

Research the zoning codes of Wisconsin municipalities that include "consistency with the comprehensive plan" as criteria for granting a special use / conditional use.

As of 11/16/17 The following cities have already been researched and have been found to require comprehensive plan conformance as criteria for special use permits

Eau Claire
Greenfield
La Crosse
Mequon
Racine
Appleton

Whitefish Bay
Whitewater

The following have been researched and found to not to have the comp plan as a special use criteria:

Wauwatosa

City of Brookfield: Brookfield requires compliance with comp plan for site plan approval, but not for special use. In Brookfield CPC approval of site plans is required for many project types. I believe that Brookfield's site plan approval process is not dissimilar to a BOZA process.

Madison

Madison **does not require consistency** with comp plan as a criteria for conditional use permits, but does require that the City Plan Commission not approve a conditional use without due consideration of the recommendations of the comprehensive plan & related documents.

Chapter 28.183(6)

(6) Approval Standards.

(a) The City Plan Commission shall not approve a conditional use without due consideration of the recommendations in the City of Madison Comprehensive Plan and any applicable, neighborhood, neighborhood development, or special area plan, including design guidelines adopted as supplements to these plans. No application for a conditional use shall be granted by the Plan Commission unless it finds that all of the following conditions are present:

1. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.
2. The City is able to provide municipal services to the property where the conditional use is proposed, given due consideration of the cost of providing those services.
3. The uses, values and enjoyment of other property in the neighborhood for purposes already established will not be substantially impaired or diminished in any foreseeable manner.
4. The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
5. Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit and other necessary site improvements have been or are being provided.
6. Measures, which may include transportation demand management (TDM) and participation in a transportation management association have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.
7. The conditional use conforms to all applicable regulations of the district in which it is located.

Oshkosh:

The Director of Community Development is required to evaluate a conditional use application to determine if it is in harmony with the comp plan, and to include this review in a written report submitted to the Plan Commission, but I cannot find anything in Oshkosh's code that states that the plan commission or Common Council must deny a conditional use request if it is not consistent with the comp plan..

(1) Purpose

(a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.

(b) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this Chapter of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.

(c) Conditional uses are also those proposed uses which are listed as special uses, but fail to meet one of the requirements for special use approval listed in Section 15.206. (See Section 15.202(3)(b).

(d) Under this Chapter, a proposed Conditional Use shall be denied unless the applicant can demonstrate, to the satisfaction of the City Plan Commission that the proposed Conditional Use will not create major undesirable impacts on nearby properties, the environment, nor the community as a whole.

(2) Initiation of Request for Approval of a Conditional Use: Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.

(3) Application Requirements: All applications for proposed conditional uses shall be approved as completed by the Zoning Administrator prior to the initiation of this procedure. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper, the applicant shall provide 5 copies of the complete application. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 200 feet of the boundaries of the subject property, together with the names and address of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Sheboygan County. Said map shall clearly indicate the current zoning of the subject property and all other land within 200 feet, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
- (b) A map, such as the Land Use Plan Map, showing the generalized location of the subject property in relation to the City as a whole;
- (c) A written description of the proposed conditional use, describing the type of activities, buildings, and structures proposed for the subject property and their general locations
- (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 15.206(1)(b) or a group development (per Section 15.208). A proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per section 15.908.
- (e) Additionally, the applicant may wish to provide written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection 15.905(4)(c)1.-6.

(4) Review by the Zoning Administrator: The proposed conditional use shall be reviewed by the Zoning Administrator as follows:

Zoning Administrator shall mail an identical notice to the applicant and to all owners of abutting properties. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

(b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission), the Plan Commission shall make its findings. If the Plan Commission makes a favorable finding, it shall state in the minutes and in a substantially issued written conditional use permit, its conclusion and any finding of facts supporting its conclusion.

(c) For existing developments that do not meet the landscaping and paving requirements of this Chapter, the Plan Commission may choose to require the development paving and landscaping to come into compliance with the requirements per Section 15.307.

(6) Plan Commission Action: The Plan Commission may take final action on the application at the time of its initial consideration of the written conditional use permit, or may continue the proceedings at its discretion or at the applicant's request. The Plan Commission may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications or may deny approval of the proposed conditional use. The Plan Commission's approval of the proposed conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.

