

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 the text of this Chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Planning & Zoning Committee prior to the approval of the Town Board. Any change or amendment approved by the Town Board that is not consistent with the Town of Harmony Development Plan shall be construed to have amended the Development Plan so as to comply with this Chapter as amended.

10.2 Initiation

A change or amendment may be initiated by the Town Board, the 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, and shall contain the exact legal description of the premises to be rezoned or a detailed description of the regulations to be amended, contain a list of 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 400 feet of the area proposed to be rezoned.
- (2) Owners' Names and Addresses of all properties lying within 400 feet of the area proposed to be rezoned.
- (3) Additional Information required by the Planning & Zoning Committee or the Town Board.
- (4) Fee Receipt from the Town Clerk. The fee for petitions hereunder shall be \$350 or such other amount as shall hereafter be determined by Town Board resolution.

10.4 Recommendations

The Planning & Zoning Committee shall review all proposed changes and amendments within the municipal limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. 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.

10.5 Guidelines for Zoning Changes

A. The Planning & Zoning Committee and the Town Board shall carefully analyze proposed zoning changes to determine whether they are appropriate and consistent with the purpose and intent of this Chapter. While zoning changes are made in the discretion of the Planning & Zoning Committee and the Town Board, consistent with the standards of this section, the Planning & Zoning Committee and the Town Board should consider the following before approving any zoning change:

- (1) Whether the proposed zoning change is consistent with the Development Plan and its goals and objectives.
- (2) Whether the proposed zoning change is consistent with the Purpose and Intent Sections of this Chapter, Sections 1.2 and 1.3.
- (3) Whether adequate public facilities to accommodate development from the proposed zoning change either exist or will be provided within a reasonable amount of time.
- (4) Whether provision of public facilities to accommodate development consistent with the zoning change will place an unreasonable burden on the affected governmental units and school districts.
- (5) Whether the land proposed for rezoning is suitable for development and whether development will result in undue water and air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural resources.
- (6) Whether the proposed development may adversely affect property values and the property tax base.
- (7) Traffic to be generated by proposed development.
- (8) Access to commercial retail/service areas.
- (9) Relation to scenic or recreational values.

B. No land shall be rezoned from an exclusive agricultural use district (the A-1 District or the A-1a District) unless the Town Board makes findings as follows: 1) that adequate public facilities to accommodate development either exist or will be provided within a reasonable time; 2) that provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them; and 3) that the land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

- (1) Whether the proposed zoning change is consistent with the Development Plan and its goals and objectives.
- (2) Whether the proposed zoning change is consistent with the Purpose and Intent Sections of this Chapter, Sections 1.2 and 1.3.
- (3) Whether adequate public facilities to accommodate development from the proposed zoning change either exist or will be provided within a reasonable amount of time.

any Upon the passage of any proposed change or amendment which results in the rezoning of land into or out of the A-1 District or the A-1a District, the Town Clerk shall notify the Department of Agriculture, Trade and Consumer Protection of such change or amendment.

(Subsection B added by Ordinance 121807)

10.6 Public Hearing and Notice

The Town Board shall hold a public hearing in connection with any proposed changes to the district boundaries or any proposed amendments, changes, or supplements to the regulations established by this Chapter. A Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, shall first be published in the official newspaper for the Town prior to the hearing. In addition, if the hearing is in connection with a proposed change to district boundaries or a proposed rezoning of a specific parcel of land, the Town Clerk shall notify in writing all property owners within 400 feet of the land in question of the hearing at least 5 days prior thereto. The Town Clerk shall also give at least 10 days prior written notice to the Clerk of any municipality within 1000 feet of any land to be affected by the proposed change or amendment.

10.7 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 Chapter. 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.

10.8 Town Board's Action

Following such hearing and 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 District or the A-1a District, the

Town Clerk shall notify the Department of Agriculture, Trade and Consumer Protection of such change or amendment.

(Amended by Ordinance 101303B)

10.9 Protest to Proposed Change

A proposed amendment, supplement, or change to this Chapter must be adopted by not less than a three-fourths 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 under Section 10.6 above and:

- (1) The protest is duly signed and acknowledged by the owners of 20% or more of the area proposed to be altered; or
- (2) The protest is duly signed and acknowledged by the owners of 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 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.

10.10 Future Comprehensive Ordinance Revisions

The Town of Harmony acknowledges that any future comprehensive ordinance revisions require certification by the State of Wisconsin Land and Water Conservation Board before landowners in the A-1 District or the A-1a District may qualify for tax credits under the revised ordinance.

(Amended by Ordinance 101303B)