



APPLICATION PROCESS FOR CONDITIONAL USE GRANT REQUESTS

Step 1: Please read through the attached sections of the Village's Development Code that explain conditional use grant regulations.

Step 2: Submit a fully completed application form along with 11 copies of all attachments you wish to have considered by the Plan Commission as part of your application. (Please fold all attachments so that they are 8 1/2" x 11" size and with project name/identification visible.) Please note: Incomplete applications will not be accepted.

Please note: Applications must be submitted to Village Hall three weeks prior to the Plan Commission meeting. Plan Commission meetings are held on the second Thursday of each month at 7:00 p.m. The three week submittal requirement allows the Village time to review the application, obtain additional information from you if need be and set up the required public hearing. All property owners within 300' of the subject property will be sent a notice of the public hearing.

Step 3: Along with the completed application, the application fee must be paid. The fee for a conditional use grant approval request is **\$100.00**. The fee is collected to offset the cost of required legal notices that must be published in the newspaper and the cost of mailings to neighboring property owners.

Step 4: The Village Planner and the Village's consulting Engineer will be reviewing your application and will prepare a report for the Plan Commission, which will include recommendations for action.

Step 5: If your conditional use request is approved, a document will be prepared that contains the approval conditions. That document will need to be signed by the applicant, property owner and the Village. The Waukesha County Register of Deeds will then record the signed document.

Please note: Multiple Plan Commission meetings are often required prior to final project approval.

(Revised 8/16/06)

ARTICLE V. CONDITIONAL USES

Sec. 40.152. Approval.

(a) *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 Village of Pewaukee and the immediate neighborhood. Specific consideration shall be given to the proposed conditional use's effect on the movement of traffic, environment, area aesthetics, village services and precedent of future development. 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 areas in which it is to be located; or
- (4) Will not be in general conformity with the master plan, or other officially adopted plans.

(Ord. No. 99-5, § 17.05(1)(a), (b), 5-4-1999)

Sec. 40.153. Modification of regulations.

Zoning regulations and standards established in this chapter may be modified or waived by the planning commission in their application to a permitted conditional use if in the commission'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 commission's opinion, result in 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.

(Ord. No. 99-5, § 17.05(1)(c), 5-4-1999)

Sec. 40.154. Procedure.

(a) *Petition.* A request for a conditional use grant shall be submitted in writing to the of Village of Pewaukee clerk and it shall be accompanied by appropriate data, information and development plans of the proposed use, in accordance with section 40.155(a). The village clerk shall promptly refer such petition to the planning commission for determination.

(b) *Hearing.* Upon referral of the petition, the planning commission shall hold an official public hearing thereon as soon as possible and in the manner provided in section 40.115.

(c) *Determination.* Following public hearing and necessary investigation, the planning commission shall, as soon as practical, render its decision in writing and a copy shall be made a permanent part of the commission's records. Such decision shall include an accurate description of the approved use, the property description and all conditions applied to the approval. If the conditional use grant request is denied, the planning commission shall state their reasons for disapproval.

(d) *Mapping and recording.* Where a conditional use grant is approved an official record of such conditional grant shall be prepared by the secretary of the planning commission on a prescribed form which shall include the description of the use for which the grant is given and all development plans and conditions attached thereto. A copy of the completed form shall be recorded at the Waukesha County Register of Deeds as a covenant on the title for the premises for which the conditional use was granted and also any conditions for which responsibility shall inure to a tenant shall be made a part of any lease agreement affecting the property.

(e) *Termination.*

- (1) Where the planning commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the planning commission action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently pursued.
- (2) Where a permitted conditional use is discontinued for a period of 12 consecutive or 36 cumulative months, the conditional use grant shall automatically expire and any future use shall conform to the regulations of the district in which it is located.
- (3) Where an approved conditional use does not continue in conformity with the conditions of the original approval, or where there is a change in the nature and/or character of the permitted conditional use, the planning commission may require complete or partial termination of such use.

(f) *Application to existing uses.*

- (1) A use which existed lawfully on a lot at the time such lot was placed in a district where such use would be permitted only as a conditional grant, shall automatically be granted conditional use status.
- (2) The grant of conditional use in such case shall be based upon the existing conditions at that time and any expansion in use shall require an amendment to 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 authorized in this article.

- (4) Existing legal nonconforming uses may be reclassified to a conditional use subject to the provisions, procedures and requirements of this article.

(Ord. No. 99-5, § 17.05(2), 5-4-1999)

Sec. 40.155. Conditional use requirements.

(a) *Standard requirement.* Development plans of the proposed use shall be submitted for approval to the planning commission. Such plans shall be in sufficient detail to enable the commission to evaluate the suitability of architectural and landscape treatment; the proper siting of the building or buildings on the lot; generation of vehicular traffic and provision for parking and circulation needs; drainage and sewage disposal; exterior lighting; control devices 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) *Accessory uses and structures.* Uses and structures accessory to the principal conditional use grant shall be regulated in accordance with the provisions of this article.

