

# CONDITIONAL USE PERMIT (CUP) PROCEDURE

DEFINITION: Conditional Uses are deemed to possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable their automatic inclusion as permitted uses in certain zones. Additionally, conditional uses are also those proposed uses which are listed as special uses, but fail to meet one of the requirements for special use under the requirements of the Zoning Ordinance.

- 1) Meet with City Planner
  - 2) Developer Submits 18 Copies of Plan of Operation/Site Plan by Date Requested by City Planner to be put on the next Staff Agenda
  - 3) Initial Appearance(s) with Staff
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- 4) Detailed Technical Review(s) by Pertinent Staff Only - 8 Copies
  - **8 Full Size Copies** Submitted by Developer to City Planner addressing Staff Recommendations
  - This Process could Entail Multiple Detailed Technical Review before Proceeding to Step 5

**STAFF REQUIRES A MINIMUM OF TEN (10) BUSINESS DAYS TO REVIEW EACH SUBMITTAL**

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- 5) Sign-Off by Staff on "Staff Recommendation Form" on CUP Proposal
  - Developer Files Application /Fee\*/Packet
- 6) Architectural Commission (13 Copies)
- 7) Public Hearing (note that steps 5 through 7 can occur in any order)
- 8) Plan Commission Recommendation (31 Copies)
- 9) Common Council Action
- 10) If Approved, City Clerk Mails Signed CUP to Developer

\* See Appendix for Complete Fee Structure

# CONDITIONAL USE PERMIT (CUP) PROCEDURE DETAIL

## When is it appropriate to file a CUP?

Conditional uses are 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 ordinance of specific standards, regulation or conditions which would permit such determination in each individual situation, may be permitted as conditional uses. Additionally, conditional uses are also those proposed uses which are listed as special uses, but fail to meet one of the requirements for special use under the requirements of the Zoning Ordinance.

### 1) Meet with City Planner

- Planner Discusses Project with Developer
- Planner gives Developer Necessary Paperwork:
  - Staff Meeting Appearance Form
  - Procedure Packet including Timeline
  - Fee Requirements - *See Appendix A) & B)*
  - Utility Information Form - Wastewater/Water/Electric
  - Utility Contact Information:  
(Contact the following utilities during the early stages of your design/layout phase)

#### City Of Oconomowoc

Wastewater: Tom Steinbach  
 900 S. Worthington Street  
 Oconomowoc, WI 53066  
 Office: (262) 569-2192  
 Fax: (262) 569-3273  
 Email: [Tsteinbach@wppisys.org](mailto:Tsteinbach@wppisys.org)

#### City of Oconomowoc

Water: Mark Frye  
 808 S. Worthington Street  
 Oconomowoc, WI 53066  
 Office: (262) 569-3198  
 Fax: (262) 569-2164  
 Email: [Mfrye@wppisys.org](mailto:Mfrye@wppisys.org)

#### City Of Oconomowoc

Electric: Dennis Bednarski  
 808 S. Worthington Street  
 Oconomowoc, WI 53066  
 Office: (262) 569-3197  
 Fax: (262) 569-2164  
 Email: [Dbednarski@wppisys.org](mailto:Dbednarski@wppisys.org)

#### SBC

2005 Pewaukee Road  
 Waukesha, WI 53188  
 Office: (262) 670-8492  
 Fax: (262) 896-7435  
 Email: [LK@SBC.com](mailto:LK@SBC.com)

#### WE Energies

S3 W33800 Hwy 18  
 Delafield, WI 53018  
 Office: (262) 968-5747  
 Fax: (262) 968-5714

#### Charter Communications

1348 Plainfield  
 Janesville, WI 53545  
 Office: (608) 373-7544  
 Fax: (608) 754-1874

Avenue

- ### 2) Developer Submits 18 Copies of Plan of Operation/Site Plan for Staff Meeting including:
- Staff Meeting Appearance Form

- Development Packet as Outlined in the "Submittal Requirement Checklist":
  - ✓ The Applicant shall Contact the City Planner to Schedule an Appearance before Staff and Provide 18 Copies of an Initial Development Packet Prepared on Sheets no larger than 11" x 17" by Noon on the Thursday prior to the Staff Meeting to allow for Distribution of the Packet to Staff Members. There is no Fee for the Initial Staff Meeting, however if subsequent Designs are Presented to Staff prior to Filing the CUP the Cost of Review will be the Responsibility of the Developer. It is suggested that the Initial Staff Meeting should be scheduled about 6 - 8 weeks prior to the CUP being presented to the Plan Commission.
- Staff Meetings are held on the 2<sup>nd</sup> and 4<sup>th</sup> Wednesday of each month (*Date and Time dependent upon submittals*)