(7) Effect of Denial: No application which has been denied (either wholly or in part) shall be resubmitted for a period of 6 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

(8) Termination of an approved Conditional Use: Upon approval by Plan Commission, the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 15.908. Once a conditional use is granted, no Erosion Control Permit, Site Plan approval (per Section 15.908), Certificate of Compliance (per Section 15.909), or Building Permit shall be issued for any development which does not comply with all requirements of the Conditional Use Permit. The applicant shall provide Certification of Compliance to the City staff upon completion of the development activity. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Plan Commission, following the procedures outlined in Subsections (2) through (7), above.

(9) Time Limits on the Development of Conditional Use: The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by Plan Commission and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Compliance for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by Plan Commission and shall be based upon a showing of acceptable justification (as determined by Plan Commission).

(10) Discontinuing an Approved Conditional Use: Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

(e) **Standards for granting special use permits.** No special use permit shall be recommended by the Plan Commission, or approved by the Common Council, unless it shall find that:

(1) **Zoning.** The proposed use conforms to the underlying zone district purpose and development standards and is in harmony with the general purposes and intent of the Appleton zoning ordinance. When there is an existing nonconforming structure, the development standards may be waived by the Common Council.

(2) **Plans.** The proposed use conforms to the VISION 20/20: Comprehensive Plan, any applicable urban design or other plan officially adopted by Common Council.

(3) **Traffic.** Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

(4) **Landscaping and screening.** Appropriate landscaping and screening has been or will be provided to protect adjacent uses or properties from light, noise and other visual impacts that are associated with the proposed use as established in §23-172(g), Perimeter parking lot and loading space landscaping and §23-601, Landscaping and screening standards.

(5) **Neighborhood compatibility.** The proposed use is compatible with the predominant or prevailing land use of the neighborhood surrounding the proposed development.

(6) **Services.** Adequate facilities, access roads, drainage and/or necessary services have been or will be provided.

Eau Claire WI Special use (Conditional Use) criteria

18.35.040 General Provisions. No application for a conditional use shall be granted by the commission unless the commission finds all of the following general provisions, applicable to all conditional uses, are present:

- A. That the establishment, maintenance, or operation of the conditional use will not be materially detrimental to or endanger the public health, safety, morals, or general welfare;
- B. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;
- C. That the establishment of the conditional use will not significantly impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That adequate utilities, access road, off-street parking, drainage and other necessary site improvements have been or are being provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion and hazard in the public streets;
- F. That the conditional use shall conform to all applicable regulations of the district in which it is located;
- G. That the proposed use is in conformance with the purpose of the zoning district in which it is located and complies with the provisions and policies of the comprehensive plan; and
- H. That the specific provisions applicable to the conditional use listed in this chapter are or will be satisfied. (Ord. 5037, 1990).

18.35.050 Specific Provisions. The following specific provisions, applicable to specific conditional uses as listed, shall be considered by the Commission, in addition to provisions included under section 18.35.040:

- A. Agricultural Uses, Commercial. Districts permitted: R-1A. Buildings or structures used for the shelter or feeding of livestock shall be located not less than 200 feet from any adjoining lot in a residential district.
- B. Antennas, Private (in excess of accessory use standards). Districts permitted: all residential districts. Private antennas in excess of accessory use standards for: number allowed per residential lot, height allowed for antenna support structures, or setbacks required based on the height of the antenna support structure, may be allowed by the commission subject to the general provision herein, all other related provisions of 18.30.040 and the related provision of the federal communications commission.
- C. Bed and Breakfast House. Districts allowed: all residential. Provisions:
 - 1. These provisions are intended to allow alternative uses for older or larger dwellings which have a unique character or historic value to the community, as a means of preserving or enhancing such structures.
 - 2. No additions to such dwellings shall be allowed unless approved by the commission.
 - 3. The appearance of the dwelling shall be maintained or restored to its original condition, except for changes required by building, housing or other codes or as determined by the commission.
 - 4. Parking areas and trash storage areas shall be screened from view. Other screening may be required for the property by the Commission to protect adjacent residential uses.
 - 5. Parking shall be provided at 1 stall per guest room plus 2 stalls.
 - 6. The number of guest rooms shall not exceed 9 and the Commission may restrict this number to 5 or fewer in areas which are primarily single-family neighborhoods or which do not have direct access to collector or arterial streets.
- D. Repealed by ord. 6683.
- E. Conversion of One-Family Dwelling to Duplex. Districts allowed: R-2. Provisions:
 - 1. The appearance of the dwelling, including but not limited to facades and roof lines, shall be maintained in or restored to its original condition, except as required by building, housing or other codes or as approved by the commission.
 - 2. No increase in the finished floor area of any dwelling granted a conditional use under this section shall be made except by approval of the commission.
 - 3. Screening of trash areas, appropriate parking areas and completion of other site improvements shall be provided.
 - 4. Minimum lot area shall be 10,000 square feet, except the commission may reduce such lot area to 8,000 square feet upon finding:
 - a) Compliance with the policies of the applicable neighborhood plan or area plan;
 - b) The dwelling shall have a minimum of 2,000 square feet of finished floor area, excluding basement, as of January 1, 1980;

5. Lot size shall be adequate to provide for parking, child pick-up area, vehicle turn-around area, play area, screening and setbacks.

