

GUIDELINES FOR CONDITIONAL USE PERMITS

INTRODUCTION

The purpose of these guidelines is to provide applicants with a summary of the conditional use permit procedures and regulations. City staff is available for consultation, and is willing to provide you with assistance throughout the review procedure. To that extent, you are encouraged to meet with staff before an application is submitted.

If you have questions not covered by these guidelines or if staff can be of further assistance, please feel free to call the City Planner at 262-375-7610.

PROCEDURE

The conditional use permit process consists of five (5) steps, which typically require a minimum of thirty (30) days to accomplish:

1. Applicant must meet with staff.
2. Applicant submits application, fee and five (5) plans to the City Clerk a minimum of thirty (30) days before the scheduled public hearing.

The preliminary plans are distributed to Cedarburg Light & Water, Cedarburg Fire Department, Cedarburg Police Department and the Engineering Department for review and comment. Comments by the aforementioned reviewers are provided to the applicant for incorporation into the plans.

3. Applicant submits thirteen (13) revised plans (preferably 11"x17" if readable) to the City fourteen (14) days prior to the Plan Commission public hearing.*

* A public hearing requires notification by mail of all property owners within 300 feet of the subject property and publication of a Class 2 notice in the City's official newspaper (the News Graphic) twice before the public hearing. A second notice must be published at least one week prior to the public hearing. (The City prepares and transmits the appropriate notices to the nearby property owners and the newspaper.)

4. Applicant attends the Plan Commission meeting to present proposal and answer questions.

The Plan Commission may deny, approve or approve the conditional use with conditions. The City Planner/Zoning Administrator will provide written notification of the action by the Plan Commission to the applicant within 30 days of the meeting.

5. If approved, a Conditional Use Grant and a Land Covenant shall be executed by the property owner(s), the Mayor and City Clerk. The conditional use is not granted until the documents are recorded with the Ozaukee County Register of Deeds.

The City Clerk must be provided a copy of the Conditional Use Grant and Land Covenant with the recording information.

NOTE: A separate application is made to the Building Inspection Department for the required building permits before construction begins.

APPLICATION

The application MUST include the following information:

- Application form (see attachments), which MUST be signed by the Property Owner.
- Application fee of \$300.00 [SEC. 13-1-230(b)(4)].
- A written project summary addressing the standards and requirements for conditional use permit requests. (See attached standards and requirements for Conditional Use Permit approval.)

The project summary must also describe the exact actions to be taken by the applicant to complete the project.

- Additional information as required by the City.

If you are interested in a CONCEPTUAL Plan Commission review before making a formal application, information can be obtained from the City Planner.

SITE PLAN REVIEW REQUIREMENTS FOR CONDITIONAL USE APPLICATIONS

Site plan data to be submitted with all site plan review applications shall include the following:

- (a) Site plans drawn to a recognized engineering or architectural scale with the name of project noted.
- (b) One (1) colored rendering of the site and landscaping plans.
- (c) Owner's and/or developer's name and address noted.
- (d) Architect's and/or engineer's name and address noted.
- (e) Date of plan submittal.
- (f) Scale of drawing, site size (area in square feet or acres), and building area and coverage noted on plan.
- (g) Existing and proposed topography shown at a contour interval of not less than two (2) feet at National Geodetic Vertical Datum, indicating proposed grade on a grading plan and location of improvements.
- (h) The characteristics of soils related to contemplated specific uses.
- (i) All building and yard setback lines indicated.
- (j) Where applicable, both the one hundred (100) year recurrence interval floodplain and the floodway indicated.
- (k) All drives, curb cuts, and both ingress and egress locations indicated.
- (l) The proposed location of all signage to be placed on the site.
- (m) The location and type of all outdoor lighting proposed to illuminate the site.
- (n) Total number of parking spaces noted.
- (o) The type, construction materials, size, and location of all structures with all building dimensions shown.
- (p) Indicate height of buildings.
- (q) Existing and proposed street names indicated.
- (r) Indicate existing and proposed public street rights-of-way and/or reservations and widths.
- (s) Indicate and locate all easements on the subject property.
- (t) North arrow shown.
- (u) Locate existing and general location of proposed sanitary sewers, storm sewers, water mains and fire hydrants (existing and proposed) and proposed electrical service easements. In addition, all locations for the proposed connections to such utilities should be indicated on the site plan.
- (v) Locate any proposed stormwater management facilities, including detention/retention areas.
- (w) Locate existing trees, including the delineations required in the Tree Preservation Ordinance.
- (x) Note location, extent, and type of proposed landscaping and landscape plantings as well as any proposed buffer areas for adjoining properties.
- (y) Note location of pedestrian sidewalks and walkways.
- (z) A graphic outline of any development staging which is planned.

