



# Understanding the Conditional Use Process

The purpose of this document is to explain the process of applying for and obtaining a conditional use permit in the rural unincorporated towns of Dane County.

All areas of Dane County are assigned a zoning district classification. Each zoning district allows for specific land use to occur on the property. Some land uses are listed as “permitted uses”, meaning no special approval is needed to conduct the activity within the respective zoning district. Other land uses are listed as “conditional uses”. Conditional uses may or may not be appropriate on a property, depending on the circumstances. Due to the potential for negative impacts to adjacent properties for uses already permitted, conditional uses require special consideration and additional approvals by the Town and County.

For instance, a school could be an amenity to a residential area, however, traffic and noise may have a negative impact on the neighborhood. Therefore, a school would be listed as a conditional use. Through the review process, conditions may be placed on the school to mitigate anticipated concerns.

The Town and the County review proposed Conditional Use applications for compatibility with surrounding properties. As part of that review, there are certain standards that have to be met in order for a Conditional Use Permit to be granted (see below). The burden of proof is on the applicant to provide “substantial evidence” to demonstrate that the proposed land use can coexist in harmony with the neighborhood and meet *all* of the required standards. A proposal may be denied if it fails to meet one or more of the standards or if it is found to be incompatible with existing neighboring land uses. In addition, LACK OF INFORMATION MAY LEAD TO A DENIAL OF THE PROPOSAL.

## How to Apply for a Conditional Use Permit (CUP)

Applicants are encouraged to contact county staff to discuss the proposal prior to submitting an application. Below is a summary of the information that is required to be submitted with an application (see attachment). County staff will inform you if additional information may be required depending on the type of proposal or features of the property. Please note that additional information is required for [mineral extraction](#) or [communication towers](#).

## Required Submittal Information

1. A letter explaining how the six (6) standards of obtaining a CUP are being met. (See below)
2. Narrative on operations: Explain, in detail, the business or planned activity; provide proposed hours of operation; anticipated number of employees and patrons; any outside activities or storage; and any noise, odors, or debris created as part of the activity. Explain how storm water, trash, traffic, or hazardous materials will be handled.
3. Site Plan/Operations Plan: Provide a scaled map showing all existing or proposed buildings; driveways and parking areas; greenspace; detention basins; sanitary systems; outdoor storage areas; outdoor activity areas; refuse area; exterior lighting locations; proposed screening; and improvements to control traffic or vehicular movement.
4. Neighborhood map: Provide a map showing existing zoning on surrounding lands and label existing land uses.
5. Building plans: If there are any buildings proposed, provide an elevation drawing of the building. Interior layout of building may be needed to describe indoor activities.
6. Other information: Specific studies may be needed to address committee or public concerns. Traffic, sound, groundwater, lighting, storm water, soils, or wetland studies may be needed to determine whether the land use is feasible in the location. Please consult with County Staff prior to conducting studies.



## The Six (6) Standards in Obtaining a Conditional Use Permit

The proposed conditional use must meet ALL six standards listed below in order to obtain a conditional use permit (CUP). If, after reviewing the proposal, the Town or County Zoning Committee find that the proposed use cannot meet all of the standards, the CUP application will be denied. If all the standards are met, the permit application will be approved. In many cases, specific limitations or conditions will be required to followed to ensure that the standards are met. As part of the permit application, applicants are required to explain in writing how the proposal meets the standards.

**Standard 1** *The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.*

**Standard 2** *The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use. Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, paving the parking area, or the screening of outdoor storage.*

**Standard 3** *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Explain how the proposed land use will not interfere with the development of the surrounding property. It's possible that there may already be limitations on development on the surrounding properties such as being deed restricted to just agriculture.*

**Standard 4** *There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. Explain what impact the proposed use has on such things as water, septic, storm water, electricity, and traffic. Provide information on improvements that may be needed or if additional buildings are needed.*

**Standard 5** *Adequate measures have been or will be taken to provide adequate ingress /egress to public streets and the proposed conditional use will not present traffic conflicts. Provide information on vehicle traffic that the proposed use will generate. Include frequency and types of vehicles.*

**Standard 6** *The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use. Explain any buffering or screening that will be installed as part of the proposed use.*

If you are in a zoning district that has been approved as part of the Farmland Preservation Program, there are additional standards that the proposed activity must meet:

### **Additional standards in Farmland Preservation Areas**

1. The proposed use is consistent with the purpose of the district.
2. The proposed use is reasonable and appropriate with alternative locations considered.
3. The proposed use is reasonably designed to minimize the use of agricultural lands.
4. The proposed use does not substantially impair the current or future agricultural use of surrounding parcels.
5. Construction damage to remaining lands in agricultural use is minimized and/or repaired.



