



# Registration of a Nonconforming Use City of Wisconsin Rapids, Wisconsin

Version: January 3, 2019

**Community Development Department**  
444 West Grand Avenue  
Wisconsin Rapids, WI 54495-2780  
P: (715) 421-8228 Fax: (715) 421-8291

**Overview:** There may be now or in the future certain uses of land that are not in compliance with the City's zoning regulations, but which were legally

established. These uses are referred to as "legal nonconforming uses," and are allowed to continue to operate as set forth in Article 21 of the City's zoning code. For this reason, it is necessary to document those uses that are considered legal nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (1) when the use was first established; (2) that the use at the time of establishment was done consistent with the rules and regulations in effect at the time, if any; (3) that it has continued continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.

As part of its review, the Plan Commission may determine that the use was not legally established, was illegally expanded, or was legally established but has ceased to operate continuously.

**Governing regulations:** The procedures and standards governing the review of this application are found in Article 5 of the City's zoning code (Chapter 11 of the municipal code).

**General instructions:** Complete this application and submit one copy to the Community Development Department. Alternatively, you can submit your application online at <https://wisconsinrapids.zoninghub.com/>

**Application fee:** \$75.00

**Application submittal deadline:** Applications must be submitted at least 3 weeks prior to the meeting. Please consult the annual Planning Commission schedule for specific dates.

**Mandatory meeting with staff:** To ensure that all the required information is provided and that there is a complete understanding of the process, the applicant must meet with City staff to discuss the request and necessary items. Please contact the Community Development Department to schedule an appointment.

### Office Use Only

Date Received \_\_\_\_\_  
Received By \_\_\_\_\_  
Fee \_\_\_\_\_  
Case # \_\_\_\_\_  
Aldermanic District \_\_\_\_\_  
Plan Commission Date \_\_\_\_\_

### 1. Applicant information

Applicant name \_\_\_\_\_  
Street address \_\_\_\_\_  
City, state, zip code \_\_\_\_\_  
Daytime telephone number \_\_\_\_\_  
Email \_\_\_\_\_

**2. Agent contact information** Include the names of those agents, if any, that helped prepare this application including the supplemental information. Agents may include surveyors, engineers, landscape architects, architects, planners, and attorneys.

	<u>Agent 1</u>	<u>Agent 2</u>
Name	_____	_____
Company	_____	_____
Street address	_____	_____
City, state, zip code	_____	_____
Daytime telephone number	_____	_____
Email	_____	_____

### 3. Subject property information

Physical address \_\_\_\_\_  
Parcel number(s) \_\_\_\_\_

Note: The parcel number can be found on the tax bill for the property or it may be obtained from the Community Development Department.

Is the subject property currently in violation of the City's zoning ordinance as determined by the City's zoning administrator?

- No
- Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.10 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land that is in violation of the zoning code, except to correct the violation or as may be required by state law.

Are there any unpaid taxes, assessments, special charges, or other required payments that are specifically related to the subject property?

- No
- Yes

If yes, please explain.

**Comment:** Pursuant to Section 11.04.11 of the City's zoning code, the City may not issue a permit or other approval that would benefit a parcel of land where taxes, special assessments, special charges, or other required payments are delinquent and unpaid.

**4. Zoning information** (refer to <https://wisconsinrapids.zoninghub.com/zoningmap.aspx>)

The subject property is located in the following base zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> RR Rural Residential                        | <input type="checkbox"/> R-8 Manufactured Home Park  | <input type="checkbox"/> M-1 General Industrial  |
| <input type="checkbox"/> R-1 Single-family Residential               | <input type="checkbox"/> B-1 Downtown Commercial     | <input type="checkbox"/> M-2 Heavy Industrial    |
| <input type="checkbox"/> R-2 Mixed Residential                       | <input type="checkbox"/> B-2 General Commercial      | <input type="checkbox"/> I-1 Institutional       |
| <input type="checkbox"/> R-3 Multi-family Medium Density Residential | <input type="checkbox"/> B-3 Neighborhood Commercial | <input type="checkbox"/> P-1 Park and Recreation |
| <input type="checkbox"/> R-4 Multi-family High Density Residential   | <input type="checkbox"/> B-5 Mixed Use Commercial    | <input type="checkbox"/> C-1 Conservancy         |

The subject property is also located in the following overlay zoning district(s). (check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Planned Development (PDD) | <input type="checkbox"/> Shoreland         | <input type="checkbox"/> Floodplain          |
| <input type="checkbox"/> Downtown Design           | <input type="checkbox"/> Shoreland-Wetland | <input type="checkbox"/> Wellhead Protection |

**5. Nonconforming use description.** Provide the following information for the nonconforming use:

- (1) the date, or approximate date, the use was first established or believed to be first established;
- (2) evidence showing that the use at the time of establishment was legally established;
- (3) the date, or approximate date, when the use became nonconforming;
- (4) the section of the zoning regulation causing the use to be nonconforming;
- (5) evidence showing that the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months; and
- (6) the nature of the use and location on the property.

Sources of such information may be derived from any of the following:

- (1) written document (e.g., business license, meeting minutes, reports, planning documents, or a permit or other authorization) maintained by a local, state, or federal governmental body;
- (2) a newspaper article;
- (3) a dated photograph;
- (4) an aerial photograph;
- (5) a sworn affidavit supplied by the applicant or any other person; and
- (6) any other authoritative source as approved by the zoning administrator.

Attach a map to this application to clearly show where all of the existing land uses are located, including those that are conforming.

**6. Attachments** List any attachments included with your application.

**7. Other information** You may provide any other information you feel is relevant to the review of your application.

**8. Mandatory meeting with staff**

When did you meet with the Community Development Director?

Month/year

**9. Applicant certification**

- I understand that I, or any of my agents, may not discuss this application with any member of the Planning Commission or the Common Council until after a final decision is rendered.
- I certify that all of the information in this application, along with any attachments, is true and correct to the best of my knowledge and belief.
- I understand that submission of this application authorizes City officials and employees, and other designated agents, including those retained by the City, to enter the property to conduct whatever site investigations are necessary to review this application. This does not authorize any such individual to enter any building on the subject property, unless such inspection is specifically related to the review of this application and the property owner gives his or her permission to do so.
- I understand that this application and any written materials relating to this application will become a permanent public record and that by submitting this application I acknowledge that I have no right to confidentiality. Any person has the right to obtain copies of this application and related materials or view it online.
- I understand that the zoning administrator will review this application to determine if it contains all of the required information. If he or she determines that the application is incomplete, it will not be scheduled for review until it is deemed to be complete.

Property Owner:

\_\_\_\_\_  
Name – print

\_\_\_\_\_  
Name – Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name – print

\_\_\_\_\_  
Name – Signature

\_\_\_\_\_  
Date