



## **Report to Planning Commission**

**Agenda Item:** Public Hearing: Proposed Ordinance Amendment Chapter 520 Zoning, Section 520-121 Conditional Use Permits.

**Meeting Date:** November 20, 2023

**Referring Body:** Plan Commission

**Committee Contact:** Chris Voll

**Staff Contact:** Peter Wegner, CD/PZ Director

**Report Prepared by:** Peter Wegner, CD/PZ Director

**AGENDA ITEM:** Public Hearing: Proposed Ordinance Amendment Chapter 520 Zoning, Section 520-121 Conditional Use Permits.

**OBJECTIVE(S):** Proposed changes reflect requirements of Wis. Stat. § 62.23(7)(de). Current language allows the appeal of any decision made by the Planning Commission to be Village Board. It is problematic having Board members on the Plan Commission because of due process. Per Wis. Stat. § 66.1001(2m)(b), a Conditional Use Permit that may be issued by a political subdivision does not need to be consistent with the political subdivisions comprehensive plan. The proposed language emphasizes substantial evidence requirements. Finally, changes were made as suggested by the Village Attorney.

The proposed changes meet the criteria to amend the text within Section 520-121.

### **§ 520-117 Amendments to zoning regulations (text amendments).**

G. Review criteria for amendments to zoning regulations. The Plan Commission and Village Board shall utilize the following criteria when reviewing each application to amend the text of this chapter:

- (1) Is the proposed text amendment consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?
- (2) Does the proposed text amendment further the purposes and intent of this chapter and section to which the amendment is proposed?
- (3) Does the amendment address any of the following deficiencies or omissions as compared to the current language of this chapter?
  - (a) A change has occurred in the land market, or other factors have arisen that require a new form of development, a new type of land use, or a new procedure to meet said change(s).
  - (b) New methods of development or providing infrastructure make it necessary to alter this chapter to meet these new factors.
  - (c) Changing governmental finances require amending this chapter in order to meet the needs of the government in terms of providing and affording public services.
  - (d) There is an error or internal inconsistency in this chapter.
- (4) Does the proposed amendment maintain the desired compatibility with allowable land uses, land use intensities, and impact on resources of the affected zoning district(s)?

**HISTORY/BACKGROUND:** Draft proposed changes were discussed with the Planning Commission on September 18, 2023 and minor changes were made. On October 16, 2023 the

Planning Commission reviewed and approved the final draft, making a motion to send the language to a public hearing.

**PROPOSAL:** Approve the proposed Ordinance Amendment.

**RECOMMENDED ACTION:** Recommend approval to the Village Board.

**ATTACHMENTS:** Proposed changes to Section 520-121 Conditional Use Permits.