

City of Richland Center

Rezoning Application - Evaluation, Reporting and Decision Form

This Rezoning Form must be completed by the rezoning applicant and submitted to the clerk's office along with the corresponding application fee (\$700). This form assists with three specific steps required in a Rezoning Process.

For Office Use Only

Application # _____

Fee: _____ Paid _____

Approved Denied

Date _____

- 1) Application for Rezoning (amendment of the zoning map)
- 2) Evaluation of the Rezoning Application
- 3) Required reporting to the decision making bodies.

Please note that incomplete applications may cause delays. Please contact the City of Richland Center Zoning Office for any related questions at 608-647-3466.

With all Rezoning or Zoning Amendment requests, elected officials consider the larger land area to avoid piecemeal decisions that may lead to conflict between adjacent incompatible uses and may undermine neighborhoods and the goals established for them in land use plans and ordinances.

In the case that rezoning involves an existing building or structure, it is very possible that the rezoning action will trigger a ***change of use compliance event***. This will require the existing property and structures to be reviewed in the light of the new zoning, building, and safety codes of the category they have been rezoned to. State and local codes will likely require the property to be modified so that it adheres to all standards of the current codes. Property owners should consider the financial implication of meeting code requirements.

Petitioner Information

| | | | | |
|----------------|--|-------------|------------------------|--|
| Owner: | | | Date | |
| Name | | | Phone # | |
| Address | | City | State & Zip | |

If you wish to appoint an agent to speak at the hearing, please complete the following:

| | | | | |
|----------------|--|-------------|------------------------|--|
| Name | | | Phone # | |
| Address | | City | State & Zip | |

Owners Signature _____ Date _____

Property Information

Parcel No(s). _____

Approximate Street Address _____

Location (Gov. Lot _____ or _____ ¼, _____ ¼), Section _____, T _____ N, R _____ E,

City or Town of _____ Subdivision (CSM - Vol. & Page _____, Lot _____)

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Zoning Information

Please Check one box from each column

| Current Zoning | Proposed Zoning |
|--|--|
| <input type="checkbox"/> Single Family Residential (R-1) | <input type="checkbox"/> Single Family Residential (R-1) |
| <input type="checkbox"/> Multiple Family Residential (R-2) | <input type="checkbox"/> Multiple Family Residential (R-2) |
| <input type="checkbox"/> Multiple Family Residential (R-3-4) | <input type="checkbox"/> Multiple Family Residential (R-3-4) |
| <input type="checkbox"/> Multiple Family Residential (R-5) | <input type="checkbox"/> Multiple Family Residential (R-5) |
| <input type="checkbox"/> Residential Office (R-O) | <input type="checkbox"/> Residential Office (R-O) |
| <input type="checkbox"/> Commercial General (C-G) | <input type="checkbox"/> Commercial General (C-G) |
| <input type="checkbox"/> Commercial Downtown (C-DT) | <input type="checkbox"/> Commercial Downtown (C-DT) |
| <input type="checkbox"/> Industrial (IND) | <input type="checkbox"/> Industrial (IND) |
| <input type="checkbox"/> Industrial Park (I-P) | <input type="checkbox"/> Industrial Park (I-P) |
| <input type="checkbox"/> Mobile Home Park (MHP) | <input type="checkbox"/> Mobile Home Park (MHP) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

Question to be answered by the Owner / Agent

What will be the proposed use(s) of the parcel if the rezone is approved? _____

What is the need for the proposed use(s)? _____

Questions shall be answered by the City of Richland Center

Are there similarly zoned properties immediately adjacent or nearby? Yes No
Explain or Describe the Neighborhood _____

Does the proposal agree with the City of Richland Centers Comprehensive Plan? Yes No
(See Exhibit 1 and 2) Explain: _____

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(Continued) Questions shall be answered by the City of Richland Center

Will a change in zoning have an adverse impact on the other properties in the vicinity? Yes No

Explain: _____

Will the change in zoning have a significant adverse impact on the natural environment (i.e. air, water noise, stormwater management, soils, wildlife, vegetation, etc.) or is there an impact that is mitigated by improvements on the site or in the vicinity? Yes No

Explain: _____

Are there adequate public facilities to serve the proposed land use (Water, Sewer, Electric, Street Parking)? Yes No

Are the burdens on the local government for providing services for this proposal reasonable?

