

Chapter 6

Ordinance Administration

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DEVELOPING THE ORDINANCE

The plan commission plays an important role in the adoption and administration of zoning ordinances, land division ordinances, and other land use related tools. Prior to adoption by the governing body, most land use ordinances and amendments are referred to the plan commission for review and a recommendation. In some cases, the plan commission is involved in drafting ordinance language, reviewing the work of professional consultants or staff, or gathering public input on proposals.

► Drafting Ordinance Language

Developing a new ordinance or significant amendment to an ordinance can be a daunting task. Fortunately, there are many model ordinances and examples for Wisconsin communities to reference. The Wisconsin State Law Library maintains a compilation of city, village, town and county ordinances covering a wide range of topics such as zoning, subdivisions, non-metallic mining, shorelands, floodplains, parks, wireless communications and related topics. The website can be accessed at: <http://wilawlibrary.gov/topics/ordinances.php>. Model ordinances for Wisconsin communities are also referenced throughout this handbook. See, for example, the Glossary of Plan Implementation Tools contained in Chapter 5 and the Recommended Resources located at the end of each chapter.

If your community does not have planning or zoning staff or the ability to hire a consultant, the plan commission should try to draft the ordinance language as best as it can, drawing on relevant models and examples. While it can be tempting to take an ordinance from another jurisdiction, make a few minor changes, and forward it for approval, this practice should be avoided. Any language taken from another jurisdiction should be thoroughly reviewed within the context of existing regulations and tailored to fit your community. The following tips are provided for drafting ordinance language:

- **Use simple language with clear meaning.** Avoid legalese and technical jargon. If technical terms are used, make sure they are clearly defined in the definition section of your ordinance. In the absence of such guidance, a reviewing court will look to the plain, dictionary meaning of the word.
- **Select words and punctuation with care.** It's important to consider and clarify meanings conveyed by words and sentences. The placement of a comma or other punctuation, and the use of terms such as *and* and *or* can change the meaning of an ordinance provision. If a word or sentence is confusing, run it by your attorney.
- **Use a direct, active voice.** Avoid ambiguous, passive sentences. For example, replace the following sentence: "A site plan shall be submitted prior to project approval by the board" with "The developer shall submit a site plan for board approval."¹

Is Your Ordinance Constitutionally Sound?

When drafting land use regulations, it's also important to be aware of and balance basic rights and protections afforded by the Wisconsin and United States Constitution:

- **First Amendment.** The right to freedom of speech, assembly, and religion.
- **Fifth Amendment.** The right to just compensation for the taking of private property for public use.
- **Tenth Amendment.** The right of government to enact regulations protecting public health, safety, welfare and morals.
- **Fourteenth Amendment.** The right to due process and equal protection under the law if deprived of life, liberty or property.

¹ *Vermont Land Use Planning Implementation Manual*. Topic Paper 16, April 2007. Vermont Land Use Education & Training Collaborative. Available: www.vpic.info/pubs/implementation.

Consistency with the Comprehensive Plan

Wisconsin's Comprehensive Planning Law requires land use regulations to be consistent with an adopted comprehensive plan. More precisely, the law states "beginning on January 1, 2010, if a local governmental unit enacts or amends any of the following ordinances, the ordinance shall be consistent with that local governmental unit's comprehensive plan." Ordinances that must be consistent include:

- Official mapping ordinances established or amended under Wis. Stat. § 62.23(6).
- Local subdivision ordinances enacted or amended under Wis. Stat. §§ 236.45 or 236.46.
- County zoning ordinances enacted or amended under Wis. Stat. § 59.69.
- City or village zoning ordinances enacted or amended under Wis. Stat. § 62.23(7).
- Town zoning ordinances enacted or amended under Wis. Stat. §§ 60.61 or 60.62.
- Shoreland or wetland zoning ordinances enacted or amended under Wis. Stat. §§ 59.692, 61.351 or 62.231.

