

SECTION 21.18 SPECIAL EXCEPTIONS

(1) General.

A special exception is a use or structure that may not be appropriate generally or without restriction throughout a district but which if controlled as to number, area, location, or relation to neighborhood would promote the public health, safety, welfare, comfort, convenience or the general welfare. Such uses or structures may be permissible in a zoning district as a special exception if specific provision for such special exception is made in the district. A special exception shall not be issued for any other use or structure.

(2) Procedure.

All applications for a special exception shall be considered first by the Plan Commission. The application should include material necessary to demonstrate that the grant of a special exception will be in harmony with the general intent and purpose of these zoning regulations, will not be injurious to the neighborhood or adjacent properties, or otherwise detrimental to the public welfare. Such material may include but is not limited to: information required for a building permit under this ordinance; findings required under (4) below; site plans; and special studies.

(3) Public Hearing.

Upon the filing of an application for a special exception, the Plan Commission shall notify the Village Board of such application and shall fix a reasonable time (not more than sixty days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985 Wisconsin Statutes shall be published in the official newspaper of the Village specifying the date, time and place of hearing and the matters to come before the Plan Commission. Notice shall also be mailed to the parties at interest, as determined by the Plan Commission.

(4) Findings.

Before any special exception shall be recommended for approval, the Plan Commission shall make findings that the granting of a special exception will not adversely affect the public interest and certify that the specific requirements governing the individual special exception, if any, have been met by the applicant. No special exception shall be recommended for approval unless the Plan Commission shall find:

- (a) That the establishment, maintenance or operation of the special exception use or structure will not be detrimental or injurious to the use and enjoyment of adjacent properties or properties in the immediate vicinity.
- (b) That the special exception is compatible with the adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.
- (c) That adequate public facilities and services are available to the development.
- (d) That adequate measures are taken to provide for drainage.

- (e) That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion.
- (f) That adequate parking and loading areas are provided.

(5) Conditions and Safeguards.

In addition to the conditions and requirements specified in this ordinance, the Plan Commission may recommend appropriate additional conditions and safeguards as deemed necessary to insure the proposed use or structure will secure the objectives of this ordinance and promote the public health, safety, comfort, convenience and general welfare. Violation of such conditions and safeguards, when made part of the terms under which the special exception is granted, shall be deemed a violation of this ordinance.

(6) Plan Commission Recommendation.

The Plan Commission may recommend to the Village Board to approve, disapprove or approve subject to stipulated conditions and safeguards a request for a special exception. If the Plan Commission shall recommend disapproval of a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in Subsection 4 above, or such of them as may be applicable to the action of disapproval, and the particular regulations relating to the special exception requested, if any. The report and recommendations of the Plan Commission shall be advisory only and shall not be binding on the Village Board.

(7) Village Board Approval.

The Village Board shall act on the Plan Commission recommendation at its next regularly scheduled meeting. No public notice and hearing is required for the Village Board action on the recommendation and request, but the matter shall be handled in a public session as part of a previously prepared agenda. All matters relating to Village Board consideration of a request for a special exception and Plan Commission recommendation shall be a public record and require formal action of the Village Board.

(8) Fees.

Any application for a special exception shall be accompanied by a fee in an amount established by the Village to compensate it for the costs of publication of notices and other expenses. No action shall be taken until such fee has been paid.