J. Dwelling Units in Commercial Districts. Districts allowed: C-1A, C-1, C-2, CBD. Provisions:

1. Dwelling units in a C-1A, C-1 or C-2 district are restricted to a total gross floor area of 5,000 square feet above the ground floor of a commercial building and also to the rear of such buildings, provided that such ground floor dwelling units shall not be closer than 28 feet to any public street.

2. Dwelling units in the CBD are allowed on the ground floor in newly constructed buildings, provided that all applicable yard setback regulations required for the R-4 district are met.

3. Dwelling units are a permitted use above the ground floor of commercial buildings in the CBD with no setback restrictions.

4. In the C-1A, C-1 and C-2 districts, there shall be provided a usable open space of not less than 100 square feet for each bedroom in a dwelling unit.

5. Minimum lot size shall be 6,000 square feet and minimum lot width shall be 60 feet for buildings containing dwelling units in a C-1A, C-1 or C-2 district.

6. A side yard setback of 10 feet shall be provided for any building containing a dwelling unit in a C-1A, C-1 or C-2 district.

7. A rear yard setback of 20 feet shall be provided for any building containing a dwelling unit in a C-1A, C-1 or C-2 district.

K. Garage, Private. Districts allowed: all residential. Provisions:

1. Any attached or detached private garage, on a lot, having a floor area in excess of the accessory use standards for private garages in Chapter 18.30, requires a conditional use permit.

2. Any combination of attached or detached garages, on a lot, having in excess of 1,500 square feet of floor area or more than 4 parking stalls, requires a conditional use permit.

3. Any detached garage in excess of 18 feet in height above the existing grade of the lot requires a conditional use permit.

4. A second detached garage on a lot requires a conditional use permit, provided that the lot for such request shall be at least 1 acre.

5. The commission, in considering a request under this subsection, shall apply the provisions for determination of accessory uses under Chapter 18.30 and the general provisions of this chapter.

L. Golf Courses. Districts allowed: all residential. Provisions:

1. Shall not include commercially operated miniature golf courses or golf driving ranges unless clearly accessory to the golf course.

2. Clubhouses and maintenance buildings shall be located not less than 200 feet from any adjacent lot in an adjoining residential district.

3. A minimum setback of 100 feet shall be provided from any street for any main or accessory building.

4. These provisions shall not require any change in an existing clubhouse or maintenance building for which a building permit has been issued in the event of a change in the boundary of an adjacent residential district.

5. Parking shall be provided at 4 stalls per hole.

M. Home Occupation. Districts allowed: R-1A, R-1, R-2, RM, R-3, R-4. Provisions:

1. That except for articles produced on the premises, no stock in trade will be displayed or sold on the premises.

2. That the home occupation will be conducted entirely within the enclosed living area of the dwelling unit or the enclosed portion of an accessory building.

3. That no person other than members of the immediate family occupying such dwelling shall be employed in the home occupation.

4. That the establishment, conduct and total floor area devoted to the home occupation will not change the principal, residential character of the use and appearance of the dwelling unit and accessory building involved.

5. That there will be only 1 sign, non-illuminated, not exceeding one square foot in area, containing only the name of the owner(s) and home occupation, mounted flat against the wall of the dwelling or accessory building or visible through a window.

6. That there will be no outside storage or exterior evidence of the conduct of a home occupation except as otherwise permitted by the commission upon such conditions as the commission deems necessary.

7. That the home occupation will not cause a public nuisance.

8. That the conduct of the home occupation, including but not limited to the storage of goods and equipment, shall not reduce or render unusable areas provided for the required off-street parking.

three-quarter ton pick-up or panel truck, and that said vehicle will be parked off-street.

10. That any parking demand generated by the home occupation will not cause undue interference with the movement of traffic or parking normally expected in the neighborhood.