(Ord. No. 99-5, § 17.05(3), 5-4-1999)

DETAILED SITE PLAN (Identify and/or illustrate the following on the plan)

_____ engineering scale
_____ location/vicinity map
_____ north arrow
_____ footprint of dimensioned property lines
_____ existing & proposed buildings
_____ footprint of existing adjacent buildings
_____ driveway location
_____ parking stalls
_____ adjacent public streets
_____ easements
_____ setback & offset dimensions
_____ pond/detention location

_____ floodplain and/or wetland boundary
_____ sign location
_____ exterior light location
_____ phasing lines
_____ floor area ratio
_____ open space ratio
_____ site acreage
_____ sidewalks/pedestrian walkways
_____ dumpster/recycling area location
_____ ground HVAC and/or utility installations
_____ fence location

DETAILED ARCHITECTURAL PLAN (Identify and/or illustrate the following on the plan)

_____ architectural scale
_____ all building views/elevations
_____ building height dimension
_____ general floor plan dimensions
_____ exterior building material(s) & color(s)
_____ colored rendering (*recommended*)

_____ dimensioned building facade sign
_____ exterior utility boxes
_____ exposed HVAC equipment
_____ dumpster/recycling area location
_____ samples of building materials
_____ building mounted lighting fixtures

DETAILED LANDSCAPING PLAN (Identify and/or illustrate the following on the plan)

_____ location of existing and/or proposed landscaping
_____ size of plantings at installation
_____ calculation confirming Zoning Code compliance with
_____ landscaping standard

_____ species of plantings
_____ dumpster/recycling area location
_____ conformance with tree preservation policy manual

GRADING & DRAINAGE PLAN (Identify and/or illustrate the following on the plan)

_____ existing and proposed two foot contour lines at local datum (*floodplain property should be identified at USGS datum*)
_____ pond/detention location
_____ stormwater and erosion control devices

[Note: meet with Village Engineer for further direction]

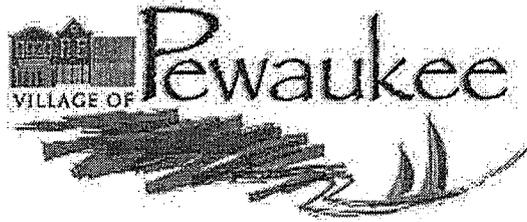
SIGNAGE PLAN (Identify and/or illustrate the following)

_____ scaled design drawing of freestanding and/or facade signs
_____ sign specifications and color (*wattage, materials, dimensions*)

EXTERIOR LIGHTING PLAN (Identify and/or illustrate the following)

_____ light fixture design detail and specifications

_____ iso footcandle lighting dispersion plan (*recommended*)



**Conditional Use Grant
Application Form**

Address/Parcel No. of Property Involved: _____

Zoning of Property: _____

Current Owner of Property: _____

Applicant – Name: _____

Address: _____

Phone: _____

Fax: _____

Nature of Request (If Requesting Approval for a New Business, Please Attach a Business Summary):

Provide detailed information with your application that addresses the following:

1. Development Plans of the proposed use in sufficient detail to enable the Commission to evaluate the suitability of architectural & landscape treatment, proper placement of the building(s) on the lot, traffic generation & circulation, provision for parking, drainage, exterior lighting, control devices (when necessary) to eliminate noise, dust, odor, smoke or other objectionable operating conditions & general compatibility of the proposed use with the area in which it is located.

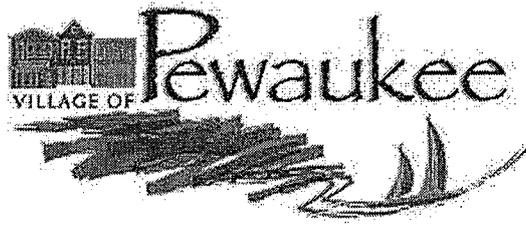
2. It is the responsibility of the applicant/owner to ensure that the proposed project meets the Village's Land Development Code. It is also highly recommended that the applicant/owner review the Village's adopted Land Use Plan.

Signature of Property Owner as listed on this Application:

Application will not be processed without the Owner's Signature regardless of who is listed as the Applicant. This signature authorizes the Village of Pewaukee to process the Conditional Use Approval Application proposed for my property and further authorizes the Village or its representatives to conduct reasonable and routine inspections of my property for the purposes of evaluating this application.

Signature of Applicant (if different than Owner):

Please return Completed Application Forms along with required attachments and the \$100 Application Fee to Pewaukee Village Hall, 235 Hickory Street, Pewaukee, WI 53072. If you have any questions, please call Village Hall at (262) 691-5660.



PROFESSIONAL SERVICES REIMBURSEMENT NOTICE

Pursuant to the Village of Pewaukee Code of Ordinances, the Village Board has determined that whenever the services of the Village Attorney, Village Engineer, Village Planner or any other of the Village's professional staff results in a charge to the Village for that professional's time and services and such service is not a service supplied to the Village as a whole, the Village Clerk shall charge that service for the fees incurred by the Village. Also, be advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are the responsibility of the property owner or responsible party.

I, the undersigned, have been advised that, pursuant to the Village of Pewaukee Code of Ordinances, if the Village Attorney, Village Engineer, Village Planner or any other Village professional provides services to the Village because of my activities, whether at my request or at the request of the Village, I shall be responsible for the fees incurred by the Village. In addition, I have been advised that pursuant to the Village of Pewaukee Code of Ordinances, certain other fees, costs, and charges are my responsibility.

The Village will place fees from unpaid invoices on the real estate tax bill of the property that corresponds to the incurred services.

RESPONSIBLE PARTY & MAILING ADDRESS

Name of Company and/or Individual

Street City State Zip

Phone: _____ Fax: _____ E-Mail: _____

Signature of Applicant & Date

Signature of Property Owner & Date

Village Official Accepting Form & Date

**SEND ALL PROFESSIONAL
SERVICES INVOICES TO:
(Check One)**

____ Property Owner

____ Applicant