

Town of Rhine, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTIONS 4.09 AND 4.15
OF THE TOWN OF RHINE MUNICIPAL (ZONING) CODE
REGARDING PROCEDURAL REQUIREMENTS FOR
ZONING AMENDMENT AND CONDITIONAL USE PERMITS**

WHEREAS, the Town of Rhine Zoning Code currently requires public hearings before the Plan Commission and the Town Board prior to issuing a conditional use permit or amending the Town zoning code; and

WHEREAS, the Town Ordinance Committee and Town Plan Commission have recommended modifying the Zoning Code to require public hearings before the Plan Commission only, which complies with state zoning requires in s. 62.23, Wis. Stats.

WHEREAS, the Town Board determines that amending the Town Zoning Code accordingly will promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

NOW, THEREFORE, the Town Board of the Town of Rhine, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Amending Code.** Sections 4.09 and 4.15 of the Town of Rhine Municipal (Zoning) Code are amended and renumbered as set forth on the attachment.

Section 2. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. **Effective Date.** Upon adoption, this Ordinance shall take effect the day after publication or posting.

Enacted on: **April 12, 2022**

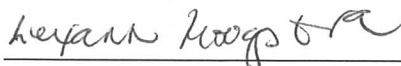
TOWN OF RHINE

By: 
RON PLATZ, Chairperson

CLERK'S CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town of Rhine Board of Supervisors on the date indicated above.

Dated: 4-12, 2022


Lexann Hoogstra, Clerk/Treasurer

R:\CLIENT\08471\00001\00186540.DOC

Published/Posted on 5-30-22, 2022 by eh.

4.09 CONDITIONAL USES

(1) APPLICATION. Applications for conditional use permits shall be made in duplicate to the Building Inspector and shall include the following information where applicable and necessary for proper review:

[No changes to the existing 4.09(1)(a)-(d)]

(e) Additional information as may be required by the Plan Commission or Town Board.

(f) Payment of the "Conditional Use Permit Fee" as set forth in the Town's Fee Schedule. Should it be necessary for the Plan Commission to hold additional hearings or other meetings concerning the application, then for each such hearing or meeting the applicant shall pay the "Conditional Use Permit Fee" pursuant to the Town's Fee Schedule. In addition, applicants are subject to the fees for development services pursuant to Section 4.18, below.

(g) Any conditional use permit renewal will require the applicant be assessed the "Conditional Use Permit Fee" fee pursuant to the Town's Fee Schedule. Applicant must contact the Clerk/Treasurer sixty (60) days prior to time of renewal. (Rev. 11/01)

(2) PLAN COMMISSION REVIEW & RECOMMENDATION.

(a) Public Hearing. A public hearing shall be held by the Plan Commission on each application for a Conditional Use Permit. A Class 2 notice under Wis. Stat. ch. 985 of the public hearing shall be given in a newspaper of general circulation in the Town. The Town Clerk shall also mail copies of such notice, by first class mail, to the owners of property within two hundred feet (200') of the boundaries of the site on which the proposed conditional use will be located whose names and addresses are known or can be obtained with reasonable diligence.

(b) Recommendation. After reviewing the site, existing and proposed structures, architectural designs or plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation, the Plan Commission shall provide its recommendation to the Town Board whether to allow the conditional use and if so, under what conditions.

(3) TOWN BOARD ACTION

(a) After receiving the Plan Commission's recommendation, the Town Board shall grant or deny the requested conditional use, and in doing so may impose conditions concerning landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, location, size and number of signs, hours of operations, improved traffic circulation, higher performance standards, deed restrictions, highway access restrictions, street dedication, certified survey maps, or increased yards or parking areas upon its finding that these are necessary to fulfill the purpose and intent of the Town Zoning Code.

(b) The Town Board is not required to conduct its own public hearing on a conditional use request, but may do so if it determines that an additional hearing would be beneficial in making its determination.

(c) Compliance with all other provisions of the Town Zoning Code, such as lot dimensions, yards, height, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section 4.11.

4.15 CHANGES AND AMENDMENTS

(1) INITIATION. An amendment to the Town Zoning Code may be initiated by any property owner in the area to be affected by the amendment, the Town Board or the Town Plan Commission.

(2) APPLICATION. Applications to change District boundaries (map amendment) or zoning regulations (text amendment) shall be filed with the Town Clerk/Treasurer, shall describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have the following materials attached:

[No changes to the existing 4.15(3)(a)-(h), which would be renumbered 4.15(2)(a)-(h)]

(i) Payment of the "Zoning Amendment Fee" as set forth in the Town's Fee Schedule. Should it be necessary for the Plan Commission to hold additional hearings or other meetings concerning the application, then for each such hearing or meeting the applicant shall pay the "Zoning Amendment Fee" pursuant to the Town's Fee Schedule. In addition, applicants are subject to the fees for development services pursuant to Section 4.18, below.

(3) PLAN COMMISSION REVIEW & RECOMMENDATION.

(a) Public Hearing. A public hearing shall be held by the Plan Commission on each application for a zoning amendment. A Class 2 notice under Wis. Stat. ch. 985 of the public hearing shall be given in a newspaper of general circulation in the Town. The Town Clerk shall also mail copies of such notice, by first class mail, to the owners of property within two hundred feet (200') of the boundaries of the site affected by the zoning amendment, whose names and addresses are known or can be obtained with reasonable diligence. The Town Board shall also give at least ten (10) days' prior written notice to the Clerk of any municipality within one thousand feet (1,000') of any land to be affected by the proposed amendment.

(b) Recommendation. After reviewing the application, conducting the hearing and considering whether the public necessity, general welfare, or good zoning practice require the change, the Plan Commission shall provide its written recommendation to the Town Board within sixty (60) days after receiving an application for a zoning amendment.

(4) BOARD ACTION. After careful consideration of the Plan Commission recommendations, the Town Board shall act on the zoning amendment request. A negative recommendation of the Plan Commission may only be overruled by majority vote of the full Town Board membership. If a rezoning is granted contingent on receiving a Certified Survey Map, that map shall be presented to the Town Board within ninety (90) days or the rezoning action of the Board shall be automatically vacated. Reasonable extensions may be requested. The Town Board is not required to conduct its own public hearing, but may do so if it determines that an additional hearing would be beneficial in making its determination.

[Existing 4.15(6) would be renumbered 4.15(5)]

21.04 FEE SCHEDULE

[Under "Zoning/Land Use" a "Zoning Amendment" fee of \$250 would be added.]