

# Conditional Use Permit Application

Village of Maine

Conditional Use  
Petition No \_\_\_\_\_

Parcel I.D.# (from tax rolls)  
Include all zeros  
and decimal points. \_\_\_\_\_

## CONDITIONAL USE PERMIT

I petition the Village of Maine Plan Commission to grant the conditional use identified in this petition. I understand that a conditional use may be granted only for those uses listed as permitted by conditional grant in the Village of Maine Zoning Ordinance, or for uses the Village of Maine Plan Commission determines to be so similar to the listed uses that the unlisted uses may be classified by the Plan Commission as being within the spirit and intent of the Village of Maine Zoning Ordinance, but only in districts where conditional uses are specifically listed as examples, not an exhaustive listing. I also understand that the grant or denial of this conditional use creates no liability, express or implied on the Village of Maine.

1. Address of the property where the conditional use is requested:

2. Provide a legal description of the property in the space below or attach a copy of the legal description including subdivision lot and block number where applicable, Certified Survey volume and page number, or the metes and bounds description, and the Parcel Identification Number.

3. Applicant's Name: \_\_\_\_\_

Address for correspondence: \_\_\_\_\_

Daytime telephone number: \_\_\_\_\_ Evening telephone number: \_\_\_\_\_

4. Property owner name(s) if different from applicant: \_\_\_\_\_

Address for correspondence: \_\_\_\_\_

Daytime telephone number: \_\_\_\_\_ Evening telephone number: \_\_\_\_\_

5. If you, the petitioner, are not the owner, demonstrate that you have an interest in the land, such as a prospective lease or purchase agreement that is enforceable if your petition is granted. Attach a copy of your documentation.

6. What is the present zoning of the property? \_\_\_\_\_

7. What is(are) the present use(s) of the property? \_\_\_\_\_

8. What is(are) the proposed use(s) of the property? \_\_\_\_\_

9. Attach a list of the names and addresses of all landowners within 100 ft of the boundaries of the property that is the subject of this petition.

10. Describe specifically the nature of your proposal:

11. Attach a site plan with more detailed information and an accurate map of the property drawn to a reasonable scale and properly dimensioned. This is described in greater detail in the attached section entitled "Site Plan."

**CERTIFICATION**

STATE OF WISCONSIN } ss  
 COUNTY OF MARATHON }

I certify under oath that all information and statements contained in this application, including all attachments, are true, that all dimensions are accurately shown as they would be disclosed by an accurate survey. And that the use subject to this permit application will be operated in accordance with the performance standards set forth in section 17.04 of the Village of Maine Zoning Ordinance, a copy of which I have received.

**APPLICANT(S)**

\_\_\_\_\_  
*Applicant Signature* *Print Name*

\_\_\_\_\_  
*Applicant Signature* *Print Name*

Subscribed and sworn to before me by \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_

Please return your completed, signed, and notarized petition along with the \$ \_\_\_\_\_ petition fee to the Village of Maine Zoning Administrator at 6111, North 44th Avenue, Wausau WI, 54401

\_\_\_\_\_  
*Notary Public, State of Wisconsin*

\_\_\_\_\_  
*Seal*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*My commission expires*

**THIS SECTION FOR VILLAGE OFFICIAL USE ONLY**

Received by \_\_\_\_\_ on \_\_\_\_\_, 20 \_\_\_\_

Fee submitted with petition \$ \_\_\_\_\_ Check No: \_\_\_\_\_

Hearing date: \_\_\_\_\_, 20 \_\_\_\_ Notices published: \_\_\_\_\_, 20 \_\_\_\_

☐ Approved ☐ Denied Petitioner notified of decision on: \_\_\_\_\_, 20 \_\_\_\_

Reason Denied: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_

# SITE PLAN

In order to facilitate the review of a conditional use petition, the petitioner must provide an accurate map of the property that is the subject of this petition drawn to a reasonable scale and properly dimensioned. The map must show the following:

1. The boundaries of the property and area of the property in square feet.
2. Location of the center line of any abutting streets, existing highway access restrictions, proposed street access points, off street parking, loading areas, and driveways. Streets include all public and private rights of way whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however designated.
3. Location and exterior dimensions of all existing buildings, proposed additions, or proposed new buildings on the property. Show the measured distances between buildings, proposed additions, and proposed new buildings and from the lot lines and from the center line of any abutting street to the nearest portion of each building.
4. Location of existing and proposed wells and primary and replacement septic system sites.
5. Proposed floor elevation of all proposed buildings in relation to the existing and/or established grade of any abutting streets. Elevations shall be referenced to Mean Sea Level datum if it is reasonably available.
6. Location of any defined drainage way and the general direction of surface drainage on the property.
7. The ordinary high water mark of any stream or lake that is located on or abuts the property, or that directly affects the property by flooding.
8. The boundaries of soil types shown as existing on the property on USDA Natural Resources Conservation Service maps, at the request of the Zoning Administrator.

## **Building information should include:**

1. A general building plan including the elevation of all exterior walls, and height of the structure.
2. An indication of the types of building materials to be used for the face of the building and the roof. You may submit drawings or photographs of the planned exterior.