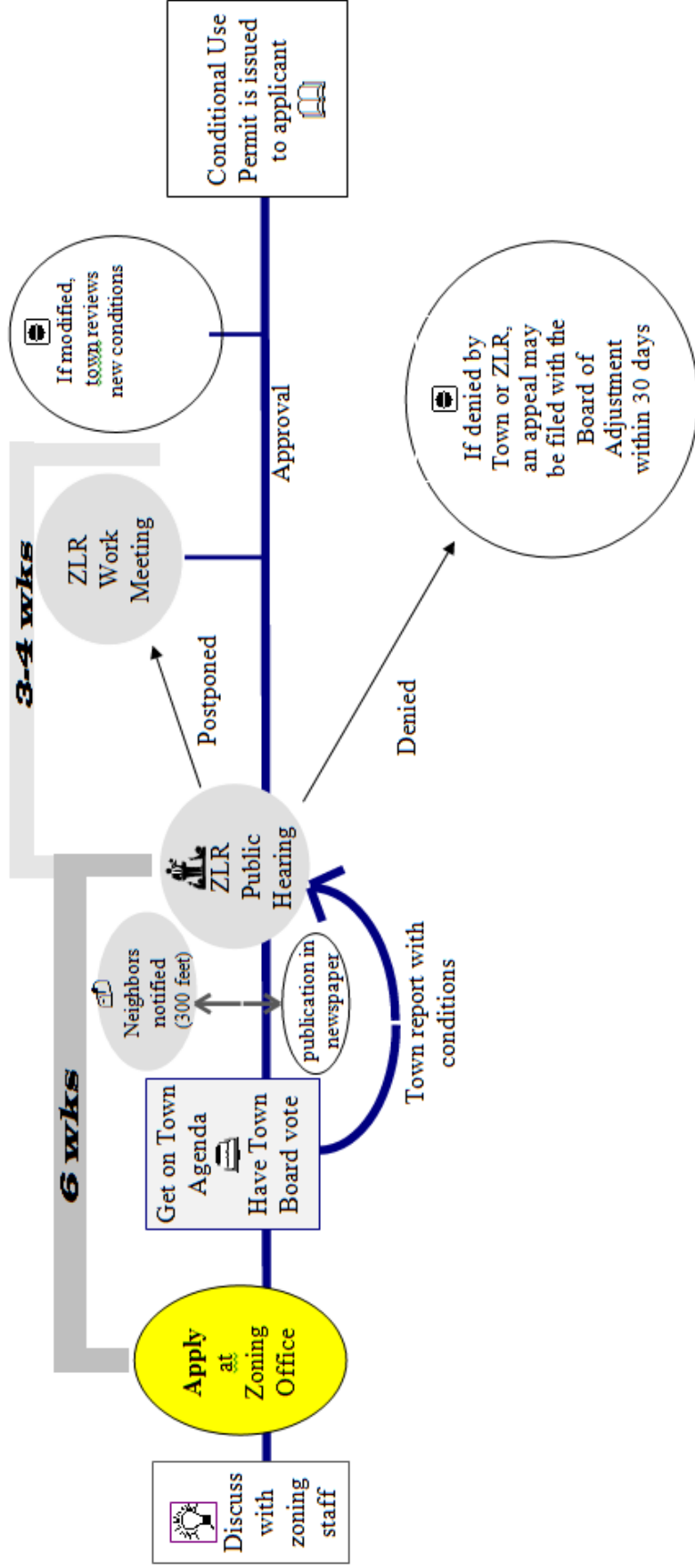
## Conditional Use Process

The process to obtain a CUP takes approximately three (3) months. Both the Town and County will be involved in the review process. (See flow chart below.) Please note that the decisions made will be based on factual information and substantial evidence presented.