11. That no electrical, mechanical or other equipment or processes will be used in the home occupation which creates visible or audible interference in radio or television receivers or causes fluctuations in line voltage outside the dwelling unit or accessory buildings, or which creates an unreasonable level of noise, dust, heat, vibration, odor or smoke, or which would create a fire hazard.

12. That the building used for the home occupation will be in full compliance with all applicable codes.

13. That the home occupation does not involve group meetings or a private school whose attendance exceeds five persons at any given time, except as otherwise permitted by the commission upon such conditions as the commission deems necessary.

U. Satellite Dishes, Private. (In excess of accessory use standards). Districts permitted: all residential districts. Private satellite dishes in excess of accessory use standards may be allowed by the commission subject to the general provisions herein, all other related provisions of s. 18.30.040, and other related provisions of the federal communications commission.

V. Christmas Tree Sales. Districts allowed: all residential. Provisions:

1. Such use shall only be allowed from November 15 through December 25.
2. Hours of operation shall be limited to 8:00 a.m. to 8:00 p.m.
3. Signs are restricted to 12 square feet, 6 feet in height, at a 10-foot setback.
4. Clean up of the site is required by December 27.
5. Parking for at least 4 vehicles will be provided on the site or be available on the street.
6. Outside lighting must be shielded to prevent glare on adjacent residential properties.

W. Public Utility Tower. Districts Allowed: all districts.

1. Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the council finds that these regulations are necessary in order to:

- a. Facilitate the provision of wireless telecommunication services to the residents and businesses of the city;
- b. Minimize adverse visual effects of public utility towers through careful design and siting standards;
- c. Avoid potential damage to adjacent properties from tower failure through structural standards and setback requirements; and

d. Maximize the use of existing and approved public utility towers and buildings to accommodate new wireless telecommunication antennas in order to reduce the number of public utility towers needed to serve the community.

2. A proposal for a new public utility tower shall not be approved unless the telecommunications equipment planned for the proposed tower cannot be collocated on an existing or approved tower or building as provided by the applicant in a sworn statement required by section 66.0404(2)(b)6. of the Wisconsin Statutes, and any amendments thereto. Provision of a sworn statement shall not preclude the City hiring a 3rd party consultant to review the feasibility of collocation on an existing or approved tower or building, with all costs charged to the new public utility tower applicant, with the exclusion of travel expenses.

3. Any proposed public utility tower shall be designed structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional users if the tower is over 100 feet in height or for at least one additional user if the tower is 60 to 100 feet in height. Public utility towers shall be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights. It is the intent of this provision to maximize the number of antennas that can be added to a proposed public utility tower.

4. The use of guyed public utility towers is prohibited. Public utility towers shall be self-supporting without the use of wires, cables, beams, or other means. The design shall utilize an open framework or monopole configuration. A monopole tower is preferred over other self-supporting public utility towers. Permanent platforms or structures exclusive of antennas that serve to increase off-site visibility are prohibited.

5. The public utility tower shall be no more than 200 feet in height in any district, and height alone shall not be a reason to prohibit a public utility tower.

6. In residential districts, a public utility tower shall be set back from all property lines a distance equal to or greater than the height of the tower. In other districts, the location of the public utility tower shall comply with the minimum setback requirements of the district in which it is to be located. In non-residential districts, public utility towers located closer to a property line than a distance equal to the height of the public utility tower shall be designed and engineered to collapse progressively within the distance between the public utility tower and the property line. In all districts, if a public utility tower is designed to collapse within a smaller area than the setback distance would otherwise require, as stated in an engineering certification, such district-required setback distance shall not apply unless the engineering certification is flawed.

7. Public utility tower locations shall provide the maximum amount of screening possible for off-site views of the facility. Existing on-site vegetation shall be preserved to the maximum extent practicable around the base of the public utility tower.

8. The installation of the public utility tower and related structures shall be designed to be compatible with the underlying site plan. The base of the tower and any accessory structures shall be landscaped and screened where practical. Accessory structures shall be designed to be architecturally compatible with principal structures on and adjacent the public utility tower site.

9. The public utility tower shall be light blue, gray, or other colors that are demonstrated to minimize visibility. The use of mottling as a camouflage technique is encouraged. No advertising or identification visible off-site shall be placed on the public utility tower or antennas.

10. Public utility towers and their antennas shall not be lighted except as required by the Federal Aviation Administration or other authority.

