

## 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.

## TIME LIMITS

Conditional uses may be granted for a limited term if the BOA can provide a reason for the time limit. The Board may also place review dates on a conditional use permit to re-evaluate the use.

A conditional use permit may be modified or revoked by the BOA if, after a hearing, the Board determines that the terms of the permit have been violated.

## CONTINUANCE OF USE

Once a conditional use permit is granted, subsequent owners of a property are entitled to continue the conditional use; subject to the limitations imposed in the original permit.

## PERMIT 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.

## BUSINESS SIGN

The applicant is allowed one on premise business sign for the approved business operating on the property. The sign is subject to ordinance size and setback requirements for the district in which they are located.

If the applicant is unable to meet the sign location requirements; they can apply for a variance to locate the sign within the required setbacks.

## YOUR TOWNSHIP & CONTACTS

Your local town board is a RECOMMENDING body to the Board of Adjustment. It is your responsibility to contact your town board chairman to be placed on the agenda for a town board meeting.

Cato	Gerald Linsmeier	(920)732-3205
Centerville	Brian Kraemer	(920)693-8935
Cooperstown	David Blakeslee	(920)639-0555
Eaton	Rick Christel	(920)773-2535
Franklin	Jerold Korinek	(920)732-3563
Gibson	Edward Peterik	(920)973-5950
Kossuth	Ralph Schuh	(920)732-3772
Liberty	Joel Aulik	(920)726-4302
Manitowoc	Dale Markwardt	(920)682-3244
Mtwc Rapids	Joshua Stradal	(920)323-0357
Maple Grove	Paul Heraly	(920)756-2583
Meeme	Dennis Graf	(920)693-8700
Mishicot	Lee Stefaniak	(920)323-4358
Newton	Roger Busse	(920)901-0258
Rockland	Randall Brandes	(920)375-0940
Schleswig	Joseph Meyer	(920)894-2504
Two Creeks	Lee Engelbrecht	(920)755-4042
Two Rivers	William Wilfert	(920)683-3352

### Manitowoc County Planning and Zoning Department

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# Conditional Use Permit Procedure

## WHAT IS A CONDITIONAL USE PERMIT?

A conditional use or special exception is any exception expressly listed in the zoning ordinance regarding land uses. A conditional use is not suited to all locations in a zoning district, but may be allowed in some locations if it meets specific conditions set out in the zoning ordinance. These conditions generally relate to site suitability and compatibility with neighboring land uses due to noise, odor, traffic, and other factors. In short, conditional uses must be custom tailored to a specific location. A conditional use must be listed as such in the zoning ordinance, along with the standards and conditions which it must meet.

## THE PERMIT PROCESS:

Requests are made to the Board of Adjustment (BOA) at a monthly public hearing. In order to be considered at the next meeting, a complete application and required fee must be received by the Planning and Zoning Office no later than 12:00 NOON on the last Monday of the month.

Once an application for a request is completed and received, you will be placed on the agenda for the next available public hearing in front of the Manitowoc County BOA.

If your request is granted, a zoning/setback permit must be obtained for any structures required for the approved use.

## WHAT IS THE BOARD OF ADJUSTMENT (BOA)?

- The BOA is a 5 member board, appointed by the County Executive.
- The BOA will physically review the properties, prior to the public hearing date.
- Hearings are typically held on the 3rd Monday of each month, beginning at 7:00 p.m. in Room 300 located in the County Office Complex.
- In order for the Board to hold a hearing, there has to be a minimum of three (3) applications received prior to the deadline date.
- The maximum number of applications per meeting is normally six (6).

## APPLICATIONS

All applications are available online or at the Planning and Zoning Office and must include:

1. A completed application that is signed, dated and includes a legal description of property.
2. Provide a detailed description of your project.
3. A site diagram drawn to scale, indicating the location of all existing structures, any proposed construction, all property lines, and ordinary high water mark and roads. (A survey may be required if the drawing is inadequate.)
4. Allow BOA to conduct an onsite inspection of the property.
5. Attend a public hearing on your application. (If you are unable to attend, an agent or representative must attend for you).

## NOTIFICATION

A Class II notice is published in the paper and a notice of the date and time of the hearing will be mailed to you and neighboring property owners. Notice is also sent to your township. Applicants should contact their town and discuss the proposed request with town representatives prior to the BOA hearing.

Depending on the location of your property, other political subdivisions and agencies may be notified—County Departments such as *Highway Department, Health Department, Department of Natural Resources, Wisconsin Department of Transportation, cities, villages, FEMA, Manitowoc County Airport, etc.*

The property owner or their agent or representative shall be present at the public hearing to present their request to the Board and answer any questions the Board may have. If someone fails to appear before the Board or if insufficient information is presented, the conditional use permit will not be considered at that meeting. The request will be placed on the next meeting agenda and the applicant shall pay any additional expenses incurred with postponement and republishing of the hearing.

## CONDITIONAL USE PERMIT DECISIONS

The decision to grant or deny a conditional use permit is discretionary. In other words, a conditional use permit may be denied if the project cannot be tailored to a site to meet the specific conditional use standards and general purposes of the ordinance.

The BOA will consider the evidence presented and make a decision.

If the BOA has sufficient information, it will either approve, modify, and approve or deny the request. It may postpone the request until the applicant can provide more information that is needed.

The BOA will issue a written decision and file a copy with the Manitowoc County Planning and Zoning Department.

## CONDITIONAL USE PERMIT CRITERIA

The BOA 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 and 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.
7. Other factors under State and County laws.