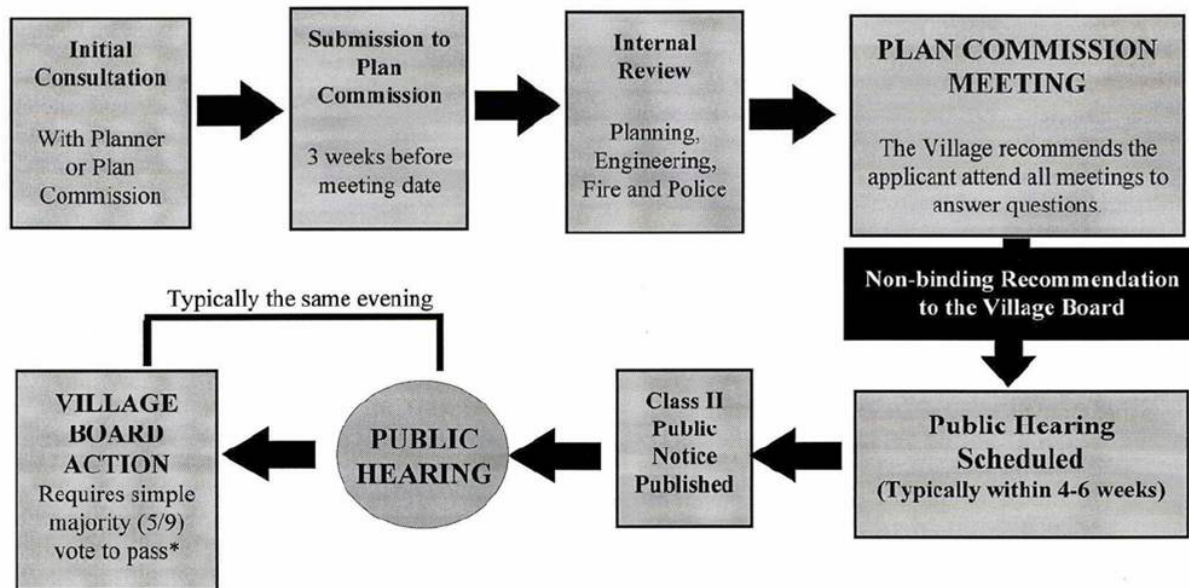




CONDITIONAL USE PERMITS

Pursuant to Section 17.51 of the Municipal Code

The Zoning Code prescribes permitted and *conditional* uses within each zoning district. As the name implies, conditional uses may be appropriate under certain conditions and inappropriate in others. For example, a bank may be permitted in the B-1 zoning district in all situations, while a gas station may be appropriate on major thoroughfares but not in a residential neighborhood. A special permit, approved by the Village Board, is required to operate a conditional use. The Village Board may impose certain restrictions on a conditional use to ensure that surrounding properties are not adversely affected. The diagram below summarizes the Conditional Use Permit process:



*In the event a valid protest petition is filed, a super-majority (7/9) vote is required to validate a rezoning petition [17.51(7)]

THE CONDITIONAL USE PROCESS

The Village recognizes that some uses of property are more intensive than others, and therefore, may require special consideration before being approved. Before a Conditional Use Permit is issued, a public hearing is held to give neighbors and concerned citizens an opportunity to voice their opinion and have it documented in the permanent Village record. The public hearing notice is published in local papers and is posted in Village Hall. On the night of the public hearing, the petitioner may address the Board and present any supporting documentation and plans for the proposed use. Typically, the Board will vote on the Conditional Use Permit on the same evening as the public hearing.

GETTING ON THE SCHEDULE

To initiate the Conditional Use Permit process, the applicant must submit the following:

- APPLICATION FEE
- SIGNED AND DATED APPLICATION
- METES AND BOUNDS LEGAL DESCRIPTION
- SUPPORTING DOCUMENTATION

All submissions must be complete and received in the Planning Department by 4:00 PM on the deadline date.

HOW LONG WILL IT TAKE? HOW

LONG WILL IT TAKE?