11. The priority for locating antennas shall be in the following order of ranking (highest preference to lowest preference):

- a. Existing structures;
- b. Public lands and other parks where compatible surrounding uses;
- c. Industrial areas, where compatible with surrounding uses;
- d. Commercial areas where compatible with surrounding uses;
- e. Residential areas and public parks where compatible with surrounding uses and only if such towers are uniquely designed to be consistent with other improvement on the site, typical to permitted uses in the zoning district and located no closer than

Greenfield

21.04.0701 - General standards for special uses.

- A. *General standards.* No special use permit shall be recommended or granted pursuant to this Code unless the applicant shall establish the following:
1. *Zoning code and comprehensive master plan purposes and intent.* The proposed use and development will be in harmony with the general and specific purposes for which this Code was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Greenfield Comprehensive Master Plan or element thereof.
 2. *Adverse impact.* The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood and:
 - a. *Interference with surrounding development.* The proposed use and development will be constructed, arranged, and operated so as not to unreasonably interfere with the use and development of neighboring property according to the applicable zoning district regulations.
 - b. *Adequate public facilities.* The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.
 - c. *Traffic congestion.* The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - d. *Destruction of significant features.* The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
 3. *Compliance with standards.* The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this division and Code authorizing such use. (Also see Sections 21.04.1001 and 21.04.1004 of this Code.)
- B. *Special standards for specified special uses.* When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards as set forth in either Section 21.04.0702 or 21.04.0703 of this division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.
- C. *Considerations.* In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
1. *Alternative locations.* Whether and to what extent such public goals can be met by the location of the proposed use and development at another site or in another area that may be more appropriate than the proposed site.
 2. *Mitigation of adverse impacts.* Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.
- D. *Conditions on special use permits.* (Am. #2430) The Plan Commission may recommend, and the Common Council may impose, such conditions and limitations concerning use, construction, character, location, landscaping, maintenance, screening, operation, hours of operation (except as

- b. Any additions or enlargements of an existing special use for which a Special Use Permit has not been issued shall be subject to the provisions of Division 21.04.1000 of this Code.
- I. *Amendments to special use permits.* A Special Use Permit may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Code for its original approval.
- J. *Review of special use permits.* An existing Special Use Permit may be reviewed by the City as follows.
 - 1. The Plan Commission may review a Special Use Permit if any of the following determinations are made by the Plan Commission:
 - a. The special use has not continued in conformity with the City's conditions of approval of the Special Use Permit or with any subsequent amendments to the Special Use Permit.
 - b. Violations of other statutes, ordinances, or laws.
 - c. A change in the character of the surrounding area or in the special use itself which has caused the special use to become incompatible with the surrounding uses.
 - d. A change in ownership or tenant; a change in the use or occupancy of property. This can involve the review of existing site/building conditions with a determination by the Plan Commission of where nonconforming elements are brought into compliance. (Cr. #2430; Am. #2490)
 - 2. The determination for the review of a Special Use Permit shall be made by the Plan Commission after due notice to the property owner, occupant, or agent as indicated on the Special Use Permit, as to the reasons for the review.
 - 3. Upon review of the Special Use Permit, the Plan Commission may recommend to the Common Council that no action be taken, recommend revisions to the Special Use Permit or additional conditions be added to the Special Use Permit or may recommend that the Common Council proceed with a public hearing for possible termination of the Special Use Permit.
- K. *Subsequent change or addition to the plans or use.* (Cr. #2731) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission. If in the opinion of the Plan Commission, it is anticipated that such requested change in the special use substantially changes the concept or intent of a previously approved special use, the Plan Commission can consider it a major change to the original Special Use. If this is the decision of the Plan Commission, then a public hearing before the Common Council shall be required and notice thereof be given pursuant to the provisions of this division, and said proposed changes shall be submitted to the Common Council for approval.

La Crosse WI Special use (conditional Use) permit criteria

Sec. 115-342-

- (3)

Approval criteria. No application for a conditional use shall be recommended, approved, or granted by the City Plan Commission unless the Commission shall find all of the following:

a.

Use is consistent with adopted plans of the City;

b.

Use complies with all applicable standards of this chapter, including any applicable standards of this article;

c.

Use will not result in significant adverse impacts to other property in the vicinity of the subject tract or on the natural environment, including air, water, wetlands, flood-prone areas, wildlife or significant vegetation;

d.

Use will not have significant adverse impacts on the livability of nearby residential-zoned lands due to:

1.

Noise, glare from lights, late-night operations, odors, and litter; and

2.

Privacy and safety issues;

e.

