

## NOTICE OF PUBLIC HEARING

Notice is hereby given that the Oconto County Planning and Zoning Committee of the Oconto County Board of Supervisors will hold a public hearing on December 7, 2020 beginning **at 1:45 PM or as soon thereafter as the Committee may convene, at the Northern Zoning Office, 17181 Twin Pines Road, Lakewood** to solicit comments on proposed text amendments to Chapter 14 Oconto County Zoning Ordinance and on adopting a proposed floodplain analysis for Townsend Flowage into Chapter 21 Oconto County Floodplain Ordinance of the Oconto County Code of Ordinances. The purpose of the Zoning Ordinance text amendments is to bring Conditional Use standards into compliance with recent WI Statute language and to adopt a floodplain analysis that will establish a base flood elevation on Townsend Flowage to the benefit of the riparian land owners. The text amendments to the Oconto County Zoning Ordinance and proposed floodplain analysis for adoption to the Oconto County Floodplain Ordinance is on file in the office of the Oconto County Clerk for a period of two weeks prior to the public hearing.

Text amendments to the Oconto County Zoning & Floodplain Ordinance are as follows: *When bold and underlined print is used it indicates an addition to the Ordinance. When strikethrough print is used it indicates a deletion from the Zoning Ordinance.*

## 14.3103 Powers of the Board of Adjustment, Conditional Uses

- (a) Nature of Conditional Uses: Certain uses are of such nature or their effects are so dependent upon specific circumstances as to make impractical the determination in advance of where and when and under what conditions they should be permitted. Provision has been made in this ordinance for the determination of such cases as conditional uses. Conditional uses are land uses listed as such in each zoning district. They may be established in such district only upon approval by the Board of Adjustment.
- (b) Application for Approval of a Conditional Use: Any person holding an interest in lands within an area included within a zoning district may apply for a conditional use approval by filing an application and fee as specified in section 14.3004, ~~conditional use approval application can~~ **which may** include single parcels of land or groupings of parcels, contiguous or non-contiguous. The application shall be transmitted by the Zoning Administrator to the Board.
- (c) **If an applicant for a Conditional Use Permit meets or agrees to meet all of the requirements and conditions specified by this ordinance and the conditions imposed by the Board, the Conditional Use permit shall be granted. It is the responsibility of the applicant to demonstrate that the application and all of the requirements and conditions established by this ordinance and by the Board of Adjustment are or shall be satisfied.**
- (d) Board Review and Decision: Following a public hearing and other investigations, the Board shall decide the matter based upon the following standards:
- (1) Whether the use is listed as a conditional use in the zoning district where the lands are located, or is a use which is not assigned by this ordinance to any zoning district and which is similar in character to uses allowed in the district in which the site is located and which is compatible with the purpose and intent of such zoning district.
  - (2) Where the regulations of the zoning district in which the lands are located contain specific standards for the class of the conditional use under consideration, those standards shall be applied by the Board.
  - (3) In addition or where the zoning district contains no standards unique to that district or use, the Board shall apply the following standards:
    - (A) No grant of a conditional use shall violate the spirit or intent of this ordinance.
    - (B) No conditional use shall be allowed which would be contrary to public health, safety or general welfare, or which would be substantially adverse to property values in the neighborhood affected.
    - (C) No use shall be permitted by conditional uses that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
    - (D) **Any condition imposed by the Board must be related to the purpose of the ordinance and must be based upon substantial evidence. "Substantial evidence" means facts and information, other than merely personal preference or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.**

(e) Conditions: The Board of Adjustment may make the granting of an application for a conditional use contingent upon such expressed conditions as it considers necessary to further the aims of this ordinance. These conditions ~~may include, but are not limited to, specifications of:~~ **must be reasonable and, to the extent practicable, measurable and may include, but not be limited to, the following specifications:**

- (1) ~~The period of time in which all or part of the use may be permitted.~~ **permit's duration, transfer and renewal**
- (2) Setback and yard dimensions
- (3) Specified sewage disposal and water supply facilities
- (4) Landscaping and planting screens
- (5) Operational controls
- (6) Sureties
- (7) Deed restrictions
- (8) Location of structures, docks, piers or signs
- (9) Location and amount of parking facilities
- (10) Type of construction
- (11) Type of shore cover
- (12) The obtaining of other permits required by the State of Wisconsin, federal government agencies and other county requirements based upon other ordinances, as conditions that must be met before issuance of said permit.

21.105 (b) OFFICIAL MAPS: Based on other studies

**16. Townsend Flowage Floodplain Analysis, November 22, 2019, prepared by Omni Associates. Approved by Wisconsin Department of Natural Resources 02-20-2020. FAD Analysis No. 20499**

The proposed amendments are intended to protect life, health and property in floodplain areas and will govern uses permitted in mapped floodplains. Activities such as dredging, filling, excavating and construction of buildings are generally allowed but may be restricted according to which flood zone the property is in.

All persons interested are invited to attend this hearing and be heard. Written comments may be submitted to Oconto County Planning & Zoning Committee, Ken Linzmeyer, Chairman, 301 Washington Street, Oconto, WI 54153.

For viewing of the proposed floodplain analysis, please refer to the Oconto County Website <http://www.co.oconto.wi.us>.

**PLEASE NOTE:** Due to Covid concerns and the potential for restrictions in place at the time of the scheduled hearings, if limitations are imposed on the number of persons in large gatherings or any other Covid restriction that would make face to face meetings a public health safety concern, the hearings will be held remotely using virtual media at the Oconto County Courthouse Room 1004. No onsite inspections will then be held. Public hearings will begin at 10:00 am with all sequential applications immediately following the previous application. Should Covid restrictions be imposed, anyone wishing to offer oral testimony must register in advance. To register contact the Planning & Zoning Department for instructions at 920-834-6827. Written testimony may be submitted prior to the public hearing. To assure your testimony will be read into the record, the Oconto County Planning & Zoning Department encourages you to submit written testimony to the Zoning office 24 hours prior to the December 7, 2020 public hearing. Please submit written testimony via email at [lwr@co.oconto.wi.us](mailto:lwr@co.oconto.wi.us) or by mail to Oconto County Planning & Zoning 301 Washington St. Oconto, WI 54153. Further details of accessing the hearings via virtual media will be posted on the Oconto County website at [www.co.oconto.wi.us](http://www.co.oconto.wi.us)

Dated this 12th day of November, 2020.  
OCONTO COUNTY PLANNING & ZONING COMMITTEE OF  
THE OCONTO COUNTY BOARD OF SUPERVISORS  
By: Patrick Virtues  
Oconto County Zoning Administrator