



# CITY OF APPLETON

## MEMORANDUM

**Date:** October 9th, 2024  
**To:** City Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Informal Public Hearing for Municipal Code Text Amendments –

Chapter 16 Streets, Sidewalks and Other Public Places: Sec. 16-37  
Official Map; and

Chapter 23 Zoning: Sec. 23-32 Application of this Chapter, Sec. 23-65  
Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD  
planned development overlay district, and Sec. 23-152 TND traditional  
neighborhood overlay district.

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## GENERAL INFORMATION

The Community Development Department Planning staff collaborated with the City Attorney's Office and Department of Public Works on the following proposed draft Chapter 16 Streets, Sidewalks, and Other Public Places and Chapter 23 Zoning text amendments.

**Plan Commission Meeting Date Informal Public Hearing:** October 9, 2024

**Common Council Meeting Date Public Hearing:** November 6, 2024

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## PURPOSE OF MUNICIPAL CODE TEXT AMENDMENTS

1. Periodic revisions to the Municipal Code are essential to maintain consistency with the Wisconsin State Statutes, Section 62.23(7) Zoning (State Zoning Enabling Act), and Section 62.23(6) Official Map. (Section A, B)
2. Continue to improve usability and organization of the land use regulations listed in Chapter 16 Streets, Sidewalks, and other Places and Chapter 23 Zoning. (Section A, B)
3. Further implement adopted goals and policies of the Comprehensive Plan listed below. (Section C)

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## BACKGROUND

On March 15, 2017, the Common Council adopted a 5-year update to the City of Appleton *Comprehensive Plan 2010-2030*. The Comprehensive Plan includes several recommendations on potential changes to the City's Zoning Ordinance. Listed below are related excerpts from the *Comprehensive Plan 2010-2030*. In order to align with these recommendations, Community Development Department staff has prepared draft amendments to various sections of the Zoning Ordinance.

*OBJECTIVE 9.1 Economic Development:*

Implement the Appleton Economic Development Strategic Plan.

Business Retention & Expansion:

Streamline permitting process. Continue fast-track permitting. Review commercial permitting processes and streamline where appropriate to assure that permits are issued in a predictable and professional manner, and customers receive clear communication.

*OBJECTIVE 10.3 Land Use:*

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for "complete" neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

*OBJECTIVE 10.4 Land Use:*

Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.

*Policy 10.4.7* Encourage the creation of residential neighborhoods which are not characterized by large tracts of exclusively single-family residential dwellings or large, isolated clusters of duplex or multi-family buildings.

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## PROPOSED DRAFT TEXT AMENDMENTS

The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *italics* to provide insight/analysis regarding that specific amendment/change.

### **SECTION A:**

*Comment: The amendment codifies the required process for official map amendments.*

## **CHAPTER 16 - STREETS, SIDEWALKS, AND OTHER PUBLIC PLACES**

### **ARTICLE II. STREETS**

#### **Sec. 16-37 Official map.**

(d) ***Changes and amendments.*** The Common Council may, ~~whenever or as often as it may deem necessary for the public interest and after a public hearing as provided in W.S.A. §62.23(6)(b),~~ change or add to the official map of the City so as to establish the exterior lines of planned new streets, highways and parkways, or to widen, narrow, extend or close existing

streets, highways and parkways per Wis. Stat. §62.23(6)(b) (2021-22), as amended from time to time.

(1) Initiation of Amendments. Proposed amendments may be initiated by: Aldermanic Resolution, Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

(2) Amendment Procedure.

a. **Proposal.** Amendments that serve a general interest may be proposed by Aldermanic resolution in compliance with Council Rules or by direct initiation by the Community Development Director, Public Works Director, and/or Director of Parks and Recreation.

b. **Authority of the Plan Commission.**

1. Within sixty (60) days of receiving the proposed amendments, the Plan Commission shall transmit to the Common Council its recommendation.
2. If Plan Commission fails to make a recommendation within sixty (60) days of receipt, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council.
3. Community Development Director is responsible for analyzing the facts regarding the official map amendment and prepare a staff review and recommendation for consideration.

c. **Public hearing.**

1. The City Clerk shall establish a date, time and place to hold a public hearing before the Common Council.
2. Class 2 Notice shall be given prior to public hearing.

d. **Authority of the Common Council.**

1. Within forty-five (45) days of the Plan Commission recommendation, the Common Council shall hold public hearing.
2. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
3. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance.

### **Sec. 23-32. Application of this chapter.**

(c) From and after the effective date of this chapter:

(2) Any existing lot, existing building or structure, and any existing use or properties not in conformity with the regulations herein prescribed, shall be regarded as nonconforming, but may be continued, extended or changed, subject to the special regulations herein provided in §23-42 with respect to nonconforming properties or uses.

