

# Village of Stratford

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## PROCEDURE FOR ZONING CHANGE

Reference Article XV, Ord. Sec. 590-121 through 590-125.

1. A written application must be submitted. Forms are available in the Village Clerk's office. A non-refundable charge of \$150 must be submitted with the application. This fee pays part of the costs of publications and meeting expenses.
2. The Plan Commission meets as needed when requests for zoning code amendments are submitted to the Village Clerk. The Commission will review the request, taking action within thirty (30) days. If proper information is presented by the applicant, the Plan Commission is often able to make a decision and recommendation to the Village Board at this initial meeting. A date is set for a Public Hearing in front of the Village Board. The applicant or a representative must attend this Plan Commission meeting.
3. A Notice for the Public Hearing must be published in the Record Review for two (2) consecutive weeks. The last publication must be at least one week prior to the Hearing. In addition, notice must be sent at least ten (10) days prior to the date of the Hearing to:
  - The applicant;
  - Zoning Administrator;
  - Members of the Village Board;
  - Plan Commission;
  - Owners of all properties lying within 100 feet of the area proposed to be rezoned; and
  - The Clerk of any municipality within one thousand (1,000) feet of any land to be affected by the proposed change.
4. A Public Hearing is held (usually on the same night as the Village Board Meeting on the second Tuesday of each month at approximately 7:15 p.m.). The applicant or a representative must attend the Public Hearing.
5. The Village Board may take action on the proposed Zoning Change based on the recommendation by the Plan Commission.

# APPLICATION FOR ZONING CHANGE

## Village of Stratford

*NOTE: Applicant or a representative must be present at the Plan Commission meeting and the Village Board Public Hearing for action to be taken.*

Name of person requesting change: \_\_\_\_\_

Name of business (if applicable): \_\_\_\_\_

Requestor's Address: \_\_\_\_\_

Daytime Phone: ( \_\_\_\_\_ ) \_\_\_\_\_

Owner(s) of property to be re-zoned (if different from above): \_\_\_\_\_

Address and description of property to be re-zoned: \_\_\_\_\_

Present zoning classification: \_\_\_\_\_ -- \_\_\_\_\_

Requested zoning classification: \_\_\_\_\_ -- \_\_\_\_\_

Reason for requested change including future development: \_\_\_\_\_

**Attachments:**  Sketch of property with dimensions, streets, etc.  \$150.00 fee

*The Plan Commission meets on the Wednesday following the 2nd Tuesday at 6:00 p.m. only when there is an application received a week prior to the meeting to allow for preparation of the agenda and notification of commissioners. (Meeting date and time may vary based on Plan Commission member's availability.)*

### Office Use Only:

Legal description of property to be rezoned: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Tax key number: 5 7 . \_\_\_\_\_

Dates of Publication: \_\_\_\_/\_\_\_\_/\_\_\_\_ and \_\_\_\_/\_\_\_\_/\_\_\_\_

Date of Public Hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

Application and \$150.00 received: \_\_\_\_/\_\_\_\_/\_\_\_\_ by \_\_\_\_\_

## Chapter 20. Boards, Commissions and Committees

### § 20-3. Plan Commission.

- A. Composition. The Village Plan Commission shall consist of the Village President, one Trustee and five citizens. The Village President shall be the Commission's presiding officer.
- B. Appointment.
- (1) Trustee member. The Trustee member shall be annually appointed by a two-thirds vote at the organizational meeting of the Village Board during the month of April of each year.
- (2) Citizen members. The five regular citizen members of the Commission shall be appointed by the Village President, subject to confirmation by the Village Board. The original citizen members shall be appointed upon creation of the Commission and shall hold office as follows: one member for one year, two members for two years and two members for three years from the succeeding first day of May.<sup>[1]</sup>
- [1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- C. Record. The Plan Commission shall keep a written record of its proceedings, to include all actions taken, a copy of which shall be filed with the Village Clerk. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of all of the members of the Commission.
- D. Duties.
- (1) The Comprehensive Plan.<sup>[2]</sup>
- (a) The Plan Commission shall make, adopt and, as necessary, amend, extend or add to the Comprehensive Plan, subject to Village Board confirmation, for the physical development of the Village, including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The Comprehensive Plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development and may include, among other things, without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, and sites for public buildings and structures; the general location and extent of sewers, water conduits and other public utilities, whether privately or publicly owned; the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals; the general location, character and extent of community centers and neighborhood units; and a comprehensive zoning plan.
- (b) The Commission may adopt the Comprehensive Plan as a whole by a single resolution or, as the work of making the whole Comprehensive Plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the Secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the Comprehensive Plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.
- [2] *Editor's Note: See also Ch. 528, Comprehensive Plan.*
- (2) Matters referred to Plan Commission. The Village Board or officer of the Village having final authority thereon shall refer to the Plan Commission for its consideration and report, before final action is taken by the Board, public body or officer, the following matters: the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any street, alley or other public way, park, playground, airport, area for parking vehicles, or other memorial or public grounds; the location, extension, abandonment or authorization of any public utility, whether publicly or privately owned; all plats of lands in the Village or within the territory over which the Village is given platting jurisdiction by Ch. 236, Wis. Stats.; the location, character and extent or acquisition, leasing or sale of lands for public or semipublic housing, slum clearance, relief of congestion, or vacation camps for children; and the amendment or repeal of any land use ordinance. Unless such report from the Commission is made within 30 days, or such longer period as may be stipulated by the Village Board, the Board or other public body or officer may take final action without it.
- (3) Miscellaneous powers. The Commission may make reports and recommendations relating to the plan and development of the Village to public officials and agencies, public utility companies, civic, educational, professional and other organizations and citizens. It may recommend to the Village Board programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the Commission, within a reasonable time, such available information as it may require for its work. The Commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. In general, the Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning in cooperation with the Village Board. The Commission shall oversee community development block grants. The Plan Commission shall hear all applications for conditional uses in the manner set forth in §§ 590-46 and 590-47. It shall review in the manner set forth in § 590-119B and hold public hearings on changes and amendments when delegated to do so by the Village Board under § 590-119C(2).<sup>[3]</sup>
- [3] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
- E. Public hearings. In addition to powers previously granted, the Plan Commission shall have authority to set dates for and give notice of public hearings in connection with any request made directly to such Commission or referred to such Commission for a change in zoning district or for a variance in zoning requirements.

