ORDINANCE NO. 2018 - 002
AN ORDINANCE AMENDING SECTIONS 480-32, 480-35, 480-43 C., 480-46, 480-107 A. (3) AND 480-107 D. (1) OF THE CODE OF ORDINANCES OF THE CITY OF BRODHEAD

WHEREAS, the State Legislature has enacted 2017 Wisconsin Act 67 which contains provisions impacting the zoning authority of municipalities; and

WHEREAS, the City of Brodhead wishes to bring its zoning ordinance into conformity with the requirements of 2017 Wisconsin Act 67; and

WHEREAS, the Plan Commission of the City of Brodhead having held a duly noticed public hearing on the proposed ordinance amending Sections 480-32, 480-35, 480-43C, 480-46, 480-107 A. (3) and 480-107 D. (1) of the Code of Ordinances of the City of Brodhead, and following said public hearing, having voted to recommend to the common council the approval of said ordinance; and

WHEREAS, the Common Council of the City of Brodhead having determined that it is appropriate to accept the recommendation of the plan commission to adopt said ordinance in order to bring the zoning ordinance of the city into conformity with the requirements of 2017 Wisconsin Act 67.

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

Section I. Section 480-32 of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

Section 480-32. Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a class 2 notice, as prescribed by the Wisconsin statutes, with the last publication to be at least one week prior to the public hearing in the official city newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning administrator, members of the plan commission, and the holders of record as listed in office of the city assessor who are owners of property in whole or in part situated within 200 feet of the boundaries of the properties affected, said notice be sent at least 14 days prior to such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

Section II. Section 480-35 of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

Sec. 480-35. Appeals.

Any person wishing to appeal the decision of the plan commission granting or denying a conditional use permit application may, within 30 days of the filing of the decision in the Office of the Clerk-Treasurer, commence an action in circuit court seeking remedy available for certiorari under the procedures contained in Wis. Stats. Sec. 62.23 (7) (e) 10.

Section III. Section 480-43 C. of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

C. The lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access

provisions of this chapter; however, it shall not be extended, enlarged or moved, subject to Section 480-44 C., except when required to do so by law or order so as to comply with the provisions of this chapter.

Section IV. Section 480-46 of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

Section 480-46. Substandard Lots.

A vacant lot which does not contain sufficient area to conform to the dimensional requirements of this chapter but which is able to meet the minimum building line setbacks of this chapter may be used as a building site, provided that the use is permitted in the zoning district, and further provided that the lot is on record in the appropriate County Register of Deeds Office prior to the effective date or amendment of this chapter.

Section V. Section 480-107 A. (3) of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

(3) A property owner bears the burden of proving "unnecessary hardship", as that term is used in this section, for an area variance, by demonstrating that strict compliance with the provisions of this Chapter would unreasonably prevent the property owner from using the property owner's property for a permitted purpose or would render conformity with the provisions of this Chapter unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the provisions of this Chapter would leave the property owner with no reasonable use of the property in the absence of the variance. In all circumstances, a property owner bears the burden of proving that the "unnecessary hardship" is based on conditions unique to the property, rather than conditions personal to the property owner, and that the unnecessary hardship was not created by the property owner.

Section VI. Section 480-107 D. (1) of the Code of Ordinances of the City of Brodhead is hereby amended to read as follows:

(1) Denial of the variance would result in "unnecessary hardship" to the property owner.

Section VII. This ordinance shall take effect upon passage and publication as required by law.

Approved by the Common Council of the City of Brodhead this 20th day of March 2018.

CITY OF BRODHEAD

By: _____
Douglas Pinnow, Mayor

ATTEST:

By: _____
Teresa Withee, Clerk/Treasurer

Date passed: 03/20/2018
Date published: 03/28/2018