### **SECTION B:**

*Comment: The amendment appoints Plan Commission to hold the required Public Hearing in accordance with Wisconsin State Statute 62.23(7)(d)(2). 2023 Wisconsin Act 16 requires amendments to be approved by simple majority of a quorum of the members-elect, effective January 1, 2025.*

### **Sec. 23-65. Zoning amendments.**

(a) **Purpose.** ~~The amendment process provides a method for making purpose of this section is to provide regulations which govern the amendment process and requirements to review and approve or deny changes in to the zoning text and zoning map.~~

(b) **Initiation of Amendments.**

- (1) Proposed text amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission, or the Director.~~ the property owner or a resident of the City.
- (2) Proposed zoning map amendments may be initiated by: ~~Common Council Aldermanic Resolution, Plan Commission,~~ the owner of, or owner's designated agent of the particular property to be rezoned.

(c) **Text amendments Procedure.**

- (1) **Proposal by Common Council or Plan Commission.** ~~Text amendments that serve a general public interest may be proposed by Aldermanic resolution in compliance with Council Rules, of an alderperson submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission, a majority of the Plan Commission, or the Director. If Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.~~ (2) **Application by property owner or resident.** ~~A property owner or resident wishing to amend the text of this chapter shall meet with the Community and Economic Development Director to discuss the proposed amendment. If the owner or resident wishes to pursue an amendment, they shall file an application form with the City Clerk accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review.~~ (3) **Informal**

(2) **Public hearing.**

- a. ~~Within thirty (30) days of filing, Zoning text amendments will be submitted to the Plan Commission per Wis. Stat. §62.23(7)(d)(2) (2021-22), as amended from time to time. The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing, before the Plan Commission.~~
- b. Class 2 Notice shall be published prior to the public hearing. In addition, at least ten (10) days before said public hearing, written notice shall be provided to the Clerk of any municipality whose boundaries are within 1,000 feet of any lands affected by the proposed amendment.
- c. The Director will be responsible for analyzing the facts regarding the zoning text amendment petition and prepare a staff review and recommendation for consideration by the Plan Commission.
- d. In the case of any text amendment relating to floodplain and shoreland zoning, the Director shall also submit the amendment and the notice of public hearing to the Wisconsin Department of Natural Resources (DNR) and Federal Emergency Management Agency (FEMA).

(3) **Action by Authority of the Plan Commission.**

- a. ~~Within forty five (45) sixty (60) days of submitting the proposed amendments following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. Failure of the Plan Commission to act within forty five (45) days following the conclusion of such~~

hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.

- b. If Plan Commission fails to make a recommendation within sixty (60) days of submitting the proposed amendment, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(c)(2),(5) **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

**(4) Action by Authority of the Common Council.**

- a. Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the proposed amendment act upon the recommendation.
- b. Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.
- c. The Common Council may approve or deny approval of the proposed amendment. Council action to approve the amendment shall be done by ordinance pursuant to Wis. Stat. 66.10015(3).
  1. Effective January 1, 2025, the enactment of zoning text amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).
- d. In the case of any text amendment relating to floodplain and shoreland zoning, shall not become effective until also being approved by the Wisconsin DNR and FEMA.

**(d) Zoning Map aAmendments Procedure.**

- (1) **Proposal by Common Council or Plan Commission.** Zoning mapA amendments that serves a general public interest may be proposed by Aldermanic resolution of an alderperson in compliance with Council Rules, submitted to the City Clerk to be forwarded to the Plan Commission or by direct initiation by the Plan Commission. If the Plan Commission determines an amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees. A resolution to initiate a zoning map amendment rezoning must be accompanied by the information required on an application form provided by the City in subsection (2) that follows and shall be processed in accordance with the provisions of this section. If the Plan Commission determines a zoning map amendment proposed by an alderperson is primarily intended to serve an individual or narrow interest rather than the general public interest, it shall report such resolution with a recommendation that the benefiting party submit an application with appropriate fees.

