



ZONING ORDINANCE TITLE 16 CHAPTER 100

**COLUMBIA COUNTY PLANNING & ZONING COMMITTEE
APPLICATION FOR CONDITIONAL USE**

Owner/Applicant _____ Date _____

1. Present improvements on land _____

2. Explain your proposed plans and why you are requesting a Conditional Use permit. Submit attachments where necessary _____

3. Describe how the Conditional Use would not have adverse affects on surrounding properties. _____

**APPLICANT (OR SOMEONE REPRESENTING APPLICANT) MUST BE PRESENT AT
THE PUBLIC HEARING.**

CAUTION: The Planning & Zoning Committee review of this application is a quasi-judicial proceeding. You will have an opportunity to present to the Committee information in favor of your application. Do not speak to any member of the Committee about your application except at the public hearing. Do not direct any written communication about your application to a member of the Committee unless you also file a copy with the Planning and Zoning Office and direct additional copies to each person who has registered an interest in your application. Your failure to observe this rule will invalidate your application.

For Office Use Only

An Appeal to Section _____ of the
Columbia County _____ Ordinance.
Zoning Official _____



COLUMBIA COUNTY

Planning & Zoning Department GENERAL APPLICATION

400 DeWitt Street - Portage, WI 53901
Phone: 608-742-9660 Fax: 608-742-9817
www.@co.columbia.wi.us

The owner hereby authorizes access to the property described herein, by authorized representatives of the Planning & Zoning Department, for the purpose of gathering or verifying information relating to the application, and for verifying compliance with any approval or permit that may be granted.

The applicant further agrees that the site is staked and an inspection of such proposed building may be made by the Columbia County Planning & Zoning Department between the hours of 8:00 am and 4:00 pm, Monday through Friday.

Pursuant to §59.691(3) Stats, the applicant must sign below to indicate acknowledgement of the following, "You are responsible for complying with state and federal laws concerning construction near or on wetlands, lakes and streams". Wetlands that are not associated with open water can be difficult to identify. Failure to comply may result in removal or modification of construction that violates the law or other penalties or costs. For more information, visit the Dept. of Natural Resources web page at: <http://dnr.wi.gov/wetlands/programs.html> or contact a Dept. of Natural Resources service center.

The undersigned hereby applies for a permit to do work herein described. The undersigned agrees that all work will be done in accordance with the Columbia County Zoning, Floodplain and Shoreland-Wetland Protection Ordinances, and with all laws of the State of Wisconsin, applicable to said premises.

Owner Signature _____

Date _____

Please Print Below

1. Owner _____

2. Mailing Address _____

3. City, State, Zip _____

4. Address of affected Property _____

5. Phone No. _____ Work _____

6. Town of _____

7. _____ 1/4 of _____ 1/4 Acreage _____

8. Section _____ Town _____ N, Range _____ E

9. Subdivision _____

10. Parcel# _____ Lot# _____ Block# _____

*****For Office Use Only*****

Existing Zoning _____

Wetland Status _____

Flood Plain Status _____

Septic Permit# _____ Eval. Yes or No

Driveway Permit# _____

Town Permit _____

I am applying for the following applications:

Please check the appropriate boxes:

NO REFUNDS!

File#

Variance----- _____

\$400

Conditional Use----- _____

\$50 Initial Fee/\$400 Public Hearing

Rezoning----- _____

\$400

Home Occupation----- _____

\$400

Make check payable to

"Columbia County Treasurer"

Mail Permit to Contractor or Owner

Contractor _____

Mailing Address _____

City, State Zip _____

Phone No. _____

Dept. Signature: _____

Application Fees: _____ **Total\$** _____

Date: _____

Notes: _____

Along with this application, please submit a diagram, which indicates:

- 1) Location and dimension of proposed building or addition.
- 2) Boundaries and dimension of lot.
- 3) Location of existing septic system and well and distances to proposed building or addition.
- 4) Location of all existing buildings in relation to proposed building or addition.

You are encouraged to submit other documents or supporting information that tend to show how your application meets the legal criteria for a variance. The Planning & Zoning Department may request additional information where needed. Documented information is preferred over verbal testimony.

The Planning & Zoning Committee members will visit the site prior to the public hearing. Please clearly stake out the corners of your property and the site of the proposed building or addition.