Submit a plan for surface water drainage and soil erosion control if your proposed use involves building construction or site grading.

Before placing your petition on the Plan Commission agenda the Zoning Administrator may request additional information to address concerns that the Plan Commission will or should raise.

Providing the information identified in this petition will improve the opportunity for the Zoning Administrator and the Plan Commission to act on your request without delay. Without adequate information your request may be delayed in order to receive and review additional information.

Updated 7-16-2018  
Digital Update 6-2020

## **ANSWERS TO FREQUENTLY ASKED QUESTIONS CONCERNING VILLAGE OF MAINE CONDITIONAL USE PETITIONS**

***When will I need a conditional grant?*** If you intend to use property located in the Village of Maine for a purpose that is not permitted by right in a zoning district, but which is allowed as a conditional use in that district, you may petition for a conditional use grant.

***What uses may be granted by conditional use?*** Conditional uses may be granted only for those uses listed as "permitted by conditional grant" in the Village of Maine Zoning Ordinance, or for unlisted uses the Village of Maine Plan Commission determines to be so similar to the listed uses that the unlisted uses may be classified by the Plan Commission as being within the spirit and intent of the Village of Maine Zoning Ordinance. Unlisted uses may be granted only if specifically provided in districts where uses listed are examples, not an exhaustive listing. The OCR Commercial & Private Recreation Overlay District and the OWP Wellhead Protection Overlay District include non-exhaustive listings.

***Who can request a conditional use?*** Only petitioners that have an interest in the property may petition for a conditional use. This includes the owner or tenant, or a prospective owner or tenant if they can demonstrate that their prospective purchase or lease agreement is enforceable if their petition is granted.

***How do I begin this petition process?*** You must obtain and complete a conditional use petition to begin the petition process. Forms are available at the Village Hall.

***What do I do with my completed petition?*** Completed petitions along with all supporting documents must be filed with the Village Zoning Administrator. \*Conditional use fee must be paid at time that petition is submitted to Zoning Administrator.

***What types of supporting documents are needed and/or helpful?*** All of the information requested in the petition form should be included in each petition. Part of the information you are asked to provide is a list of the names and addresses of all landowners within 100 feet of any part of the land for which you are seeking the conditional use grant. It is important to identify all adjacent property owners. If any are inadvertently excluded, a rehearing on your petition may be required.

Your petition must include a site plan with an accurate map of the property drawn to a reasonable scale. A detailed survey map would be ideal. Your map should either be reproducible, or you must submit as many copies as the Zoning Administrator requests. Your site plan should include as much information as possible to help explain your proposed use. In some cases, identifying adjacent land uses, or including a cross section of the property or contours, may be helpful.

***When will my petition be heard?*** The Zoning Administrator will place your petition on the Plan Commission agenda after being assured that your application is complete and that it addresses concerns that the Plan Commission will or should raise. Unless you request a later hearing date, your hearing will be scheduled at the next Plan Commission public hearing that will allow the appropriate notices to be given.

***What notices must be given?*** Adjacent landowners must be sent a notice at least 10 days before the date of the hearing. Notice of the Plan Commission hearing must be published in the newspaper once each week for 2 consecutive weeks, the last of which shall be at least one week before the hearing.

***Is more than one hearing required?*** If the Plan Commission has draft conditions completed before the hearing, and the draft conditions are approved with no or minimal revisions, only one hearing need be

held. If no draft conditions are prepared before the initial hearing, or substantial revisions are made at the public hearing, the Plan Commission may hold a second hearing.

***When will a decision be made on my petition?*** A decision will be made at a public hearing on your petition that is held following the review and investigation of your petition and discussion with you. As soon as practical after the hearing, the Plan Commission will put its decision in writing. The written decision will include an accurate and complete description of the use as permitted, including all applicable conditions, or if disapproved, the reasons for disapproval. The written decision will become part of the Plan Commission's permanent records.

***Can the decision on my petition be appealed?*** Anyone claiming the Plan Commission erred in facts or in application of the Village's ordinance, may request the Plan Commission to review its decision. The request must be made within 30 days from the date of the Plan Commission meeting where action on your petition was taken.

The Village of Maine Zoning Ordinance intentionally recognizes the close relationship between specific conditions related to a conditional use petition and the permissibility or impermissibility of the conditional use. Therefore, decisions of the Plan Commission cannot be appealed to the Board of Zoning Appeals for the Village of Maine.

***Can there be special conditions on my conditional use grant?*** Yes. The Plan Commission can require you to supply a performance bond, letters of credit, cash deposit, or similar financial sureties ensuring that certain conditions will be met.

Another condition that can be included is that they use will exist only for a stated period of time, or until certain circumstances are fulfilled.

This handout is intended only to offer guidance to those intending to apply for a conditional use related to their Village of Maine property. It is not legal advice, and is not intended to replace the user's own diligent search to discover applicable laws, regulations, and ordinances, and to seek and obtain all required permits and inspections.

If you are granted a conditional use, and your use fails to conform to the conditional use provisions, you may be ordered to cease your use and required to remove any nonconforming structures, and you will be subject to citations for violations. Convictions of violations will result in forfeitures and costs, and possibly imprisonment. Each day a violation continues is considered a separate violation.