- (aa) If the development abuts an existing or planned arterial street or highway, as identified on the City's master plan or component thereof, all driveway locations of all adjoining property within two hundred (200) feet of the subject property shall be indicated on the site plan.
- (bb) Written project summary including operational information, building schedule, and estimate of project value including all site improvement costs.
- (cc) Other data which may be required by either the City staff or City Plan Commission to review the site plan.

SEC. 13-1-226 CONDITIONAL USE PERMIT.

- (a) **Permit.** The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.
- (b) **Existing Uses.** All uses existing at the effective date of this Chapter which would be classified as a conditional use in the particular district concerned if they were to be established after the effective date of this Chapter are hereby declared to be conforming conditional uses. Any proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.
- (c) **Application for Conditional Use Permit.** Except as provided herein, application for conditional use permit shall be made in duplicate to the City Clerk and shall include the following where pertinent and necessary for proper review by the Plan Commission:
 - (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, when engaged, and all opposite and abutting property owners of record.
 - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the Zoning Administrator, showing the location, property boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards; a detailed plan of proposed surface drainage, topographic data or pertinent grade elevations where necessary for proper interpretation of the plans, and a small locational diagram showing the property in relation to the surrounding area, and U.S. Public Land Survey Section number; and areas subject to inundation by floodwaters.
 - (4) In areas subject to inundation by floodwaters, the plat of survey shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures, and plans for proposed structures, giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its effects on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are adequate to withstand the flood forces and velocities associated with the one hundred (100) year

recurrence interval flood. Prior to the issuance of an occupancy permit, the applicant shall also submit a certification by the registered professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this Chapter.

- (5) In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within forty (40) feet of the subject site; soil mapping unit lines, types, and slopes, ground surface elevations; mean and historic highwater lines, on or within forty (40) feet of the subject premises, and existing and proposed landscaping when so required by the City Plan Commission.
 - (6) Additional information, as may be required by the Common Council, Plan Commission, City Engineer, or the Zoning Administrator.
- (d) **Applications for Conditional Use Permits for an Outdoor Soda Water Vending Machines** shall be made in duplicate to the City Clerk on forms furnished by the City Clerk and shall include the following:
- (1) Name and address of the applicant, owner of the site, and all opposite and abutting property owners of record.
 - (2) Description of the subject site by address, identification of zoning district within which the subject site is located, and description of the proposed location of the outdoor soda water vending machine.
- (e) **Review and Approval.** The Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation. Conditions such as landscaping, architectural design, type of construction, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter. The foregoing is not an exclusive list of the types of conditions which may be imposed. Conditional uses shall comply with all other provisions of this Chapter unless variances are granted by the Zoning Board of Appeals. On city-owned property, the Plan Commission shall make a recommendation to the Common Council concerning applications for conditional use permits, and the Common Council shall have final approval regarding conditional use permit applications. (Ord. 2001-07)
- (f) **Hearings.** The Plan Commission shall fix a reasonable time and place for the hearing, publish a Class Two (2) notice thereof, and shall give due notice to the parties in interest and Zoning Administrator, and as specified in Section 13-1-228. At the hearing the applicant may appear in person, by agent, or by attorney.
- (g) **Notice to DNR.** The City Plan Commission shall transmit a copy of each application for a conditional floodland use to the Wisconsin Department of Natural Resources (DNR) for review and comment. Action on the application shall not be taken for thirty (30) days or until

the DNR has made its recommendation, whichever comes first. A copy of all floodland conditional use permits shall be transmitted to the DNR within ten (10) days of the effective date of such permit.

