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**CITY OF ALGOMA
COUNTY OF KEWAUNEE
STATE OF WISCONSIN**

**COMMON COUNCIL
ORDINANCE NO. 819**

**AN ORDINANCE CREATING SECTION 18.19 OF CHAPTER 18 OF THE CITY OF
ALGOMA CODE OF ORDINANCES REGARDING CONDITIONAL USES**

WHEREAS, the City of Algoma has conditional uses within it's Code of Ordinances; and

WHEREAS, the City of Algoma Code of Ordinances does not contain a process for applying for and issuing conditional uses; and

WHEREAS, the City Attorney has recommended adoption of a conditional use ordinance for inclusion in the City of Algoma Code of Ordinances;

NOW, THEREFORE BE IT RESOLVED that the Common Council of the City of Algoma does ordain as follows:

Chapter 18 of the Algoma Code of Ordinances is amended to add section 18.19 Conditional Uses as follows:

18.19 - Conditional uses.

(1) The city plan commission may, after a review and public hearing, authorize the issuance of a conditional use permit for conditional uses specified for each district, provided such uses are in accordance with the purpose and intent of this chapter. Whenever a conditional use permit is requested and the required public hearing is scheduled and noticed by city as a class 2 notice, the city shall give notice, by regular mail, of the proposed conditional use to all property owners whose property lies within 300 feet measured in a straight line from the exterior boundary of the property subject to the proposed conditional use permit. Said notice shall be mailed at least ten days prior to the hearing; however failure of a neighboring property owner to receive such mailed notice shall not invalidate a public hearing. If action is delayed more than 120 days from the date of public hearing, a new public hearing shall take place. The plan commission may grant up to a 60-day extension if warranted by extenuating circumstances. In addition to the notification requirements listed above, applicant shall post signage visible to every facing street at least ten days prior to the hearing. The signage shall identify the property as being the subject of a public hearing and identify the appropriate city office that may be contacted for information.

(2) Applications for a conditional use permit shall be submitted to the City Clerk's office on a form provided by the City and reviewed by staff. Applications shall contain:

(a) A full legal description and property map.

- 48 (b) A plan showing the location, size and shape of the lot(s) involved and of any
49 proposed structures, and the existing and proposed use of each structure and
50 lot.
- 51 (c) A written description of the proposed conditional use describing the type of
52 activities, buildings, and structures involved in the use.
- 53 (d) Written statements showing how the proposed conditional use meets the
54 general standards for conditional uses (sub. 4) and any specific requirements
55 for a particular use.

56 After review by staff, an application deemed complete shall be placed on the
57 appropriate city plan commission agenda for review.

- 58 (3) The city plan commission shall review, as appropriate, the proposed site and
59 operation, existing and proposed structures, architectural plans, neighboring uses,
60 parking areas, driveway locations, highway access, traffic generation and
61 circulation, drainage, sewerage and water systems and whether the proposed
62 project will adversely affect property values in the neighboring area.
- 63 (4) A conditional use permit may only be issued by the plan commission upon making
64 a finding that:
- 65 (a) The establishment, maintenance, or operation of the conditional use will not
66 be detrimental to or endanger the public health, safety, or general welfare.
- 67 (b) The conditional use will not be injurious to the use and enjoyment of other
68 property in the immediate vicinity for the purposes already permitted nor
69 substantially diminish and impair property values within the surrounding area.
- 70 (c) The establishment of the conditional use will not impede the normal and
71 orderly development and improvement of surrounding property for uses
72 permitted in the district.
- 73 (d) Adequate utilities, access roads, drainage, and/or other necessary facilities
74 exist or will be provided to serve the conditional use.
- 75 (e) Adequate measures will be taken to provide ingress and egress so designed
76 as to minimize traffic congestion on the public streets.
- 77 (f) The conditional use shall in all other respects conform to the applicable
78 regulations of the district in which it is located.
- 79 (5) Conditions related to landscaping, architectural design, type of construction,
80 construction commencement and completion dates, permit duration, sureties,
81 lighting, fencing, operational control, hours of operation, traffic circulation, deed
82 restrictions, access restrictions, increased yards, and parking requirements may be
83 required by the city plan commission upon its finding that such conditions are
84 necessary to fulfill the purposes and intent of this chapter. Any conditions imposed
85 must be reasonable, and the extent practicable, measurable. Such conditions shall
86 be based on substantial evidence.
- 87 (6) Conditional uses shall comply with all other provisions of this chapter such as lot
88 width and area, yards, height, parking and loading.
- 89 (7) Any conditional use granted by the city plan commission shall terminate unless
90 initiated within 365 days of date of decision by the city plan commission. A
91 conditional use shall be operational within 730 days of its approval by the plan

92 commission. Failure to initiate the development within 365 days and/or begin
93 operations within 730 days shall automatically constitute a revocation of the
94 conditional use. An applicant may request that the plan commission approve an
95 extension for justifiable reasons.

96 (8) Once granted, a conditional use permit shall remain in effect as long as the
97 conditions upon which the permit was issued and the requirements of this ordinance
98 are followed. Unless a specific duration is included in a conditional use permit, a
99 conditional use permit shall automatically expire if the conditional use changes to a
100 permitted use not requiring a conditional use permit or if the conditional use is
101 discontinued or ceases to exist for a continuous period of at least 365 days for any
102 reason.

103 (9) If an application for a conditional use permit is denied, a new application for the
104 same conditional use will not be considered by the plan commission for a period of
105 12 months from the date of denial, except on grounds of new evidence as
106 determined by the zoning administrator.

107
108 ADOPTED BY ORDER OF THE COMMON COUNCIL AT A REGULAR MEETING
109 THEREOF ON THE 4TH DAY OF NOVEMBER, 2019 BY A VOTE OF 7 FOR AND
110 0 OPPOSED.

111
112 Approved: Wayne R. Schmidt
113 Wayne R. Schmidt,
114 Mayor of the City of Algoma
115

116 Attest: Jamie Jackson
117 Jamie Jackson,
118 Clerk of the City of Algoma
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120 Date Adopted: 11/4/19
121 Date Published: 11/8/19
122 Date Effective: 11/8/19

