

1 (J) In furtherance of section 5.01 of the town's Charter, all quasi-judicial items
2 require a unanimous vote of the entire ~~four (4) affirmative votes of the town~~
3 council.

4 * * *

5 **Section 3: Amendment to sec. 130-30.** Sec. 130-030, "Considerations for
6 zoning requests" is hereby amended as follows:

7 Sec. 130-030. - Considerations for zoning map amendments~~requests~~.

8 In formulating a recommendation or decision on a zoning map amendment
9 ~~modification~~, the reviewing agency shall consider and shall evaluate the
10 ~~modification~~ proposed amendment in relation to the following pertinent factors.

11 (A) That the request does not meet any one of the following criteria whereby
12 the request would be considered contract or spot zoning:

13 (1) The proposed rezoning would give privileges not generally extended to
14 similarly situated property in the area.

15 (2) The proposal is not in the public's best interest and it only benefits the
16 property owner.

17 (3) The proposed zoning request violates the town's comprehensive plan.

18 (4) The proposed change will result in an isolated district unrelated to
19 adjacent or nearby districts.

20 (B) ~~A zoning modification may be approved if the request is~~ The request shall be
21 consistent with one (1) or more of the following four (4) criteria:

22 (1) That there exists an error or ambiguity which must be corrected.

23 (2) That there exists changed or changing conditions which make approval
24 of the request appropriate.

25 (3) That substantial reasons exist why the property cannot be used in
26 accordance with the existing zoning.

27 (4) That the request would advance a public purpose, including, but not
28 limited to, protecting, conserving, or preserving environmentally critical
29 areas and natural resources.

30 (C) When determining if at least one (1) of the four (4) criteria delineated in
31 subsection (B) ~~of this section~~, ~~have~~ has been satisfied, the reviewing agency
32 shall consider the following:

33 (1) That the request is compatible with surrounding zoning districts and
34 land uses. A proposed zoning district that has a greater maximum

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1 permitted density than any contiguous residential zoning district is not
2 deemed compatible and shall not be approved.

3 (2) That the request is consistent with or furthers the goals, objectives,
4 policies, and the intent of the town's comprehensive plan and the
5 town's future land use map.

6 (3) That the anticipated impact of the application would not create an
7 adverse impact upon public facilities such as schools and streets.

8 (D) The reviewing agency shall also consider:

9 (1) The recommendation of staff.

10 (2) The testimony of any applicants, their agents or representatives.

11 (3) The facts and opinions presented to the reviewing agency during
12 public hearings.

13 **Section 4. Amendment to Sec. 130-50.** Sec. 130-050, "Further requests
14 after withdrawal or denial" is hereby amended as follows

15 Sec. 130-050. - Further requests after withdrawal or denial.

16 (1) Except as set forth in subsection (2) of this section, when any request for a
17 change of zoning district is withdrawn by the applicant after the initial public
18 hearing or is denied by the town council, no other petition for a change of
19 zoning on the same property shall be considered within one (1) year from
20 the date of such withdrawal or denial.

21 (2) The town council, for good cause and to avoid undue hardship, upon ~~four~~
22 (4) affirmative unanimous votes of the entire council, may permit the
23 resubmission of a withdrawn application within the one (1) year period.

24 **Section 5: Codification.** The Town Clerk shall cause this ordinance to be
25 codified as a part of the ULDC during the next codification update cycle.

26 **Section 6: Conflict.** All Ordinances or parts of Ordinances, Resolutions or parts
27 of Resolutions in conflict herewith, be and the same are hereby repealed to the extent
28 of such conflict.

29 **Section 7: Severability.** If any word, phrase, clause, sentence or section of
30 this Ordinance is, for any reason, held unconstitutional or invalid, the invalidity thereof
31 shall not affect the validity of any remaining portions of this Ordinance.

32 **Section 8: Effective Date.** This Ordinance shall take effect immediately upon
33 its adoption.

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PASSED ON FIRST READING this 22nd day of April, 2021 on a motion made by Council Member Kuczenski and seconded by Vice Mayor Hartmann.

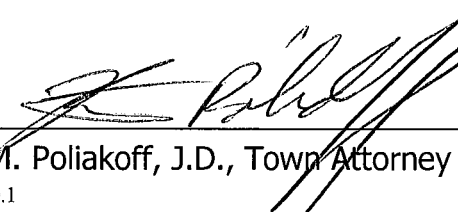
PASSED AND ADOPTED ON SECOND READING this 27th day of May, 2021, on a motion made by Council Member Jablonski and seconded by Council Member Kuczenski.

Breitkreuz	<u>Yes</u>	Ayes	<u>5</u>
Hartmann	<u>Yes</u>	Nays	<u>0</u>
Allbritton	<u>Yes</u>	Absent	<u>0</u>
Jablonski	<u>Yes</u>	Abstaining	<u>0</u>
Kuczenski	<u>Yes</u>		


Steve Breitkreuz, Mayor

Attest:

Russell Muñiz, Assistant Town Administrator/Town Clerk

Approved as to Form and Correctness:

Keith M. Poliakoff, J.D., Town Attorney
38347910.1

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