

## 295-305 Zoning

3. The commissioner of neighborhood services has determined that the occupancy or use will not jeopardize life, health or property and will not adversely impact the adjoining property or the neighborhood in general.

4. The applicant agrees to return the site to its previous condition and use within 30 days of the decision of the board or common council, if the appeal or zoning map amendment is not approved.

5. The applicant agrees to hold the city harmless for any claims resulting from construction at the premises during the period the conditional construction permit is in effect.

**295-305. Temporary Use Permits.** A temporary use permit authorizing any of the temporary uses listed in the use tables of the various zoning districts, except a live entertainment special event, for which no temporary use permit is required, may be issued by the commissioner of neighborhood services in accordance with the following provisions:

1. **APPLICATION AND FEE.** A completed application form, accompanied by the required fee specified in s. 200-33, shall be submitted to the commissioner neighborhood services.

2. **APPROVAL PROCEDURE.** The commissioner of neighborhood services shall approve, approve with conditions, or deny a complete application within 5 working days. No notice or public hearing shall be required.

3. **FINDINGS.** To approve the application for a temporary use, the commissioner of neighborhood services shall make the following findings:

a. The proposed temporary use will be located, operated and maintained in a manner consistent with the policies of the comprehensive plan and the provisions of this chapter.

b. Approval of the application will not be detrimental to property or improvements in the surrounding area or to the public health, safety or general welfare.

4. **CONDITIONS OF APPROVAL.** When issuing a temporary use permit, the commissioner of neighborhood services may impose conditions, including but not limited to permit term limitations, necessary to:

a. Achieve the general purposes of this code and the specific purposes of the zoning district in which the temporary use will be located.

b. Protect the public health, safety and general welfare.

c. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties.

**295-306. Council Member Notification of Certain Limited Uses.** Whenever the department issues a certificate of occupancy for any small group shelter care facility, small foster home; group home, group foster home or community living arrangement classified by this chapter as a limited use in the zoning district in which the facility is located, the department shall provide written notice of such issuance, including the location and description of the facility, to the local common council member. Notification by electronic mail shall be deemed sufficient for compliance with this requirement.

**295-307. Amendments To The Zoning Text Or Map.** 1. **PURPOSE.** The provisions of this section are intended to prescribe procedures by which amendments may be made to this chapter, including changes to the text and the boundaries of districts as shown on the zoning map.

2. **INITIATION OF MAP AMENDMENTS.** An amendment to the base zoning map or the establishment of, or amendment to, an overlay district may be initiated by any one of the following:

a. **By Application.** A person with an ownership, possessory or contractual interest in the land subject to the application may apply for a map amendment.

b. **By Common Council.** The common council may initiate a map amendment by its own motion.

c. **By Petition.** The owners of 50% or more of the area of land included in a proposed amendment may submit to the common council a petition requesting the zoning map amendment.

3. **PROCEDURE FOR MAP AMENDMENT.** Consideration of a proposed map amendment shall be in accordance with the following procedure:

a. **Introduction of Map Amendment.** Upon receipt of a valid application, the affidavit required by s. 295-313 and the required fee, a valid petition, the affidavit required by s. 295-313 and the required fee, or a motion of common council, the department shall prepare an ordinance and map representing the requested amendment.

b. Referral to City Plan Commission. Upon introduction, the ordinance to make the zoning map amendment shall be referred to the city plan commission pursuant to s. 62.23, Wis. Stats.

c. Staff Actions. The department shall establish a time and date for a public hearing, notify affected property owners at least 10 days in advance of the hearing and prepare a staff report on the map amendment. In the case of any map amendment relating to a floodplain overlay zone, the department shall also submit the amendment and the notice of public hearing to the Wisconsin department of natural resources.

d. City Plan Commission. The commission shall hold at least one public hearing on any proposed map amendment. Notice of the public hearing shall be provided according to the commission's by-laws. Upon completion of its public hearing, the commission shall prepare a report of its findings and recommendations on the proposed map amendment and file a copy of the report with the common council.

e. Zoning, Neighborhoods and Development Committee. Following notice, review and report by the city plan commission, the common council's zoning, neighborhoods and development committee shall hold a class 2 public hearing after notifying the applicant, petitioners, owners of property under consideration and owners of property immediately surrounding and within at least 200 feet thereof, including streets and alleys. Upon conclusion of the public hearing, the committee shall prepare a recommendation for submittal to the common council.

f. Common Council. Upon receipt of the recommendation of the zoning, neighborhoods and development committee, the council shall either approve or disapprove the map amendment or refer the amendment back to the zoning, neighborhoods and development committee for additional consideration.

4. STANDARDS. A proposed amendment to the zoning map may be approved if the common council finds:

a. The proposed amendment is consistent with other provisions of this chapter and with the comprehensive plan.

b. The adoption of the proposed amendment will not adversely affect the public health, safety and general welfare of residents of the city.

5. PROTEST OF MAP AMENDMENT. In case of a protest against a map amendment, duly signed and acknowledged by the owners of 20% or more of the areas of the land included in the proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of the opposite land, the amendment shall not become effective except by the favorable vote of at least three-fourths of the members of the common council voting on the proposed change. A protest against a proposed change, or any modification to a protest, shall be submitted no later than 48 hours prior to the date of common council action on the proposed change.

6. INITIATION OF TEXT AMENDMENTS. An amendment to the zoning text shall be initiated as an ordinance introduced to the common council.

7. PROCEDURE FOR TEXT AMENDMENT.

a. Referral of Text Amendment. Upon introduction of an ordinance to amend zoning code text to the common council, the city clerk shall simultaneously refer the ordinance to the city plan commission and to the zoning code technical committee.

b. Zoning Code Technical Committee. b-1. Composition. The zoning code technical committee shall be composed of one representative each from the city attorney's office, the department of neighborhood services, the department of city development and the legislative reference bureau, designated by the respective agency heads. The representative of the legislative reference bureau shall serve as chair of the committee.

b-2. Staff. Staff for the zoning code technical committee shall be provided by the city clerk's office.

b-3. Procedure. The zoning code technical committee shall review each proposed zoning text amendment referred to it for legality and enforceability, administrative efficiency and consistency with the format of the zoning code. Within 30 days of the date on which the city clerk refers the proposed text amendment to the committee, the committee shall provide a report of its findings with respect to these 3 criteria, as well as any recommended changes to the proposed amendment, to the zoning, neighborhoods and development committee.

c. City Plan Commission. The city plan commission shall hold a class 2 public hearing on the proposed zoning text amendment and, after receiving a report from the department, submit its report and recommendation to the zoning, neighborhoods and development committee.