

**City of Stoughton Application for Amendment of Zoning Regulations
(Requirements per Section 78-902)**

Applicant Name: _____

Applicant Address: _____

Applicant Phone and Email: _____

This form is designed to be used by the Applicant as a guide to submitting a complete application to amend the Zoning Ordinance text *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: _____

II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the complete application as certified by the Zoning Administrator, the Applicant shall submit a draft application for staff review, followed by one revised final application packet based upon staff review and comments. The application shall include the following:

- (a) **A copy of the provisions of the current Zoning Ordinance which are to be amended.**
- (b) **A copy of the text which is proposed to replace the current text.**
- (c) **Written justification for the proposed text amendment**
 - Indicating reasons why the Applicant believes the proposed text 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 78-902(4)(c)1.-5.

III Justification of the Proposed Zoning Ordinance Amendment for Applicant and City Use

1. How does the proposed Official Zoning Ordinance amendment further the purposes of the Zoning Ordinance as outlined in Section 78-005?

2. How does the proposed text amendment further the purposes of the general Article and specific Section in which the amendment is proposed to be located?

3. Which of the following has arisen that are not properly addressed in the current zoning text (Check One)?

- The provisions of the Zoning Ordinance should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.)
- A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s).
- New methods of development or providing infrastructure make it necessary to alter the Zoning Ordinance to meet these new factors.
- Changing governmental finances require amending the Zoning Ordinance to meet the needs of the government in terms of providing and affording public services.
- Explain if necessary:

4. If the proposed text amendment is concerned with the provisions of Articles II and/or III: how does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

IV. Final Application Packet Information for City Use

Receipt 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. 78-902. - Amendment of zoning regulations.

- (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 this chapter. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).
- (2) *Initiation of request for amendment of this chapter.* Proceedings for amendment of this Ordinance may be initiated by any one of the following three methods:
 - (a) An application by any member of the general public;
 - (b) A recommendation of the plan commission; or
 - (c) By action of the common council.
- (3) *Application requirements.* All applications for proposed amendments to this chapter, regardless of the party of their initiation per subsection 78-902(2) above 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 complete application shall be comprised of all of the following:
 - (a) A copy of the portion of the current provisions of this chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
 - (b) A copy of the text which is proposed to replace the current text; and
 - (c) As an optional requirement, the applicant may provide written justification for the proposed text amendment, consisting of the reasons why the applicant believes the proposed text amendment is in harmony with the recommendation of the comprehensive plan, particularly as evidenced by compliance with the standards set out in subsection 78-902(4)(c)1 - 4, below.
- (4) *Review by the zoning administrator.* The proposed text amendment 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 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 text amendment provided in the application per subsection 78-902(3)(a) through (c), above.
 - (c) The zoning administrator may also evaluate the application to determine whether the proposed text amendment is in harmony with the recommendations of the comprehensive plan, particularly as evidenced by compliance with the standards of subsection 78-902(4)(c)1 - 4, below:
 1. The proposed text amendment furthers the purposes of this chapter as outlined in section 78-005.
 2. The proposed text amendment furthers the purposes of the general article 0 n which the amendment is proposed to be located.
 3. The proposed text amendment furthers the purposes of the specific section in which the amendment is proposed to be located.
 4. The following factors have arisen that are not properly addressed in the current zoning text:

- a. The provisions of this chapter should be brought into conformity with the comprehensive plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of development or providing infrastructure make it necessary to alter this chapter to meet these new factors;
 - d. Changing governmental finances require amending this chapter in order to meet the needs of the government in terms of providing and affording public services.
5. If the proposed text amendment is concerned with the provisions of article II and/or III: The proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
- (d) The zoning administrator shall forward the review per subsection 78-902(4)(b), and if it has been prepared, the report per subsection 78-902(4)(c), to the plan commission for the commission's review and use in 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 this chapter 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 after 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 proposed text change. In addition, at least ten days before said public hearing, the city clerk shall mail an identical notice to the applicant, 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 zoning administrator may make a written report to the common council and/or may state in the minutes, its findings regarding subsection 78-902(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 78-902(4)(c)1 - 4, above.
 - (c) If the zoning administrator 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 78-902(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 and/or minutes from the plan commission per subsection 78-902(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 78-902(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 subsection 78-902(4)(c)1 - 4, 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 text amendment. The common council may request further

information and/or additional reports from the plan commission, zoning administrator, and/or the applicant. The common council may take final action (by ordinance) on the application 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 text amendment, 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 provisions of proposed amendment requires a majority vote 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.