Yes No

Explain: _____

Will the request result in illegal spot zoning? Yes No

Spot zoning is when a zoning ordinance is amended to zone a relatively small area for uses significantly different from those allowed in the surrounding area to favor the owner of a particular piece of property. Ohm, Guide to Community Planning in Wisconsin at 105. Spot zoning is not necessarily illegal because such zoning is not necessarily inconsistent with the purposes for which zoning ordinances can be passed. However, rezoning should be consistent with long-range planning and based upon considerations which affect the whole community. Therefore, spot zoning should only be indulged in where it is in the public interest and not solely for the benefit of the property owner requesting the rezoning. Bubolz v. Dane County, 159 Wis.2d 284, 464 N.W.2d 67 (Ct. App. 1990)

Have the required fees been received? Yes No Explain: _____

Have the appropriate public notices been filed Yes No Explain _____

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List all properties that are within 300 feet of the boundary of the property to be rezoned

| | |
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This page must be completed and forwarded on to the next decision making body within defined periods of time. Refer to Exhibit 4 for the timeline required by Ordinance.

Recommendations of Governing Agents and Bodies

The City of Richland Center - Zoning Department

| | |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Recommends Denial |
| Signature: | Date: |
| Zoning Agent | |
| Recommendation Statement _____ | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |

The City of Richland Center - Planning Commission

| | |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Recommends Denial |
| Signature: | Date: |
| Planning Commission Chairperson | |
| Recommendation Statement _____ | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |

The City of Richland Center – Common Council

| | |
|--|--|
| <input type="checkbox"/> Recommends Approval | <input type="checkbox"/> Recommends Denial |
| Signature: | Date: |
| Mayor of Richland Center | |
| Recommendation Statement _____ | |
| _____ | |
| _____ | |
| _____ | |
| _____ | |

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Rezoning Check List

| Action Item | Date |
|--|--|
| Completed Application Received | |
| Payment Received | |
| Zoning Department Review Completed | |
| Identify Planning Commission Review Date for Report to Council. Report must be received by Council within 60 days of receipt of application by Zoning Office. | Date for Planning Commission Meeting _____ |
| City Council must hold a Public Hearing within 30 days of receipt of the report from Planning. | Date of City Council – Public Hearing _____ |
| Class 2 Notice is required – Two insertions in the publication with the second insertion being published at least a week in advance. <i>If</i> the publication is released on a Wednesday, then the meeting could be held on the following Wednesday. The final notice shall be published no more than 30 days prior to the hearing. | Date of 1 st insertion _____ Date of 2 nd insertion _____ Date of Public Hearing _____ |
| Mailing of all property owners within 200ft by City Clerk notifying them of Public Hearing. Mailing must be postmarked at least 10 days prior to meeting | Date that Notices must be mailed by _____ |

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Exhibit 1 – Page 42 of the Richland Center – Comprehensive Plan

Zoning

Richland Center currently uses a traditional zoning code to promote the orderly development of varying land uses, regulating construction and location of those land uses, and providing for the safety, health, and accessibility of the public. Richland Center's zoning ordinance was recently adopted in 2017. During public engagement sessions several items regarding current zoning were brought up as suggestions to encourage additional development, promote additional residential development, or help to ensure the vibrancy of Richland Center's commercial areas.

