

20.23.000

CONDITIONAL USES.

20.23.010 GENERAL.

- A. Approval Required: Uses listed as permitted by conditional use grant may be permitted in the district in which listed upon petition for such grant to the City Council and subject to the approval of the Council upon recommendation of the Plan Commission and to such other conditions as hereinafter designated. Legal non-conforming uses may also be permitted conditional grant status pursuant to Section 20.12.030 and Section 20.23.020.F. of this Ordinance.

- B. Basis of Approval: The City Council upon recommendation of the Plan Commission shall base their determination on general consideration as to the effect of such grant on the health, general welfare, safety and economic prosperity of the City and specifically of the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect as a result of noise, dust, smoke or odor and such other factors as would be appropriate to carrying out the intent of conditional grants as expressed in Section 20.14.000.

20.23.020 PROCEDURE.

- A. Petition: A request for conditional use grant shall be submitted in writing to the City Administrator who shall promptly refer such petition to the Plan Commission for recommendation. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request including specifically the following:
 - 1. An accurate map of the property including indication of general terrain and topographic characteristics, the location of all significant terrain features such as streams, ponds, tree growth, etc., and the location of all existing structures.
 - 2. An accurate and complete written description of the use for which conditional grant is being requested including pertinent statistics and operational characteristics.
 - 3. Plans and other drawings showing proposed development of the site and buildings including landscape plans, location of parking and service areas, driveways, exterior lighting, type of building material, etc.
 - 4. Any other pertinent information required by the Plan Commission or Council as set forth in forms supplied by the City.
 - 5. The names and addresses of the owners of all property within 200 feet of the proposed conditional use.

- B. Hearing: Upon receipt of the petition the City Council shall hold a public hearing thereon. For any application on lands located in the WF Wetland and Floodplain

District, a copy shall be transmitted to the Wisconsin Department of Natural Resources (DNR) for review and comment. Final action on Floodplain applications shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions related to conditional uses in the WF Wetland and Floodplain District shall be transmitted to the DNR within 10 days of the effective date of such decision.

- C. Notice: Notice of the proposed conditional use and a copy of the public hearing notice shall be sent by regular mail to the owners of all property within 200’.
- D. Determination: Following public hearing and necessary study and investigation by the Plan Commission, the City Council shall as soon as practical render its decision in writing and a copy made a permanent part of the Council records. Such decision shall include an accurate description of the use permitted, of the property on which permitted, and any and all conditions made applicable thereto, or if disapproved shall indicate the reasons for disapproval.
- E. Mapping & Recording: When a conditional grant is approved, the Building and Occupancy and Zoning Use Permits shall be appropriately noted and such grant shall be applicable solely to the structures, use and property so described. Indication of such grant shall also be made on the Zoning Map by appropriate code number or symbol.
- F. Termination: Where a permitted conditional use does not continue conformity with the conditions of the original approval or where a change in the character of the surrounding area or the use itself cause it to be no longer compatible with surrounding areas, or for similar cause based upon consideration for public welfare the conditional grant may be terminated by action of the City Council following referral to the Plan Commission for recommendation, and public hearing thereon. Such use shall thereafter be classified as a legal non-conforming use, except that where the action is due to failure to comply with the conditions of the conditional grant, the City Council may require complete termination of such use.
- G. Application to existing uses:
 - 1. A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a conditional grant, may be granted conditional use status subject to submitting the data required under Section 20.23.020 A.

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2. The grant of conditional use in such case shall be based upon the existing conditions at the time, however, the City Council upon recommendation of the Plan Commission may require improvements in general building appearance, in storage of trash and other materials, in the provision of more satisfactory off-street parking, in the use of planting fencing screens where necessary, and in operational matters relating to the control of noise, dust, odor, smoke, and excessive glare or illumination of lighting, provided that such measures be within the reasonable economic capacities of such a use. Any expansion or change in use shall require changing of the conditional use grant.
 3. Petition may be made at any time for expansion or other change of the conditional use grant and such petition shall not prejudice the existing grant as herein authorized.
- H. A request for conditional use shall be accompanied by a review fee of \$75.00 for initial review plus a \$250.00 deposit to be drawn on. The applicant will be billed for the actual costs of publication.

20.23.030 REQUIREMENTS.

- A. Standard Requirements:
1. Except as may be specifically otherwise provided, any such use shall conform to the Building Location, Height, Building Size, Lot Size, and Open Space Regulations of the district in which it is located.
 2. Building, site and operation plans of the proposed use shall be submitted for approval by the Plan Commission. Such plans shall be in sufficient detail to enable the Commission to evaluate the suitability of architectural and landscape treatment; the proper location of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary to eliminate noise, dust, odor, smoke, or other objectionable operating conditions; and the general compatibility of the proposed use with the area in which it is located.
- B. Special Requirements: In addition to the general standards and requirements as stated in this section, such conditional uses shall be subject to more specific standards and requirements pertinent to the particular use, which standards and requirements may be set out in a supplementary guide for conditional use regulation adopted by the Plan Commission, and modified from time to time in order that they reflect the best and most contemporary or regulatory practices.

- C. Modification Regulations: Requirements applicable to uses permitted by right or as accessory uses in any district by the regulations of this Ordinance may be modified or waived by the Plan Commission in their application to a conditional use if in the Commission's opinion they are not appropriate or necessary to the proper regulation of the conditional use, and where such modification or waiver would not in the commission's opinion result in adverse effect upon the surrounding properties.

- D. Accessory Uses and Structures: Uses and structures accessory to a principal conditional use shall be subject to appropriate regulations in the same manner as herein set forth for the principal conditional use.