ORDINANCE PROVISIONS APPLICABLE TO CONDITIONAL USE PERMITS

Columbia County Zoning Ordinance Title 16 Chapter 100

16-150-070 CONDITIONAL USE PERMITS—REVIEW PROCEDURE AND STANDARDS

- A. **Purpose:** The purpose of this subsection is to provide the procedure and standards for the review of conditional use permit requests, and amendments conditional use permits previously granted. All uses existing at the time of adoption of this chapter that now require a conditional use permit may continue. Any enlargement, structural alteration, modification or addition or intensification of the use shall require a conditional use permit under this chapter.
- B. **Authority:** Subject to sub. C below the Planning and Zoning Committee, after a public hearing, shall within 60 days, grant or deny any application for a conditional use permit. Prior to granting or denying a conditional use permit, the Committee or applicable town board shall make findings of fact based on the evidence presented and issue a determination whether the standards prescribed in the ordinance are met. No permit shall be granted when the Committee or applicable town board determines the standards have not been met, nor shall a permit be denied when the Committee and applicable town determines that the standards are met.
- C. **Planning and Zoning Committee and Town Review and Approval.** The following procedures shall apply to Conditional Use Permits.
1. **Application:** Make an appointment for an application meeting with staff from County Planning & Zoning Department to discuss the proposed conditional use and submit the application. The application for approval of a conditional use permit shall be made to the Planning and Zoning Department on forms furnished by the Department and shall include the following:
 - a. Names and addresses of the applicant, owner(s) of the property, architect, professional engineer if applicable.
 - b. A narrative of the proposed conditional use which includes a description of the subject property by lot, block and recorded subdivision or metes and bounds; address of the site, types of structures and proposed use(s).
 - c. A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails and signs; the location, size, number and screening of all parking spaces. If required by this Chapter or the Department a landscaping plan; a grading and drainage plan; and a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.

This application will be accompanied by a fee which will be used by the County to process the application and provide notice to towns in accordance with sub. 2 below. The application will not be used to schedule a public hearing for the Planning and Zoning Committee until a public hearing fee is paid and either a written decision is provided by the town within the time period established in sub. 2 below or the time period has expired. The Planning and Zoning Committee may approve or deny a conditional use permit without town action if the town board fails to act within the time period set forth in sub. 2 below.

2. The town board of the town where a conditional use is proposed shall be given notice and the opportunity to approve or disapprove a conditional use. After receipt of complete application the Planning and Zoning Department shall mail to the chair, clerk and plan commission chair of the town within which the conditional use is proposed, a copy of the application, all maps, plans and other documents submitted by the applicant. At the same time the Department shall provide an application summary which besides the application will include a site

analysis, air photo and comments relative to the application/site. The town shall use the application sent by the County as the application, however, the town may charge application fees as they see appropriate to process the application. A town may request supplemental information as part of their review process, but any change by the town to the information and plan submitted by the applicant and accepted as the County application may require the applicant to reapply under sub. 1 above. The town board shall indicate its approval or denial of the application for a conditional use in writing on a form provided by the Department. The decision must be received by the Department within 60 days of the date on which the Department mails the application to the town clerk.

3. Either the Planning and Zoning Committee or town board may deny an application for the conditional use permit. If the town board decision is “denial” no further action will be taken by the Planning and Zoning Committee or Department. However, if a town approves a Conditional Use Application, the Planning and Zoning Committee may either approve, approve with conditions or deny it. Town board and Planning and Zoning Committee decisions shall be supported by written findings of fact. Written findings of fact shall, at a minimum, address the standards enumerated in sub. D below. All findings shall be based solely upon the evidence within the public record. Failure of the town board to provide written findings of fact as part of their decision shall be deemed as approval of the town board of whatever action the Planning and Zoning Committee may take.
4. The Planning and Zoning Department shall fix a reasonable time and place for the public hearing on the conditional use permit and give public notice thereof pursuant to the applicable requirements of the Wisconsin Statutes. A copy of the notice of public hearing for the conditional use permit shall be mailed to the applicable town clerk and chair at least ten (10) days prior to the public hearing. The notice to the clerk will be sent by certified mail and chair by regular mail. Any staff report prepared by the Department for the public hearing will be mailed to the clerk and chair as soon as practicable. A copy of an application for a conditional use permit within a Shoreland Wetland District and notice of a public hearing for the conditional use permit shall be mailed to the District Regional Office of the Department of Natural Resources at least (10) days prior to the public hearing.
5. The Planning and Zoning Committee shall transmit a copy of its decision, signed by the Director of Planning and Zoning to the applicant and Town within fifteen (15) days of the public hearing at which the decision is made.
6. Approval of a conditional use permit does not eliminate the requirement to obtain the appropriate building and zoning permits. If the conditional use permit is not initiated by:
 - a. securing a zoning permit, or
 - b. if more than one permit is necessary, securing at least one (1) zoning permit within one (1) year of the date of the public hearing the approval of the conditional use permit shall be considered void, and the applicant will have to reapply.
7. A copy of the Planning and Zoning Committee’s decision on any conditional use permit within a Shoreland District area, as defined in Section 16-5-10, shall be forwarded to the District Regional Office of the Department of Natural Resources within ten (10) days after the decision is issued.
8. No substantial changes can be made to an approved conditional use permit unless an amendment to the development plan is approved by the Planning and Zoning Committee and applicable town board per this Subchapter.

