

# Planning & Zoning

5621 Town Hall Road  
Delavan, WI 53115

## REZONE PACKET

### PETITION FOR AMENDMENT OF THE WALWORTH COUNTY CODE OF ORDINANCE

Fee: \_\_\_\_\_(see schedule)

LURM Staff Initials: _____
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OWNER: \_\_\_\_\_

TOWN: \_\_\_\_\_ TAX PARCEL NUMBER: \_\_\_\_\_

**TO THE COUNTY BOARD OF WALWORTH COUNTY:**

The undersigned hereby petitions the County Board to amend the Walworth County Code of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: \_\_\_\_\_

Requested Zoning: \_\_\_\_\_

**RESIDENTIAL REZONES:**                      Number of Proposed Lots: \_\_\_\_\_                      Number of Proposed Housing Units: \_\_\_\_\_

**COMMERCIAL & INDUSTRIAL REZONES:**                      Total Proposed Gross Floor Area (All Buildings): \_\_\_\_\_                      Site Area (Acres): \_\_\_\_\_

**LEGAL DESCRIPTION:** (Written Metes and Bounds Description of the Land to be Rezoned.)

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(Attached separate sheet if additional space is needed.)



**Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:**

- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
  
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
  
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. **THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION.** If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

**IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

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**PROPERTY OWNER'S SIGNATURE**

**ONLY TO BE COMPLETED IF REZONING OUT OF A-1 DISTRICT**

I understand that if the A-1 land proposed for rezoning has been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received due the State of Wisconsin. I am including a legal description and acreage determination from a licensed surveyor of the A-1 conversion area(s).

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**PROPERTY OWNER'S SIGNATURE**

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**APPLICANT'S SIGNATURE**

**TOWN BOARDS:**

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits. The County cannot grant any rezone if denied by a Town Board.

Therefore, the petitioner must go before the Town Board on the proposed rezone before the appearing at County. The County shall not hold a public hearing without first receiving a written Town decision.

If you have further questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

**NOTICE: THE ZONING AGENCY HAS ESTABLISHED AN AGENDA LIMIT OF 20 ITEMS IN ORDER TO ALLOW EACH APPLICATION PROPER CONSIDERATION. IT IS SUGGESTED THAT YOU SUBMIT YOUR PETITION AS EARLY AS POSSIBLE. WHEN THE 20 ITEM LIMIT IS REACHED, SUBSEQUENT PETITIONS MAY BE SCHEDULED FOR THE NEXT AVAILABLE HEARING DATE.**

## **INFORMATION ON REZONE AND CONDITIONAL USE PROCEDURES:**

This information is provided to assist the zoning petitioner in applying for zoning amendments (rezones of property) or conditional use approvals.

### **APPLICATION REQUIREMENTS:**

Petitioner must submit a completed application (either the amendment or the conditional use application) along with a complete plan to the Zoning Office, with the correct fee as per the Department's fee schedule. Application fees are not refundable.

**It is strongly recommended that petitioners schedule a pre-application meeting with the Planning Office to discuss all required submittal information prior to handing in completed applications.**

Incomplete applications will not be accepted. All legal descriptions, plans, and supporting information must be submitted with the application. It is important to check the application form and information check list for the type of information that may need to be included with the application. The application must contain the original signatures of the owner. No fax applications nor photocopied signatures will be accepted.

Due to publication requirements **complete** applications must be received prior to or on the deadline date established by the Department.

### **WALWORTH COUNTY ZONING AGENCY:**

The Zoning Agency conducts regularly scheduled rezone and conditional use hearings on the third Thursday of each month.

Hearings are usually held in the County Board Room at the Government Center (Old Courthouse), in downtown Elkhorn, Wisconsin and begin at 5:30 p.m.

It is necessary for the applicant or a representative to be present at the hearing. Failure to appear may result in the hearing being postponed and the rezone or conditional use petition either being postponed or denied. If denied, the rezone applicant cannot repetition for rezone for one year from the date of public hearing in accordance with State Statutes 59.69. In addition, an applicant can not initiate action for a conditional use permit affecting the same land more than twice every twelve- (12) months. The 12 months shall be calculated from the date of the conclusion of the first hearing.

The applicant and any persons in favor of a rezoning or conditional use will be asked to speak first followed by anyone in opposition. A rebuttal by the applicant may be allowed at the discretion of the Chairman.

