



VILLAGE OF ELM GROVE CONDITIONAL USE PERMIT SUBMITTAL CHECKLIST

A Conditional Use Permit is required for uses that are listed as Conditional in the Village's Code of Ordinances (see next page). Conditional Use Permit applications are reviewed by the Plan Commission and approved by the Village Board of Trustees after a Public Hearing and review. The Village Board of Trustees may authorize the Zoning Administrator to issue a Conditional Use Permit for Conditional Uses, provided that the proposed Conditional Use(s) and/or structure(s) are in accordance with the purpose and intent of the Code and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community. At a minimum, complete Conditional Use Permit applications take 60 days to process due to required legal review, approval process by the Plan Commission and Village Board of Trustees, and the Class 2 publication requirement.

The following items must be received at Village Hall by 4:30 PM at least twenty (20) business days prior to the desired Plan Commission meeting:

1. Conditional Use Permit Application

- Name and addresses of the applicant, owner, architect, professional engineer and/or contractor, and all opposite and abutting property owners of record;
- Description of the subject side, address of the subject side, type of structure, proposed operation or use of the structure or site, number of employees, and the zoning district within which the subject site is located;
- Survey showing the location, property boundaries, dimensions, uses and size of the subject site, existing and proposed structures, existing and proposed easements, streets and other public ways, off-street parking, amount of onsite parking, loading areas and driveways, existing highway access restrictions, existing and proposed street/side/rear yards, and any areas subject to inundation by floodwaters.

2. Special Waiver Form

3. Conditional Use Permit Application Fee – \$200.00 to be paid at the time of submission

Conditional Use Permit Review Process

1. Applicant submits the Conditional Use Permit Application and required \$200.00 fee
2. Zoning & Planning Administrator reviews the application
3. Applicant is placed on the next available Plan Commission agenda (Meetings are normally held the 1st Monday of each month at 6:00 PM)
 - a. Applicant should attend the Plan Commission meeting to represent their application
4. The Plan Commission makes a recommendation to the Village Board
5. A Class 2 Public Hearing Notice is posted
6. Application is placed on the next available Board of Trustees agenda for Public Hearing, review, and action (Meetings are normally held the 4th Tuesday of each month at 7:00 PM)
 - a. Applicant should attend the Board of Trustees meeting to represent their application
7. If approved, the Conditional Use Permit is recorded at the Waukesha County Register of Deeds

Conditional Use Permits are required for the following zoning districts and uses:

- Rs-1, Rs-2, Rs-3, Rs-4, Rm-1: Utility substations, Detached garages, Home occupations, Professional home offices, Driveways/patios/walkways or other hardscape constructed using a permeable surface to exceed the allowable percentage of maximum impervious surface area as defined within the Zoning chapter
- Rm-2: Utility substations, Multiple-family independent senior living dwellings, Home occupations, Driveways/patios/walkways or other hardscape constructed using a permeable surface to exceed the allowable percentage of maximum impervious surface area as defined within the Zoning chapter
- B-1 Local Business District – See § 335-22C
- B-2 Office Business District – See § 335-23C
- B-3 Mid-Rise Office and Professional District – See § 335-24C
- M-1 Limited Manufacturing District – See § 335-25B
- I-1 Institutional District – See § 335-26C
- G-1 Governmental District – See § 335-26.1C
- W-1 Wetland Overlay District – See § 335-27C
- FWO – Floodway Overlay District – See § 335-28C
- FFO – Floodplain Fringe Overlay District – See § 335-29C

§ 335-86. Conditional Use Permit

- A. Conditional use permits. The Village Board may authorize the Zoning Administrator to issue a conditional use permit for conditional uses after review and a public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or community.
- B. Application. Applications for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following information:
- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer and/or contractor, and all opposite and abutting property owners of record.
 - (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located.
 - (3) Survey prepared by a registered land surveyor showing the location, property boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards; and areas subject to inundation by floodwaters. The survey shall also show the location, elevation and uses of any abutting lands and their structures that are located with 40 feet of the subject site; soil mapping unit lines, types and slopes; ground surface elevations; mean and historic high-water lines on or within 40 feet of the subject premises; and existing and proposed landscaping when so required by the Plan Commission.
 - (4) In areas subject to inundation by floodwaters, the survey provided by the applicant shall also include first floor elevations, utility elevations, historic and probable future floodwater elevations, depth of inundation, floodproofing measures and plans for proposed structures with dimensions and elevations pertinent to the determination of the hydraulic capacity of the structures or their effect on flood flows. Where floodproofing is required, the applicant shall submit a plan or document certified by a licensed professional engineer or architect attesting to the adequacy of the floodproofing measures to withstand flood forces and velocities associated with a one-hundred-year recurrence interval flood. Prior to the issuance of a certificate of compliance, the applicant shall also submit a certification by the licensed professional engineer that the finished floodproofing measures were accomplished in compliance with the provisions of this chapter.
 - (5) Additional information as may be required by the Village Board, Village Plan Commission, Village Engineer or the Zoning Administrator.