D. **Review Criteria.** In reviewing the conditional use permit the Planning and Zoning Committee shall use the following as guides for making a decision.

1. The establishment, maintenance, or operation of the proposed use will not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.
2. The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area such that the use will substantially impair or diminish the use, value, or enjoyment of existing or future permitted uses in the area.
3. The erosion, potential of site based on topography, drainage, slope, soil type, and vegetative cover.
4. The prevention and control of water pollution including sedimentation, and the potential impacts on floodplain and wetlands.
5. The site has adequate utilities including, if necessary, acceptable disposal systems.
6. Access to streets and highways is suitable, and ingress and egress is designed to minimize traffic congestion and the potential effect on traffic flow.
7. The conditional use shall conform with the standards of the applicable district(s) in which it is located.

E. **Appeals of Committee decision on conditional use permits:** Proceedings for an appeal of the Planning and Zoning Committee's decision may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the County affected by the Committee's decision. An appeal must be made not more than 30 days from the date of the decision. The appeal shall be initiated by an application to the Zoning Administrator and shall be heard by the Board of Adjustment following the same procedure as an appeal to a Zoning Administrator decision included in [Section 16-150-040C](#). A decision of the Planning and Zoning Committee or applicable town may only be reversed by the affirmative vote of four (4) members of the full Board.

F. **Application, recording, and adherence to conditions:** The Planning and Zoning Committee and applicable town board shall have the authority to attach such conditions and restrictions upon the establishment, location, maintenance and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this Subchapter and to this Chapter as a whole. If applicable and prior to commencing the authorized activity on the site and/or obtaining a zoning permit, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the County Register of Deeds. If the town board and the Planning and Zoning Committee both approve an application subject to conditions and restrictions the document containing the towns conditions will be referred to in the decision but the County is not responsible for enforcing any town restrictions or conditions unless the town the town restrictions or

conditions are specifically included in the County signed decision. In the event that the Town submits a findings of noncompliance with any condition or restriction for which the County has not assumed direct enforcement authority, upon written request by the Town the County shall review the Conditional Use Permit for revocation under sub. I. If a condition proposed by the Committee and the applicable town board is essentially the same and the Committee wishes to include the condition in its decision the more restrictive shall be included in the decision.

- G. **Time limits associated with conditional uses:** If the conditional use permit is not initiated by securing at least one zoning permit—within one (1) year of the date of the approval, the conditional use permit approval shall be considered void. The applicant may without fee apply for, and the Planning and Zoning Committee may grant, a one time, twelve month extension, provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved conditional use permit ceases for twelve months or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorized agent must reapply and obtain approval of another conditional use permit before recommencing the use or activity.
- H. **Effect of denial:** No application which has not been enacted under this Subchapter shall be resubmitted for a period of twelve months from the date of final Planning and Zoning Committee action, except on grounds of new evidence or proof of change of factors found valid by the Planning and Zoning Committee.
- I. **Monitoring and potential revocation of a conditional use permit.** The Planning and Zoning Committee or Zoning Administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional uses at all times. If the Planning and Zoning Committee finds that the review criteria of this Subchapter or the conditions attached to the permit are not being complied with, or upon written request by a town, the Planning and Zoning Committee, after a public hearing as provided for in this Subchapter, may revoke or alter the conditional use permit.