Consistent means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan."²

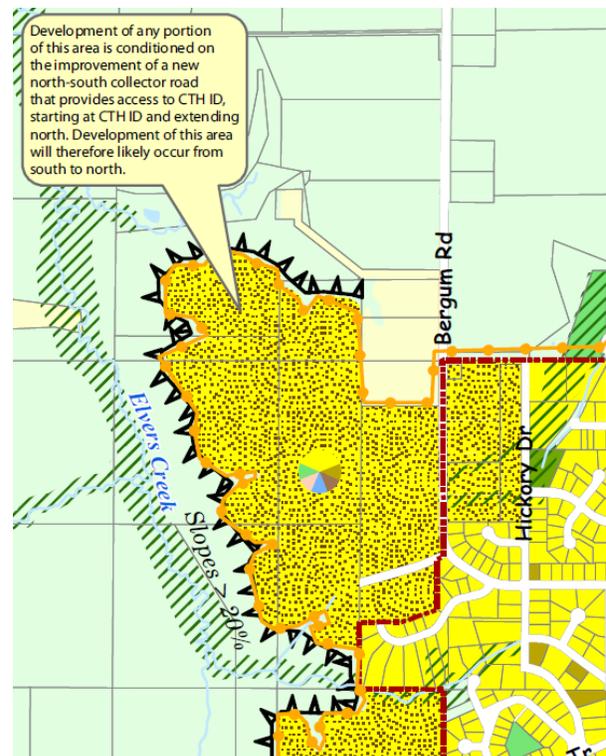
Although the law does not require it, good planning practice suggests that other land use ordinances and actions should also be consistent with the comprehensive plan and other locally adopted plans.

When inconsistencies exist or are proposed, the local government has three options. It may: 1) modify or deny the proposed change, 2) amend the ordinance, or 3) update the comprehensive plan to make it consistent with the ordinance. If a zoning, subdivision or

official mapping ordinance adopted or amended after January 1, 2010 is not consistent with the comprehensive plan, the ordinance may be subject to a legal challenge.

The map below and table on the next page illustrate how a comprehensive plan can be used to guide future development in light of the consistency requirement. The map shows how the text of the comprehensive plan can be used to explain timing and phasing issues not readily depicted on the future land use map. The table identifies zoning districts that are consistent with the future land use categories recommended in the comprehensive plan.

The Village of Mount Horeb Future Land Use Map includes a text annotation stating that development on the northwest side of the village is conditioned on the improvement of a new north-south collector road. This type of guidance can be used to inform future zoning amendments and maintain consistency between the comprehensive plan and local land use ordinances.



Graphic from Village of Mt. Horeb Comprehensive Plan, 2009, Map 4b: Future Land Use. www.mounthorebwi.info

² Wis. Stat. §§ 66.1001(1)(am) and (3). See also: *Exploring the Concept of "Consistency" under Wisconsin's 1999 Comprehensive Planning Law*. 2007. Brian Ohm. UW-Madison. <http://urpl.wisc.edu/people/ohm/consistency%20and%20the%20comp%20plan.pdf>

Consistency Matrix

The Village of DeForest Comprehensive Plan identifies recommended zoning districts for each future land use category. When reviewing a potential zoning amendment, the city can quickly determine if the proposed zone is consistent, potentially consistent, or not consistent with the use identified in the plan.

Legend											
<input checked="" type="checkbox"/> consistent											
<input checked="" type="checkbox"/> potentially consistent											
<input type="checkbox"/> not consistent											
Zoning Districts / Future Land Use Map Categories	Single Family Residential Sewered	Two-Family Residential	Mixed Residential	Planned Neighborhood	Mixed Use Centers	Downtown	Planned Commercial	Planned Office/Research	Planned Industrial/Business Park	Open Space/Environmental Corridor	Agricultural Preservation Areas
Residential Districts											
RH: Rural Housing											✓
R-1: Single Family Residential	x										
R-2: Two Family Residential		x	✓								
R-3: Multi-Family Residential			x								
Business Districts											
B-1 Central Business						x					
B-2 General Business							x				
B-3 Highway Business							x				
AB: Agricultural Business											✓
Industrial Districts											
M-1: Restricted Industrial									x		
M-2: General Industrial									x		
M-3: Intensive Industrial											
Agricultural/Natural Resources Districts											
A-1: Exclusive Agricultural											x
A-2: General Agricultural											✓
C-1: Conservancy District										x	
Floodplain, Shoreland, Wetland Overlay										x	
Other											
PUD: Planned Unit Development		x	✓	x	x	✓		✓			
Utilize a mix of districts				✓	✓						
Create a new district					✓			x			

Graphic derived from Village of DeForest Comprehensive Plan, 2006. www.vandewalle.com/work/wipdeforest.html.

