

**City of Stoughton Application for Amendment of the Official Zoning Map
(Requirements per Section 78-903 attached)**

Applicant Name: _____

Applicant Address: _____

Applicant Phone and Email: _____

Property Owner Name (if different than applicant): _____

Property Owner Phone: _____

Subject Property Address: _____

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

I. Record of Administrative Procedures for City Use

Application form filed with Zoning Administrator _____ Date: _____

Application fee of \$_____ received by Zoning Administrator _____ Date: _____

II Application Submittal Packet Requirements for Applicant Use

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application and materials for staff review, followed by one revised application packet based upon staff review and comments.

Application form filed with Zoning Administrator _____ Date: _____

- (a) **A copy of the Current Zoning Map of the subject property and vicinity:**
 - Showing all lands for which the zoning is proposed to be amended.
 - Map and all its parts are clearly reproducible with a photocopier.
 - Electronic map size of 11" by 17" and map scale not less than one inch equals 800 ft.
 - All lot dimensions of the subject property provided.
 - Graphic scale and north arrow provided.
- (c) **Written justification for the proposed text amendment**
 - Indicating reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-903(4)(c)1.-3.

III Justification of the Proposed Zoning Map Amendment for Applicant Use

1. How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005 (and, for floodplains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA))?

2. Which of the following has arisen that are not properly addressed in the current Official Zoning Map? (Please provide explanation in space below if necessary)

- a) The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan.
- b) A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading.
- c) Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district.
- d) Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the surroundings of the subject property?

IV. Final Application Packet Information for City Use

Receipt of (8.5" by 11" text and 11" by 17" graphic electronic copies of final application packet by Zoning Administrator

Date: _____

Notified Neighboring Property Owners (within 300 feet)

Date: _____

Notified Neighboring Township Clerks (within 1,000 feet)

Date: _____

Class 2 legal notice sent to official newspaper by City Clerk

Date: _____

Class 2 legal notice published on _____ and _____

Date: _____

Sec. 78-903. - Amendment of official zoning map.

- (1) *Purpose.* The purpose of this section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (see section 78-103). (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).
- (2) *Initiation of request for amendment to official zoning map.* Proceedings for amendment of the official zoning map may be initiated by any one of the following:
 - (a) An application of the owner(s) of the subject property;
 - (b) A recommendation of the plan commission; or
 - (c) By action of the common council.
- (3) *Application requirements.* All applications for proposed amendments to the official zoning map, regardless of the party of their initiation per subsection 78-903(2), above, shall be filed in the office of the zoning administrator, and shall be approved as complete by the zoning administrator prior to the formal initiation of this procedure. The submittal of an application to the zoning administrator to initiate this procedure shall not occur until the zoning administrator has certified acceptance of the complete application to the zoning administrator. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the zoning administrator, without an application. Prior to the submittal of the official notice regarding the application to the newspaper by the zoning administrator, the applicant shall provide the zoning administrator with 15 copies of the complete application as certified by the zoning administrator. Said application shall be comprised of the following:
 - (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as they appear on the current tax records of the City of Stoughton. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided; the zoning administrator may provide this list;
 - (b) A map, such as the planned land use map, of the generalized location of the subject property in relation to the city as a whole; and
 - (c) As an optional requirement, the applicant may provide justification for the proposed map amendment, consisting of the reasons why the applicant believes the proposed map amendment is in harmony with recommendations of the comprehensive plan, particularly as evidenced by compliance with the standards set out in subsection (4)(c)1 - 3., below.
- (4) *Review by the zoning administrator.* The proposed amendment to the official zoning map shall be reviewed by the zoning administrator as follows:
 - (a) The zoning administrator shall determine whether the application is complete and fulfills the requirements of this chapter. If the zoning administrator determines that the application is not complete or does not fulfill the requirements of this chapter, he shall return the application to the applicant. If the zoning administrator determines that the application is complete, he shall so notify the applicant.
 - (b) Upon notifying the applicant that his application is complete, the zoning administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment provided in the application per subsection (3)(c), above.
 - (c) The zoning administrator may also evaluate the application to determine whether the proposed zoning map amendment is in harmony with the recommendations of the Comprehensive Plan, as evaluated per the standards of subsection (4)(c)1 - 3, below:

1. Does the proposed official zoning map amendment further the purposes of this chapter as outlined in section 78-005 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA)?
 2. Have one or more of the following factors arisen that are not properly addressed on the current official zoning map?:
 - a. The designations of the official zoning map is not in conformity with the comprehensive plan;
 - b. A mistake was made in mapping on the official zoning map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the city may intend to stop an undesirable land use pattern from spreading;
 - c. Factors have changed (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes) making the subject property more appropriate for a different zoning district;
 - d. Growth patterns or rates have changed, thereby creating the need for an amendment to the official zoning map.
 3. Does the proposed amendment to the official zoning map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?
- (d) The zoning administrator shall forward the review per subsection (4)(b), and if it has been prepared, the report per subsection (4)(c), to the plan commission for the commission's review and use in the making its recommendation to the common council. If the zoning administrator determines that the proposal may be in conflict with the provisions of the comprehensive plan, the zoning administrator shall note this determination in the report.
- (5) *Review and recommendation by the plan commission.* The common council shall not make an amendment to the official zoning map without allowing an opportunity for a recommendation from the plan commission per the provisions of this subsection.
- (a) The zoning administrator shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the zoning administrator. The applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the city clerk shall mail an identical notice to the applicant; to all property owners within 300 feet of the boundaries of the subject property as identified in subsection (3)(a), above; and to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this section.
 - (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the plan commission), the plan commission may make a written report to the common council and/or may state in the minutes, its findings regarding subsection (4), above, and its recommendations regarding the application as a whole. Said report and/or minutes may include a formal finding of facts developed and approved by the plan commission concerning the requirements of subsection (4)(c)1 - 3.
 - (c) If the plan commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an applicant-approved extension per subsection (5)(b), above), then the common council may hold a public hearing within 30 days after the expiration of said 60-day period. Failure to receive said written report from the plan commission per subsection (5)(b), above, shall not invalidate the proceedings or actions of the common council. If such a public hearing is necessary, the common council shall provide notice per the requirements of subsection (5)(a), above.

State Law reference— Section 62.23(7)(d).

- (d) If the plan commission recommends approval of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh any and all potential adverse impacts of the proposed amendment, as identified in subsections (4)(c)1 - 3., above, after taking into consideration the proposal by the applicant.
- (6) *Review and action by the common council.* The common council shall consider the plan commission's recommendation regarding the proposed amendment to the official zoning map. The common council may request further information and/or additional reports from the plan commission, the zoning administrator, and/or the applicant. The common council may take final action (by ordinance) on the application to the official zoning map at the time of its initial meeting, or may continue the proceedings, at the common council's, or the applicant's request. The common council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the zoning administrator, the plan commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the common council wishes to make significant changes in the proposed amendment to the official zoning map, as recommended by the plan commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to common council action. Any action to amend the official zoning map requires a majority vote of the common council, except that in case of adverse recommendation by the planning commission or of a protest against such change signed and acknowledged by the owners of 20 percent of the frontage proposed to be changed or the frontage immediately in the rear thereof or directly opposite thereto, such amendment shall not be passed, except by a three-fourths vote of all members of the common council. The common council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (7) *Effect of denial.* No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the zoning administrator.
- (8) *Fee.* A fee may be required for this procedure. Refer to section 78-919.
- (9) *Floodland District boundary changes limited.* The common council shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this chapter or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
 - (a) Changes in the Floodway Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. The only way the 1.0 foot limit may be exceeded is through filing of a federal waiver for a specific project that necessarily exceeds the one foot increase in flood elevation. Applications for Floodway Overlay District changes shall show the effects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
 - (b) Changes in the Floodplain Conservancy Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the application has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Applications for Floodplain Conservancy Overlay District changes shall show the effects of the change within the associated flood fringe, and shall provide adjusted water surface profiles and adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
 - (c) Removal of land from the floodland districts shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the regional flood and provided that such land is contiguous to lands lying outside of the floodlands.
 - (d) Amendment of floodlands which were delineated by approximate methods shall not be permitted unless the applicant provides the city with engineering data showing the flood profile, necessary

river cross-sections, flood elevations, and any effect the establishment of a floodway/flood fringe will have on flood stages. The effects shall be limited as set forth above for changes in subsection (9)(a) and subsection (9)(b) above. If the approximate flood zone is less than five acres in area, and where the cost of the proposed development is estimated to be less than \$125,000.00, the department of natural resources (DNR) will assist the applicant in determining the required flood elevations.

- (e) No river or stream shall be altered or relocated until a flood-land zoning change has been applied for and granted in accordance with the requirements of this section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood carrying capacity before the water-course was altered or relocated.
- (f) *Notice to and approvals by DNR and FEMA.* A copy of all notices for amendments or rezoning in the Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) at least ten days prior to the public hearing. No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR and reviewed by the FEMA. In the case of floodland district boundary changes, an official letter of map amendment from the FEMA may also be required.