

PROCEDURE FOR CONDITIONAL USE PERMIT APPLICATIONS (CUP)  
REVISED 10/17/2012

Conditional use permits go with the land unless a condition is included that voids the Conditional Use Permit upon a certain event (ie. sale of property). Conditional Use Permits approved for homes or businesses where structures are involved are intended to transfer to a new owner. Some Conditional Use Permits could have a condition included that states they expire upon a change of ownership, for example a hobby kennel or a home occupation

- 1. **Pre-application** - Applicant contacts the Clerk of the Plan Commission and explains what they want to accomplish. The clerk provides guidance in determining the type of request, the probable documentation required and the process. In the event a CUP is going to be requested, the clerk advises that a Land Covenant will also be required. The clerk recommends that if time permits the applicant attend a Plan Commission meeting to discuss their proposed application during a Public Input agenda item.
- 2. **Application processing** - The clerk reviews the application to ensure it is completed properly. The clerk shall advise the applicant if additional information or documentation is required at this point. The clerk informs the applicant that if the CUP is approved, a Land Covenant will be required to officially record the document. This will require the Full Legal Description of the parcel which can be found on the deed or title insurance commitment, not the abbreviated legal description contained on the tax bill. The clerk advises the applicant that the preparation fees from the Town's attorney for the Conditional Use Permit and Land Covenant as well as the recording fee from the Registrar of Deeds is the responsibility of the applicant.
- 3. **Procedure notification** - The clerk provides the applicant with a copy of this Procedure for Conditional Use Permit Applications document unless already provided during pre-application.
- 4. **Public Hearing notification** - The clerk schedules a Public Hearing to occur during a Plan Commission meeting. The clerk posts notification of the Public Hearing in the Sheboygan Press, typically on the last two Mondays of the month. The clerk mails notification of the Public Hearing to the applicant and land owners listed on the application, of all properties adjacent, abutting, or lying within 200 feet of the subject property.
- 5. **Payment verification of taxes and fees** - The clerk contacts the Town Treasurer to determine if the applicant has any outstanding taxes and/or fees. If so, typically the Conditional Use Permit will not be issued until payments are up-to-date.

- 6. **Plan Commission meeting** - During the Public Hearing, members of the public can express their views on the application and additional information may be requested of the applicant. After the Public Hearing the Plan Commission shall discuss and/or take action on the application. If a Conditional Use Permit is approved, there are typically conditions listed for the permit to become and/or remain effective.
- 7. **Meeting Outcome** - If the Plan Commission denies the Conditional Use Permit request, the clerk shall notify the applicant of the decision and a summary of reasons discussed. If the Plan Commission approves the Conditional Use Permit request, the clerk shall notify the applicant of the decision and instructions on their next required actions. The following steps only occur if the application was approved.
- 8. **Provide additional information** - The applicant will provide the clerk with any additional information required. This may include the Full Legal Description of the parcel which can be found on the deed or title insurance commitment, not the abbreviated legal description contained on the tax bill.
- 9. **Town Attorney notification** - The clerk notifies the Town Attorney that a Conditional Use Permit was approved and requests the appropriate documents to be created. The clerk will provide a copy of the application, the full legal description of the parcel, the conditions to be imposed and a copy of the Plan Commission meeting minutes.
- 10. **Document preparation** - The Town Attorney creates the Conditional Use Permit and Land Covenant documents and sends them to the clerk. The attorney also provides the preparation fees for these documents.
- 11. **Signatures on Conditional Use Permit** - The clerk will obtain the signatures of the Plan Commission Chairman and Clerk on the Conditional Use Permit.
- 12. **Create invoice** - The clerk will create an invoice to cover the preparation fees from the Town's attorney for the Conditional Use Permit and Land Covenant as well as the recording fee from the Registrar of Deeds.
- 13. **Deliver documents to applicant** - The clerk will deliver the original Land Covenant, a copy of the signed Conditional Use Permit and the above invoice to the applicant.
- 14. **Signatures on Land Covenant** - The applicant must have a Notary Public witness their signature on the Land Covenant.
- 15. **Deliver signed Land Covenant and payment to Plan Commission Clerk** - The applicant will deliver the original signed Land Covenant and payment for the provided invoice to the Plan Commission Clerk.

- 16. **Building Inspector notification** - The clerk notifies the Building Inspector that a building permit may be issued. This step is only required if the permit involves construction costing greater than \$500.00.
- 17. **Fire Inspector notification** - The clerk notifies the appropriate Fire Inspector. This step is only required if the permit involves a business use.
- 18. **Filing at the Register of Deeds** - The clerk delivers the original signed Land Covenant and Conditional Use Permit documents to the Sheboygan County Register of Deeds for recording.
- 19. **Recording at the Register of Deeds** - The Register of Deeds will record the documents and print the recording information on the Land Covenant. They will then deliver the original Land Covenant and Conditional Use Permit documents to the Plan Commission Clerk.
- 20. **Filing of the documents** - The clerk will file a copy of the recorded Land Covenant and Conditional Use Permit in the Town's records.
- 21. **Deliver documents to applicant** - The clerk will deliver the original Land Covenant and Conditional Use Permit documents to the applicant.