

Conditional Use Permit Decision Form

When reviewing an application for a conditional use, the local government must look to the requirements and conditions found in the local zoning ordinance and determine if the applicant meets those requirements and conditions. The local government must provide substantial evidence supporting their decision to grant or deny the permit, and to impose additional conditions on the permit.

Substantial evidence means facts and information, directly relating to the requirements and conditions, that a reasonable person would accept in support of a conclusion. Personal preferences and speculation are not sufficient forms of evidence. All requirements and conditions imposed by the local government must be reasonable, and to the extent practicable, measurable.

Ordinance Requirements

List ordinance requirements related to the conditional use:

-
-
-
-

Does the applicant meet all of the ordinance requirements? ☐ Yes ☐ No

Provide substantial evidence supporting this conclusion:

Ordinance Requirements

An ordinance often lists requirements in multiple locations. Look for requirements that apply generally to all conditional uses, as well as those that apply to specific uses.

Tip: Answer yes or no to each ordinance standard, then provide information supporting your conclusion.

Permit Conditions

A local government is authorized to impose conditions on the permit that relate to the purpose of the ordinance. Conditions must be reasonable, and to the extent practicable, measurable. Conditions may limit the permit's duration, transfer, or renewal.

List conditions imposed on the permit:

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-
-
-

Provide substantial evidence supporting each condition:

Ordinance Purpose

In order to provide support for your conditions, refer to the general purpose statement found at the beginning of your ordinance (usually referencing public health, safety and welfare), and detailed purpose statements describing zoning districts and other special provisions.

Tip: Provide facts and information supporting each condition. Refer to the definition for "substantial evidence" provided above.

Decision

If an applicant for a conditional use permit meets, or agrees to meet, all of the requirements found in the zoning ordinance and all conditions imposed on the permit, the local government is required to grant the permit.

Based on the above findings of fact, conclusions of law, and the record in this matter, the permit is:

☐ Approved, with the conditions stated above.

☐ Denied, for the following reasons:

Signature of local government

Date

Applicant Responsibility

The applicant must provide substantial evidence demonstrating that the application and all requirements and conditions established by the local government *are* or *shall be* satisfied. Once granted, the conditional use permit will remain in effect as long as the permit requirements and conditions are met, subject to limits imposed on the permit's duration, transfer, or renewal. If the permit holder fails to meet any of the permit requirements or conditions, the local government may revoke the permit.

The applicant acknowledges and agrees to take the following steps to meet the permit requirements and conditions.

Signature of applicant

Date

Tip: When denying a permit, state the ordinance requirements or conditions that cannot be met.

Long-Term Compliance

Consider the following techniques to help ensure long-term compliance:

- Record permit requirements and conditions directly on the deed for the property, or note how and where they are recorded and may be accessed.
- Require periodic compliance reporting as a condition of the permit.
- Consider requiring a cash or surety bond for projects involving large capital expenditures.
- Provide funding for local government monitoring and enforcement.

A Note on Application and Decision Forms

Application forms and supporting materials should clearly describe each ordinance requirement and prompt the applicant to show how they meet those requirements. Staff can be an invaluable resource in helping the applicant understand the terms of the ordinance and how to navigate the development review process.

Written decision forms and checklists for local decision-makers are not required, but greatly aid in documenting the process and decision. Use forms to prompt local government officials to consider each ordinance requirement and provide facts and information supporting their decision and conditions.

Wis. Stat. 62.23(7)(de)

Parallel wording found in Wis. Stat. 59.69(5e), 60.61(4e) and 60.62(4e)

Substitute the terms county, town or village for city

Effective date 11-28-17

(de) *Conditional use permits.*

1. In this paragraph:

a. “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. “Substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

2.

a. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

b. The requirements and conditions described under subd. 2. a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The city's decision to approve or deny the permit must be supported by substantial evidence.

3. Upon receipt of a conditional use permit application, and following publication in the city of a class 2 notice under ch. 985, the city shall hold a public hearing on the application.

4. Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the city may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the city zoning board.

5. If a city denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in par. (e) 10.