ADMINISTERING THE ORDINANCE

Administering a code of ordinances can be time-consuming and expensive. Resources are needed to draft and revise the ordinance, respond to applicant questions, issue permits, and investigate and enforce violations. While most of these tasks are performed by staff, plan commission members and applicants also benefit from a clear understanding of the development review process.

► Navigating the Development Review Process

Typically an applicant seeking a development permit will first contact the planning and zoning department to explain their plans and to obtain the necessary application materials. These materials should clearly describe the application process, submittal requirements and decision-making criteria. Many jurisdictions supply an example site plan and sample petition as part of the application packet. Staff can help to explain the application materials, the rationale behind the regulations, and any other applicable deadlines or requirements. In small communities, this function can be performed by a knowledgeable clerk, chairperson or administrator.

Once submitted, staff should review the application to identify missing or problematic information. The process should not proceed until the permit application and all related maps and plans are complete and accurate. Other specialists, such as engineers or natural resource specialists may be asked to assist in reviewing issues such as erosion control, stormwater management, delineation of ordinary high water marks, floodplains and wetlands, and restoration issues.

After an application is deemed complete, staff should schedule a public hearing on the matter and send out the required public notice.³ Most

³ Detailed public notice requirements are included in Chapters 2 (open meetings), 3 (comprehensive planning), 7 (zoning), and 8 (subdivision regulations).

communities mail a copy of the application packet to the plan commission prior to the scheduled meeting or hearing. Some communities include a staff report which provides additional background information on the proposal and may include staff recommendations. Plan commission members should review the packet in advance to familiarize themselves with the proposal and to better prepare themselves for discussion and decision-making.

Staff Reports

Staff reports provide the plan commission with critical information regarding relevant plans, ordinances, restrictions and site conditions on the property and neighboring properties. The plan commission and staff should decide together if it is appropriate to prepare staff reports and what they should include. Common components include:

- A summary of the applicant's request.
- History of the site, including previous permits requested and granted.
- Relevant statements from the comprehensive plan and other community plans.
- Salient purpose statements and provisions from local ordinances.
- Relevant statutes and case law.
- Information from the site visit.
- Discussion of whether the proposal meets the standards.
- Staff recommendation to approve or deny the request and conditions that should be attached.

