



# Understanding the Conditional Use Process

This document explains the process of applying for and obtaining a Conditional Use Permit (“CUP”) in the rural unincorporated towns of Dane County that are under County zoning.

All lands in the County are assigned a zoning district. Each district allows specific land uses to occur on the property. Some land uses are listed as “permitted uses,” meaning no special approval is needed to conduct the activity within the zoning district. Other land uses are listed as “conditional uses.” Conditional uses may or may not be appropriate on a property, depending on the circumstances. Due to the potential for negative impacts to adjacent properties for uses already permitted there, conditional uses require special consideration and additional approvals by the Town and County.

- *For instance, a school could be an amenity to a residential area; however, traffic and noise may have a negative impact on the neighborhood. Therefore, a school is listed as a conditional use. Through the review process, conditions may be placed on the school to mitigate anticipated concerns.*

The Town and County review conditional uses proposals for compatibility with surrounding properties. As part of that review, certain standards must be met in order to grant a CUP (see below). The burden of proof is on the applicant to provide “substantial evidence” to demonstrate that the proposed land use can coexist in harmony with the neighborhood and meet all of the required standards. **A proposal may be denied if it fails to meet one or more of the standards or if the application does not address concerns.**

## How to Apply for a Conditional Use Permit (CUP)

Applicants are strongly encouraged to contact county staff to discuss the proposal before submitting an application. Below is a summary of the information that is required for any application. Staff will inform you if more information is needed based on the type of proposal or features of the property. Please note that additional information is required for [mineral extraction](#) or [communication towers](#).

## Required Application Information

1. A letter/statement explaining how the eight (8) standards of obtaining a CUP are being met. (See below)
2. Narrative/Operations Plan: Explain, in detail, the business or planned activity. Provide proposed hours of operation; anticipated number of employees and patrons; any outside activities or storage; and any noise, odors, or debris that may be created. Explain how storm water, trash, traffic, or hazardous materials will be handled.
3. Site Plan: A scaled map showing all existing and proposed buildings, driveways and parking areas, greenspace, detention basins, sanitary systems, outdoor storage areas, outdoor activity areas, refuse area, exterior lighting locations, proposed visual screening, and improvements to control traffic or vehicular movement.
4. Legal Description: A description of the property, or portion of the property, on which the conditional use will operate. This is typically prepared by a land surveyor.
5. Neighborhood map: A map showing existing zoning on surrounding lands with labeled existing land uses.
6. Building plans: If any buildings are proposed, provide an elevation drawing of the building exterior. An interior building layout/floor plan may be needed to describe indoor activities.
7. Other information: Specific studies may be needed to address committee or public concerns. Traffic, sound, groundwater, lighting, storm water, soils, or wetland studies may be needed to determine whether the land use is feasible in the location. Please consult with County Staff prior to conducting studies.



## Conditional Use Process

The process to obtain a CUP takes approximately three (3) months. Both the Town and County will be involved in the review process. (See flow chart below.) Please note that the decisions made will be based on factual information and substantial evidence presented.

1. Have an initial discussion with Dane County Planning and Development staff prior to submitting an application.
2. File a [conditional use permit application](#) with the Dane County Zoning Division. An official CUP number will be assigned to the application. The proposal will be scheduled for a public hearing before the Dane County Zoning and Land Regulation Committee. The County's public hearing will be approximately six (6) weeks after filing.
3. Take the CUP application to the respective Town for review. Contact the Town Clerk as soon as possible to obtain information on the Town's CUP review process. Please note that there may be a separate fee or application associated with the Town review process.
4. The Town will review the proposal and send a written response to the ZLR Committee. The ZLR Committee will render a decision based on the information received by the Town, application material, and public testimony received at the County public hearing.
5. Approximately three (3) weeks prior to the County public hearing, the County will notify the neighbors within 300 feet of the Conditional Use Permit application. You may want to discuss the proposal with neighbors prior to the notice being delivered.
6. Approximately two (2) weeks prior to the County public hearing, the County Staff Report will be sent to the applicant. The report may suggest specific conditions for the CUP and will reflect the Town concerns.
7. The Dane County Zoning and Land Regulation Committee (ZLR) will hold a public hearing. All persons wishing to speak will have 5 minutes to present information to either support, oppose, or express concerns about the proposal.
  - a. Attendance by the applicant or agent is mandatory at the public hearing.
  - b. The ZLR Chairperson will announce the petition and request that the applicant or agent speak on behalf of the petition. Applicants will need to approach the podium then state their name and location of the property. They will be required to describe the proposal and explain how the proposal meets the eight (8) standards and how the proposal is compatible with the surrounding neighborhood.
  - c. Any other interested parties will be allowed to speak, whether in favor or opposition. Neighbors can submit information expressing their support or opposition.
  - d. After hearing all testimony, the ZLR Committee may approve, postpone, or deny the petition. The CUP will be postponed if there is public opposition, no town review, or outstanding concerns. If postponed, the petition will be scheduled for a subsequent [meeting](#). The applicant is responsible for addressing the concerns to a reasonable level.
8. If approval is granted by ZLR Committee, the action is final. The permit will be issued. The applicant will need to follow the conditions of the permit. If found in violation, the permit will be revoked.
9. If the petition is denied, reasons of the denial will be documented.
10. Any person aggrieved by the approval or denial of the CUP may appeal the decision to Dane County Circuit Court.



