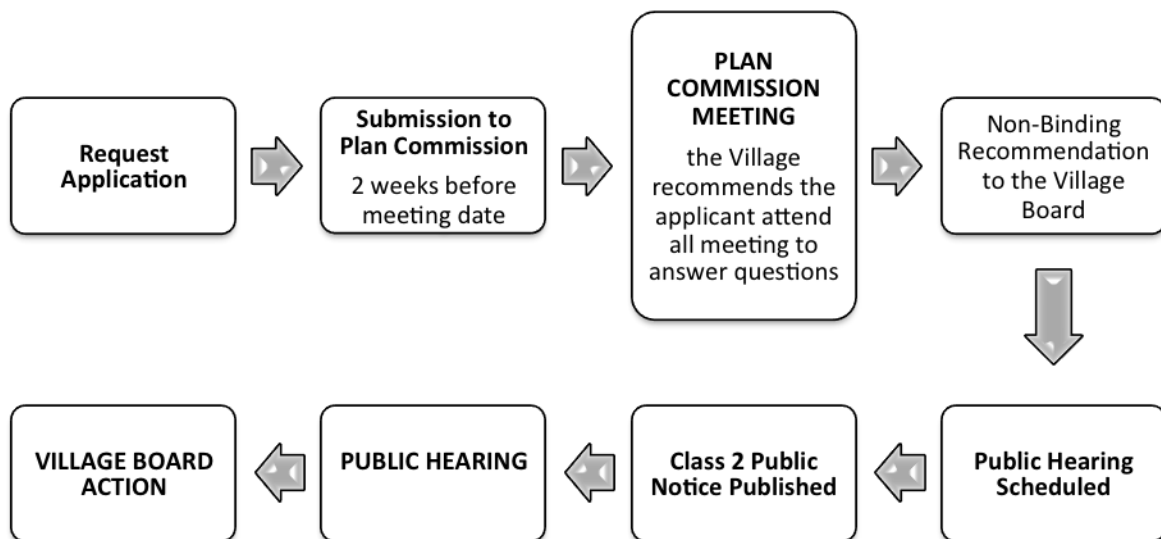

CONDITIONAL USE PERMITS

The Zoning Code prescribes permitted and *conditional* uses within each zoning district. As the name implies, conditional uses may be appropriate under certain conditions and inappropriate in others. A special permit, approved by the Village Board, is required to operate a conditional use. The Village Board may impose certain restrictions on a conditional use to ensure that surrounding properties are not adversely affected. The diagram below summarizes the Conditional Use Permit process:



THE CONDITIONAL USE PROCESS

The Village recognizes that some uses of property are more intensive than others, and therefore, may require special consideration before being approved. Before a Conditional Use Permit is issued, a public hearing is held to give neighbors and concerned citizens an opportunity to voice their opinion and have it documented in the permanent Village record. The public hearing notice is published in local papers, mailed to all property owners living within 300 feet of affected property and is posted in the Village Hall. On the night of the public hearing, the petitioner may address the Board and present any supporting documentation and plans for the proposed use. Typically, the Board will vote on the Conditional Use Permit on the same evening as the public hearing.

GETTING ON THE SCHEDULE

To initiate the Conditional Use Permit process, the applicant must submit the following:

APPLICATION FEE

SIGNED AND DATED APPLICATION

LEGAL DESCRIPTION

SUPPORTING DOCUMENTATION

All submissions must be complete and received in the office by the deadline date.

HOW LONG WILL IT TAKE

Because the Conditional Use Permit requires a public hearing, a Class II Legal Notice is required. Typically, after the Plan Commission considers the merits of a conditional use application, a public hearing can be scheduled within a month, although it may take longer depending on the number of requests pending. Applicants should expect a six to eight week time frame to complete the Conditional Use Permit process. Because a new permit is often associated with new construction, the applicant should allow ample time for Site Plan Review as well.

HOW MUCH WILL IT COST?

Conditional Use Permits cost \$300 per property. This application fee helps defray the cost of staff review and publishing legal notices. An applicant may request a partial refund if an application is withdrawn before a public hearing notice is published, although the applicant's intention to withdraw must be made in writing within one week of the initial Plan Commission meeting. Fees are double for any work started without a permit.

WHERE DO I APPLY?

All applications to the Plan Commission are submitted to the Clerk at the Village Hall Office. Submissions may be made in person or by mail.

CAN I APPEAL A DECISION?

The vote of the Village Board is final and binding. While an applicant may reapply for rezoning and supplement an application with additional information, a decision of the Board must be appealed through the courts.

WHAT WILL THE PERMIT ADDRESS?

In issuing a Conditional Use Permit, the Board will consider the nature of the proposed operation in conjunction with its affects on the surrounding neighborhood. The size of the operation, number of employees, hours of operation and overall design will be taken into consideration. Certain restrictions will typically be included in the permit to ensure minimal impacts.

CAN A CUP BE TRANSFERRED?

A Conditional Use Permit is issued to a particular property, and unless specifically issued as "non-transferable," will run with the property and not the owner. Non-transferable permits are often issued to uses that are owner specific, and may need to be reevaluated if ownership changes.

SUPPORTING DOCUMENTATION?

The applicant is responsible for building a case for the CUP. If applicable, the applicant should have all documentation and/or permits required from state and county agencies for the proposed use. While the Village may or may not require supporting documentation, an applicant may wish to show the Board how a property will operate if a permit is issued, i.e. site plan, architectural renderings, photos of similar projects, etc. All documentation is public information and is made available for review at the Village Hall Office.