- (2) **Application procedure by property owner or property owner's designated agent.**
  - a. An property owner or property owner's designated agent wishing to amend the zoning map for rezone his their property shall meet with the Community and Economic Development Director to discuss the proposed zoning map amendment rezoning.

b. If the property owner or property owner's designated agent wishes to pursue a zoning map amendment ~~rezoning~~, they shall supply the information as required on an application form provided by the City. ~~obtain, complete and file a rezoning application form with the City Clerk accompanied by a nonrefundable fee which may be amended from time to time, as established by the Common Council by resolution, to cover costs of public notice and administrative review. The application form shall contain, at a minimum, the following information:~~

~~a.~~

~~Applicant and property owner's name, address and telephone number.~~

~~b. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use.~~

~~c. Present zoning district and use of the property.~~

~~d. Proposed zoning district and description of proposed land use and/or structures.~~

~~e. Justification for rezoning.~~

~~f. Map of area, drawn to scale, outlining the parcel(s) requested for rezoning, identifying all adjacent streets, properties, existing zoning and present uses on all adjacent properties.~~

~~(3)~~ **(4) Informal Public hearing.**

a. ~~Within thirty (30) days of filing, the Zoning map amendments will be submitted to the Plan Commission per 62.23(7). The Community and Economic Development Director shall establish a date, time and place to hold an informal public hearing before the Plan Commission.~~

b. ~~Public Hearing notice shall be provided in accordance with Wis. Stat. §62.23(7)(d) (2021-22), as amended from time to time. At least ten (10) days before said public hearing, written notice shall be mailed to owners of record of all parcels within area of land extending 100 feet from boundary of subject land.~~

c. ~~The Director will be responsible for analyzing the facts regarding the petition zoning map amendment and prepare a staff review and recommendation for consideration by the Plan Commission.~~

~~(4)~~ **(5) Authority of the Action by Plan Commission.**

a. ~~Within forty-five (45) sixty (60) days from the filing of the completed application following the conclusion of the informal hearing, the Plan Commission shall transmit to the Common Council its recommendation. Failure of the commission to act within forty-five (45) days following the conclusion of such hearing shall be deemed a recommendation for the approval of the petitioned amendment as submitted.~~

b. ~~If Plan Commission fails to make a recommendation within sixty (60) days from the filing of the completed application, the Common Council may hold a public hearing after the expiration of said sixty (60) day period. Failure to receive said recommendation from the Plan Commission shall not invalidate the proceedings or action of the Common Council. The public hearing must comply with procures set forth in 23-65(d)(3).~~

~~(5)~~ **(7) Authority of the Action by Common Council.**

a. ~~Within forty-five (45) days of the Plan Commission recommendation public hearing the Common Council shall either approve or deny the petition unless the applicant request an extension. act upon the recommendation.~~

b. ~~Common Council may refer the matter back to the Plan Commission consistent with Council Rules. In such cases, the Common Council shall present their rationale for the referral.~~

- c. The Common Council may approve or deny approval of the proposed amendment.  
If Council action is to approve the change, it shall further act to formally amend the Official Zoning Map by adopting an ordinance pursuant to Wis. Stat. 66.10015(3).  
1. Effective January 1, 2025, the enactment of zoning map amendments shall be approved by a simple majority of a quorum of the members-elect, pursuant to Wis. Stat. 66.10015(3).

~~—In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (3/4) vote of the members of the Common Council is required for approval of the amendment to this chapter. In the case where the Plan Commission, excluding the chairman, unanimously denies the change, a three-fourths (3/4) vote of the members of the Common Council is required for approval of the amendment to this chapter.~~

*Comment: The amendment eliminates zoning amendment standards open to varied interpretations and provides same standards for text and map zoning amendments.*

**(e) (3) Standards for zoning map amendments.** All recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals and policies of the City and with the purpose and intent of this zoning ordinance.

- (1) a. ~~Prior to making a recommendation on a proposed zoning amendment rezoning,~~ the Plan Commission shall make a finding to determine if the following conditions exist. ~~No zoning amendment rezoning of land shall be approved prior to finding at least one (1) of the following:~~

- a. ~~1. The request for a zoning amendment is zone change is in conformance consistent with the VISION 20/20: Comprehensive Plan for the City of Appleton.~~
- b. ~~2. Factors have changed such as availability to new data, growth patterns and rates, the presence of new road or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different district. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map, is inadequate to meet the demands for such development.~~
- 3. ~~Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).~~
- c. ~~e. There is an error in the code zoning ordinance text or zoning map as enacted.~~

~~b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:~~

- 1. ~~The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site.~~

~~2. The effect of the proposed rezoning on surrounding uses. **Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless~~

such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

**Public hearing.** Within thirty (30) days of the receipt of the Plan Commission report, or its failure to act as above provided, (unless such time shall be extended by agreement with the petitioner) the Common Council shall hold a public hearing, advertised by a Class 2 notice.

