



Manitowoc County Planning and Zoning Department

CONDITIONAL USE

CONDITIONAL USE

A Conditional Use allows an owner to put property to a use which the zoning ordinance expressly permits when certain conditions are met. In designating conditional uses, a community has determined that such uses are not suited to all locations in a zoning district but may be authorized if adaptable to the limitations of a particular site and adjacent land uses. A Conditional Use is sometimes called a special exception. The two terms mean the same thing.

PERMIT PROCESS

The following items are required:

- 1) Submit a completed application form with a \$460 non-refundable fee. Fee doubles if application is submitted after a use has commenced.
- 2) Provide a detailed description of your project, and a site diagram.
- 3) Contact your Town Board to inform them of your request. You may be asked to attend a Town Board meeting to discuss the application.
- 4) Allow the Board of Adjustment to conduct an on-site inspection of the property. Proposed structure location should be clearly identified.
- 5) Attend a public hearing on your application. Contact the Code Administrator if you can not attend.

EXPIRATION

A Conditional Use permit expires if the conditional use is not commenced within 24 months from the date of the permit or if the conditional use is discontinued for more than 12 months.

CONDITIONAL USE PERMIT CRITERIA

In review of an application, the Board will consider the following factors in deciding whether to grant a conditional use permit.

- 1) The maintenance of safe and healthful conditions.
- 2) The location of the site with respect to floodplains, rivers, streams, and lakes.
- 3) The location and size of the site in relation to the nature and intensity of the proposed use.
- 4) The location, nature, and height of buildings, walls, and fences will not discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
- 5) The effect on nearby properties of noise, fumes, vibration, or flashing lights.
- 6) Is the "use" in harmony with the orderly development of the district.

Other relevant factors under State Law and the Manitowoc County General Zoning Ordinance.



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HEARING PROCESS

After the Planning and Zoning Department receives your application materials, it will notify you in writing of the hearing date and time. It will also publish a hearing notice in the Herald-Times-Reporter and send a copy to neighboring property owners.

At the hearing, you may appear in person or be represented by agent or attorney to speak on your behalf. As the property owner you must provide verifiable facts upon which the Board of Adjustment can base its decision. Other people can also attend the hearing to testify for or against your request.

LIMITATIONS

A Conditional Use Permit only authorizes the use specifically described in the permit. The use may not be changed or expanded and is strictly subject to the conditions specified in the permit.

MODIFICATIONS OR REVOCATION

A Conditional Use Permit may be modified or revoked by the Board of Adjustment if, after a hearing, the board determines that the terms of the permit have been violated.

BOARD OF ADJUSTMENT DECISIONS

- The Board of Adjustment will consider the evidence presented and make a decision.
- If the Board of Adjustment has sufficient information it will either approve, modify and approve, or deny your request. It may table your request until you provide more information if needed.
- The Board of Adjustment will issue a written decision and file a copy with the Manitowoc County Planning and Zoning Department.

JUDICIAL REVIEW

If your variance request is denied, you may appeal the decision to Circuit Court as provided in Wisconsin Statute s. 59.694(10). Even if approved, a conditional use may be appealed to circuit court by an aggrieved party. All appeals must be filed according to State Statutes (within 30 days) after the decision is filed with the Manitowoc County Planning and Zoning Department. For this reason you may want to delay your project until the appeal period has expired.



**Manitowoc County
Planning and Zoning Department
CONDITIONAL USE
APPLICATION**
PLEASE PRINT CLEARLY

Petition # ZPA- 20_____.

Fee Received \$ _____

Receipt # _____

Ordinance (s) affected: _____ Section (s): _____

OWNER / APPLICANT

| | |
|--------------------------|-------------------------------------------|
| Owner Name (print) _____ | Applicant/Agent Name (if different) _____ |
| Address (1) _____ | Address (1) _____ |
| City/State/Zip _____ | City/State/Zip _____ |
| Phone _____ | Phone _____ |

PROPERTY LEGAL DESCRIPTION

_____ 1/4, _____ 1/4, S _____ T _____ N _____ R _____ E Town of _____

House or Fire # _____ Tax Number _____

PROPERTY INFORMATION

Zoning District(s) _____ Proposed building dimensions _____ Ft. _____ Ft.

Proposed property dimensions _____ Ft. _____ Ft.

List current improvements: _____

PROPOSED PROJECT

Describe the proposed project: _____

PROPOSED USE

Describe the proposed use in detail: _____

ZONING CRITERIA Plan attached

How does the project address/satisfy the zoning requirements: _____

| | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| <p>Return to: Manitowoc County Planning and Zoning Department 4319 Expo Drive, PO Box 935 Manitowoc, WI 54221-0935 (920) 683-4185</p> | <p>I have been informed and have willingly agreed to pay for the required public hearing notice and allow the Manitowoc County Board of Adjustment and Manitowoc County Planning and Park Staff access to the property for the matter of gathering and assessing information pertaining to this appeal.</p> <p>_____</p> <p>Signature (applicant, owner, agent)</p> | <p>_____</p> <p>Date</p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|



Manitowoc County Planning and Zoning Department

CONDITIONAL USE APPLICATION

CONDITIONAL USE PERMIT STANDARDS

Does the proposed use endanger the public's health, safety and welfare?

Is the proposed use in harmony with the orderly development of this zoning district?

Will the proposed use significantly impair the value of surrounding properties?
Why?

Is the proposed use more objectionable to nearby properties by reason of flashing lights, fumes, noise, vibration, or other factors than the operation of any allowable principal use? _____
Why?

Does the proposed use discourage the appropriate development and use of adjacent land and buildings? _____
How come?

OTHER DECIDING FACTORS

Describe the intensity, location, nature, and size of the proposed use.

Describe the height, location, and nature of structures associated with the use.

Describe the relationship of the structures and the use to the site on which it is located, surrounding properties, and existing future streets.



Manitowoc County Planning and Zoning Department

CONDITIONAL USE APPLICATION

DETAILED INFORMATION

1. Days of Operation: _____

2. Hours of Operation: _____

3. Number of Employees: _____

4. Type of Equipment: _____

5. Fencing: _____

6. Lighting: _____

7. Type of Noise: _____

8. On Premise Sign? _____

9. Size and Location of Sign: _____

10. Customer Parking Area: _____

11. Employee Parking Area: _____

12. Delivery Trucks? (how often) _____

13. Other Information: _____

NOTE

* Signs must meet size and setback requirements for the district in which they are located. If you want to locate a sign closer than the required setback from property lines, roadway, or body of water a variance must also be applied for and obtained.

SITE DIAGRAM

* A detailed site diagram must be included with this conditional use permit request.

Manitowoc County Planning and Zoning Department

SITE DIAGRAM

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The site plan is an important piece of information in your file. An accurate diagram showing the relationship of your buildings and/or proposed construction to the lot lines, shorelines, highways, structures on adjacent property and other physical features provides us with the essential information we need. It is not required that you submit professional quality plans, but if you cannot accurately and clearly illustrate your proposal, it is recommended that you obtain assistance in preparing your site plan.

Some general guidelines:

- Use a ruler. Freehand drawings are often of questionable accuracy.
- Scaled or well-proportioned drawings are preferred.
- If a survey is available, sometimes it works well to sketch your proposal directly on a copy of it.
- Accurately measure and illustrate all the critical measurements and do not estimate.
- The correct setback measurement is the shortest straight line between the building and the line being measured to.
- Supplemental drawings, such as cross-sections, may be helpful.
- Locations of well and septic should be provided for yours and adjacent properties.