- (h) **Recordation of Conditional Use Permits.** The City Clerk shall cause the recording of all conditional use permits with the Ozaukee County Register of Deeds.

SEC. 13-1-227 PRIVATE RESIDENTIAL SWIMMING POOL PERMIT.

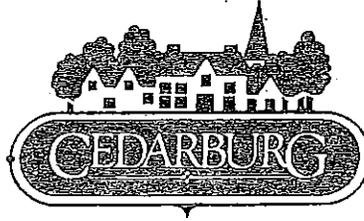
- (a) **Permit Requirement.** Before work is commenced on the construction or erection of a private residential swimming pool or on any alterations, additions, remodeling, or other improvements (not including repairs), a swimming pool permit to construct, erect, alter, remodel, or add a swimming pool must be obtained from the Building Inspector of the City of Cedarburg. Plans, specifications, and pertinent explanatory data shall be submitted to the City at the time of application for the permit. No work or any part of the work shall be commenced until a permit for such work is obtained by the applicant.
- (b) **Fee.** Please refer to Section 15-1-101 for the fee for a private swimming pool permit.
- (c) **Occupancy.** No private residential swimming pool for which a swimming pool permit is issued for the construction, alteration, remodeling, or other improvements shall be used by the owner, operator, or lessee until the Building Inspector has inspected the pool and has ascertained that said private residential swimming pool conforms to the requirements of this Ordinance and has issued a swimming pool permit for the same. Such swimming pool permit shall be issued without further fee and shall be prominently displayed at or near the swimming pool at all times as such pool is being used.

SEC. 13-1-228 OTHER PERMITS.

It is the responsibility of the permit applicant to secure all other necessary permits required by any federal, state, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapters 30 or 31 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

SEC. 13-1-229 NOTICE OF PUBLIC HEARINGS.

- (a) **Publication.** Published notice of any public hearing required to be held shall be given pursuant to the requirements set forth in Sec. 62.23(7)(e)(d), Wis. Stats., or any succeeding legislation.
- (b) **Posting.** When the hearing involves a proposed change in the zoning of any property or the granting of a conditional use, one of the uses shall be posted in the vicinity of such proposed change or conditional use, where practical.
- (c) **Notice to Interested Persons.** The City Clerk shall mail notice of the public hearing to the owners of all lands within three hundred (300) feet of any part of the land included in such



Dear Applicant:

This letter is to clarify that your application for Plan Commission review is
NOT A BUILDING PERMIT APPLICATION.

The Plan Commission will review your application in relation to land use and architectural impact on the surrounding area.

In order to begin construction, a building permit application must be filed with the Building Inspection Office, along with four copies of the building plans. One copy of the plans will be returned to you with the Building Inspector's notes when the permit is granted, the second will be retained by the Building Inspection Department, the third is forwarded to the Assessor's Office, and the fourth is for review by the Fire Department.

Please allow at least five (5) working days for processing of the building permit application.

It is necessary to apply separately for the Building Permit and Plan Commission approvals because the two approvals require somewhat different information. Also, it is possible that the Plan Commission would require revisions to the original plans, which would need to be incorporated before the building permit application is reviewed.

Our goal is to obtain approvals for your projects as quickly and smoothly as possible. If you have any questions, or wish to make any comments, please feel free to call us at 262-375-7609.

Sincerely,

CITY OF CEDARBURG

A handwritten signature in black ink, appearing to read "Michael F. Baier".

Michael F. Baier
Building Inspector

MFB:djd