**

ZN 8.01	General Boundary and Text Amendments
ZN 8.02	Shoreland Amendments

## **ZN 8.01 GENERAL BOUNDARY AND TEXT AMENDMENTS.**

### **(1) INTENT.**

While it is the intent of this Ordinance to provide stability and regularity in zoning and land use in the Village of Somers, it is recognized that zoning is by no means static. It is the intent of this section to recognize that changed or changing conditions call for changed plans, and persons who own property in a particular zone or use district cannot enjoy an eternally vested right to that classification if the public interest demands otherwise.

### **(2) AUTHORITY AND LIMITATIONS.**

Whenever the public necessity, convenience and general welfare require, the Village Board of Trustees may, by ordinance, amend any part of the Ordinance. Such amendments may include reclassification or rezoning of property, changes in district boundaries, or changes in the text of this Ordinance. Such amendments shall be enacted in accordance with the provisions of the Wisconsin Statutes and this Ordinance. The determination of when the public interest requires a change in the zoning ordinance shall remain within the discretion of the Village Board of Trustees. Amendments may also be made upon a showing of a mistake or error on the part of the Village Department of Planning and Development.

### **(3) INITIATION.**

A petition for amendment of this Ordinance may be made by any property owner or his agent or any individual having a vested interest in an option or offer to purchase the land in question in the area to be affected by the amendment, by any member of the Village Board or by the Village Plan Commission.

Prior to application, the petitioner shall set up a pre-application conference with Planning and Development staff. This conference is intended to inform the petitioner of the purpose and objectives of these regulations. In so doing, the petitioner and the planning staff may reach mutual conclusions regarding the possible effect of the project on abutting properties and the petitioner will gain a better understanding of subsequent required procedures.

### **(4) PETITION.**

Petitions for any change or amendment to the district boundaries or amendments to the text of this Ordinance shall be filed with the Village Clerk/Treasurer, who shall immediately refer it to the Village Plan Commission and Department of Planning and Development for its consideration, report and recommendation. Said petition shall describe the premises to be rezoned and the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (a) Petitioner's name, address, phone number and interest in property. (Owner, broker, etc.)
- (b) Existing zoning district
- (c) Proposed zoning district
- (d) Proposed use (a statement of the type, extent, area, etc. of any development project)
- (e) Compatibility with Village plans (a statement of conditions warranting a change in zoning)

- (f) Compatibility with adjacent lands (a statement of land uses and impact of zoning change)
- (g) Legal description of property to be rezoned
- (h) Plot plan or survey plat of property to be rezoned (showing location, dimensions, zoning of adjacent properties, existing uses and buildings of adjacent properties--drawn to scale)
- (i) The exact language of any proposed change in the text of this Ordinance.
- (j) A map plan, when necessary, which accurately locates or describes the proposal with respect to the floodways and floodplains and which provides all pertinent information such as the fill dimensions and elevations, building floor elevations and floodproofing data.
- (k) All computations which are required to show the effect of the proposal on flood heights, velocities and floodplain storage for all subdivision proposals and all other proposals if the area affected exceeds five (5) acres or the estimated cost of the proposal exceeds Seventy-five Thousand (\$75,000.00) Dollars, which information shall be transmitted to the Department of Natural Resources for review.
- (l) Additional information as may be requested by the Village Department of Planning and Development
- (m) Any information required by Section ZN 2.02(1) of this Ordinance.
- (n) The fee specified in Section ZN 2.02(8) of this Ordinance.

All petitions referred under this paragraph shall be brought to the attention of the Village Board at its next succeeding meeting. At such meeting of the Village Board, the petition shall be formally referred directly to the Village Plan Commission for its consideration, report and recommendations.

**(5) PUBLIC HEARING.**

Pursuant to Wisconsin Statute, upon receipt of such petition by the Village Plan Commission, said Commission shall call a public hearing thereon. Notice of the time and place of such hearing shall be given by publication in the Village of a Class 1 Notice, under Chapter 985 of the Wisconsin Statutes. A copy of such notice shall be mailed by registered mail to the persons affected by the proposed amendment at least ten (10) days prior to the date of such hearing. Additional notices shall be given as required by Section ZN 8.02 (Shoreland Amendments).

**(6) PLAN COMMISSION RECOMMENDATION.**

As soon as possible after such public hearing, the Commission shall act on such petition either approving, modifying and approving, or disapproving of the same. If its action was favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit such proposed ordinance directly to the Village Board with its recommendations. If the Commission after its public hearing, shall recommend denial of the petition, it shall report its recommendation directly to the Village Board with its reason for such action.

**(7) VILLAGE BOARD ACTION.**

Upon receipt of such Plan Commission report, the Village Board may adopt the ordinance as drafted by the Plan Commission or with amendments, or it may deny the petition for amendment or it may refuse to deny the petition as recommended by the committee in which case it shall re-refer the petition to the Plan Commission with directions to draft an ordinance to effectuate the petition and report the same back to the Village Board, which may then adopt or reject such ordinance.

## **ZN 8.02 SHORELAND AMENDMENTS.**

### **(1) PROCEDURE.**

Pursuant to §59.691, Wis. Stats., amendments affecting shoreland areas shall be governed by the procedures heretofore set forth with the exception that said amendments shall not require approval or be subject to disapproval by the Village Board.

### **(2) AMENDMENTS TO LANDS IN THE SHORELAND JURISDICTION OF THIS ORDINANCE.**

(a) Notice to DNR. The Village shall transmit a notice of any change (text or map) to the shoreland provisions 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 (5) days of filing with the Village Clerk/Treasurer.
- 2 At least ten (10) days prior notice of any public hearing on any Shoreland amendment.
- 3 Notice of a Village Plan Commission recommendation no later than ten (10) days following the recommendation.
- 4 Notice of a Village Board decision no later than ten (10) days following the decision.

(b) Review Standards for C-1 Changes. No wetland in a Shoreland C-1 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, otherwise drain into navigable waters; shoreland 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. Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin. Code §NR 103.

(c) DNR Objections. If the DNR has notified the Village Plan Commission that an amendment to the shoreland portion of the C-1 District may have a significant adverse impact upon any of the criteria listed in paragraph (b) above, then that amendment, if approved by the Village Board, shall contain the following provision: "This amendment shall not take effect until more than thirty (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 thirty (30) day

period, the Department of Natural Resources may notify the Village Board that it will adopt a superseding shoreland ordinance for the Village. If the Department does so notify the Village Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."