

NOTICE OF PUBLIC HEARING

BY: City of Brookfield Common Council

DATE: January 19, 2021

TIME: 7:45 p.m.

PLACE: Council Chambers
City Hall
2000 N. Calhoun Road
Brookfield, Wisconsin 53005

REQUEST: To create ordinance to ensuring annual notice of list to obtain notice about zoning or comprehensive plan changes affecting property and to update provisions of the zoning code amendment process in §17.08.070.

The proposed Ordinance can be viewed at the City Clerk's Office in Brookfield City Hall, Brookfield Public Library, or the City's website at <http://www.ci.brookfield.wi.us/>.

Questions regarding this hearing can be directed to Julie Aquavia, Assistant City Attorney (262) 796-6647 or aquavia@ci.brookfield.wi.us

Dated this 23rd day of December, 2020.

Kelly Michaels, City Clerk

Publish: January 5 and 12, 2021.

ORDINANCE # _____ OF THE CITY OF BROOKFIELD, WISCONSIN

Committee: Plan Commission
Committee Date: February 8, 2021
Committee Recommendation: [Appr/Deny #-#]

Public Hearing: January 19, 2021
Council Date: February 16, 2021
Council Action: [Appr/Deny #-#]

An ordinance to create the annual list for notification of zoning and comprehensive plan changes and to update the process for initiating zoning changes under §17.08.070

WHEREAS, the State Legislature enacted two provisions that require a municipality to create a list of property owners who wish to receive notice of anticipated changes by the municipality to the zoning regulations or comprehensive plan that would affect the owner's property; and

WHEREAS, in order to comply with the requirements found at Wisconsin Statutes §§ 62.23(7)(d)4., and 66.1001(4)(f), staff recommended codifying such requirements to assist in establishing policy and procedure to comply with the statute; and

WHEREAS, in preparing the ordinance, staff recommended updating provisions of §17.08.070, entitled "Changes and amendments" so that our current practices and regulations are in alignment and to facilitate sending the required statutory notices.

NOW THEREFORE, the Common Council of the City of Brookfield do ordain as follows:

PART I. Section 17.08.065 entitled "Statutory notice to property owners" is hereby created to read as follows:

17.08.065 Statutory notice to property owners

Wis. Stat. Secs. 62.23(7)(d)4 and 66.1001(4)(f), as they are from time to time amended, are hereby adopted by reference. As required by Wis. Stats. sections 62.23(7)(d)4. and 66.1001(4)(f), the City shall maintain a list of property owners who wish to be notified when the city considers a change to zoning or the comprehensive plan that affects their property. The City Clerk shall maintain the list and send the notices as required. The city shall publish an annual notice informing the public about the list. The city will utilize the notice provisions set forth in §17.08.070 for rezoning to comply with the statutory required notices related to changes of zoning or the comprehensive plan that affect the property to the list members.

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PART II. Section 17.08.070 entitled “Changes and amendments” is hereby repealed and recreated to read as follows:

Section 17.08.070 Changes and amendments

A. Authority. As provided in the statutes, the council may, from time to time, amend, supplement, or change the boundaries of districts or the provisions of this title upon its own initiative or by petition of the property owner. Changes pursuant to a planned development district shall be as stated in Chapter 17.41, and the notification provisions in sub. C below. The plan commission may initiate such actions based upon a report from the Department of Community Development or City Attorney without the need for a legislative referral to be initiated.

B. Property Owner Initiated Procedure.

1. Except for the Common Council or Plan Commission, prior to filing a zoning district or regulation change request, the requestor shall meet with the community development department to review the compatibility of the proposed request with the city’s current comprehensive plan, particularly, but not limited to the land use map(s) and any associated documents, such as neighborhood plans, as listed in the comprehensive plan.

2. Filing Requests.

a. Requests for any zoning districts or regulations change submitted in paper and digital form by any person other than the council or the plan commission shall be prepared on the form provided by the city and filed with the community development department.

b. Data Required. The requester shall supply the following:

i. A map drawn to a scale of not less than one hundred (100) feet to the inch showing the land in question, its location, the length and direction of each boundary thereof;

ii. A written explanation of how the proposed rezoning complies with the city’s comprehensive plan, including a general description of how the intended land use is in compliance with the comprehensive plan and citation to the comprehensive plan, neighborhood plan or other document incorporated into the comprehensive plan; and

iii. Any further information which the Community Development Department would advise the applicant provide the plan commission to facilitate the plan commission and the Department providing a report to the council and any alterations to the application to make it comply with the City’s Comprehensive Plan.

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c. Fees. No application is complete until the fee specified in Section 3.28.010(F) is paid and all required documents are submitted. The actual cost of publishing the required statutory notices will be billed to the requester by the clerk's office and shall be paid within 30 days of the billing date.

4. Referral. Applications should be submitted at least 35 calendar days prior to a plan commission meeting to be considered eligible for that meeting's agenda.

C. Hearing.

1. No change shall be made in the zoning districts or regulations without a public hearing being held before the council which, if the council elects, may be held jointly with the plan commission.

2. Hearing notices.

a. Notice of the zoning change to be considered at a public hearing shall be published and sent as required by state law.

b. Whenever the proposed change will affect the zoning district classification of any property or the property owner qualifies for notification under section 17.08.065, the city clerk shall mail written notice at least ten (10) days before the hearing to all owners of the subject property and of lands lying within three hundred (300) feet within the city of the property proposed to be changed. Whenever a proposed change to the comprehensive plan and the property owner qualifies for notification under section 17.08.065, the city clerk shall mail written notice at least thirty (30) days before the hearing.

c. Failure to send notices for zoning changes under 2.b. of this subsection shall not affect the validity of an ordinance.

PART III. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. If any section or portion of this ordinance shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect.

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PART V. The provisions of this ordinance shall be in full force and effect from and after its passage and publication.

Adopted this ____ day of February 2021.

Approved:

Mayor Steven V. Ponto

Attested:

City Clerk Kelly Michaels

Publication Date:

PROPOSED