While the city has long valued its zoning requirements, it should consider potential changes that allow for greater flexibility of local businesses and the expansion of residential units. Richland Center may consider an increasing density of residential units as adjacent property is difficult for the city to acquire or is not appropriate for residential development, as discussed earlier. Examples of this would be allowing accessory dwelling units by right (as long as they meet building and safety requirements) and "up-zoning" certain neighborhoods. "Upzoning" would remove single family residential requirements and allow more units per parcel (again, as long as all building and safety requirements are met).

In relation to providing opportunities for businesses, the city should consider permitting by-right home-based businesses, food trucks, and backyard chickens as long as those uses conform to all other ordinances related to building and public health. Richland Center should be seen as entrepreneur friendly and encourage residents to make use of their skills and talents, allowing businesses to incubate and develop in garages and basements. In addition, public discussions also highlighted the importance of the city's commercial infrastructure and protecting that infrastructure from incompatible uses such as storage or residential. To this extent, the city should pursue all measures to ensure first floors of commercial buildings, in commercial districts, remain open to in-store shopping for goods and services.



42 < Comprehensive Plan for Richland Center, Wisconsin

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Exhibit 2 – Page 46 of the Richland Center – Comprehensive Plan

Land Use and Implementation Strategies and Action:

| |
|--|
| Strategy 1: Implementation and Continual Improvement. |
| Action: Use this Comprehensive Plan and the Market Analysis and Action Plan, as “living documents” to guide decision-making and measure progress. Utilize the Plan-Do-Study-Act (PDSA) cycle to embed the plan into the city operations and develop a culture of continual improvement |
| Strategy 2: Maximize the current opportunities |
| As mentioned, Richland Center has constraints to its expansion which requires the city to take advantage of infill lots and consider an increase in residential density. Additionally, the city should empower residents to take advantage of the resources they have and permit by-right land uses that empower entrepreneurship, attract young families, and allow additional housing units. |
| Action: Utilize the associated Market Analysis and Action Plan to identify unused and underutilized lots. Pursue additional housing by taking advantage of unused or underutilized lots. |
| Action: Consider “up-zoning” single family neighborhoods. Prioritize those areas that currently have vacant lots to encourage multi-family investment. |
| Action: Permit by right, accessory dwelling units on all residential parcels, as long as building code standards and setback are met. |
| Action: Permit by right home-based businesses, backyard chickens, and food trucks |
| Action: Enforce all zoning ordinances with a priority on those that prohibit non-commercial uses of first floor commercial spaces within the downtown commercial district. |
| Action: Seek out Historic Preservation planning grants to designate downtown as an historic district, on the National, State, and Local registers of historic places. Work with the Wisconsin Historical Society to develop a Certified Local Government to oversee the design and redevelopment within the Historic District |
| Action: Richland Center’s assessment level is currently 86.93% of full market value. A community-wide revaluation should be done to better reflect the reality of the market. |
| Action: Follow the future land use map adopted with this plan. |

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Needs:

Housing

Even prior to undertaking public outreach efforts, the issue of housing was apparent to members of Richland Center’s City Council and Economic Development. The lack of housing at all cost levels has been a long-term issue for the employers of Richland Center and Richland County. Without housing, Richland Center’s employers are unable to attract employees. Since 2010, 39 additional housing units have been constructed within the city, yet the demand for housing continues to outpace the supply. One reason for this, is the lack of available land at a price affordable to the city. In recent years, the city has been more vocal about the need for additional land in order to expand the city’s housing stock and has pursued purchasing and annexing additional land. The city will need to continue these efforts to expand as well as explore the availability of land within the city. The city will need to seek out additional density when able to encourage smaller households into moving into smaller housing units and making larger homes available for younger and larger families.

Based on projections, the city requires at least 103 additional housing units to satisfy demographic demands. While this is a good start, it is more likely the city will require far more housing units based on the demand of employers and the desire of residents to see the city grow.