## Chapter 590. Zoning

### Article XV. Appeals and Variances

#### § 590-121. Appeals; powers of Zoning Board of Appeals.

- A. Scope of appeals. Appeals to the Zoning Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the administrative officer. Such appeal shall be taken within reasonable 30 days of the alleged grievance or judgment in question by filing with the officer(s) from whom the appeal is taken and with the Zoning Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Village Board. The officer(s) from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record of appeal upon which the action appealed from was taken.
- B. Stay of proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Zoning Board of Appeals that, by reason of facts stated in the certificate, a stay would, in his opinion, cause immediate peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- C. Powers of Zoning Board of Appeals. In addition to these powers enumerated elsewhere in this Code, the Zoning Board of Appeals shall have the following powers:<sup>[1]</sup>
- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator or Building Inspector.
  - (2) Variances. To hear and grant appeals for variances in accordance with the procedures and requirements of § 590-124.<sup>[2]</sup>  
<sup>[2]</sup> *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*
  - (3) Interpretations. To hear and decide application for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
  - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
  - (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
  - (6) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure and are compatible with the neighboring uses and the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any condition required by the Zoning Board Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
  - (7) Permits. To reverse, affirm wholly or partly, or modify the requirements appealed from and issue or direct the issue of a permit.  
<sup>[1]</sup> *Editor's Note: See also § 20-2 of this Code.*

#### § 590-122. Hearing on appeals.

The Zoning Board of Appeals shall fix a reasonable time for the hearing, cause notice thereof to be published in the official newspaper not less than seven days prior thereto, and cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five days prior to the hearing to the fee owners of records of all land within 100 feet of any part of the subject building or premises involved in the appeal.

#### § 590-123. Decisions.

- A. Time frame. The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant and the Zoning Administrator.
- B. Conditions. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- C. Validity. Variances, substitutions or use permits granted by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

## § 590-124. Variances.

### A. Purpose.

- (1) A request for a variance may be made when an aggrieved party can submit proof that strict adherence to the provisions of this chapter would cause him undue hardship or create conditions causing greater harmful effects than the initial condition. A variance granted to a nonconforming use brings that use into conformance with the district and zoning requirements.
- (2) The Zoning Board of Appeals may authorize upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of this chapter shall be observed and substantial justice done. No variance shall have the effect of allowing in any district uses prohibited in that district, permit a lower degree of flood protection than the flood protection elevation for the particular area or permit standards lower than those required by state law.
- (3) For the purposes of this section, "unnecessary hardship" shall be defined as an unusual or extreme decrease in the adaptability of the property to the uses permitted by the zoning district which is caused by facts, such as rough terrain or good soil conditions, uniquely applicable to the particular piece of property as distinguished from those applicable to most or all property in the same zoning district.

### B. Application for variance. The application for variance shall be filed with the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected. The application shall contain the following information:

- (1) Name and address of applicant and all abutting and opposite property owners of record.
- (2) Statement that the applicant is the owner or the authorized agent of the owner of the property.
- (3) Address and description of the property.
- (4) A site plan showing an accurate depiction of the property.
- (5) Additional information required by the Plan Commission, Village Engineer, Zoning Board of Appeals or Zoning Administrator.
- (6) Fee receipt in the amount as set by the Village Board.

### C. Public hearing on application. The Zoning Board of Appeals shall conduct at least one public hearing on the proposed variance. Notice of such hearing shall be given not more than 30 days and not less than 10 days before the hearing in one or more of the newspapers in general circulation in the Village, and due notice shall be given to the parties in interest, the Zoning Administrator and the Plan Commission. At the hearing the appellant or applicant may appear in person, by agent or by attorney. The Board shall thereafter reach its decision within 30 days after the final hearing and shall transmit a written copy of its decision to the appellant or applicant, Zoning Administrator, Plan Commission and Village Board.

### D. Action of the Zoning Board of Appeals. For the Board to grant a variance, it must find that:

- (1) Denial of the variance may result in hardship to the property owner due to physiographical consideration. There must be exceptional, extraordinary or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
- (2) The conditions upon which a petition for a variance is based are unique to the property for which a variance is being sought and that such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (3) The purpose of the variance is not based exclusively upon a desire to increase the value or income potential of the property.
- (4) The granting of the variance will not be detrimental to the public welfare or injurious to the other property or improvements in the neighborhood in which the property is located.
- (5) The proposed variance will not undermine the spirit and general and specific purposes of this chapter.

### E. Conditions. The Zoning Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this section.

[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*

## § 590-125. Review by court of record.

Any person or persons aggrieved by any decision of the Zoning Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Zoning Board of Appeals.