1. Have an initial discussion with Dane County Planning and Development staff prior to submitting an application.
2. File a [conditional use permit application](#) with the Dane County Zoning Division. An official CUP number will be assigned to the application. The proposal will be scheduled for a public hearing before the Dane County Zoning and Land Regulation Committee. The County's public hearing will be approximately six (6) weeks away.
3. Take the CUP application to the respective Town for review. Contact the Town Clerk as soon as possible to obtain information on the Town's CUP review process. Please note that there may be a separate application or fee associated with the Town review process.
4. The Town will hold a public hearing on the proposal. Testimony will be received and the Town will render a decision based on the facts and substantial evidence that were presented. The Town may postpone action on an application to ask for additional information or may that require conditions be placed on the CUP to address concerns.
5. Approximately three (3) weeks prior to the County public hearing, The County will notify the neighbors within 500 feet of the Conditional Use Permit application. You may want to discuss the proposal with neighbors prior to the notice being delivered.
6. Approximately two (2) weeks prior to the County public hearing, the County Staff Report will be sent to the applicant. The report may suggest specific conditions for the CUP and will reflect the Town action.
7. The County Zoning and Land Regulation Committee (ZLR) will hold a public hearing. All persons speaking will have 5 minutes to present information to support, oppose, or express concerns about the proposal.
  - a. Attendance by the applicant or agent is mandatory at the public hearing.
  - b. The ZLR Chairperson will announce the petition and request that the applicant or agent speak on behalf of the petition. Applicants will need to approach the podium, state their name and location of the property. They will be required to describe the proposal and explain how the proposal meets the 6 standards and how the proposal is compatible with the surrounding neighborhood.
  - c. Any other interested persons will be allowed to speak, whether in favor or opposition. Neighbors or other interested parties can submit information expressing their support or opposition.
  - d. After hearing testimony, the ZLR Committee may approve, postpone, or deny the petition. The CUP will be postponed if there is opposition, no town decision, or if concerns are raised. If postponed, the petition will be scheduled for a subsequent [meeting](#). The applicant is responsible for addressing the concerns to a reasonable level.
8. If approval is granted by the ZLR Committee with town conditions, the action is final. If approval is granted and conditions have been added or changed from any requirements by the town, the CUP will be sent back to the Town to confirm or reject the conditions as revised.
9. If the petition is denied, the town or ZLR committee will provide findings of fact on why the petition was denied.
10. Any person aggrieved by the approval or denial of the CUP may submit an appeal to the county Board of Adjustment (BOA). Any such appeal must be submitted to the Zoning Administrator within 30 days of the final action.

# Conditional Use Permit

Does it fit in the neighborhood?





## Checklist to meet the specific requirements for a site plan and operations plans per County Ordinances

### **Site Plan**

- Site plan is drawn to a scale and large enough to show detail.
- North arrow and scale provided.
- All buildings, existing and proposed, are shown. The building's use is labeled.
- All outdoor activity areas and/or storage areas, existing and proposed, are shown and labeled.
- All building dimensions and building setback dimensions are shown.
- The location and width of all driveways and drivepaths are shown including access onto public roadways. Traffic flow patterns are indicated.
- Parking lot layout is in compliance with Section 10.18 of the Dane County Zoning Ordinance.
- Proposed loading/unloading areas are identified.
- All natural features such as lakes, ponds, streams (including intermittent watercourses), flood zone, wetland areas, and slopes over 12% grade are shown.

Note: It may be required that site plans show additional detail, including, but not limited to contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, and possible future expansion areas.

### **Operational Plan**

- The type of business and associated activities are described.
- The hours of operation are explained.
- The number of employees are identified.
- There is an explanation of the measures taken to mitigate any negative impacts to neighboring properties. (noise, odors, dust, soot, runoff, traffic, lighting, or pollution)
- Any storage of outdoor materials, outdoor activities, or other operations taking place outside an enclosed building are explained.
- Storm water management is explained.
- The proposal explains how adequate sanitary facilities will be provided for anticipated land use.
- A manure management plan is explained.
- Managing the removal of trash or solid waste is explained.
- Description of daily traffic, types and weights of vehicles are explained. Proposed intersection or roadway improvements are explain.
- A listing of hazardous, toxic or explosive materials is included. Explain any spill containment, safety or pollution prevention measures to be taken.
- Description of outdoor lighting and measures taken to mitigate light-pollution
- Description of proposed signs