

SECTION 10.0 - CHANGES AND AMENDMENTS

10.1 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town 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 require the review and recommendation of the Planning & Zoning Committee prior to approval by the Town Board. Any change or amendment approved by the Town Board that is not consistent with the Town's Comprehensive Plan shall be construed to have amended the Comprehensive Plan so as to comply with this Ordinance, as amended.

10.2 Initiation.

A change or amendment may be initiated by the Town Board, Planning & Zoning Committee, or by a petition of one or more of the owners or agents of property within the area proposed to be changed.

10.3 Petitions.

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town 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:

- (1) Plot Plan drawn to a scale of 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 one thousand (1,000) feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties lying within one thousand (1,000) feet of the area proposed to be rezoned.
- (3) Additional information required by the Planning & Zoning Committee or the Town Board.
- (4) The petitioner, upon filing of a petition, shall pay a nonrefundable fee to the Town Clerk in accordance with a schedule of fees existing at the time of the adoption of this Ordinance or to be adopted or revised by the Town Board by resolution.

10.4 Factors for Rezoning out of A-1, A-2 or A-3.

Prior to rezoning a property out of an A-1, A-2 or A-3 Zoning District, the Town Board must find **all** of the following after a public hearing:

- (1) The land is better suited for a use not allowed in an A-1, A-2 or A-3 Zoning District.
- (2) The change to the requested zoning district is consistent with the Town's Comprehensive Plan.
- (3) The 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.
- (4) The rezoning shall not adversely affect the sustainability of the agricultural economy.
- (5) The rezone is substantially consistent with the county certified farmland preservation plan.

10.5 Factors for Rezoning out of Zoning Districts Other than A-1, A-2 or A-3.

Prior to rezoning a property out of any Zoning District, other than A-1, A-2 or A-3, the Town Board must find **all** of the following after a public hearing:

- (1) The change to the requested zoning district provides for the citizens of the Town adequate light, pure air and safety from fire and other dangers.
- (2) The change to the requested zoning district preserves the value of land and buildings.
- (3) The change to the requested zoning district is consistent with the Town's Comprehensive Plan.
- (4) The change to the requested zoning district lessens or avoids congestion of traffic on the public roads.
- (5) The change to the requested zoning district protects the character and the stability of the agricultural, natural, residential, business, and industrial areas within the Town.
- (6) The change to the requested zoning district promotes the orderly and beneficial development of such areas.

10.6 Recommendations.

Following a public hearing as set forth below, the Planning & Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. The recommendation including facts, findings, and conclusions shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Town Board. If the Town Board does not receive a written recommendation from the Planning & Zoning Committee within 45 days of submitting the proposed changes or amendments to the Committee, the Town Board may hold hearings and act upon the petition without first receiving the recommendation.

10.7 Hearings.

The Town Clerk shall notify all property owners within one thousand (1,000) feet of the land in question and give a Class 2 legal notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Planning & Zoning Committee shall hold a public hearing upon each petition prior to making its recommendation to the Town Board. The Planning and Zoning Committee shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

10.8 Required Attendance.

The petitioner or the petitioner's authorized legal representative shall attend the public hearing as well as all other meetings of the Planning & Zoning Committee and the Town Board in connection with the petitioner's proposed change to the district boundaries or the petitioner's proposed amendments, changes, or supplements to the regulations established by this Ordinance. Failure of the petitioner or the petitioner's authorized legal representative to attend such public hearing or other meetings shall be grounds for denial of petitioner's request.

10.9 Town Board's Action.

After careful consideration of the recommendations of the Planning & Zoning Committee, the Town Board shall vote on the passage of the proposed change or amendment. Upon the passage of any proposed change or amendment which results in the rezoning of any land into or out of the A-1, A-2 or A-3 Districts, the Town Clerk shall notify the Department of Agriculture, Trade and Consumer Protection of such change or amendment.

10.10 Protests to Proposed Change.

A proposed amendment, supplement, or change to this Ordinance must be adopted by not less than a two-thirds (2/3) vote of the members of the Town Board voting on the proposed amendment, supplement, or change if a protest against the proposed amendment, supplement, or change is presented to the Town Board prior to or at the public hearing required herein, and:

- (1) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the area proposed to be altered; or
- (2) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the land immediately adjacent extending 100 feet from the area proposed to be altered; or
- (3) The protest is duly signed and acknowledged by the owners of twenty percent (20%) or more of the land directly opposite to the area proposed to be altered extending 100 feet from the street frontage of such opposite land.

10.11 Future Comprehensive Ordinance Revisions.

The Town of Plymouth acknowledges that any future comprehensive revisions of this Ordinance may require certification by the State of Wisconsin Land and Water Conservation Board before landowners in the A-1, A-2 or A-3 Districts may qualify for tax credits under the revised ordinance.

10.12 Rezoning Report out of Agricultural Zoning District.

The Town shall by March 1 of each year provide to the DATCP and the County a report of the number of acres that the political subdivision has rezoned out of an Agricultural Zoning District during the previous year and a map that clearly shows the location of those acres.

If a Town fails to comply, DATCP may withdraw the certification granted under s. 91.06, 2007 or under s. 91.36 Wisconsin State Statutes.