

Committee-of-the-Whole Meeting

Tuesday, February 5, 2019 @ 7:00 PM

City Hall – Conference Room 3

NOTICE: If a person with a disability requires that the meeting be accessible or that materials at the meeting be in an accessible format, call the City Clerk's office at least 48 hours in advance to request adequate accommodations. Tel: 569-2186

Agenda:

1. Call to order and confirmation of appropriate meeting notification
2. Discussion of "Standards" for Conditional Use Permits
3. Adjourn




Diane Coenen, City Clerk
City of Oconomowoc

Notice is hereby given that a majority of the Common Council will be present at the above scheduled meeting to gather information about a subject over which they have decision-making responsibility.

This constitutes a meeting of the Common Council pursuant to State ex rel. Badke v. Greendale Village board, 173Wis. 2d 553, 494 N.W. 2d 408 (1993) and must be noticed as such, although the Common Council will not take any formal action at this meeting.

MEMORANDUM

TO: Committee-of-the-Whole Members

FROM: Jason Gallo, City Planner / Zoning Administrator 

DATE: December 10, 2018

SUBJECT: **Discussion of "Standards" for Conditional Use Permits**

Earlier this year, the Planning Dept. gave a presentation to the Committee-of-the-Whole members regarding Conditional Use Permits. At that time, Staff explained there has been recent changes in State Law relating to how Cities can approve these documents.

A conditional use is an allowable use in the specific zoning district, if the Common Council finds the proposed use meets the standards identified in the Zoning Ordinance. The burden is on the applicant to prove substantial evidence has been provided to meet all the required standards. Finally, each standard must have measurable criteria, a specific measurement for if the use meets or does not meet the standard.

In the City Zoning Ordinance, there are 40 uses identified as a conditional use. During the prior meeting, the Committee agreed to narrow down that list from 40 to 12. The other 28 uses would either be removed from the zoning district, as no longer allowed in that district, or change the use classification from a conditional use to a permitted-by-right use. In the end, the remaining 12 uses appeared to be uses that were appropriate for the City, but the Council felt the applicants should have a public hearing and the applicant needed to meet standards prior to issuance.

The 12 uses recommended to remain a Conditional Use Permit, include the following. These are the remaining uses that would require Council approval, with a public hearing.

Duplex	Kennel	General Personal Services
Golf Course	Gasoline Sales	General Outdoor Recreation
Mini-Storage	Storage Yard	Golf Course / Driving Range
Vehicle Sales	Vehicle Service	Communication Towers

The Committee-of-the-Whole narrowed down the number of uses that require a CUP. The next step is to create measurable standards for each of these uses. Attached find a copy of the draft standards that Planning and other City Staff has put together as potential standards needing to be met in order for the City to grant the permit.

Conditional Use Permit Standards:

Draft December 10, 2018

Duplex (CUP in RR / SR / TR / IRM / MC / IP / UR)

- Must have two addresses
- Must have 2 parking stalls per unit
- Separate building access for each unit from exterior
- Shall pay two refuse and recycling collections
- Shall have two separate kitchen areas
- Shall install two utility connection meters
- Payment of two community impact fees
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Kennel (CUP in RR / GC / MC / UR)

- Only allowed a maximum number of 15 dogs outside at one time
- Outside dogs shall be kept behind a 6' tall solid fence
- Outdoor designated areas shall be a minimum of 100' from residential property line
- Inside areas with shared walls shall be sound proofed with sound proofing insulation
- Disposal of dog waste shall be in a manor not to create any odor impacts to area
- Dogs shall not be outside unsupervised past 10 PM
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

General Personal Services (CUP in IRM / I)

- When located in the IRM District, Preservation of Historic Architecture per §17.108(7)(a)
- Hours of Operation 8 AM – 8 PM per §17.108(7)(b)
- Signage per §17.108(7)(c); Lighting per §17.108(7)(d); and Parking per §17.108(7)(e)
- Shall comply with noise, vibration, odor, and light zoning ordinance requirements
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

General Outdoor Recreation (CUP in RR / GC / MC / UR)

- Hours of operation limited to only between 8 AM - 10 PM
- Must control amount of dust by daily watering
- Meet all noise ordinance requirements (§17.212)
- Use must provide on-site restrooms or a restroom use plan
- Outdoor Lighting to comply with Zoning Ordinance requirements
- Parking plan to be submitted and approved with parking allowed on hard surface only
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Golf Course / Driving Range (CUP in RR / UR)

- For Golf driving ranges, netting shall be installed adjacent to residential uses
- Outdoor Lighting to comply with Zoning Ordinance requirements (§17.211)
- Outdoor storage to be screened from all public right-of-ways
- No outdoor activities allowed between 10 PM - 6 AM
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Gasoline Sales (CUP in GC / MC)

- No deliveries between 11 PM - 5 AM
- Tanks must meet the Federal safety requirements, including double lined
- Cannot locate within the well head protection area
- Provide proper truck turning movements on site
- Deliveries vehicles shall park on site and not interfere with parking stalls and not to impeded daily business
- Lighting levels to comply with City Ordinances (§17.211)
- Security cameras required as required by the City Police Department
- All signage shall comply with Zoning Ordinance requirements
- Outdoor storage plan shall be submitted and approved
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Vehicle Sales & Rental (CUP in GC / MC)

- No streamers, inflatables, temporary signs that exceed Zoning Ordinance requirements
- Parked cars to be staged that provide access for emergency services
- Cars shall be parked on a hard surface area, no grass parking
- Must obtain a Motor Vehicle Dealers license from State
- Lighting to comply with Zoning Ordinance requirements
- No vehicle service or repair is allowed unless granted by City
- Security cameras required
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Vehicle Service & Repair (CUP in GC / MC / BP / I)

- All repair and service shall be conducted within the building
- No outside storage of parts, tires, or other materials unless designated screened area
- Shall comply with noise, vibration, odor, and light Zoning Ordinance requirements
- All vehicles shall be parked in a designated stall on a hard surfaced area
- Security cameras required
- Hours limited to 7 AM – 8 PM
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Natural Resource Processing (CUP in BP / I / UR)

- Hours limited to 7 AM - 7 PM
- Must comply with noise, dust, odor and vibration standards in Zoning Ordinance
- Restoration plan shall be submitted with bond for assurance of completion
- Lighting levels to comply with City Ordinances (§17.211)
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Mini-Storage (CUP in GC / MC / BP)

- All storage of items other than vehicles and RV related items shall be stored indoors
- Buildings shall meet setback of minimum of 100' from property line §17.109(1)
- Facilities shall be fenced and access through a locked gate
- Security cameras are required
- Lighting levels to comply with City Ordinances (§17.211)
- Exterior Storage Plan
- Shall provide for emergency vehicle access
- Provide a truck turning radius plan
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Storage Yard (CUP in GC / MC / I / UR)

- Shall prepare a Fire and Emergency Department access plan
- No stacking of items greater than 20'
- Yards shall be fenced or screened with a minimum 6' fence, berm or landscaping
- Lighting levels to comply with City Ordinances (§17.211)
- All items shall be a minimum of 20' from property line
- Meet all other Zoning, Fire, Building, Engineering, Utility & other Municipal Ordinances

Communication Tower (CUP in I / IP / UR)

- Comply with Wis. State Stats Section 66.0404 Mobile Tower Siting Regulations
- Present Construction Plan describing the structure, equipment & network components
- Submittal of explanation letter for why the applicant chose the proposed location
- Sworn statement from an individual who has responsibility over the placement attesting that co-location within the search ring would not result in the same coverage, is technically infeasible or is economically burdensome to the mobile service provider