

Agenda Item 24-1536 (Tim Acklin)

AN ORDINANCE to repeal, recreate, and amend various sections of Chapter 115 of the Code of Ordinances of the City of La Crosse relating to Conditional Use Permits.

General Location

City-Wide

Background Information

Act 67, passed in 2017, limited local government discretion related to the approval and issuance of conditional use permits.

It states that the requirements and conditions specified in an ordinance or imposed by the municipality must be reasonable, and to the extent practicable, measurable. Any condition imposed must relate to the purpose of the ordinance and be based on substantial evidence. Substantial evidence means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that a reasonable person would accept in support of a conclusion. If an applicant meets, or agrees to meet, all of the requirements and conditions specified in the ordinance or imposed by the municipality, the local government must grant the CUP. The applicant must provide substantial evidence that the application and all requirements and conditions are, or shall be, satisfied. If an applicant does not meet one or more of the requirements (for example the application is incomplete) or conditions specified in the ordinance or imposed by the municipality, the local government can deny the CUP but must also be supported by substantial evidence.

After this act was passed it was recommended by our City Attorney to review our Municipal Code and determine if any of the conditions for our conditional use permit options meet the definition for substantial evidence. After review, it was determined that they do not. Planning, Community Risk Management, and Legal Department staff worked together to integrate the conditional uses as permitted uses into their corresponding zoning districts. Some types had to be removed altogether, such as the conditional use for demolition for green space or parking. Conditional Use Permits for Community Living Arrangements and Wireless Communication Facilities will remain at this time. Additional review of these items and possible amendments to them will occur during the zoning code update project.

Recommendation of Other Boards and Commissions

N/A

Consistency with Adopted Comprehensive Plan

Review of the zoning code and amendments that allow for more efficient staff administration and eliminate barriers to development is a major objective in the comprehensive plan.

Staff Recommendation

This item is recommended for approval.

Routing J&A 1.2.2025