The Zoning Agency makes a recommendation to the County Board, usually at its next session. The County Board of Supervisors makes official approval or denial of rezones. If approved, rezones become effective on publication in the official County Newspaper.

Conditional use approvals are not sent to the County Board for approval. Conditional use approvals become effective upon notification from the Land Use and Resource Management Department (See also Town Board procedures below.)

NOTE: If a proposed rezone involves the rezoning of A-1 zoned lands which have been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received from the State of Wisconsin.

If a rezone is approved and it results in a division of land under 35 acres a Certified Survey Map must be prepared and submitted for approval to the Walworth County Zoning Agency.

### **TOWN BOARDS:**

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits after the County public hearing. The County cannot grant any rezone if denied by a Town Board.

It is recommended that the petitioner go before the Town Board on the proposed rezone before filing with the County, as Town Boards may require a personal appearance or they may deny the petition.

It is also recommended that the petitioner go before the town board with proposed conditional use requests before filing with the County. The County Zoning Agency will look for Town recommendations regarding proposed conditional uses prior to decision making.

If you have further questions regarding the procedures, please contact the Zoning Office at (262) 741-4972.

## **Walworth County Conditional Use Permit and Rezone Application Information**

The following information **must** be provided on all conditional use and rezone applications. The needed information may be added to the application as a project narrative, included on the application, or placed on the plat of survey for the project.

**Applications which do not provide all needed information are considered incomplete and may be tabled or denied upon review.**

Not all information requested on this list may pertain to your project. Feel free to ignore requested information not pertinent to your proposal.

**Please remember that it is in your best interest to provide as close to a complete application as possible in order to avoid delays in the review process.**

### **For both Conditional Use and Rezone Applications include:**

- The signature of the property owner
- A plat of survey or plot plan (if applicable) of the property to be rezoned or have the conditional use review
- Identify who the survey was conducted by
- A North Arrow
- A Written Legal description of the Property
- The scale of the plat
- The total acreage of the site
- The boundary of individual lots or units and acreage
- Show all easements (drainage, pedestrian, utility, sanitary, sight)
- All known zoning district boundaries, floodplain boundaries, shoreland setbacks, shoreland boundaries and wetland boundaries
- Indicate all existing zoning and land uses surrounding the site
- Indicate all onsite or immediately adjacent navigable water bodies
- Show township or municipal boundaries that are adjacent to or divide the project site
- The location of soil types within the project site
- A legend of all notations indicated on the plat of survey or plot plan (if applicable)
- Provide a letter of decision from the Township(s) on the rezone or conditional use

### **For Conditional Use Applications also include:**

- Locate and identify all existing and proposed structures on the plat of survey or plot plan (if applicable) including but not limited to buildings, facilities, loading areas, storage areas, shoreland structures, signage, outdoor lighting.
- Show all known and proposed easements (drainage, pedestrian, utility, sanitary, sight).
- All known zoning district boundaries, floodplain boundaries, shoreland setbacks, shoreland and wetland boundaries.
- The location and size of all existing and proposed platted roadways, road easements, parking areas, and driveways.
- The location of all on-site or immediately adjacent navigable water bodies and OHWM elevations
- Show all distinct vegetative boundaries on the plat
- The location and size of all proposed open spaces areas, common elements and limited common elements
- Existing and proposed two foot contours for all areas of major excavation, filling, cutting or extensive grade changes
- Specify the number of animal units (if any) that are proposed to be kept on site
- Provide a description of waste management practices
- Indicate the proposed time and lengths of project phases of construction including a start-up and completion date for the installation of all proposed infrastructure and improvements.
- The hours of operation for the proposed business or activity
- Indicate the number of proposed employees
- Provide a brief plan of operations which explains the daily business activities

**Project Narrative for Large Development Rezones and Conditional Use Applications:**

Describe the proposed use of the property, structure(s) or site in detail

- A. The approximate type, location, intensity and acreage of general land uses including but not limited to: residential uses, industrial, recreational, open spaces, mining etc...
- B. The proposed densities of dwelling units and total number of units by type and proposed use.
- C. Describe the proposed development construction schedule. Indicate the approximate starting and completion dates for the project and any phases, together with appropriate identification and descriptions of such phases.
- D. Provide a landscape plan showing area landscaping, including approximate locations of landscape areas and preliminary plants to be used. Describe and show screening buffers on the plan of operations.
- E. Provide a description of proposed vehicular traffic patterns and parking for the proposed project site and affects on neighboring traffic patterns.
- F. Explain all drainage facilities in detail. Drainage systems must meet County ordinance requirements.
- G. Provide a general description of proposed legal measures required to provide for any easements, dedications, declarations and reservations.
- H. Indicate potential school needs that may result from any major development. Identify the school district that may be impacted.
- I. Describe sewerage needs for the project. If possible provide a letter regarding capacity availability from the sewerage district affected.
- J. Provide a description of the water supply that shall service the project.