## **The Eight (8) Standards to Obtain a Conditional Use Permit**

The proposed conditional use must meet ALL eight (8) standards listed below in order to obtain a conditional use permit (CUP). If, after reviewing the proposal, the Town or County Zoning Committee find that the proposed use cannot meet all of the standards, the CUP will be denied. If all the standards are met, the permit will be approved. In many cases, specific limitations or conditions will be required to ensure that the standards are met. As part of the permit application, applicants are required to explain in writing how the proposal meets the standards.

**Standard 1** *The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.*

**Standard 2** *The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use. Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, paving the parking area, or the screening of outdoor storage.*

**Standard 3** *The establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Explain how the proposed land use will not interfere with the development of the surrounding property. It's possible that there may already be limitations on development on the surrounding properties such as being deed restricted to just agriculture.*

**Standard 4** *There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. Explain how the site is currently serviced by such things as water, septic, storm water, electricity, and traffic flow. Provide information on the type of improvements that will be made to support the proposed use.*

**Standard 5** *Adequate measures have been or will be taken to provide adequate ingress/egress to public streets and the proposed conditional use will not present traffic conflicts. Provide information regarding vehicle trip generation. Include frequency and types of vehicles. Provide driveway width and parking layout.*

**Standard 6** *The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use. Explain any buffering or screening that will be installed as part of the proposed use. Note that some land uses have special requirements in the zoning ordinance.*

**Standard 7** *The conditional use is consistent with the adopted Town and County Comprehensive Plans. Please provide information on how the proposed land use meets the Town Plan policies. You will need to read the Town Comprehensive Plan.*

**Standard 8** *If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below: If the property is located in the FP-35, FP-1, or FP-B Zoning District, additional information is needed.*

### **Additional standards in Farmland Preservation Areas**

1. The proposed use is consistent with the purpose of the district.
2. The proposed use is reasonable and appropriate with alternative locations considered.
3. The proposed use is reasonably designed to minimize the use of agricultural lands.
4. The proposed use does not substantially impair the current or future agricultural use of surrounding parcels.
5. Construction damage to remaining lands in agricultural use is minimized and/or repaired.



# Checklist for Conditional Use Applications

*Please use this checklist to help you submit a complete application.*

- ❑ **Conditional use permit application**
- ❑ **Letter/statement addressing the eight (8) CUP standards**
- ❑ **Written Legal Description**
- ❑ **Neighborhood map with existing zoning and land uses on surrounding lands**
- ❑ **Building plans: If any buildings are proposed, provide an exterior elevation drawing and interior floor plan.**
- ❑ **Site Plan**
  - ❑ Site plan is drawn to a scale and large enough to show detail.
  - ❑ North arrow and scale provided.
  - ❑ All buildings, existing and proposed, are shown. The building's use is labeled.
  - ❑ All outdoor activity areas and/or storage areas, existing and proposed, are shown and labeled.
  - ❑ All building dimensions and building setback dimensions are shown.
  - ❑ The location and width of all driveways and drive paths are shown including access onto public roadways. Traffic flow patterns are indicated.
  - ❑ Parking lot layout is in compliance with Section 10.18 of the Dane County Zoning Ordinance.
  - ❑ Proposed loading/unloading areas are identified.
  - ❑ All natural features such as lakes, ponds, streams (including intermittent watercourses), flood zones, wetland areas, and slopes over 12% grade are shown.
    - Note: Site plans may be required to show additional detail, including but not limited to: contours, drainage, screening, fences, landscaping, lighting, signs, refuse dumpsters, and potential future expansion areas.
- ❑ **Operational Plan/Narrative**
  - ❑ The type of business and associated activities are described.
  - ❑ The hours of operation are explained.
  - ❑ The number of employees are identified.
  - ❑ The measures taken to mitigate any negative impacts to neighboring properties, (noise, odors, dust, soot, runoff, traffic, lighting, or pollution) are included.
  - ❑ Any storage of outdoor materials, outdoor activities, or other operations taking place outside an enclosed building are explained.
  - ❑ Storm water management is explained.
  - ❑ How adequate sanitary facilities will be provided for anticipated land use are described.
  - ❑ A manure management plan is explained.
  - ❑ Managing the removal of trash or solid waste is explained.
  - ❑ Description of daily traffic, types, and weights of vehicles is explained. Proposed intersection or roadway improvements are explained.
  - ❑ A listing of hazardous, toxic, or explosive materials is included. Explain any spill containment, safety, or pollution prevention measures to be taken.
  - ❑ Outdoor lighting and measures taken to mitigate light-pollution is described.
  - ❑ Proposed signs are described.

# Conditional Use Permit Process

Does the proposal fit into the neighborhood?