Any differences in appearance or scale (from the surrounding area) will be mitigated through setbacks, screening, landscaping, or other design features;

f.

Compliance with this entire chapter, such as lot width and area, yards, height, parking, traffic, highway access, and performance standards shall be required of all conditional uses;

g.

That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or welfare;

h.

That the City will be able to provide municipal services to the property where the conditional use is proposed, given due consideration of the costs of providing such services;

i.

That the uses, values, and enjoyment of other property in the neighborhood for purposes already established shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use;

j.

That the establishment of the conditional use will not impede normal and orderly development and improvement of the surrounding property for uses permitted in the district;

k.

That adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, public transit, and other necessary site improvements have been or are being provided;

l.

That appropriate measures to address transportation demand have been or will be taken to provide adequate ingress and egress, including all off-site improvements, so designed as to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets; and

m.

That the conditional use shall conform to all applicable regulations of the district in which it is located.

(Code 1980, § 15.26(A)—(C), (AA))



Sec. 58-87. - General provisions.

- (a) *Approval required.* Uses listed as permitted by conditional grant may be permitted in the appropriate zoning district subject to the approval of the planning commission and to such conditions as deemed appropriate.
- (b) *Basis for approval.* The planning commission shall base their determination on the potential effect of such use on the health, general welfare, safety and economic impact of the city and the immediate neighborhood. Specific consideration shall be given to the proposed conditional use grant's effect on the movement of traffic, environment, area aesthetics, city services and precedent of future development.
- (c) *Denial.* The planning commission may deny the conditional use grant request if it concludes, based upon the information submitted, that the proposed use and/or development would likely:
 - (1) Materially endanger the public health, general welfare, and safety, or
 - (2) Substantially injure the value of adjoining or abutting property, or
 - (3) Be inharmonious with the area in which it is to be located, or
 - (4) Will not be in general conformity with the land use plan, transportation plan, environmental plan, park and recreational plan, or other officially adopted plan.
- (d) *Modification of regulations applied to conditional uses .* Zoning regulations and standards established in this article may be modified or waived by the planning commission in their application to a permitted conditional use if in the planning commission's or board's opinion such regulations and standards are not appropriate or necessary to the proper regulation of such use, and where such modification or waiver would not, in the planning commission's or board's opinion, result in an adverse effect upon the surrounding properties. If no modification or waiver is granted, the proposed use shall conform to the building location, floor area ratio, parking, landscaping, lot width, setback, offset, height, building size, lot size, and open space regulations of the district in which it is located.

(Code 1957, § 3.05(1); Ord. No. 2001-1017, § II, 5-8-2001; Ord. No. 2008-1238, §§ I, III, 4-8-2008)

Racine Conditional use standards

Sec. 114-154. - Standards.

No conditional use shall be recommended by the plan commission unless such commission shall find that:

- (1) The establishment, maintenance, or operation of the conditional use will not be detrimental to, or endanger, the public health, safety, morals, comfort, or general welfare;
- (2) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- (4) Adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) The proposed conditional use is not contrary to the objectives of the current land use plan for the city; and
- (7) The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendations of the plan commission.

(Code 1973, § 16.03.110(h))

Whitefish Bay, WI Conditional Use Criteria 11-2017
Section 16.091(G)

G. STANDARDS - CONDITIONAL USES. No application for a conditional use shall be granted by the Plan Commission unless the following conditions are present:

- (1) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (2) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent properties and businesses.
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (4) That adequate utilities and other necessary site improvements have been or are being provided.
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (6) That the conditional use conforms in all substantial respects to the Silver Spring Drive Master Plan as amended from time to time, if applicable, currently on file and approved by the Community Development Authority and Village Board. (Ord. 1659)

Whitewater, WI Conditional Use Criteria 11-2017
19.66.050 - Standards for review and approval.

The plan commission shall use the following standards when reviewing applications for conditional use:

- A. That the establishment, maintenance, or operation of the conditional use will not create a nuisance for neighboring uses or substantially reduce the values of other property.
- B. That adequate utilities, access roads, parking drainage, landscaping and other necessary site improvements are being provided.
- C. That the conditional use conforms to all applicable regulations of the district in which it is located, unless otherwise specifically exempted in this ordinance. Where a variance is required, the plan commission may condition its approval on the subsequent approval of the variance.
- D. That the conditional use conforms to the purpose and intent of the city comprehensive plan.
- E. The conditional use and structures are consistent with sound planning and zoning principles.

(Ord. No. 1914A, 2-18-2016)