

Do I Need a Conditional Use Permit?

Yes if...

- The ToL Zoning Ordinance specifies that a Conditional Use Permit is required for the use that is being requested.
- If the use being requested is not listed as Permitted Use, Accessory Use, Conditional Use, or Permitted Non-conforming Use, **then the use is not allowed and a Conditional Use Permit cannot be granted.** “Not listed, not allowed.” Therefore, do not apply for a Conditional Use Permit.

Note: A Conditional Use Permit Application cannot be accepted if the applicant has any outstanding violations or obligations with the Town of Lincoln. These must be satisfied before a CUP application can be accepted. (see ToL ZO Section 10.1107: Delinquency)

CUP requests are made to the Zoning Administrator. You are required to submit the following to the Zoning Administrator to initiate a CUP hearing (ToL ZO Section 10.1402):

1. The CUP Application is on page 3 of this fact sheet.
2. A well-drawn plot plan drawn to include the following:
 - a. a scale of one (1) inch equals 100 feet showing the plat of the grounds and location of buildings, stockpiles, equipment storage, fences or screens, specifications of operations, equipment storage, parking areas, traffic access, open spaces, and landscaping;
 - b. its location, dimensions and acreage with an arrow pointing north;
 - c. roads labeled and/or other landmarks;
 - d. the location and classification of adjacent properties;
 - e. the current location and use of all properties within 500 feet of the area to be rezoned;
 - f. plans of proposed buildings and arrangements of operations;
 - g. Any other information requested by the Building/Zoning Administrator or Plan Commission Chairman that the Plan Commission may need to make their determination.
3. A statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards, purpose, and intent set forth in the respective zoning district. (ToL ZO Section 10.1202).
4. The Conditional Use Permit Fee made out to Lincoln Township.

Once all of the above has been submitted to the Zoning Administrator, the chair of the Plan Commission will schedule the required public hearing to garner input and make a determination on the CUP request.

By State Statute, a CUP request requires a Class 2 public notice. This means that the public notice must be published in a newspaper twice, one week apart. This entire publication process takes nearly three weeks. Keep this time schedule in mind when requesting a CUP hearing. (ToL ZO Section 10.1206)

During the CUP hearing and in its deliberations, the Plan Commission and Town Board shall consider the following factors (ToL ZO Section 10.1203):

1. The location, nature, and size of the proposed use with respect to other uses in the immediate area;
2. The location of the site with respect to existing or future roads giving access to it;
3. Provisions for safe vehicular and pedestrian access and circulation;
4. Its compatibility with existing uses on land adjacent thereto;
5. Its harmony with the existing and future development in the township;
6. Whether the proposed use will adversely affect property values in the area;
7. Whether the proposed use creates noise, odor, and dust that is incompatible with the area;
8. Whether the proposed use creates excessive exterior lighting glare, or spillover lighting onto neighboring properties;
9. Existing topography, drainage, soil types, groundwater and surface water flow, and vegetative cover;
10. Provisions for proper surface drainage and erosion control;
11. The impact of the proposed project on the public health, safety, and welfare of the Town and its residents;
12. Its relationship to the public interest, the purpose and intent of this ordinance, and substantial justice to all parties concerned; and,
13. Whether the proposed use is consistent with the Town's Comprehensive Plan, especially Chapter 5 on Land Use, the Agricultural Transition Map, and the Sensitive Areas Map.

The applicant for a conditional use has the burden of showing why the conditional use should be approved. (ToL ZO Section 10.1203.3)

Costs incurred by the Town Board in retaining legal, planning, engineering, and other technical and professional advice in connection with the review of Conditional Use applications and the preparation of conditions to be imposed on such uses shall be charged to the applicant. (ToL ZO Section 10.1207)

After deliberation, the Plan Commission is charged with drafting the CUP, which is forwarded to the Town Board of Supervisors as their recommendation. The Town Board of Supervisors makes the final determination on all Conditional Use Permits.

Conditional Use Permit Fees can be found at

<https://lincolnkewauneewi.com/wp-content/uploads/2020/01/Resolution-2019-8-Fee-Schedule.pdf>

Rev 2-14-2022

Application #: _____

TOWN OF LINCOLN KEWAUNEE COUNTY WISCONSIN

OFFICIAL APPLICATION FOR:

- Conditional Use Permit
 Zoning Change
 Variance

NAME OF APPLICANT _____ TELEPHONE # _____

ADDRESS _____

CITY, STATE, ZIP _____

SECTION # _____ LOCATION OF PROPOSED ACTIVITY _____

DESCRIPTION OF PROPOSED ACTIVITY _____

LIST ALL ADJOINING PROPERTY OWNERS WITHIN 200 FEET OF PROPOSED ACTIVITY:

NAME 1 _____ TELEPHONE # _____

ADDRESS 1 _____

NAME 2 _____ TELEPHONE # _____

ADDRESS 2 _____

NAME 3 _____ TELEPHONE # _____

ADDRESS 3 _____

NAME 4 _____ TELEPHONE # _____

ADDRESS 4 _____

NAME 5 _____ TELEPHONE # _____

ADDRESS 5 _____

ATTACH SITE PLAN SHOWING:

- LOCATION OF PROPOSED WORK
 LOCATION OF ALL PRINCIPAL & ACCESSORY BUILDINGS
 ALL SETBACK DISTANCES (I.E., SIDE YARD, REAR YARD, FRONT YARD)
 LOCATION OF SEPTIC SYSTEM & WELL
 LOCATION & DISTANCE FROM NEAREST LAKE OR STREAM
 OTHER (SPECIFY) _____

SIGNATURE OF APPLICANT _____ DATE _____

SIGNATURE OF ZONING OFFICER _____ DATE _____

DATE OF HEARING _____ FEE \$ _____

ACTION TAKEN:

- APPROVAL APPROVAL (W/ CONDITIONS) _____
 DENIAL (W/ REASONS) _____

APPROVED BY:

- Conditional Use Permit Zoning Change Variance

CHAIRMAN, PLAN COMMISSION DATE _____

CHAIRMAN, TOWN BOARD DATE _____