

DOOR COUNTY LAND USE SERVICES
421 Nebraska Street – Door County Government Center
Sturgeon Bay, Wisconsin 54235
Phone: (920) 746-2323 - FAX: (920) 746-2387

APPLICATION FOR CONDITIONAL USE PERMIT

TO THE ZONING ADMINISTRATOR: The undersigned hereby makes application for a **CONDITIONAL USE PERMIT** for the work described and located as shown herein. The undersigned agrees that all work shall be done in accordance with the requirements of the Door County Comprehensive Zoning Ordinance.

1. OWNER NAME AND MAILING ADDRESS

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

2. BUILDING SITE LOCATION

Fire # _____ Road _____
Town of _____
Local Phone # _____ - _____ - _____

3. BUILDER NAME AND MAILING ADDRESS

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

4. SURVEYOR/ENGINEER CONTACT INFORMATION

(If applicable)

Name _____
No. _____ Street _____
City _____ State _____ Zip _____
Phone # _____ - _____ - _____
Cell Phone # _____ - _____ - _____
Email: _____

5. PROPERTY IDENTIFICATION

Parcel No. _____ - _____ - _____

6. PROPOSED USE OF LAND OR STRUCTURE

7. SANITARY PERMIT

Type of System _____
Sanitary Permit No. _____
Date of Issuance _____
Approximate date of installation _____

8. BUILDING PLANS AND SITE PLAN

TO SCALE BUILDING PLAN AND SITE PLAN REQUIRED. IF PLANS EXCEED AN 11" X 17" FORMAT, SUBMIT ONE COPY OF EACH SHEET REDUCED TO 11" X 17".

9. FEE \$500.00

Make check payable to the **Door County Treasurer.**

Receipt # _____ Fee _____ Date _____

10. AUTHORIZATION FOR INSPECTION

I hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this petition.

11. SIGNATURE OF APPLICANT OR AGENT

Date _____

(FOR OFFICE USE ONLY)

Shoreland Zoning Yes / No

Zoning District _____

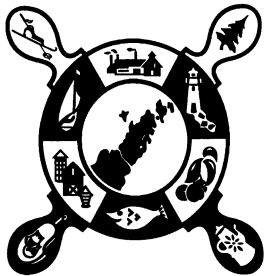
Inspections:

Date Inspector Remarks

Permit Issued: (by) _____ *(date)* _____ *(for)* _____

(w/ conditions) _____

Permit Denied (by) _____ *(date)* _____ *for the following reasons:* _____



**County of Door
LAND USE SERVICES**

County Government Center
421 Nebraska Street
Sturgeon Bay, WI 54235

Phone: (920) 746-2323

FAX: (920) 746-2387

Website: www.co.door.wi.gov/164/Land-Use-Services

**PROJECT SCOPE DECLARATION
[2017 Wisconsin Act 68; Effective November 29, 2017]
and AUTHORIZATION FOR INSPECTION**

Please provide a description of your project.

§ 66.10015(2)(b), Wisconsin Statutes, provides as follows:

“If a project requires more than one approval or approvals from one or more political subdivisions and the applicant identifies the full scope of the project at the time of filing the application for the first approval required for the project, the existing requirements applicable in each political subdivision at the time of filing the application for the first approval required for the project shall be applicable to all subsequent approvals required for the project, unless the applicant and the political subdivision agree otherwise.”

Please check which of the following two statements applies to this project.

- This is the first application filed for the project in which the full scope of the project has been identified. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project is identified in this application.
- This is not the first application filed for this project where the full scope of the project was identified. The first application was filed with the Town/Village/City/County/State of _____ on the ____ day of _____, 20 _____. I acknowledge and understand that, for purposes of § 66.10015(2)(b), Wis. Stats., the full scope of the project was identified in the first application.

This Declaration is incorporated into and made part of the associated Door County application.

By signing and submitting this form, I also hereby authorize the Zoning Administrator(s) to enter and remain in or on the premises for which this application is made at any reasonable time for all purposes of inspection relative to this application.

Property Owner(s) Name(s):

Signature _____

Date: _____

Signature: _____

Date: _____

Parcel Number (of Project): _____ - _____ - _____

Fire Number & Street Address (of Project): _____

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM

A conditional use permit applicant has the burden of proof. S/he must demonstrate that the application and all requirements and conditions established by the Resource Planning Committee relating to the conditional use are or shall be satisfied, all of which must be supported by 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 reasonable persons would accept in support of a conclusion.

If an applicant meets this burden of proof, the Resource Planning Committee will grant the conditional use permit. If an applicant fails to meet this burden of proof, the conditional use permit application will be denied.

To aid in its review of the proposed project, the Committee will consider the Door County Comprehensive Zoning Ordinance criteria set forth below. Answer all portions of all questions completely. State "not applicable," if appropriate, offering an explanation as to why facts and information were not provided.