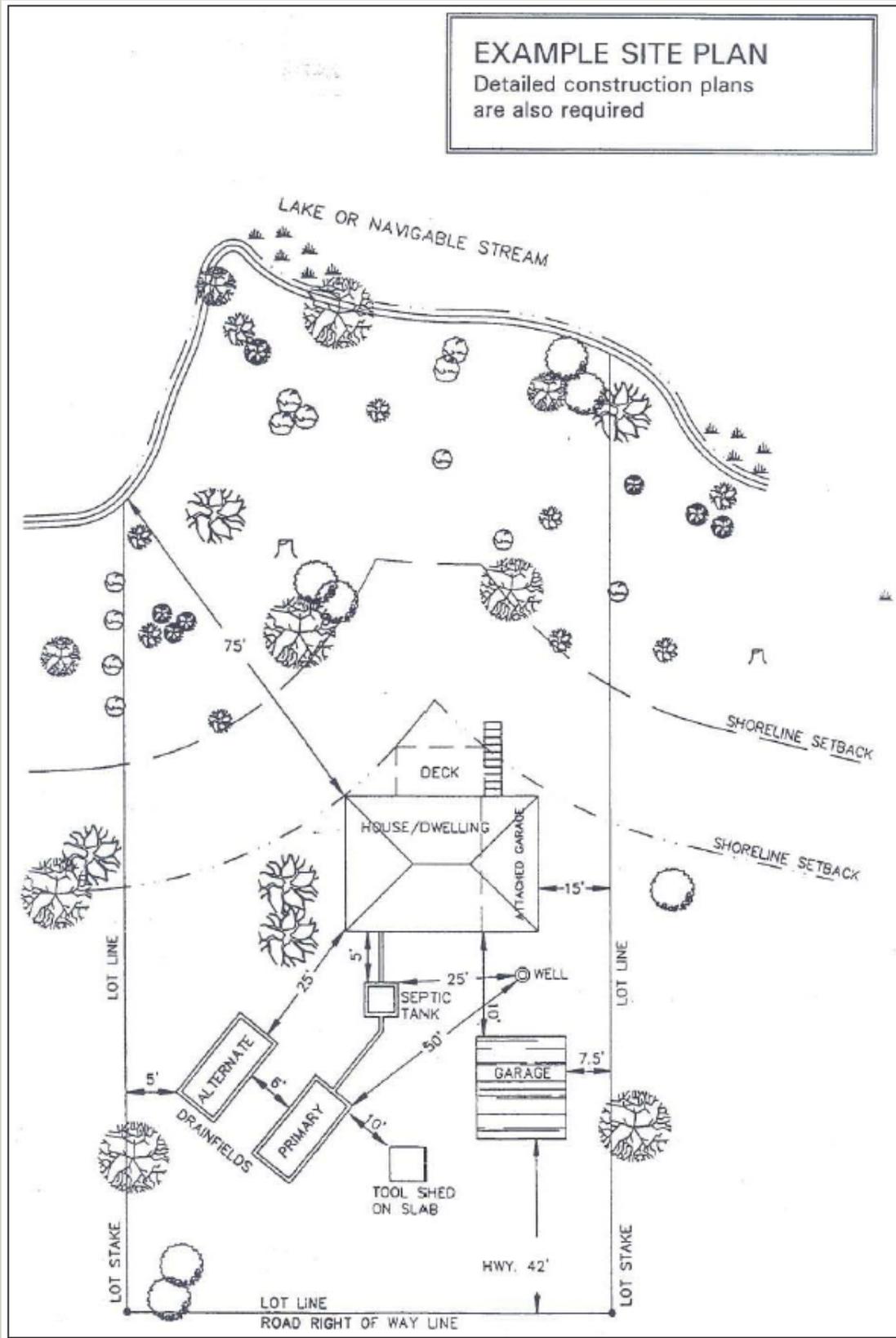
Sample Application Materials

Chapters 7 and 8 contain a sample development guide, pre-application checklist, application forms, and staff reports. Sample site plan and submittal requirements are provided on the next two pages.

Sample Submittal Requirements

Following is a sample list of materials that must be submitted with an application. Compare it to your current application standards and add, modify, or delete as appropriate based on local development standards and the type of permit being issued.

- A. Name and contact information for owner and agent and legal description of the property.
- B. A written description of and justification for the proposed permit, including the petitioner's evaluation of the request against the standards contained in the comprehensive plan and local ordinances.
- C. A specified number of copies of site plans, accurately drawn to a scale of not less than one inch to ___ feet, showing and labeling:
 - a. Landowner's name, property address and legal description.
 - b. Preparer, date of preparation and revisions.
 - c. Scale and directional arrow.
 - d. Vicinity map showing wetlands, floodplains, surface waters, roads, buildings, utilities and other natural or man-made features within ___ feet of property.
 - e. Site plan showing property lines, dimensions and distances between site features.
 - f. Location and dimensions of existing and proposed structures.
 - g. Colors, materials and architectural details of buildings.
 - h. Location, size and screening of outdoor storage, dumpsters and mechanical equipment.
 - i. Location of existing and proposed public streets, rights-of-way, easements and other reservations of land.
 - j. Auto ingress and egress, and visual clearance triangles.
 - k. Locations, dimensions and surfacing for existing and proposed parking, loading and walkway areas.
 - l. Existing and proposed topographic contours shown at ___ foot intervals.
 - m. Soil map and key.
 - n. Location, species and mature size of existing and proposed landscaping.
 - o. Location, height, dimensions, material and color of exterior signage.
 - p. Location, height, type, orientation and power of exterior lighting.
 - q. Location of existing and proposed private well and onsite waste treatment systems, or connections to public sanitary sewer, water and/or storm drainage.
 - r. Location of existing and proposed utilities including electricity, natural gas and telecommunication lines.
 - s. Proposed grading and drainage control plan.
 - t. Proposed erosion control and stormwater management plan.
- D. Names and addresses of the owners of all lands within ___ feet of the property as they appear on the current records of the Register of Deeds, to be used to provide notice of the hearing.
- E. Other pertinent information as requested by the zoning administrator to determine if the proposal complies with the ordinance.
- F. The required review fee.



Example site plan provided by Langlade County, WI.