*Comment: The amendment provides an opportunity for an applicant to withdraw or request an extension.*

**(f) Time Period.**

- (1) **Extension.** The time period for action may be extended by an agreement in writing between the Director and the property owner or property owner's designated agent.
- (2) **Withdrawal.** An applicant shall have the right to withdraw an application at any time by submitting a written request to the Director prior to the decision on the application for a proposed zoning map amendment by the Plan Commission or Common Council.
- (3) ~~(8)~~ **Reapplication time period.** No application for an amendment to the zoning text or map shall be considered by the Plan Commission within a one (1) year period following a denial of the same request by the Common Council, except that the Plan Commission may permit a new application if the request is for a different zoning district or for amended property boundaries.

~~(g) (8) Concurrent planning and zoning actions. for zoning amendment, planned development (PD) overlay and special use permit:~~ Applicants may submit a single petition to amend the Official Zoning Map to change a base zoning district and designate the same map area as a PD overlay district. ~~b. Applicants may submit applications concurrently. to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

~~to amend the Official Zoning Map to change a base zoning district, designate the same map area as a PD overlay district and obtain approval for special uses within the zoning PD overlay district. The procedure for considering such a request shall be the same as for a zoning map amendment. The Common Council may, at the request of the petitioner, consider the amendments and special uses as a single vote or separate votes. Any Common Council action which includes approval of a special use shall require a two-thirds (2/3) vote for approval.~~

*Comment: The amendment eliminated the terms "temporary" and "permanent" zoning districts. The term "temporary" and "permanent" are misleading terms to the public as zoning classification can change from time to time. If the annexed land does not comply with AG Agricultural District standards, they are considered nonconforming and must comply with our nonconforming section of the zoning code.*



(~~he~~) **Zoning of annexed areas.** All territory that is annexed to the City shall be assigned zoning classifications as recommended by the Plan Commission during review of the annexation petition. The Plan Commission shall consider the criteria in §23-65(e) ~~following criteria~~ in selection of an appropriate zoning district for the annexed land.

- ~~a.~~ the existing land uses within the territory to be annexed;
- ~~b.~~ The surrounding land uses that exist on adjacent properties regardless of municipal boundary lines;
- ~~c.~~ The comprehensive plan of the City.

A ~~temporary~~ zoning classification of AG Agricultural Zoning District ~~classification~~ shall be assigned to newly annexed territory with no hearing required. However, if the Plan Commission recommends a ~~temporary~~ zoning classification other than AG Agricultural Zoning District, ~~the Common Council Plan Commission~~ shall hold a public hearing on the assigned zoning classifications in accordance with the application procedures §23-65(d), Zoning map amendments. ~~If time allows, said zoning shall be included in the annexation ordinance; otherwise a temporary zoning classification shall be assigned with permanent zoning taking place following the annexation process. If annexed territory does not comply with AG Agricultural Zoning District standards, §23-32(c)(2) defines existing uses, buildings, structures, and lots as nonconforming and must comply with §23-42. The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classifi~~  
 The temporary zoning classification must be made permanent in accordance with §23-65(d), Map amendments, within ninety (90) days or the zoning will revert to AG agricultural zoning. A building permit shall not be granted until there is a permanent zoning classification.

**SECTION C**

*Comment: The amendment eliminates dwelling, single family, detached and community living arrangements within the AG Agricultural District. Since the AG Agricultural District requires a minimum lot size of 10-acre, the zoning code is requiring large parcel for new single family homes within this zoning district. By eliminating these uses from the AG Agricultural District, the amendment encourages property owners to rezone to a residential district with a smaller minimum lot size requirement.*

**Section 23-91. AG Agricultural district.**

(b) **Principal permitted uses.** The following uses are permitted as of right in the AG district:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<del>a.</del> Dwelling, single family, detached	<del>a.</del> Community living arrangements serving eight (8) or fewer persons, pursuant to §23-22 and §23-52 <ul style="list-style-type: none"> <li>• Governmental facilities</li> </ul>	<ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Community garden</li> <li>• Greenhouse or greenhouse nursery.</li> <li>• Mobile Service Support Structures and Facilities pursuant to §23-66(h)(22)</li> </ul>

	<ul style="list-style-type: none"> <li>• Public parks or playgrounds</li> </ul>	<ul style="list-style-type: none"> <li>• Nursery, orchards or tree farm</li> <li>• Urban farm pursuant to §23-66(h)(17)</li> <li>• Winery pursuant to §23-66(h)(21)</li> </ul>
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**SECTION D**

*Comment: Zoning map amendments for PD and TND overlay will follow the same process as all other zoning map amendments.*

**Section 23-151. PD planned development overlay district.**

**(m) Procedure for approval of a Development Plan within the district.**

(2) **Step 2.** *Application, Development Plan and Implementation Plan Document (IPD).* The Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the PD overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee and Implementation Plan Document (IPD) for the PD overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the PD overlay district shall be:

- a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:
  1. All information listed in §23-151(n), Specific contents of Development Plans.
  2. Written application and application fee for approval of a PD district to be made on forms and in the manner prescribed by the City.
  3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the PD overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
  
- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an ~~informal~~ public hearing.