**LAND USE AND RESOURCE MANAGEMENT DEPARTMENT HEARING FEES**  
**EFFECTIVE JANUARY 1, 2013**

**REZONE HEARINGS:**

**Residential** (A-2, A-3, A-5, R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, B-5, C-2, C-3) **\$575.00**  
for first lot/unit of housing plus \$200.00 per each additional lot/unit, hotel/motel unless previously assessed.

**Pre-Application Conference for 5 lot Subdivision/Condominium** **\$1,000.00**  
All applicants for subdivision/condominiums of 5 lot/units or more must schedule a mandatory pre-application meeting with the LURM staff.

**Agricultural (A-1)** **\$575.00**  
for first lot/unit of housing plus \$200.00 per each additional lot/unit.

**Mineral Extraction (M-3)** **\$775.00**  
plus \$55.00 per acre unless a per acre fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Sanitary Landfill (M-4)** **\$1,275.00**  
plus \$110.00 per acre unless a per acre fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Commercial and other Industrial:** (B-1, B-2, B-3, B-4, B-5\*, B-6, M-1, M-2, A-4)  
With less than 5,000 sq. ft. of gross floor area **\$575.00**  
With 5,000 to 10,000 sq. ft. of gross floor area **\$675.00**  
With more than 10,000 sq. ft. of gross floor area **\$775.00**  
A fee of \$200.00 per lot or unit of housing, hotel/motel/condo shall be required in addition to the above fee unless a per lot fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Floodplain, Wetland and Park Districts:** (P-1, P-2, C-1, C-4) **\$575.00**

**CONDITIONAL USES HEARINGS:**

**Residential** (A-1, A-2, A-3, A-5, R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, B-5, C-2, C-3) **\$575.00**  
for first lot/unit of housing plus \$200.00 per each additional lot/unit, hotel/motel unless previously assessed.

**Amend an Existing Conditional Use Permit** **\$200.00**

**Pre-Application Conference for Large Projects** **\$1,000.00**  
**(Large Projects --> see Comprehensive Fee Schedule)**  
All applicants for subdivisions, condominium plats and campgrounds 5 or more units; rezones to A-4, B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4 w/10,000 sq. ft. or greater building size or upon applicant request; rezones to A-4, B-1, B-2, B-3, B-4, M-1, M-2, M-3, M-4 zoning districts on sites 2 acres or greater; cond. use for land restoration on sites 2 acres or greater must schedule a mandatory pre-application meeting with the LURM staff.

**Agricultural** **\$575.00**  
for first lot/unit of housing plus \$200.00 per each additional lot/unit.

**Mineral Extraction (M-3)** **\$775.00**  
plus \$55.00 per acre unless a per acre fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Sanitary Landfill (M-4)** **\$1,275.00**  
plus \$110.00 per acre unless a per acre fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Commercial and other Industrial:** (B-1, B-2, B-3, B-4, B-5\*, B-6, M-1, M-2, A-4)  
With less than 5,000 sq. ft. of gross floor area **\$575.00**  
With 5,000 to 10,000 sq. ft. of gross floor area **\$675.00**  
With more than 10,000 sq. ft. of gross floor area **\$775.00**  
A fee of \$200.00 per lot or unit of housing, hotel/motel/condo shall be required in addition to the above fee unless a per-lot fee has been previously assessed for the specific project under a previous rezone or conditional use hearing.

**Floodplain, Wetland and Park Uses:** (P-1, P-2, C-1, C-4) **\$575.00**

**A-1 Agricultural State Conversion Fee** **3 X Assessed Tax Value/Acre**

**A-1 Agricultural County Conversion Administration Fee** **\$50.00**

**Fees are assessed for the cost of the review and decision process regardless of the decision outcome. Walworth County will refund 66% of the required hearing fee (excluding Pre-Application Conference fee Subdivision/Condo) when an application is withdrawn prior to the public notice. No Fees will be refunded after a project has been public noticed. Request for withdrawal must be submitted in written form.**

(Revised 5-30-13)

# General Rezone & Conditional Use Process

## Applicant's Responsibilities

