

Notice and Agenda
Joint Extraterritorial Zoning Committee, City of Hartford/Town of Hartford

Date: January 28, 2019

Time: 5:30 p.m.

Common Council Chambers
Lower Level City Hall - 109 North Main Street

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1. Call to Order
 2. Introduction of Members
 3. Appearances
 4. Proposed Comprehensive Zoning Ordinance Between the City of Hartford and the Town of Hartford
 5. Adjournment
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“Persons with disabilities requiring special accommodations for attendance at the meeting should contact City Clerk at least one (1) business day prior to the meeting.”

“Members of the Common Council may attend the above meeting. Pursuant to State ex. rel. Badke v. Greendale Village Board, 173 Wis.2d 553, 494 N W 2d 408 (1993) such attendance may be considered a meeting of the Common Council. This notice is given so that members of the Common Council may attend the meeting without violating the open meeting law.”

EXECUTIVE SUMMARY

Ordinance No. 1392

TITLE: Discussion and Consideration of an ordinance establishing section 13.1701 of the Municipal Code regarding comprehensive extraterritorial zoning jurisdiction.

BACKGROUND:

The City approved the Intergovernmental Agreement between the City of Hartford and the Town of Hartford in April 2018. Article 5 of the agreement (Extraterritorial Zoning and Land Divisions) allows for the limited division of Town lands into new parcels smaller than 35 acres. In order to achieve this, a Comprehensive Zoning Ordinance between the City and the Town must be created.

The statutory process of creating a permanent Comprehensive Zoning Ordinance is lengthy and involves the creation of a new City and Town committee, numerous public hearings and will take 2-3 months to complete. This is the first step in the process. Approval of the resolution and the interim ordinance will also allow a time sensitive extraterritorial land division (Uebele) to be completed now.

Per Statute, this type of interim comprehensive zoning ordinance can be reviewed and approved without referring the matter to Plan Commission, and without a public hearing, since its effects are temporary and are primarily intended to begin the statutory process.

RECOMMENDATION: Staff recommends **APPROVAL** of ordinance establishing section 13.1701 of the Municipal Code regarding comprehensive extraterritorial zoning jurisdiction.

Prepared By: Justin Drew 7/18/18
Justin Drew, Date
City Planner

Reviewed By: Lori Hetzel 07/18/18
Lori Hetzel, Date
City Clerk

Approved By: _____ Date
Steve Volkert,
City Administrator

ROUTING: COMMON COUNCIL 07/24/2018

ORDINANCE NO. 1392

**AN ORDINANCE ESTABLISHING SECTION 13.1701
OF THE MUNICIPAL CODE REGARDING COMPREHENSIVE EXTRATERRITORIAL
ZONING JURISDICTION**

WHEREAS, the Common Council of the City of Hartford has adopted a Resolution Initiating the Adoption of an Extraterritorial Zoning Ordinance; and

WHEREAS, pursuant to Section 62.23(7a)(b), the Common Council desires to adopt an Interim Extraterritorial Zoning Ordinance to preserve existing zoning or uses in all of the extraterritorial zoning jurisdiction, while the comprehensive zoning plan is being prepared.

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

SECTION 1. Sections 13.1701 of the Municipal Code shall be created to read as follows:

SECTION 13.1700—COMPREHENSIVE EXTRATERRITORIAL ZONING ORDINANCE

13.1701 INTENT OF COMPREHENSIVE EXTRATERRITORIAL ZONING AUTHORITY

The City has extraterritorial land division authority over the area within three miles of the City's corporate limits and City has enacted Chapter 12 of the Municipal code pertaining to land divisions within the extraterritorial area, as established on an interim basis by the map adopted by the Resolution Initiating the Adoption of an Extraterritorial Zoning Ordinance. Pursuant to the limitations established by Section 236.45(3), Wis. Stats., and Lake Delavan Property Company, LLC v. City of Delavan, 2014 WI App. 35, the City establishes this Comprehensive Extraterritorial Zoning Ordinance to consider the proposed use of land and to allow for land divisions of smaller than 35 acres under the terms and conditions established by the Comprehensive Extraterritorial Zoning Ordinance.

13.1702 INTERIM COMPREHENSIVE EXTRATERRITORIAL ZONING ORDINANCE

a) Criteria for Agricultural Land Division. City may grant approval of a land division subdividing portions of agricultural lands provided that the City shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

b) Criteria for Nonagricultural Subdivision or Land Division. In the case of nonagricultural lands, the City may grant approval of a subdivision provided that the City shall determine that the proposed subdivision or land division complies with each of the following four criteria:

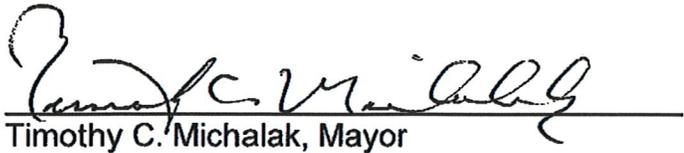
1) The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.

2) The proposed subdivision or land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.

3) The proposed subdivision or land division and the resulting development shall not adversely affect the City's ability to provide public services, install public improvements or accomplish future annexations. The City may consider annexation agreements with the property owner in order to comply with this requirement. The City may also consider whether the City and Town(s) have reached an agreement on necessary public improvements and public services facilities required to serve the development.

4) The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with the City of Hartford adopted Parks and Open Space Plan or the City's other adopted Master Plan elements. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be exclusive from, and in addition to, lands required for dedication to comply with applicable public parks and open space dedication requirements and shall be provided at a ratio of two acres of permanent open space lands for every one-acre of developed lands, including street rights of way. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands which are not developable because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands that have grades of twenty percent (20%) or more.

SECTION 2. This ordinance shall be effective upon passage and publication as provided by law and shall remain in effect on an interim basis for a period of no longer than 2 years after its enactment, unless extended as provided in Section 62.23(7a)(b), Wis. Stats.


Timothy C. Michalak, Mayor

Introduced: July 24, 2018

Adopted: July 24, 2018

ATTEST:



Lori Hetzel, City Clerk

City of Hartford-Town of Hartford Comprehensive Zoning Ordinance

Map

*Red line denotes extent of City of Hartford Extraterritorial Jurisdiction where it intersects with Village of Slinger and Village of Richfield Extraterritorial Jurisdiction.