3) Initial Appearance(s) with Staff

- Developer meets with Staff Members for Discussion and possible Recommendations
- Planner Provides any Additional Paperwork to Developer
- If Initial Recommendations are made that Require Another Appearance with Staff, Developer Submits **Another 18 Copies** of the Revised Packet Addressing Recommendations. This Process Continues until no Further Recommendations are Made.
- Once Step 3 is Satisfied, the Developer Proceeds to Step 4 and **Submits 8 Full Size Copies** for Detailed Technical Review

4) Detailed Technical Review(s) by Pertinent Staff Only - 8 Copies

- Based on Staff Meeting Recommendations, Developer **Submits 8 Full Size Copies** to the City Planner, of the Revised Packet for Detailed Technical Review by Pertinent Staff Only. After Review, Staff will E-mail Comments to Ruekert-Mielke, who in turn will Draft a Letter to the Developer Outlining Staff Comments/ Requirements
- This Process could Entail Multiple Revised Packet Submittals (8 Copies @) for Additional Detailed Technical Review. ***Each time Staff Requests Changes, these Changes Must Be Outlined in a Cover Letter that is Included with the New Submittals.*** The Process Continues until no Further Requirements are needed. Proceed to Step 5

**STAFF REQUIRES A MINIMUM OF TEN (10) BUSINESS DAYS TO REVIEW EACH SUBMITTAL**

5) Sign-Off by Staff on "Staff Recommendation Form" on CUP Proposal

- Developer Files Application /Fee/Package
  - At this time, Developer fills out the appropriate Application, pays Appropriate CUP Filing Fee and Submits a Final Packet Used for Public View. *The City Planner will Report the Receipt of the Filing Fee to the Finance Director.*

6) Architectural Commission (13 Copies)

- Meets the 1<sup>st</sup> Wednesday of each Month at 5:30 PM in Conference Room 3

- Developer Submits 13 Copies of the Submittal Requirement Checklist, Sample(s) of Building Material(s) and Sign Details
  - Architectural Commission Approval needs to be Obtained before Placement on Plan Commission Meeting Agenda
- 7) Public Hearing - 31 Copies
- Developer **must** Submit Thirty-One (31) Copies (no larger than 11" x 17") of the Final CUP Application Packet to the Planner for Distribution to the Plan Commission and any other City Officials no later than Twenty-Three (23) Days **Prior** to the Plan Commission Meeting Date
  - Additionally, a Public Hearing must be Published as a Legal Notice Fifteen (15) Days Prior to the Plan Commission Meeting and Noticed to all Properties within 200 ft. and any Municipalities within 1,000 ft. of Developed Property Ten (10) Days Prior to the Plan Commission Meeting

**Note that steps 5 through 7 can occur in any order.**

- 8) Plan Commission Recommendation
- Meets the 2nd Wednesday of each Month at 7:00 PM in Council Chambers
  - Staff Recommendation Form Included
  - Plan Commission Recommendation of a CUP:
    - Following Receipt of "Staff Recommendation Form" and Review of the CUP Application Packet for Conformance with City Ordinances, the Plan Commission shall Recommend Approval, Approval with Conditions, Deny or Table.
- 9) Common Council Action
- Meets the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each Month at 7:30 PM in Council Chambers
  - Common Council Action of a CUP:
    - Following the Plan Commission Recommendation, the Common Council shall Approve, Approve with Conditions, Deny or Table.
- 10) If Approved, City Clerk Mails Signed CUP to Developer

**Appendix:**

- A) Fee Policy
- B) Fee Schedule
- C) Submittal Requirement Checklist

## SUBMITTAL REQUIREMENT CHECKLIST

### APPENDIX C Conditional Use Permit (CUP)

*This Form should be used by the Applicant as a Guide to Preparing a Complete CUP Application*

APPLICATION REQUIREMENTS	INCLUDED IN APPLICATION (YES) (NO) (N/A)	DATE	WAIVED BY PLANNER
<b>WRITTEN DESCRIPTION</b>			
1. Existing Zoning			
2. Land Use Plan Designation			
3. Natural Resources Site Evaluation Worksheet			
4. Current Land Uses on Property			
5. Proposed Land Uses on Property			
6. Plan of Operation:			
a. Projected Number of Residents, Employees per Shift and/or Daily Customers			
b. Area Information:			
+ Number of Dwelling Units			
+ Floor Area of Building			
+ Impervious Surface Area			
+ Floor Area Ratio (FAR)			
+ Landscape Surface Ratio (LSR)			
c. Operational Information:			
+ Hours of Operation			
+ Number of Full-Time Equivalent Employees			
+ Normal and Peak Water Usage			
+ Sanitary Sewer Loadings			
+ Traffic Generation			
d. Performance Standards:			
+ Street Access			
+ Traffic Visibility			
+ Parking			
+ Loading Areas			
+ Outdoor Storage Areas			
+ Outdoor Lighting			
+ Vibration			
+ Noise			
+ Air Pollution			
+ Odor			
+ Electromagnetic Radiation			
+ Glare and Heat			
+ Fire, Explosion and Hazards			
+ Waste Materials			
+ Drainage			
+ Hazardous Materials - Type and Quantity			
7. Building and Fencing Materials			
8. Future Building Expansion			
9. Other Information to Help the Plan Commission Understand the Impact of the Project			
<b>SMALL LOCATION MAP (11" x 17") - Show Subject Property and Lands within 200 ft. of Subject Property</b>			
<b>EXISTING PROPERTY SITE MAP (24" x 36" and 11" x 17" Copies)</b>			
1. Title Block with Name/Address/Phone/Cell/Fax/Email of Owner, Developer, Architect, Engineer, Planner			
2. Date of Original Plan and Current Revision			
3. North Arrow and Graphic Scale (not more than 1" = 100' on 24" x 36" Plans)			
4. Legal Description			

