



www.mcfarland.wi.us/communityandeconomicdevelopment | 5915 Milwaukee St, McFarland, WI 53558 | 608.838.3154

## **Conditional Use Permit Application**

### **Statement of Purpose**

The Village of McFarland Zoning Code is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses. As used in this Subdivision, the term "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 (Sec. 62-105(b)).

### **Submittal Requirements**

Applicants shall submit one (1) hard copy of this application, along with the applicable fee, to the Community & Economic Development Department 5915 Milwaukee Street, PO Box 110, McFarland, WI 53558. In addition to the one hard copy, applicants shall submit one (1) electronic (pdf) copy to [community.development@mcfarland.wi.us](mailto:community.development@mcfarland.wi.us). Applicants shall also complete the separate [Plan Commission Application](#). Please refer to the second page of the Plan Commission Application for a list of submittal deadlines and meeting dates.

Per Sec. 62-108(a)(4) of the Village's Zoning Code, applicants may be required to provide additional information as may be required by the Plan Commission or other authorities, boards, commissions or officers of the Village. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

Per Sec. 62-108(a)(6) upon request by the Village Board, Plan Commission or Zoning Administrator, the applicant shall provide reports and studies, prepared by a qualified professional, addressing any applicable standard. The applicant is solely responsible for the cost of such reports and studies. A qualified professional is one with appropriate education, experience, license and/or certification pertinent to the

applicable standard, and the professional's qualifications should be provided with the report or study (e.g. a curriculum vitae or resume). If necessary, expertise is not available from staff or other appropriate governmental agency, the Village Board, Plan Commission or Zoning Administrator may consult with a third-party consultant to effectively evaluate the application. The Zoning Administrator will select the consultant. The applicant is solely responsible for all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw an application if they choose not to pay consultant fees.

Per Sec. 62-114(a), prior to the granting of any conditional use, the Plan Commission, or the Village Board on appeal, may stipulate or impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 62-111. In all cases in which conditional uses are granted, the Plan Commission or Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated or imposed in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:

1. Landscaping;
2. Type of construction;
3. Construction commencement and completion dates;
4. Sureties;
5. Lighting;
6. Fencing;
7. Operational control;
8. Hours of operation;
9. Traffic circulation;
10. Deed restrictions;
11. Access restrictions;
12. Setbacks and yards;
13. Type of shore cover;
14. Specified sewage disposal and water supply systems;
15. Planting screens;
16. Piers and docks;
17. Increased parking; or
18. Any other requirements necessary to fulfill the purpose and intent of this Chapter

Applicants are encouraged to review the full list of [Conditional Use regulations](#) within the Village's Zoning Code prior to completing this application.

Village of McFarland – Conditional Use Permit Application

<b>Applicant/Owner</b>		<b>Applicant's Agent</b> (If applicable)	
<b>Applicant Address</b>		<b>Agent Address</b>	
<b>Email</b>		<b>Email</b>	
<b>Applicant's Phone #</b>		<b>Agent's Phone #</b>	
<b>Project Site Address</b>		<b>Project Site Parcel #</b>	
<b>Current Zoning</b>		<b>Proposed Zoning</b> (If applicable)	
<b>Current Lot Size</b> (Square Feet)		<b>Current Building Size</b> (Square Feet)	
<b>Proposed Lot Size</b> (If applicable)		<b>Proposed Building Size</b> (If applicable)	
<b>Proposed Use</b>		<b>Number of Residential Units</b> (If applicable)	
<b>Describe the Proposed Operations</b> (hours of operation, number of employees, truck delivery schedules, outdoor storage needs, etc.)			
<b>Describe any Proposed Changes to the Building Interior*</b>			
<b>Describe any Proposed Change to the Building Exterior or Site**</b>			

\* Changes to the interior of a building may require approval of a Building Permit after consideration of the CUP.

\*\*Changes to the exterior of the building or site may require approval of a Site Design Review Permit from the Plan Commission.

Please contact Department Staff to determine if a Building Permit or Site Design Review permit are required.

**Sec. 62-111, Conditional Use Standards**

Applicants are required to provide a detailed description addressing each item described in Sec. 62-111, (a) through (j) and (j)1 through (j)9. Applicants shall describe why in their opinion each standard is met by providing substantial evidence. Written responses such as “see plans” are not acceptable. The applicant must identify what specific portion of the project or plans supports the contention that a standard will be met by including, for example, a detailed description of compliance with any applicable Village land use plan or zoning regulations regarding light, dust, particulate emissions, noise, frequency, vibration, traffic, nuisances, odors, visibility, health, safety welfare and the environment. Applicants may attach submittal information to the application, including any reports, studies, or site plans.

**Sec. 62-111(a)** – The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.

**Sec. 62-111(b)** – The uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.

**Sec. 62-111(c)** – 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.

**Sec. 62-111(d)** – Adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.

**Sec. 62-111(e)** – Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

**Sec. 62-111(f)** – The conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

**Sec. 62-111(g)** – The proposed use does not violate floodplain regulations governing the site.

**Sec. 62-111(h)** – That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation.

**Sec. 62-111(i)** – That, when applying the standards to any new consecution of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objectives of the zoning district.

**Sec. 62-111(j)** – In its review, the Plan Commission shall also evaluate the effect of the proposed conditional use upon the following items listed below. Identify how your project will impact and/or address each of these items.

1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution including sedimentation.
  
3. Existing topographic and drainage features and vegetative cover on the site.
  
4. The location of the site with respect to floodplains and floodways of rivers and streams.
  
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  
6. The location of the site with respect to existing or future access roads.
  
7. The need of the proposed use for a shoreland location.
  
8. Its compatibility with uses on adjacent land.
  
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

**DISCLAIMER**

- I understand failure to provide required materials/information/fees by the submittal deadline can result in this application being withdrawn for consideration by the Plan Commission. Materials submitted for review after the submittal deadline date, or incomplete submittals, may be held over until the next scheduled meeting.
- I understand any fees not paid for (i.e. legal notices, mailings, consultant review costs, etc.) will require any permits to be withheld until all payments are made in full. In addition, all application fees are non-refundable.
- I understand Plan Commission applications requiring a Public Hearing will not be acted on the same night as the Public Hearing.

Applicant's Name (Print): \_\_\_\_\_ Date: \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_