~~c. The PD overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.~~

~~**Informal hearing.**~~

~~The Plan Commission shall hold an informal hearing on each application for approval of a PD overlay district including the Development Plan and Implementation Plan Document (IPD) in accordance with §23-65(d), Map amendments, of this chapter.~~

~~d. **Plan Commission findings.**~~

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

~~e. **Common Council action.**~~

~~The Common Council shall hold a public hearing and act upon the recommendation within forty-five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

~~d. f. **Period of Validity.**~~

~~e. g. **Recording of Development Plan and Implementation Plan Document (IPD).**~~

**Section 23-152 TND traditional neighborhood development overlay district.**

**(n) Procedure for approval of a Development Plan within the district.**

**(2) Step 2. Application, Development Plan and Implementation Plan Document (IPD).**

The Development Plan, complete application and fee and Implementation Plan Document (IPD) for the TND overlay district shall be submitted by the applicant to the ~~Community and Economic Development~~ Director who, after determining the application to be complete, will file the Development Plan, complete application and fee, and Implementation Plan Document (IPD) for the TND overlay district. The application and fee shall be filed with the City Clerk and the application, Development Plan(s) and other supporting information, and the Implementation Plan Document (IPD) will be forwarded to the Plan Commission for their consideration, ~~informal~~ public hearing, and recommendation.

The required procedure for consideration and approval of the TND overlay district shall be:

a. **Submission of materials.** The applicant shall prepare and submit the following plans and documents:

1. All information listed in §23-152(o), Specific contents of Development Plans.

2. Written application and application fee for approval of a TND overlay district to be made on forms and in the manner prescribed by the City.
  3. A completed copy of the Implementation Plan Document (IPD) as prescribed by the City shall be submitted to the ~~Community and Economic Development~~ Director ~~on a diskette or~~ by electronic mail. The Implementation Plan Document (IPD) functions to inform all whom deal with the TND overlay district of the restrictions placed upon the land and acts as a customized zoning district control device.
  4. A statement of conformity with City's other relevant ordinances along with a list of any requested variations from these ordinances.
- b. **Development Plan and Implementation Plan Document (IPD) review.** The ~~Community and Economic Development~~ Director shall coordinate a review of the Development Plan and Implementation Plan Document (IPD) to include review by all relevant departments and submit written findings and recommendations to the Plan Commission for an informal public hearing.
- c. The TND overlay district zoning map amendment shall comply with 23-65(d)(3) Public Hearing, (4) Authority of Plan Commission, (5) Authority of Common Council, 23-65(e) Standards for Zoning Amendments, and 23-65(f) Time Period.

**~~Informal hearing.~~**

~~The Plan Commission shall hold an informal hearing on each application for approval of a TND overlay district including the Development Plan and Implementation Plan Document (IPD). in accordance with §23-65(d), Map amendments, of this chapter~~

d. **~~Plan Commission findings.~~**

~~Following the informal hearing, the Plan Commission shall make its findings and recommendations and send a written report to the Common Council that shall include findings of fact upon which its recommendations are based. Such findings and recommendations shall include a recommendation for approval, disapproval or approval with modifications. This report to the Common Council must be submitted within thirty (30) days after the last session of the informal hearing of the Plan Commission or the Plan Commission must indicate to the Common Council, in writing, why such report cannot be rendered within that time period.~~

e. **~~Common Council action.~~**

~~The Common Council shall hold a public hearing and act upon the recommendation within forty five (45) days after receipt of the Plan Commission's report. The Common Council may approve, approve with modifications, refer back to the Plan Commission, disapprove the plan or provide written explanation to the petitioner on why an extension is required for Common Council action. The time period for action shall be exclusive of any time extensions or continuances requested by the petitioner.~~

d. f. Period of Validity.

e. g. Recording of Development Plan and Implementation Plan Document (IPD).

## RECOMMENDATION

Staff recommends, the proposed text amendments to Chapter 16 Streets, Sidewalks and Other Public Places and Chapter 23 Zoning of the Municipal Code, **BE APPROVED** for the following Chapters, Articles, and Sections:

Sec. 16-37 Official Map, Sec. 23-32 Application of this Chapter, Sec. 23-65 Zoning amendments, Sec. 23-91 AG Agricultural district, Sec. 23-151 PD planned development overlay district, and Sec. 23-152 TND traditional neighborhood overlay district.