CAN THE PERMIT BE REVOKED?

A Conditional Use Permit is valid as long as it meets the conditions outlined in the permit. If the scope of the operation changes substantially, an amended CUP may be required. Likewise, if the conditions of the permit are not met, the permit may be revoked without notice. The Village generally reviews its CUP's every other year to evaluate compliance.

CAN I REAPPLY?

An applicant may reapply for a Conditional Use Permit as often as necessary.

Fee must accompany application

\$300.00 Paid _____ Date _____

VILLAGE OF OLIVER CONDITIONAL USE PERMIT APPLICATION

Please read and complete this application carefully. **All applications must be signed and dated.**

1 APPLICANT OR AGENT _____ _____ _____ _____ Phone () _____ E-Mail _____	PROPERTY OWNER _____ _____ _____ _____ Phone () _____ _____
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2 TO WHOM SHOULD THE PERMIT BE ISSUED?

3 PROPERTY ADDRESS	PARCEL TAX NO.

4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages if necessary.

5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use as it appears in the Municipal Code.

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations.

6 LEGAL DESCRIPTION OF PROPERTY – REQUIRED
(SURVEY MAY BE REQUIRED)

Attach pages as necessary

7 SUPPORTING DOCUMENTATION:

- ☐ Site Plan and elevations for new construction (can be conceptual)
- ☐ Photos of existing use and/or proposed use operating elsewhere
- ☐ _____
- ☐ _____

8 READ AND INITIAL THE FOLLOWING:

_____ I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.

_____ I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.

_____ I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.

9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Applicant

Date

Owner

Date

CONDITIONAL USE PERMIT QUESTIONNAIRE

This document will need to be filed along with your permit application. Please answer all questions below. If additional space is needed, please attach additional sheets. If a question does not apply, please indicate "N/A".

1. Business Name/Property Address/Billing Address:
2. Is your business name registered?
3. Do you currently have a Tax ID number for your business? If so, what is your number?
4. Please list any equipment, materials, vehicles, etc. which you have that are associated with your business:
5. Do you currently report your business equipment to your tax assessor for personal property tax?
6. Number of Employees (please include yourself or other family members)?
7. Do you provide for off street parking and if so, how many spaces?
8. What do you intend to have for hours & days of operation?
9. Traffic Counts: How many customers will be served a your business per day?
10. Have you prepared a Business Name?
11. Is your business name registered?
12. Do you have all required documentation and/or permits from state and county agencies for the proposed use?

Conditional Use Permit – Facts and Other Issues - Be Prepared

Changes in use of your property WILL affect the surrounding properties in one way or another. Impacts that you may not perceive can be brought up at your public hearing. To give you the best opportunity of obtaining your Conditional Use Permit you need to be prepared for everything:

Develop your proposal. Figure out your business plan. What hours will you be open? How many employees do you anticipate? How many customers will visit you per day? Where will they park? What materials or equipment do you own and use for your business. Assume that no one knows anything about your business or whatever it is you are proposing.

Permits. Include any other permits from other government agencies along with your permit application such as Dept. of Transportation, Dept. of Commerce Dept. of Natural Resources, other county departments, local governments, etc. Include these even if all you have is a completed application form.

Seek professional help. If vital to your application, consider consulting with professionals such as: surveyors, engineers attorneys, etc.

Talk to your neighbors!!! Tell them about your proposal before they receive a notice from the village in the mail. Ask them if they have any concerns and try to mitigate your proposal to help alleviate any issues your neighbors might raise.

Develop a good impact statement. Ask yourself, "how will my proposal, if approved, affect the neighborhood?" Will your proposal increase the traffic on the road? Will you install added lighting to the property that may be offensive to any neighbors? Will your proposal cause any extra noise or noise pollution? Will your proposal create any dust, odors or emissions that may be of concern? Will there be waste generated on site and is it considered hazardous? How do you intend to dispose of any waste materials? A short questionnaire is included with your permit application, which is intended to identify a few of the impacts which are consistent with almost all businesses. You WILL also need to submit a detailed impact statement with your proposal. You will need to identify concerns which may be pertinent to your business and state how you intend to minimize those effects or concerns.

Questions/Answers. Try to think of every scenario and the questions that may be raised. Be prepared to have an answer to every question. .. What you think may be a routine answer to a question may be hard to understand for someone else.

Presentation. Be prepared to give a good, thorough, professional and detailed presentation. Bring your notes. Bring pictures and drawings.

Land Use Planning. Check the village land use plans. If your proposal is not consistent with these plans, village staff will recommend "denial" of your proposal to the commission. If the land use plans need to be amended to allow your proposal, this may take additional time to do. If your proposal is consistent with the land use plans, you will have a better chance to succeed.

Don't rush your application. It is much better to take additional time to make sure your application is complete than to rush your application and miss a small detail that turns out to be a major issue during the public hearing. This could result in the commission recommending denial of your proposal. If your application is not complete, you will not be placed on the agenda for a public hearing. If your proposal is denied, you cannot re-apply for another year. In addition, the filing fee for the public hearing is non-refundable if your proposal should get denied. The Oliver Planning Commission will make a recommendation to the Village Board regarding your permit request; this recommendation will be based on the Land Use Plan adopted by the Village. This recommendation can include conditions, which may become part of your permit if approved by the Board. The commission may also add additional conditions if they deem necessary. You may want to consider this as part of your application and list some permit conditions that you find workable.