

INFORMATION FOR COMPLETING A CONDITIONAL USE PERMIT (CUP) APPLICATION

Conditional Uses and Structures are referenced in Chapter 9, Article 4 – Oneida County Zoning and Shoreland Protection Ordinance, Sections 9.40, 9.41 and 9.42. The following information is intended to serve as a guide to assist applicants with the Conditional Use Permit Application process and is not inclusive of all provisions of Chapter 9 of the Oneida County Zoning and Shoreland Protection Ordinance.

1. Any person having an ownership interest in property, a possessory, or a contractual interest in property that may become an ownership or possessory interest, may apply for a CUP. Prior to final approval of the CUP, the entire tract covered by the CUP or proposed project shall be either under single ownership, evidenced by legal title or binding sales contract or under lease or such other legal control over the land and proposed use which is sufficient to insure that the applicant will be able to carry out the proposed project and assume all liability for the project which would normally be assumed under full land ownership. **The applicant must provide a copy of a recorded deed, binding sales contract, lease or other proof of current interest with the application.**
2. An application for a CUP shall be made on approved forms available at the Department. A completed application, together with the applicable CUP application fee shall be filed with the Department.
3. An “original” completed signed application and a minimum of 2 additional copies must be filed with the Department.
4. In addition to the information obtained on the application, the Zoning Director and/or Committee may request any additional information deemed necessary or appropriate for review.
5. When a local, State or Federal permit is required in order to undertake or complete the proposed project, copies of these approvals must be attached to the CUP application. The CUP application will not be deemed complete until these other necessary permits are provided.
6. When the application is deemed complete after staff review, the application may be referred to the Planning & Zoning Committee for consideration. A formal public hearing with a Class II legal publication notice is a mandatory requirement. The applicant will be officially notified of the time and place of this hearing and must be present to help explain the project. The Committee shall seek an advisory recommendation from the town board of the town in which the proposed conditional use is located. At the public hearing, correspondence is read into the record. Citizens can express opinions during this time. Once the public hearing is closed, the Planning & Zoning Committee will act on the request. Often conditions of approval are deemed necessary.

Items to be submitted with CUP application:

Section 1 General Project Information

- a. Description of the proposed project in sufficient detail to allow the Planning & Zoning Committee to assess probable physical, environmental, and developmental impacts on other property in Oneida County.
- b. Cost of entire project.
- c. Evidence of the applicant's ability to carry out the project. This may include an explanation of the method of financing, a financial statement of the applicant, a list of experience of the applicant in similar projects, letters of reference or other material.
- d. Description of any related development taking place in Oneida County or planned to take place.
- e. A statement of known physical, environmental, or any developmental impacts on other property in Oneida County.

Section 2 Site Map Requirements

A map prepared by a Registered Surveyor in the State of Wisconsin showing the proposed boundaries as it currently exists shall be submitted with the application. The map shall show the following in an appropriate scale.

- a. Boundaries of the property and location of monuments.
- b. Contour lines at no greater than ten (10) foot intervals.
- c. All major drainage's/storm water management plans.
- d. Dimensions of the property.
- e. Relative shape and size of all water bodies within 1,000 feet of said project including ordinary high water mark, floodplain, and wetlands, if any.
- f. Neighboring land and water uses within 1, 000 feet of the outside boundaries of said property to be developed.
- g. Any proposed shoreline alteration, vegetation removal, replacement or new plantings.
- h. Proposed filling and grading on the property with plans to protect such area from erosions and the water body from sedimentation.
- i. Adjacent roadways and distances to public road to which access is proposed.
- j. Existing structures or other manmade features.
- k. Scale and north arrow.
- l. Any other feature of major importance or other information necessary to accurately represent the area. (e.g., Slopes, septic systems, existing vegetation)

Section 3 Site Disturbance Details

With regard to projects involving land disturbance and/or shoreland alteration, the following information shall be included with a Conditional Use Permit application.