► Conducting a Site Visit

Many local officials conduct a site visit prior to making decisions on proposed rezonings, conditional uses, subdivision plats, and other development decisions. A site visit can be used to verify the accuracy of information submitted as part of an application and to gain a hands-on understanding of the site and its context. Using a combination of field notes, photographs and video recordings, local officials record the characteristics of the site and surrounding properties, including topography, vegetation, surface water, drainage, streets, buildings, utilities, parking and circulation patterns. This information can be used to identify potential conflicts between the proposed development and neighboring uses and to identify limitations of the site that may require additional analyses or mitigation.

Plan commission members have several options for conducting site visits. If plan commission members visit the site as a group, they must comply with the requirements of Wisconsin’s open meetings law, including providing advance notice of the meeting and allowing the public to access the site.⁴ To avoid these requirements, some communities require plan commission members to visit the site individually. Others restrict site visits to planning and zoning staff. If a site visit is performed by staff, the staff should take photographs or a video recording of the site and prepare a detailed staff report to share with the plan commission.

Before anyone may physically access a property for a site inspection, permission must be obtained in writing from the landowner. Most communities include a signature line on the application granting this authority. For example, one community provides: “By the execution of this application, the applicant

⁴ The purpose of a site visit is to gather information related to making a decision of a governmental body, therefore, both the numbers and purpose test of the open meetings law are met. For additional information, please refer to Chapter 2.

hereby authorizes the City or its agent to enter upon the property during the hours of 7:00 A.M. to 7:00 P.M. daily for the purposes of inspection. This authorization applies even if the applicant has posted the land against trespassing pursuant to Wis. Stat. § 943.13.”

Plan commission members conduct site visits to gain a better understanding of the physical limitations of properties and their neighboring uses.



Photo by Robert Korth, UW-Extension Lakes.

Recommended Equipment

The following equipment is recommended for conducting a site visit:

- Base maps and aerial photos of the site and surrounding area.
- A notepad and clipboard for taking field notes.
- A still camera or video recorder.
- A measuring device (preferably on wheels).
- Appropriate clothing, including boots, construction hat and durable outerwear.
- Identification as a member of the plan commission or planning and zoning staff.

Meck, Stuart. “Site Visits: Purpose, Planning and Practice.” *Zoning Practice*, Issue 2, February 2005. American Planning Association.

► Making and Recording Decisions

During the public hearing the plan commission has an opportunity to review the application materials, ask questions of the applicant, and gather public input regarding the proposal. Answers to all questions about a proposal should be recorded in the official record on the matter. When making a decision, the plan commission should consider all of the evidence in the record, including the application, evidence gathered on-site and during the public hearing, staff reports, photos, sketches, letters, emails, and audio and video tapes. The plan commission must determine the credibility of each piece of evidence and decide whether the applicant has shown that they meet all of the legal standards necessary to grant the request.⁵

A sample decision form is provided at the end of this chapter to help the plan commission record relevant findings of fact, conclusions of law, and their determination:

1. **Findings of Fact.** Findings set out the relevant facts from the evidence presented. Findings should identify the applicant, the specific relief requested, and the properties affected by the proposal. A list of witnesses, documents and exhibits relied upon in making the decision should be preserved and referenced in the findings.
2. **Conclusions of Law.** Conclusions describe, fact by fact, how each legal standard was or was not met based on the evidence presented. Depending on the type of decision being made, standards might include “public safety,” “adequate public facilities,” or “consistency with the comprehensive plan.” Standards specific

to each type of decision are found in local ordinances, state statutes and case law and are described in related sections of this handbook. If no evidence was presented to meet a standard, or if evidence was rejected because it was believed to be unreliable or unbelievable, those facts should be stated on the record.

3. **Determination.** The recommendation or final decision on a matter states whether the request was granted or denied and specifies applicable time limits, conditions and other limitations. A written decision supplied to the applicant should include a notice of appeal rights.

The plan commission may not grant or deny an application by simply restating the statutory or ordinance language that was or was not met.⁶ Instead, the commission must explain the “grounds” it relied upon to make its decision. It must cite the specific evidence and reasons why the application does or does not meet each legal standard.⁷

It’s not sufficient to say “Based on the evidence, the plan commission recommends denial of the rezoning because it is not consistent with the comprehensive plan.” Rather, the plan commission should provide specific justification. For example, “Although the requested use is consistent with the residential designation shown on the future land use map, the comprehensive plan states that development of this area is contingent on improvement of a new north-south collector road. Road improvements have not been made and are not budgeted for in the 5-year capital improvement plan. Therefore, the plan commission recommends denial of the rezoning.” The map on page 3 provides a graphic illustration of this scenario.