Table 3: Richland Center 2030 Housing Demand Forecast

| 2030 Richland Center Housing Demand Forecast ⁴ | |
|---|-------|
| 2030 projected number of households | 2,574 |
| + desired vacancy rate of 5% | 129 |
| + replacement housing 0.5% | 13 |
| = required number of new housing units | 2716 |
| - available number of units (2010 census) | 2613 |
| - units built 2010-2020 | 39 |
| = total housing units to be built for 2030 | 103 |

⁴ Barroilhet, Dan and Egan-Robertson, David. Minor Civil Division and Household Projections, 2010-2040. Wisconsin Department of Administration, Demographic Services Center. 2013. US Census Bureau (1980, 1990, 2000, 2010, 2016 ACS Estimate, 2019 ACS Estimate, 2020)

Housing Strategies and Actions:

Strategy 1: Aggressively pursue land for new development and redeveloping existing land.

Strategy 1: Aggressively pursue land for new development and redeveloping existing land.

Richland Center’s current ability to grow its boundaries are constrained due to both the economics and the adjacent geography. Despite this, the city will need to continue to pursue adjacent land through negotiations with landowners. In the meantime, the city will need to maximize the utilization of its existing land for current and future housing development. In the absence of new annexations, the city will need to focus on increasing density and better utilizing the land within its current boundaries.

Action: Create a ‘Housing Task Force’ to provide continued attention to this important issue. Include large employers such as Foremost, Rockwell Automation, and Richland Hospital the Housing Task Force along with economic development and real estate professions. The task force will continue to pursue new land and land for redevelopment within the city.

Action: Maintain an inventory of lots that are currently unused, underutilized, and potentially available for development within the city. The accompanying market analysis and action plan has provided a first step in identifying unused and underutilized parcels.

Action: Continue to partner with Richland County to take ownership of tax-delinquent parcels that have the potential for housing development.

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Exhibit 3 – Planning Commission Formation for City of Richland Center

CHAPTER 51

CREATING A CITY PLANNING COMMISSION FOR THE CITY OF RICHLAND CENTER

[History: Ord 275]

51.01 There hereby is created as of March 30, 1933, for the City of Richland Center, a City Planning Commission. Such City Planning Commission shall be appointed, and have the powers, and the members thereof shall hold their terms of office as provided by Section 62.23 Wisconsin Statutes.

Exhibit 4 – Rezoning Ordinance for Richland Center

400.05 (6) Rezoning. The procedure for changing zoning district boundaries (rezoning) shall be as follows:

(a) The Planning Commission, City Council or the titleholder of a property sought to be rezoned may initiate a rezoning.

(b) Property Owners wishing to initiate a rezoning of property shall fill out completely and file with the Zoning Administrator an Application for Rezoning form, which form shall be furnished by the City. Such Property Owner shall pay over to the Zoning Administrator the prescribed fee for the requested rezoning. All Applications for Rezoning changing zoning district boundaries which are initiated by the petition of an owner or owners of property shall be

Oct 31, 2017

400-32

400.05 thru 400.11

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accompanied by a legible scale map or plat showing the lands proposed to be changed and all lands within two hundred (200) feet of the boundaries of the property proposed for rezoning, together with the names and addresses of the owners of such neighboring lands as the same appear on the tax records of the Treasurer of the City of Richland Center and/or the Treasurer of Richland County.

(c) An application for rezoning initiated by a property owner shall, upon filing, be forthwith transmitted by the Zoning Administrator to the Planning Commission, for investigation and recommendation. The Zoning Administrator or the Planning Commission may at any time after filing of the application request any additional relevant data which he, she or they deem necessary to an evaluation of the merits of the application. A request by regular mail to the applicant at the address shown on the application shall constitute a proper demand for any such data.

(d) Within sixty (60) days after the date of receipt of the petition from the Zoning Administrator, the Planning Commission shall make a written report to the City Council stating its findings and recommendation in regard to the application. In the event that additional data has been requested pursuant to (c) and the applicant has failed to submit such data, the Planning Commission may simply recommend denial of the application upon grounds of failure to submit the requested data.

