

Ordinance 0012-22 – Conditional Uses

An Ordinance to amend Chapter 114, Article III, Division 2, Conditional Uses Other Than for Planned Developments, of the Municipal Code of the City of Racine, Wisconsin.

Part 1: Section 114-149 of the Municipal Code is repealed and recreated as follows:

Sec. 114-149. - Application.

An application for a conditional use shall be filed with the planning division of City Development prescribed by the Director. The application shall be accompanied by such plans and/or data as may be prescribed by the planning, heritage, and design commission, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in section 114-154. Such application shall be forwarded from the Director to the planning, heritage, and design commission for consideration.

Part 2: Section 114-153 of the Municipal Code is repealed and recreated as follows:

Sec. 114-153. – Authorization

For each application for a conditional use, the planning, heritage, and design commission shall, within 90 days of receipt of the application, make its findings including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest.

Part 3: Section 114-155 of the Municipal Code is repealed and recreated as follows:

Sec. 114-155. - Conditions, guarantees, minor changes of conditional use permits.

- (a) Prior to the granting of any conditional use, the planning, heritage, and design commission may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in section 114-154. In all cases in which conditional uses are granted, the planning, heritage, and design commission shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with and proof of compliance.
- (b) The Director of City Development or designee may approve minor changes in the conditional use permit that do not change the concept or intent of the development.
- (c) The person or entity issued the conditional use permit and any successor in interest shall have a continuing duty to comply with the conditions and restrictions prescribed in such permit and in any amendment thereto.

Part 4: Section 114-156 of the Municipal Code is repealed and recreated as follows:

Sec. 114-156. - Review of conditional use permits.

- (a) Conditional use permits may be reviewed from time to time for compliance with conditions prescribed by the zoning administrator on the zoning administrator's own volition, or upon direction from the planning, heritage, and design commission. If the zoning administrator should find that any of the conditions or restrictions made a part of such permit have not been complied with by the person to whom the permit was issued and any successor in interest, the zoning administrator may initiate proceedings to revoke the permit or the zoning administrator or designee may issue a citation to such person for violation of section 114-155(c). Such proceedings shall consist of a written notification sent by the administrator to the permit holder by certified United States postage to the last known post office address of the permit holder. The notice shall specify the condition or conditions that have not been complied with by the permit holder. The notice shall further inform the permit holder that steps must be taken to gain compliance by the permit holder within a specified period of time not to exceed 60 days, which time shall be determined by the zoning administrator. The notice shall state that failure to take the required corrective measures may result in revocation of the permit.
- (b) The zoning administrator shall have the power to enforce compliance and to revoke any conditional use permit where such conditions have not been complied with and proper notice has been given as described in this section. Upon the effective date of the revocation order by the zoning administrator, the conditional use permit shall cease to exist. The property subject to the conditional use permit shall thereupon revert to the zoning classification in effect at the time of the revocation under this Code and penalties for noncompliance as provided in section 114-136 may be invoked.
- (c) Any person aggrieved by a revocation order issued by the zoning administrator may appeal that order to the city planning, heritage, and design commission. Proceedings in appeals shall conform to Wis. Stats. ch. 68.
- (d) Appeals of revocations of conditional use permits shall be filed with the secretary of the planning, heritage, and design commission and delivered to the city clerk within 30 days of the mailing date of the order of revocation.

Part 5: Section 114-157 of the Municipal Code is repealed and recreated as follows:

Sec. 114-157. - Decision on application.

The planning, heritage and design commission may grant or deny an application for a conditional use permit upon a majority vote. An appeal of the decision of the planning, heritage and design commission shall be made to the common council and delivered to the

office of the city clerk within 10 days of the decision by the planning, heritage and design commission, and must be considered by the common council within 90 days of receipt of the appeal.

Part 6: Section 114-158 of the Municipal Code is repealed and recreated as follows:

Sec. 114-158. - Effect of denial of a conditional use.

No application for a conditional use that has been denied in whole or in part by the planning, heritage, and design commission shall be resubmitted for a period of one year from the date of such order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the planning, heritage, and design commission.

Part 7: Section 114-159 of the Municipal Code is repealed and recreated as follows:

Sec. 114-159. - Revocation.

In any case where a conditional use has not been established within one year from the date of granting, unless such time has been extended by action of the planning, heritage, and design commission, the conditional use authorization shall be null and void. This section shall not apply to planned developments under division 3 of this article.

Part 8: Section 114-160 of the Municipal Code is repealed and recreated as follows:

Sec. 114-160. - Expiration and transferability.

A conditional use approval shall expire if the conditional use shall cease for more than 12 months for any reason. However, the ownership of an authorized conditional use may be changed if the use remains unchanged. Upon application by a new owner, the Director of City Development or designee may transfer the conditional use permit.

Part 9: This ordinance shall take effect upon passage by a majority vote of the members-elect of the City Common Council and publication or posting as required by law.

Fiscal Note: N/A

Pursuant to Wisconsin Statutes section 62.09(8)(c), the mayor shall have the veto power as to all acts of the common council, except such as to which it is expressly or by necessary implication otherwise provided. All such acts shall be submitted to the mayor by the clerk and shall be in force upon approval evidenced by the mayor's signature, or upon failing to approve or disapprove within 5 days, which fact shall be certified thereon by the clerk. If the mayor disapproves the mayor's objections shall be filed with the clerk, who shall present them to the council at its next meeting. A two-thirds vote of all the members of the council shall then make the act effective notwithstanding the objections of the mayor.