⁵ The applicant has the burden of proof of establishing the need for a permit. The plan commission cannot guess or fill in the blanks on an incomplete application. If an application is deemed incomplete or if significant changes to the original request are desired, the plan commission may require the applicant to submit a new application and permit review fee.

⁶ *Lamar Central Outdoor, Inc. v. Board of Zoning Appeals of the City of Milwaukee*, 2005 WI 117, 284 Wis. 2d 1, 700 N.W.2d 87

⁷ *Keen v. Dane County Bd. of Supervisors*, 2004 WI App 26, 269 Wis. 2d 488, 676 N.W.2d 154.

Drafting Land Use Findings

The following tips are provided to help the plan commission draft legally defensible land use findings.

1. Put your findings in clear and understandable language.
2. Use statutory, case law and local ordinance standards as guidelines for your findings.
3. Avoid findings that merely restate the law. Instead, describe how the evidence supports or does not support each standard.
4. Make sure all evidence, including on-site observations, is included in the record.
5. Articulate a clear logical link between the impacts of the project and conditions imposed upon it.
6. If a project has been modified since findings for it were written, make sure that the modifications do not necessitate new or revised findings.

Adapted from Kovacic, Gary A. and Mary L. McMaster. "Drafting Land Use Findings," *Planning Commissioners Journal*, Issue 4, May/June 1992.

Findings are important to help the public understand why the commission reached the decision it did. Even if members of the public disagree with a commission decision, they may not become as upset or angry if they understand the reasoning that led to the decision. If the plan commission does not announce the reasons for its decision, it reflects poorly on the commission and could jeopardize the decision.

If a plan commission decision is appealed, a reviewing court will look at the entire record and must be able to follow the commission's reasons for making the decision. While the reasons do not need to be included in a written decision, they must be found somewhere in the record, such as the transcript of the proceedings. Even if the court would not have

reached the same conclusion, it is likely to uphold the decision if it finds that a reasonable person could have reached the same conclusion based on evidence in the record.⁸

The following suggestions are provided to strengthen plan commission decision-making:

- Revise application and decision forms to prompt the applicant and decision-makers to describe how the request meets the appropriate legal standards.
- Consider requiring the applicant to draft sample findings of fact as part of the application process.
- Require applications to be complete and available to the plan commission well in advance of the public hearing. This provides time for the commission to read, digest and explore the information in the application prior to the hearing.
- Distribute a checklist or decision form to each plan commission member so that they can record how the request meets each legal standard.
- Ask the applicant to address each legal standard during the public hearing.
- Provide time for local decision-makers, staff and the public to ask questions of the applicant and present additional information.
- Provide an opportunity for the applicant to respond to information presented.
- Discuss each member's findings before voting on the issue. Remember, an individual may change his/her vote on an issue after each member articulates their findings.
- Prepare a summary of the decision, including the relevant reasons for granting or denying the permit. It's OK to direct staff to prepare a written decision, but don't make them guess at what you were thinking. State for the record what your reasons are for making the decision.

⁸ Additional information on appealing plan commission decisions, including the certiorari review criteria commonly used by courts is provided in Chapter 7.

REFINING THE ORDINANCE

► Conducting an Annual Review

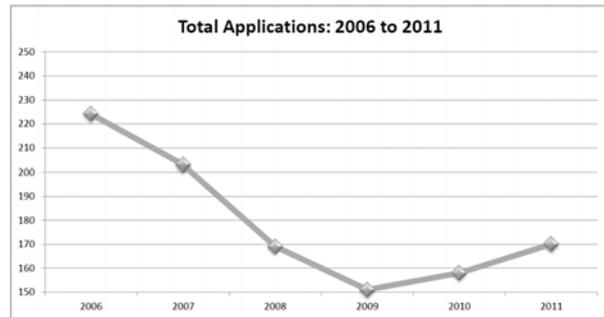
We recommend that the plan commission meet annually with the governing body, planning and zoning staff, and zoning board to discuss concerns and make recommendations for policy changes. An annual summary of the number and specific type of development permits requested and granted can guide the plan commission in making recommendations. Excerpts from a sample report are provided at right. The plan commission should look for patterns that suggest opportunities to improve ordinance language clarity, effectiveness of standards, and administrative efficiency. It should evaluate the need to revise regulations and be prepared to make proactive recommendations to the governing body.