(e) The City Council shall hold a hearing within thirty (30) days after the receipt of the report and recommendations from the Planning Commission. If the Planning Commission fails to make a report within sixty (60) days after receipt of the application, then the City Council shall hold a public hearing within (30) days after the expiration of the said sixty (60) day period. Failure to receive a report from the Plan Commission as herein provided shall not invalidate the proceedings or actions of the City Council. The City Council shall give not less than ten (10) days nor more than thirty (30) days notice of the time and place or such hearing by publication of a class 2 notice under chap. 985 Wis. Stats. in the official City newspaper, and such notice shall contain a description of the land and the proposed change in zoning.

(f) At least ten (10) days before the hearing the City Council shall order the Clerk to mail an identical notice to the applicant and to each of the property owners within two hundred (200) feet of the outside boundaries of the land proposed to be rezoned. Failure to mail the notice, provided it is unintentional, or failure of the property owners to receive the notice shall not invalidate the proceedings. The applicant shall be given the right to be heard at the hearing, and to be represented by attorney at his/her expense of he/she so desires. At the time of hearing the City Council may take final action upon the application or it may continue the hearing from time-to-time for further investigation and hearing. The City Council may also request further information and report from the Planning Commission, the Zoning Administrator or the applicant.

(g) The City Council shall not rezone any land or area in any zoning district or make any other proposed amendment to this Zoning Ordinance without having first referred it to the Planning Commission for their consideration and recommendation. If no recommendation is

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received within 60 days after such referral, the City Council may proceed to hold hearings and either grant or deny the application for such rezoning.

(h) Where the proposed rezoning originates with the Planning Commission, the Commission may initiate the procedure by transmitting its report and recommendation directly to the City Council for a hearing pursuant to pars. (e) and (f), without the need for referral back to the Commission by the City Council.

(i) The City Council may propose a rezoning on its own motion, in which case the matter shall be transmitted to the Planning Commission for a report and recommendation, which shall then be transmitted back to the Council for hearing pursuant to pars. (e) and (f).

(j) Rezoning applications may be denied by motion of the City Council and such motion shall constitute a finding and determination that the proposed rezoning is not in the best interest of the physical development of the City of Richland Center. No application which has been denied wholly or in part shall be resubmitted for a period of six (6) months from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

~~400.05 (7) Conditional Use Permits. [As Amended by Ord 2004-10 and 2014-9]~~

~~The procedure for issuance and enforcement of conditional use permits is as follows:~~

~~(a) Application. Persons applying for a conditional use permit shall fill out completely and file with the Zoning Administrator an Application for Conditional Use Permit form, which form shall be furnished by the City. The Conditional Use Permit form shall be signed by the land owner and by any person seeking the conditional use permit, if that person is not the same as the land owner. The applicant shall pay over to the Zoning Administrator the prescribed fee for the requested permit. [History Ord 1998-5]~~

~~(b) Initial Review by Zoning Administrator; Referral to Planning Commission. The Zoning Administrator shall review the filed application to determine whether the application is fully and correctly filled out. The Zoning Administrator may require the applicant to furnish as part of the application any additional information which the Zoning Administrator deems necessary to an evaluation of the merits of the application. Once the Zoning Administrator is satisfied that the application is fully and correctly filled out and any requested additional information has been received, the Zoning Administrator shall refer the application to the Planning Commission. [Amended by Ord 2014-9]~~

~~(c) Notice of Application to Neighboring Landowners; Consideration by the Planning Commission. The Planning Commission shall consider the application at its next regular meeting which will allow for the seven (7) day notice provided herein. The City Clerk shall mail notice of the application and of the Planning Commission meeting at which the application will be considered to the applicant and to the owner of each property located within 200 feet of the outside boundaries of the land which is the subject of the application not less than seven (7) days~~