Please provide the Resource Planning Committee members substantial evidence regarding:

1) Whether the proposed project will adversely affect property values in the area.

2) Whether the proposed use is similar to other uses in the area.

3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.

4) Provision of an approved sanitary waste disposal system.

<input type="checkbox"/>	Public Sewer	<input type="checkbox"/>	Private Onsite Wastewater Treatment System (POWTS)
		<u>Check One</u>	<u>Check One</u>
		<input type="checkbox"/> Existing	<input type="checkbox"/> Conventional Septic
		<input type="checkbox"/> New	<input type="checkbox"/> Other In-ground System
			<input type="checkbox"/> Holding Tank

5) Provision for a potable water supply.

<input type="checkbox"/>	Public Water Supply (Liberty Grove Sanitary District #1 and Maplewood only)	<input type="checkbox"/>	Well
		<u>Check One</u>	<u>Check One</u>
		<input type="checkbox"/> Existing	<input type="checkbox"/> Private Well
		<input type="checkbox"/> New	<input type="checkbox"/> Shared Well

CONDITIONAL USE PERMIT ADDENDUM – PAGE 2

6) Provisions for solid waste disposal.

- Commercial hauler
- Private delivery to collection site
- Other _____

7) Whether the proposed use creates noise, odor, or dust.

Noise: _____

Odor: _____

Dust: _____

8) Provision of safe vehicular and pedestrian access.

Vehicular Access

Existing Driveway(s) to _____
(Road Name)

New Driveway(s) to _____
(Road Name)

Pedestrian Access

- Sidewalks
- Path or Trail
- No Pedestrian Traffic

9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.

Existing traffic: High Levels Medium Levels Low Levels

CONDITIONAL USE PERMIT ADDENDUM – PAGE 3

10) Adequacy of emergency services and their ability to service the site. PLEASE SEE SEPARATE PAGE.

11) Provision for proper surface water drainage.

- Natural Infiltration (explain below)
- Some Grading of the Site (explain below)
- Engineered Stormwater and/or Erosion Control Plan (attach)

12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.

13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.

14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography.

- Natural Vegetation: No Removal
 Some Removal
 Significant Removal (provide Landscape Plan)

- Topography: No Change
 Some Change
 Major Change (provide Grading Plan)

CONDITIONAL USE PERMIT ADDENDUM – PAGE 4

15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.

16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.

17) The impact of the proposed project on public health, public safety, or the general welfare of the County.

The Resource Planning Committee will establish a completion date for the proposed project.

By what month and year will the project be completed? _____, _____

The Resource Planning Committee is allowed to consider topics in addition to the above. Please provide information on additional topics you think the Committee should or may consider in evaluating this project.

Note that a conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. Subsequent owners of the property are generally allowed to continue the use, subject to those conditions and requirements. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

The Resource Planning Committee may, however, impose conditions regarding the permit's duration, transfer, or renewal, in addition to any other conditions pertaining to ordinance standards or the specific criteria listed above. For example, the Committee may grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the Resource Planning Committee.

APPLICATION FOR CONDITIONAL USE PERMIT – ADDENDUM PAGE 5

Question 10, Emergency Services

Please take this page to the local Fire Chief with a copy of the project plans for review. Have the Fire Chief complete and sign below.

Applicants are responsible for returning the completed form to the Land Use Services Department: 421 Nebraska Street, Sturgeon Bay, WI, 54235. FAX: (920) 746-2387. E-mail: lriemer@co.door.wi.us .

10) Adequacy of emergency services and their ability to service the site.

As Fire Chief of the _____ Fire Department, I have reviewed the plans of this project. Our Department **CAN / CANNOT (circle one)** access this site for fire protection purposes.

Other Fire Chief comments: _____

_____, Fire Chief _____
(Signature) (Date)

Door County Land Use Services

CONDITIONAL USE PERMIT

A “conditional use” is one that has been determined to be compatible in a particular area, not a use that is always compatible at a specific site within that area. The use is subject to requirements and conditions, and is only allowed under a conditional use permit (CUP) issued by Door County. A conditional use permit is also required if an owner wishes to expand a non-conforming use (i.e., a use previously legally established which would not be allowed under current zoning regulations).