**VILLAGE OF ELM GROVE
CONDITIONAL USE PERMIT APPLICATION**

(Please complete this form and attach additional pages if necessary)

Applicant Name: _____

Applicant Address: _____

Applicant Phone Number: _____ Applicant Email: _____

Name of Business or Development: _____

Address of the Property: _____

Property Owner Name: _____

Property Owner Address: _____

Architect/Professional Engineer and/or Contractor Information (if applicable):

Name(s): _____

Address(s): _____



Description of the property by lot, block, and recorded subdivision or by metes and bounds:

Proposed Operation or Use of the Structure or Site:

Tax Key Number: _____ Zoning District: _____

(Please attach the information noted on the first page of this checklist to this application)

Signature of Applicant: _____ Date: _____

Waiver for Special Contract Fees

In accordance with Elm Grove Code of Ordinance §30-3, any special professional services required to process your application or finalize your project will be billed to you in accordance with all applicable provisions of §30-3 and will be subject to all appeal rights as stated in §30-3. These services include, but are not limited, work of the Village Attorney and Village Engineer.

I have read, understand, and do hereby acknowledge the provisions of Elm Grove Code of Ordinance §30-3.

Project _____

Owner _____

Owner Signature _____

Print Name _____

Date _____

Property Address and (current mailing address):

Chapter 30. FINANCIAL PROCEDURES

§ 30-3. Charge for Village professionals' contract fees.

[Added 12-17-2002]

A. Charges authorized.

- (1) Whenever the offices of the Village Attorney, Village Engineer or any other of the Village's contract professional staff are contacted for current services regarding a specific person's property, development or other special matter in the Village of Elm Grove by the Village President, Village Board member, Village Board Committee member, or Village Commission member or any representative, agent or designee of the same, or a property owner or any person or entity or a respective representative, if said contact results in a charge to the Village of Elm Grove for that professional's time and services and said service is not a service provided to the Village of Elm Grove as a whole, then the Village Manager shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of § 66.0627, Wis. Stats., to impose a special charge for that current service to the benefited property owner for the fees incurred by the Village.
- (2) This section shall be enforced on the basis of the policy as established by the Village upon a recommendation of the Village Board Finance and Licensing Committee, by resolution enacted by the Village Board and revised from time to time that shall include schedules for cash deposits and other means of securing payment to the Village.

B. The Village Manager is authorized to invoice each person or entity for special charges, allowing a period of time, not more than 30 days, to pay for provided current services. The invoice shall include an itemized statement of the professional service fees provided.

C. The Village Clerk shall give each property owner, invoiced for current services, notice that a hearing may be requested before the Village Board Finance and Licensing Committee regarding the charges against the property. If a hearing is timely requested in writing within 20 calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the provisions of this § 30-3 on the issue of the cost of professional fees incurred to benefit a specific land owner.

D. If any amount remains unpaid after the 30 days allowed for payment where no hearing has been timely requested, the Village Clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest, against the current or next tax roll as a delinquent tax against the property pursuant to § 66.0627, Wis. Stats. In the event the invoice rendered to a property owner or the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.

E. Upon receipt of a timely request for a hearing on the invoice for special charges, the Village Board Finance and Licensing Committee shall hold a hearing regarding same at its next regular meeting or, at its discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.

F. When a timely hearing has been requested, no current charges for special services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing. A copy shall be sent via first class mail, postage prepaid, to the property owner. Only that part of the charges for special services approved by the Village Board Finance and Licensing Committee may be placed on the tax roll after the property owner has been given 30 days to pay from the date of the Village Board Finance and Licensing Committee decision.

G. The Village, in addition or instead of the above, may follow any other legal means to collect the amounts due