If local officials are granting frequent relief to certain provisions of the local ordinance, this may indicate that the regulations are not consistent with the goals of the comprehensive plan or are otherwise inappropriate. For example, if many people want to build a new home in an area designated for infill development, but a variance is needed to build close to the street like existing homes, the plan commission might suggest a reduced setback or setback averaging provision. Similarly, if many people are seeking and receiving conditional use permits for rather benign home occupations such as computer-based work, the plan commission may recommend permitting this use by right. Conversely, if a certain type of permitted use is proving problematic, they may recommend adding requirements to the ordinance or converting the permitted use to a conditional use, so that conditions may be applied to mitigate adverse impacts.

Reviewing the number and types of conditions applied to permits can also be helpful. While there is no maximum number of conditions that can be attached to an approval, the plan

commission may wish to monitor the situation if a high number of conditions are routinely applied, or if the conditions are really significant. If a proven set of conditions are found to be effective for mitigating certain circumstances, the plan commission should recommend revising the ordinance to include the conditions as a requirement of the permit.

Sample Development Summary



Approvals	2006	2007	2008	2009	2010	2011
Plats	6	2	2	1	1	0
Certified Survey Maps	11	21	17	11	10	15
Commercial Applications	33	20	13	9	19	19
Industrial Applications	5	2	1	2	1	1
Institutional Applications	2	6	5	3	3	6
Sign Applications	45	33	28	34	27	31
Architectural Applications	26	28	26	13	14	23
Certificate of Zoning Compliance	19	21	18	18	20	26
Conditional Use Permits	27	24	7	6	12	12
Zoning Text Amendments	4	5	9	6	3	5
Rezoning	8	8	5	4	6	2
Temporary Use Permits	32	30	31	42	38	28
Zoning Board of Appeals	6	9	5	2	4	2
Total	224	209	167	151	158	170

Conditional Use Permits

The Plan Commission reviews all conditional use permits. These permits are generally for new construction or uses that require some conditions to be placed on the operations. The permits are issued after the City conducts a public hearing and the Plan Commission provides a recommendation to the Common Council. The following permits were issued in 2011:

Business	Permit Issued
Lake Country Dog – 535 E. Wisconsin Ave.	Dog daycare business
Retzlaff Marine – 728 E. Wisconsin Ave.	Boat storage and sales
Wisconsin Ave. Bldg. – 124 E. Wisconsin Ave.	Group development
WE Energies – CTH BB	Wetland disturbance
Oconomowoc High School – 641 E. Forest Dr.	Athletic fields
His Auto – 202 E. Wisconsin Ave.	Automotive repair
Our Savior’s Church – 145 Lisbon Rd.	Exceed structure height requirements
Wilkinson Manor – 919 E. Summit Ave.	Tree clear-cutting for garages
Oconomowoc Memorial Hospital	Landscaping plan amendment
Oconomowoc Community Center	Group development

City of Oconomowoc, 2011 Development Summary.
www.oconomowocusa.com/City%20Planning/Annual%20Report%202011.pdf

PLAN COMMISSION DECISION FORMS

The forms at the end of this chapter can be used by plan commissions involved in making land use decisions or recommendations. These forms can also be downloaded in Word format from the Center for Land Use Education website: www.uwsp.edu/cnr-ap/clue/Pages/publications-resources/PlanCommissions.aspx



Plan Commission Decision Forms

Decision criteria are provided for common plan commission decisions including plat approval, conditional use permits, zoning amendments and comprehensive plan amendments.

Plan Commission Decision Form

I. Findings of Fact

Name, address and phone number of applicant: _____

The applicant requests:

- Preliminary / final plat approval
- Conditional use / special exception
- Zoning map / text amendment
- Comprehensive plan map / text amendment
- Other: _____

Brief description of property and surrounding conditions: _____

Brief description of proposal: _____

II. Conclusions of Law

Comprehensive Plan Consistency

Zoning, subdivision and official mapping ordinances adopted or amended after January 1, 2010 must be "consistent" with an adopted comprehensive plan. Consistent means "furthers or does not contradict the objectives, goals, and policies" of the comprehensive plan. Local ordinances may require that proposed subdivision plats, planned unit developments, conditional uses, and other land use ordinances or approvals be reviewed for consistency with the comprehensive plan.

