

## **CHAPTER 8 DEVELOPMENT REVIEW PROCEDURES**

### Part 3:       Rezoning

#### Article C – Rezoning Procedures

##### **Sec. 13-8-7    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. 13-8-8    Initiation of Changes or Amendments.**

- (a) If a request for re-zoning has been denied by the Council, no person may again request the same zoning change for the same parcel until the expiration of one (1) year after the previous denial.
- (b)        Provided, however, that such restriction shall not apply if the subsequent rezoning request is premised upon a proposed development or use of the parcel which is substantially different than the previously rejected zoning development or use and which addresses the previously expressed concerns of the Plan Commission. Any request for rezoning within the one (1) year limit shall be initially reviewed by the Plan Commission for compliance with this paragraph. After such review, the Plan Commission shall determine whether to set the request for public hearing.
- (c)        Substantially different shall be determined by the Plan Commission based primarily on a change of use, density or arrangement of development.

##### **Sec. 13-8-9    Procedure for Changes or Amendments.**

- (a)        **Required Information.** 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 City Clerk, 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:
  - (1)    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.
  - (2)    Owners' names and addresses of all properties lying within two hundred fifty (250) feet of the area proposed to be rezoned.
  - (3)    Fee receipt from the City Clerk for the non-refundable Petition fee amount as set forth on the City of Onalaska Fee Schedule.

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- (4) Together with additional information as may be required by the Plan Commission or Common Council.
- (b) **Recommendations.** The Common Council or the Clerk shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. 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. In arriving at its recommendation, the Commission may on occasion, of its own volition, conduct its own public hearing on proposed amendment(s).
- (c) **Hearings.**
  - (1) 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 Wis. Stats.
    - a. 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.
    - b. Written notice of the hearing shall also be sent by regular mail to the owners of land included in such proposed amendment and to owners of land immediately adjacent extending two hundred fifty (250) feet therefrom, except in those cases in which the zoning ordinance is proposed to be changed to an act permanent zoning classification of property annexed to the City. In such instances, the notice of the proposed amendments shall be provided as required in Sec. 62.23(7)(d), Wis. Stats.
  - (2) The Common Council may delegate to the Plan Commission the responsibility to hold public hearings as required under this Section.
- (d) **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.

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**Sec. 13-8-10 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 directly opposite thereto extending one hundred (100) feet from the street frontage to such opposite land, such changes or of the land immediately adjacent extending one hundred (100) feet therefrom, or by the amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the full Common Council membership [provided that the street right-of-way doesn't extend more than one hundred (100) feet from the property affected by the proposed zoning change or amendment; owners outside this area shall not have standing to protest]. A protest may be filed any time after the first publication of the notice of hearing but may be filed not later than the time the Council first considers the Plan Commission's recommendation. All protests shall be filed with the City Clerk.
- (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.