5. Property line and Street Right-of-Way Dimensions and Bearings			
6. Easement with Dimensions, Ownership and Purpose			
7. All Required Building Setback Lines			
8. All Existing Buildings, Parking Areas (with Dimensions), Dumpster Locations, Outdoor Storage Areas, Building Entrances, Walks, Drives, Patios, Fences (with Height), and Walls			
9. Location and Dimension of Customer and Employee Parking (Per Zoning Ordinance Requirements)			
10. Location and Dimension of Loading and Service Areas			
11. Location, Type, Height, Size and Lighting of all Signs			
12. Location of Protected Green Space			
13. Location of Drainage Areas			
14. Map Legend listing Site Data, including:			
a. Lot Area			
b. Floor Area			
c. Floor Area Ratio			
d. Impervious Surface Area			
e. Impervious Surface Ratio			
f. Building Height(s) and Number of Floors			
<b>PROPOSED PROPERTY SITE MAP (24" x 36" and 11" x 17" Copies)</b>			
1. Title Block with Name/Address/Phone/Cell/Fax/Email of Owner, Developer, Architect, Engineer, Planner			
2. Date of Original Plan and Current Revision			
3. North Arrow and Graphic Scale (not more than 1" = 100' on 24" x 36" Plans)			
4. Legal Description			
5. Property Line and Street Right-of-Way Dimensions and Bearings			
6. Easement with Dimensions, Ownership and Purpose			
7. All Required Building Setback Lines			
8. All Proposed Structures, Watercourses, Drainage Ditches, Parking Areas (with Dimensions), Dumpster Locations, Outdoor Storage Areas, Building Entrances, Walks, Drives, Patios, Fences (with Height) & Walls			
9. Location and Dimension (Cross-Section & Entry Throat) of all Access Points on Public Streets			
10. Location and Dimension of all On-Site Parking (and Off-Site Parking, if applicable). Compare Parking to Zoning Ordinance Requirements			
11. Location and Dimension of Loading and Service Areas			
12. Location of all Outdoor Storage Areas and the Design of all Screening Devices			
11. Location, Type, Height, Size and Lighting of all Signs			
12. Location of Protected Green Space			
13. Location of Drainage Areas			
14. Map Legend listing Site Data, including:			
a. Lot Area			
b. Floor Area			
c. Floor Area Ratio			
d. Impervious Surface Area			
e. Impervious Surface Ratio			
f. Building Height(s)			
<b>UTILITY PLAN (24" x 36" and 11" x 17" Copies)</b>			
1. Location, Height, Design, Type of Illumination and Orientation of all Outdoor Lighting Showing Compliance Lighting Standards			
2. Location of Pre-Existing Underground Electric			
3. Electrical Requirements			
4. Location and Design of all Customer Owned Electrical Equipment			

5. Location and Design of Existing and Proposed Water Supply System			
6. Location and Design of Existing and Proposed Wastewater System			
<b>GRADING, SURFACE DRAINAGE &amp; EROSION CONTROL PLAN(S) (24" x 36" and 11" x 17" Copies)</b>			
1. Show Existing Contours, w/Spot Elevations, Extending 50 - 100 ft. into the Abutting Properties, including any other Impacting Information (possible Watersheds)			
2. Show Proposed Contours, w/Spot Elevations including Retention Walls and Related Devices (Pond)			
3. Provide Storm Water Calculations Certified by a Professional Engineer (PE) to meet Current City Ordinances			
<b>DETAILED LANDSCAPING PLAN (24" X 36" &amp; 11" x 17" Copies) showing Plant Quantities, Species and Other Landscaping Features such as Berms, Walls and Fences</b>			
<b>BUILDING ELEVATIONS showing Building Exteriors, Building Materials and Colors</b>			

· Receipt of 8 - 24" x 36" Application Packets by Planner  
For Distribution to Department Heads:

Date: \_\_\_\_\_ By: \_\_\_\_\_

· Application Submitted with Applicable Filing Fee and 1 Complete Packet:

Date: \_\_\_\_\_ By: \_\_\_\_\_

· Receipt of 31 - 11" x 17" Application Packets by Planner  
For Distribution to Plan Commission:

Date: \_\_\_\_\_ By: \_\_\_\_\_