CITY OF STOUGHTON, 381 E. Main Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending the zoning classification of certain lands located southeast of the intersection of N. Page Street and County Highway B in the City of Stoughton from RH – Rural Holding and SR-4 Single Family Residential to TR-6 – Two Family			
Committee Action:	Planning Commission recommend Council approval 6 – 0		
Fiscal Impact:			
File Number:	O-21-2018	**First Reading:**	July 24, 2018
		Second Reading:	August 15, 2018

RECITALS

1. By application submitted in 2016 (the "Original Application") Norse View Heights LLC (the "Applicant") applied to change the zoning classification of certain lands located southeast of the intersection of N. Page Street and County Highway B in the City of Stoughton.

2. The Original Application was accompanied by an application for approval of a Certified Survey Map to consolidate multiple parcels into a single lot. Applicant sought to rezone the new lot to TR-6 Two-Family Residential in anticipation of a future Group Development proposal. The Original Application proposed Institutional zoning for an area applicant sought to dedicate to the public for a ped/bike trail.

3. Applicant Norse View Heights LLC (the "Applicant") has applied to change the zoning classification certain lands located southeast of the intersection of N. Page Street and County Highway B in the City of Stoughton from RH – Rural Holding and SR-4 Single-Family Residential to TR-6 – Two-Family Residential.

4. On July 11, 2016, the City of Stoughton Planning Commission held a public hearing regarding the Original Application. The public hearing was preceded by the publication of a class 2 notice, and other notice required by law.

5. On May 19, 2018, Applicant submitted a revised two lot certified survey map (the "CSM") proposing a group development on Lot 1 and single-family residence on Lot 2 along with an area dedicated to the public for a ped/bike trail.

6. After May 19, 2018, Applicant informed the City that it wished to withdraw its certified survey map application.

7. After May 19, 2018, Applicant informed the City that it wished to modify the Original Application, and request the following zoning changes (the "Amended Application"):

a. Applicant requests to change the zoning classification of Lots 152, 153, 154, 155 and 156 of the Plat of Seventh Addition to Norse View Heights from SR-4 to TR-6;

b. Applicant requests to change the zoning classification of Parcel No. 281/0611-323-8510-2, being part of the NW ¼ of the SW ¼ o Section 32, T 6N, R. 11E, in the City of Stoughton, from RH to TR-6.

8. The Planning Commission recommended that the Amended Application be approved, but that such approval not be effective unless the conditions set forth in Section 4 below are first satisfied.

9. The Common Council has considered the Amended Application and the Plan Commission's recommendations, finds that the proposed zoning changes are consistent with the City of Stoughton Comprehensive Plan, and finds that the proposed zoning changes have the potential for enhancing the use of the lands and increasing the City's tax base, if the conditions set forth in Section 4 below are satisfied.

ORDINANCE

The Common Council of the City of Stoughton, Dane County, Wisconsin do ordain as follows:

Section 1. The recitals set forth above are material to and are incorporated in this ordinance as if set forth in full.

Section 2. For purposes of this Ordinance, the following terms shall be defined as follows:

A. "Property" means Lots 152, 153, 154, 155 and 156 of the Plat of Seventh Addition to Norse View Heights, and Parcel No. 281/0611-323-8510-2, being part of the NW ¼ of the SW ¼ o Section 32, T 6N, R. 11E, in the City of Stoughton.

B. "Group Development" has the meaning provided in Section 78-205(12) of the Stoughton Municipal Code of Ordinances.

Section 3. Subject to the conditions set forth in section 4 below, the zoning classification of the Property is changed to TR-6.

Section 4. The zoning changes described in Section 3 above shall not be effective until Applicant has satisfied the following conditions:

A. The driveway currently located on Parcel No. 281/0611-323-8510-2 (providing access to CTH B) shall be physically removed from the Property;

B. A new driveway serving Parcel No. 281/0611-323-8110-6 (the "Adjacent Parcel"), having a street address of 401 CTH B, shall be constructed on the Adjacent Parcel to provide public street access to the Adjacent Parcel.

C. Covenants and Restrictions applicable to the Property must be approved by the Common Council and recorded with the Register of Deeds for Dane County. The Deed Restrictions must contain the following provisions:

- There shall be no access to the Property from CTH B.

- No Group Development shall be approved for all or any part of the Property unless Stoughton Utilities has approved plans and specifications for the installation of public water, sewer and electric infrastructure to serve the Group Development, and the developer of the Group Development has entered into an agreement with the City of Stoughton requiring such developer to construct and install such improvements at such developer's expense.

- No Group Development shall be approved for all or any part of the Property unless the City of Stoughton has approved plans and specifications for access to and internal vehicular and pedestrian road, sidewalk and parking infrastructure, and the developer of the Group Development has entered into an agreement with the City of Stoughton requiring such developer to construct and install such improvements at such developer's expense, and to the extent any such improvements will be privately owned, providing for the future care and maintenance of such improvements.

- No Group Development shall be approved for all or any part of the Property unless the City of Stoughton has approved erosion control and stormwater management plans for such Group Development.

- No Group Development shall be approved for all or any part of the Property unless the developer of the Group Development has entered into an agreement to install street trees on the Property in accordance with Section 10-2(d) of the Stoughton Municipal Code of Ordinances.

Section 5. If the conditions in Section 4 of this Ordinance have not been satisfied by 12:00 noon 2 years after the date of adoption, then this Ordinance shall automatically, and without any further action, become null and void and of no further force or effect.

Dates
Council Adopted: 8/15/18

Mayor Approved: 8/15/18

Published: 8/23/2018

Attest: 8/15/18

Tim Swadley, Mayor

Holly Licht, City Clerk