- a. Erosion control plan describing methods and materials to be used for erosion control before, during and after the project has been completed.
- b. Measurements depicting the distance from the excavation or land disturbance to the Ordinary High Water Mark.
- c. Dimensions of the area to be excavated, filled, graded or disturbed.

- d. Landscaping Plan.
- e. Stormwater Management Plan.
- f. Description of the construction phase of project. Dates construction will begin and be completed.
- g. Life expectancy of project.
- h. Description of the excavation phase of project to include the following.
 - 1. Type of Equipment to be used.
 - 2. Plan for removal of spoils.
 - 3. Timing of land disturbance, from the destabilization of the site to restabilization.
- i. Documentation of all Federal, State and/or local permits as required.
- j. Scaled drawings and/or pictures shall be included depicting the following:
 - 1. Existing site plan prior to project commencement.
 - 2. Plot Plan showing existing features and proposed project with erosion control.
 - 3. Cross-sectional diagram showing existing features and proposed project with erosion control.
 - 4. View from the water showing existing features and proposed project with erosion control.
 - 5. Detailed mitigation plan or landscaping plan showing existing features, proposed project with erosion control, location and types of plantings, existing structures to be removed.

Section 4 Business and Land Uses

In the matter of service, retail, light manufacturing or other land uses, the following information shall be included with the Conditional Use Permit Application.

- a. Description of previous use of structure or lands involved in the project.
- b. Description of remodeling plans, if applicable.
- c. Description of any new structures to be constructed.
- d. What will be sold or manufactured on premises.
- e. Describe services to be provided to clientele.
- f. Number of employees.
- g. Parking layout--diagram to show parking spaces and traffic flow.
- h. Solid waste disposal location.
- i. Outdoor storage and screening of solid waste or scrap materials.
- j. Hours of operation.
- k. Deliveries (# per day/week)
- l. Sanitary facilities public/employees.
- m. Landscaping Plan.
- n. Erosion Plan.
- o. Stormwater Management Plan
- p. Volume of business—customer flow.
- q. Vehicular traffic flow.
- r. Equipment storage. (Indoors or outdoors/screening)
- s. Existing Access or new.
- t. Highway Driveway Access Permits and/or Local Driveway permits
- u. Floor Plans to show retail/office/storage.
- v. Local, State and Federal approvals.

Section 5 Water Supply, Wastewater & Solid Waste Details

- a. Size and location of onsite waste disposal systems to include percolation tests, soil borings and anticipated liquid waste generation. Attach documentation as necessary.
- b. Effect on the municipal wastewater collection and treatment system if applicable. Such discussion will include a written agreement with the governing body of the municipal system indicating how the development will be adequately handled and the system of such capacity to handle the development. A factor to be considered in this regard is the possible service of presently unsewered development in intervening areas between the project and the municipal treatment plant.
- c. Description of water supply system.
- d. Status of existing or proposed solid waste disposal facilities, which will serve this project and the estimated effect of the project on such facilities.

Section 6 General Standards for Approval of CUP

In order for a CUP to be approved, the Planning and Zoning Committee must find the following standards are satisfied. Therefore, the applicant must address all of the following standards.

A restatement of the standards without supporting facts will not be sufficient:

Whether the establishment, maintenance or operation of the conditional use will in any way be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

Whether the uses, values and enjoyment of neighboring property will in any foreseeable manner be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

Whether the proposed conditional use is compatible with the use of the adjacent land and any adopted municipal plans for the area.

Whether the establishment of the conditional use will impede the normal and orderly development and improvement of the adjacent land for uses permitted in the district.

Whether adequate utilities, access roads, drainage and other necessary site improvements have been or will be provided for the conditional use.

Whether adequate measures have been or will be taken to provide ingress and egress so as to minimize traffic congestion in the public streets.

Whether the conditional use will conform to all applicable regulations of the district in which it is located.

Whether the conditional use does not violate any shoreland or floodplain regulations governing the site.

Whether adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.