- The proposed development is consistent with the future land use recommendations contained in the comprehensive plan and shown on the future land use map.
- The proposed development is generally consistent with the vision, goals, objectives and policies contained in the comprehensive plan. (List supporting/conflicting statements below).

Describe reasons why proposal does or does not meet each standard: _____

Plat Approval Criteria

The plan commission may be authorized to approve preliminary or final plats. However, final plats that involve the dedication of streets, highways or other lands must be approved by the governing body. Plats that fall within the plat approval jurisdiction of a city, village or town must be referred to the plan commission for review and an advisory recommendation before the governing body takes final action. Approval of preliminary or final plats may only be conditioned on the factors described in Wis. Stat. § 236.13:

- The proposed plat complies with all local ordinance provisions *[describe local standards]*:
- The proposed plat is consistent with the comprehensive plan.
- The proposed plat provides required public improvements *[describe local standards]*:
- The proposed plat satisfies objections raised by state agencies.
- The proposed plat complies with provisions of Wis. Stat. Ch. 236.

Describe reasons why proposal does or does not meet each standard: _____

Conditional Use Permit Criteria

*The plan commission / zoning board / governing body is authorized to grant conditional use permits when the standards found in section _____ of the zoning ordinance are met.
[Modify the following list to reflect standards found in local ordinance]:*

- The proposed use conforms with the purposes of the zoning district in which it is located.
- The proposed use will not be detrimental to the use or enjoyment of other property in the immediate vicinity or to the community as a whole.
- The proposed use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the surrounding area.
- The proposed use will be adequately served by essential public facilities and services, including highways, streets, water, sewage, drainage, schools and emergency services.
- Adequate measures have or will be taken to prevent or control noise, odors, fumes, dust, vibrations, light, and other unusual activities or disturbances.
- Adequate measures have or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed use.

Describe reasons why proposal does or does not meet each standard: _____

Zoning Amendment Criteria

The plan commission is responsible for reviewing and providing a recommendation on proposed zoning amendments before final action is taken by the governing body. [Modify the following set of decision standards to reflect local priorities]:

- The amendment corrects an error made in the original ordinance.
- The amendment is consistent with the comprehensive plan.
- The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole.
- The amendment will not have a significant adverse impact on the natural environment (i.e. air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by improvements on the site or in the immediate vicinity.
- The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e. highways, streets, water, sewage, drainage, schools, emergency services, etc.).
- The amendment allows a more viable transition to planned land uses on adjacent properties than the current zoning designation.
- The amendment will not result in illegal "spot zoning" (i.e. use is inconsistent with surrounding properties and serves only a private, rather than public interests).

Describe reasons why proposal does or does not meet each standard: _____

Comprehensive Plan Amendment Criteria

The plan commission is responsible for reviewing and may recommend changes to the comprehensive plan by adopting a resolution by a majority vote of the entire commission. [Modify the following set of decision standards to reflect local priorities]:

- The amendment corrects an error made in the original plan.
- The amendment is generally consistent with the vision, goals, objectives and policies contained in the comprehensive plan, or there is a change in community actions or characteristics that would justify the change.
- The amendment will not be detrimental to property in the immediate vicinity or to the community as a whole.
- The amendment will not have a significant adverse impact on the natural environment (i.e. air, water, noise, stormwater management, soils, wildlife, vegetation, etc.), or the impact could be mitigated by improvements on the site or in the general vicinity.

The amendment will not have a significant adverse impact on the ability to provide adequate public facilities or services (i.e. highways, streets, water, sewage, drainage, schools, emergency services, etc.).

There is a community or regional need identified in the comprehensive plan for the proposed land use or service.

Describe reasons why proposal does or does not meet each standard: _____

III. Recommendation or Decision

On the basis of the above findings of fact, conclusions of law and the record in this matter, the plan commission recommends / finds that the proposed development is:

Approved, subject to the following conditions.

Tabled for further consideration.

Denied for the following reasons.

Specify conditions of approval, additional information requested, or reasons for denial:

An amendment to the comprehensive plan is needed to approve this petition.

An amendment to the _____ ordinance is needed to approve this petition.

Describe recommended amendments:

Signed _____ Attest _____
Chairperson Secretary

Dated: _____

Filed: _____