PERMIT & HEARING PROCESS

1. Submit a completed application form with a \$500.00 non-refundable fee.
2. Provide a detailed written description of your project, building plans, and a site plan (drawn to scale). Provide one complete set of plans no larger than 11” x 17”.
3. If an agent will represent you, you must submit your agent’s name, telephone number, and mailing address to the Door County Land Use Services Department.
4. Once the application is deemed complete, a copy of the application packet and staff report will be sent to the town to ask for recommendations and comments. You and neighboring property owners will receive a copy of the letter and staff report which forwards your application to the town. Please call the town to see if/when the town may be meeting to discuss this matter.
5. The Door County Land Use Services Department will publish a notice of the hearing in the Door County Advocate and will notify you and neighboring property owners in writing of the hearing date / time. It takes ~2 months from time of application submittal to hearing date.
6. If the applicant/agent fails to appear at the hearing, s/he will be deemed to be in default and the conditional use permit may, in the RPC’s sole discretion, be denied. The applicant/agent may, if s/he failed to appear for good reason, request in writing that the RPC reopen the default denial. A written request to reopen shall be received by the Door County Land Use Services Department within 30 days of the default denial. The RPC may, in its sole discretion, reopen a default denial if good cause is shown, such as mistake, inadvertence, or excusable neglect. If a default denial is reopened, the applicant/agent must submit a new fee, unless the RPC determines otherwise.
7. Other people can also attend the hearing to testify for or against your request.
8. Once the conditional use permit is issued, the applicant shall obtain a regular zoning permit within twelve months to authorize any new construction related to establishing the conditional use.

CRITERIA USED TO MAKE A DECISION

The Door County Resource Planning Committee (RPC) decision to approve, approve with conditions, or deny the CUP must be supported by substantial evidence. A conditional use permit applicant has the burden of proof. S/he must demonstrate, by substantial evidence, that the application and all requirements and conditions established in the ordinance and by the RPC relating to the conditional use are or shall be satisfied. If an applicant meets their burden of proof, then the RPC must grant the CUP. If an applicant fails to meet their burden of proof, the CUP will be denied. The CUP may also be denied if there is substantial evidence opposing the conclusions and evidence of the applicant, as the RPC’s decision need only be supported by substantial evidence.

Testimony and exhibits offered by persons other than the applicant, whether in support of or opposition to the CUP, must constitute 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 reasonable persons would accept in support of a conclusion.

To aid in its review of the proposed project, the RPC will consider the Door County Comprehensive Zoning Ordinance criteria set forth below.

- 1) Whether the proposed project will adversely affect property values in the area.
- 2) Whether the proposed use is similar to other uses in the area.
- 3) Whether the proposed project is consistent with the Door County Comprehensive and Farmland Preservation Plan or any officially adopted town plan.
- 4) Provision of an approved sanitary waste disposal system.
- 5) Provision for a potable water supply.
- 6) Provisions for solid waste disposal.
- 7) Whether the proposed use creates noise, odor, or dust.
- 8) Provision of safe vehicular and pedestrian access.
- 9) Whether the proposed project adversely impacts neighborhood traffic flow and congestion.
- 10) Adequacy of emergency services and their ability to service the site.
- 11) Provision for proper surface water drainage.
- 12) Whether proposed buildings contribute to visual harmony with existing buildings in the neighborhood, particularly as related to scale and design.
- 13) Whether the proposed project creates excessive exterior lighting glare or spillover onto neighboring properties.
- 14) Whether the proposed project leads to a major change in the natural character of the area through the removal of natural vegetation or alteration of the topography.
- 15) Whether, and in what amount and form, financial assurance is necessary to meet the objectives of this ordinance.
- 16) Whether, and to what extent, site-specific conditions should be imposed to mitigate potentially problematic impacts of the use.
- 17) The impact of the proposed project on public health, public safety, or the general welfare of the County.

**Note: State, federal, and local requirements also need to be met.*

The RPC is allowed to consider topics, related to the purposes of the ordinance and based on substantial evidence, in addition to the above.

If the conditional use permit application is approved, the RPC will establish a completion date for the proposed project. Once the use is established, a conditional use permit will generally remain in effect as long as the conditions and requirements upon which the permit was issued are followed. Subsequent owners of the property are generally allowed to continue the use, subject to those conditions and requirements. An affidavit is to be recorded with the deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

The RPC may, however, impose conditions regarding the permit's duration, transfer, or renewal, in addition to any other conditions pertaining to ordinance standards or the criteria listed above. For example, the RPC may grant a limited term conditional use permit if a reasonable basis exists for such limitation. Any limited term conditional use permit may be subject to renewal after a re-evaluation of the use via a hearing before the RPC.

RESOURCE PLANNING COMMITTEE DECISION

- The RPC will consider the evidence presented and will most likely make a decision that same day at a business meeting after the hearing(s). If the hearings are lengthy or if additional information is needed, it is possible the decision could be tabled to a later date.
- The RPC will approve, with or without conditions, or deny the request.
- The Door County Land Use Services Department will send the applicant the RPC's decision in writing within a few days after the hearing and meeting.
- An affidavit shall be recorded with a deed to provide successors in interest notice of the conditional use permit and conditions and requirements.

APPEALS

If the conditional use permit is denied, you may appeal the decision to Door County Board of Adjustment as provided in Sec. 59.694(10), Wis. Stats. If the permit is approved, it may be appealed to the Board of Adjustment by any aggrieved party. All appeals must be filed within the time constraints set forth in the statutes (i.e., 30 days after the decision is filed with the Door County Land Use Services Department). For this reason, you may want to delay the start of the project until the appeal period has expired.