Because the Conditional Use Permit requires a public hearing, a Class II Legal Notice is required. Typically, after the Plan Commission considers the merits of a conditional use application, a public hearing can be scheduled within a month, although it may take longer depending on the number of requests pending. Applicants should expect a six to eight week time frame to complete the Conditional Use Permit process. Because a new permit is often associated with new construction, the applicant should allow ample time for Site Plan Review as well.

HOW MUCH WILL IT COST?

Conditional Use Permits cost \$1460 per property. This application fee helps defray the cost of staff review and publishing legal notices. An applicant may request a partial refund if an application is withdrawn before a public hearing notice is published, although the applicant's intention to withdraw must be made in writing within one week of the initial Plan Commission meeting.

WHERE DO I APPLY?

All applications to the Plan Commission are submitted to the Planning Department at the Germantown Village Hall. Submissions may be made in person or by mail.

PRELIMINARY CONSULTATION?

The Village encourages applicants to schedule a brief meeting with Village staff to go over their applications and get feedback, especially if the applicant is new to the Germantown development process. This meeting is not mandatory, however, staff can help save time and frustration by guiding the applicant through the necessary approvals a project will require. An appointment should be scheduled before coming in.

CAN I APPEAL A DECISION?

The vote of the Village Board is final and binding. While an applicant may reapply for rezoning and supplement an application with additional information, a decision of the Board must be appealed through the courts.

HOW MANY COPIES?

The Village Plan Commission requires **thirteen** full size copies of any supporting documentation and **thirteen** reduced copies for the Village Board members.

WHAT WILL THE PERMIT ADDRESS?

In issuing a Conditional Use Permit, the Board will consider the nature of the proposed operation in conjunction with its affects on the surrounding neighborhood. The size of the operation, number of employees, hours of operation and overall design will be taken into consideration. Certain restrictions will typically be included in the permit to ensure minimal impacts.

CAN A CUP BE TRANSFERRED?

A Conditional Use Permit is issued to a particular property, and unless specifically issued as "non-transferable," will run with the property and not the owner. Non-transferable permits are often issued to uses that are owner specific, and may need to be reevaluated if ownership changes.

SUPPORTING DOCUMENTATION?

The applicant is responsible for building a case for the CUP. While the Village may not require supporting documentation, an applicant may wish to show the Board how a property will operate if a permit is issued, i.e. site plan, architectural renderings, photos of similar projects, etc. All documentation is public information and is made available for review at the Planning Department.

CAN THE PERMIT BE REVOKED?

A Conditional Use Permit is valid as long as it meets the conditions outlined in the permit. If the scope of the operation changes substantially, an amended CUP may be required. Likewise, if the conditions of the permit are not met, the permit may be revoked without notice. The Village generally reviews its CUP's every other year to evaluate compliance.

CAN I REAPPLY?

An applicant may reapply for a Conditional Use Permit as often as necessary.

QUESTIONS? Contact the Village Planner at:

Village of Germantown
N112 W17001 Mequon Road
P.O. Box 337
Germantown, WI 53022-0337

Phone: (262) 250-4735



Village of



Germantown

Willkommen

Fee must accompany application

\$1460 Paid _____ Date _____

CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

1	APPLICANT OR AGENT	PROPERTY OWNER
	_____	_____
	_____	_____
	_____	_____
	_____	_____
	Phone ()	Phone ()
	Fax ()	_____
	E-Mail	_____

2 TO WHOM SHOULD THE PERMIT BE ISSUED?

3 PROPERTY ADDRESS	TAX	KEY NUMBER

4 **DESCRIPTION OF EXISTING OPERATION**

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages if necessary.

5 **DESCRIPTION OF PROPOSED OPERATION**

Write the name of the proposed conditional use exactly as it appears in the Municipal Code.

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED

Attach pages as necessary

7 SUPPORTING DOCUMENTATION:

- Site Plan and elevations for new construction (can be conceptual)
- Photos of existing use and/or proposed use operating elsewhere
- _____
- _____

8 READ AND INITIAL THE FOLLOWING:

_____ I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

_____ I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

_____ I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Applicant

Date

Owner

Date