

Discussion outline – Conditions and conditional use permits

Plan Commissioner Network

Wednesday, May 27, 2009 @ Town of Winneconne, 6:30-8pm

I. Overview/Basics of Conditional Uses:

- Conditional uses – definition and legal two tests (essential nexus and rough proportionality)
- Conditional uses are allowed/permitted uses. Permits are assigned to the owner, not the property
- Conditional uses are part of the ‘quasi-jurisdictional’ function of a plan commission. Decisions are discretionary, and need to be based on your local ordinance. They allow a property to be used in a way that is expressly allowed by ordinance (unlike use or area variances which allow something that is normally prohibited in the ordinance)
- Where does authority to grant CUs lie? At PC? At town Board? At county P&Z?
- Duration of conditions/conditional use permits
- Violations
- Appeal
- Recent case law -- Town of Rhine vs. Bizzell, et al

II. Conditions:

- Performance and design standards
 - See 17.25(2)(3)(c) for standards that all conditional uses must comply with
 - T. Wilson performance standards sample

III. Findings of Fact

- 17.25 (2)(3)(b) of County Zoning Ordinance - “written findings of fact shall, at a minimum, address duly adopted Comprehensive Plans, or plan elements, adopted ordinances if any, compatibility or non-compatibility with adjacent uses, specific substantiated objections (if any), plus any other specific finding deemed appropriate for the matter at hand. All Town findings shall be based upon the evidence within the record in support thereof.”
- Samples

IV. Specific issues:

V. Local issues/questions – round table discussion

VI. Next meetings

- Wednesday, September 30, 2009, 6:30-8pm. Topic - Consistency and your comprehensive plan. Location: Town of Neenah
- Wednesday, October 28, 2009, 6:30-8pm. Topic – Educating and communicating with your constituents. Location: Town of Vinland
- Special Sessions! Practical GIS for town boards, plan commissioners, clerks and zoning administrators. Location: Oshkosh – JP Coughlin Center. Tuesday, September 22, 1-3 and 6-8pm and Thursday, October 22, 1-3 and 6-8pm (choose one)