

## ORDINANCE

An Ordinance to amend Section 15.370 of the Manitowoc Municipal Code regulating Conditional Use Permits.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

**Section 1.** Section 15.370 (27) is amended to read as follows:

### **“15.370(27) Conditional Use Permits.**

(a) Application. Any use listed as a conditional use in this chapter shall be permitted only after an application has been submitted to the City, together with an application fee as established by resolution of the Common Council, and after recommendation by the Plan Commission and approval by the Common Council.

(b) Notice. Prior to Plan Commission action, all abutting or fronting property owners shall be notified in writing of the time and place where the Plan Commission will hold a public informational hearing to deliberate and consider its recommendation regarding the issuance of a conditional use permit. Prior to Common Council action, Publication of a class 2 notice, of the public hearing must be made once during each of the 2 weeks prior to such hearing.

(c) Criteria. In determining whether to approve, approve with conditions, or deny a request for issuance of a conditional use permit, the Plan Commission and the Common Council shall consider all relevant factors specified in other sections of this Ordinance, including standards for specific requirements for certain land uses and activities. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in this chapter or imposed by the city, the city shall grant the conditional use permit. The applicant must demonstrate by substantial evidence that the application and all requirements and conditions established by the city are or shall be satisfied. The decision to approve or deny the permit must be based on substantial evidence. In acting upon any application for a conditional use, the Plan Commission and Council shall consider whether the requested use: (1) is reasonably necessary for the convenience and welfare of the public; (2) is in harmony with the character of the surrounding area; and (3) will have a minimal or no effect on surrounding property values.

(d) Conditions. The Common Council may attach conditions to a conditional use permit granted hereunder in order to assure that the requested use will remain in conformity with the criteria under subsection (27)(c) of this section, as well as in compliance with regulations of the particular zoning district within which the conditional use would be located. To secure information upon which to base its determination, the City Plan Commission and/or Common Council may require the applicant to furnish information required to determine if the proposed use is consistent with the purpose of this chapter.

(e) Recording. Where a conditional use permit is approved, an appropriate record shall be made by the Life Safety Division ~~Director of Building Inspection~~ of the land use and structures permitted. A copy of each conditional use permit shall be mailed to the parties in interest and, in instances involving shoreland-wetlands or floodplain under MMC 15.670, the appropriate District Office of the Department of Natural Resources, within 10 working days after the conditional use or zoning permit has been granted by the Common Council.

(f) Revocation. Where the conditions of a conditional use permit, or permits under MMC 15.670, are not complied with, the permit may be revoked by the Common Council at any time. The Plan Commission shall first hold a public informational hearing on the proposed revocation, subject to notice procedures under subsection (27)(b) of this section. The Commission, after holding a public informational hearing, shall

provide its written recommendation to the Council with its determination regarding whether or not the permit holder has, or has not, complied with the provisions of this chapter. The Council, subject to notice procedures under subsection (27)(b) of this section ~~may, at its sole discretion,~~ shall hold a public hearing regarding the proposed revocation. Where the conditions of the permit are not complied with, the permit may be revoked by the Common Council.

**SECTION 2:** This Ordinance shall be in full force and effect the day after its publication.

INTRODUCED \_\_\_\_\_

ADOPTED \_\_\_\_\_

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Justin M. Nickels, Mayor

APPROVED \_\_\_\_\_

**Fiscal Impact:** n/a  
**Funding Source:** n/a  
**Finance Director Approval:** /sc  
**Approved as to Form:** /kmm

This ordinance was drafted by Kathleen M. McDaniel, City Attorney