

CHAPTER 5

EXCEPTIONS AND ACCOMMODATIONS

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ZN 5.01 MODIFICATIONS AND EXCEPTIONS.

(1) HEIGHT EXCEPTIONS.

The following structures or parts thereof are allowed to exceed the height limitations set forth in the several districts as set forth in this section unless restrictions are provided pursuant to the issuance of a conditional use permit under Section ZN 5.03 of this Ordinance:

- (a) Architectural Projections. Spires, belfries, steeples, cupolas, domes, parapet walls, chimneys and flues shall not exceed the height required by the district by more than the distance from the nearest lot line provided that such projection is firmly anchored or affixed to the structure.
- (b) Communication Structures. Radio and television transmission and relay tower, cellular and digital communication towers (mobile service support structures as defined in §66.0404(1) (n), Wis. Stats.), and aerials provided however, that said structures shall not exceed in height their distance from the nearest lot line unless designed to collapse within a smaller area as evidence by an engineering certification submitted to Planning & Development.
- (c) Essential Services. Utility poles, water towers, standpipes, electric power and communication transmission lines with the provision, however, that said structures are exempt from the height limitations of this Ordinance.
- (d) Special Structures. Elevator penthouses, gas tanks, grain elevators, observation towers, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations and smoke stacks may be exempted from the height limitations of this Ordinance.
- (e) Other Structures. Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

(2) YARDS

The following structures or parts thereof shall be allowed to project into or to be constructed in a required yard within the area otherwise prohibited by a building yard line unless restrictions are provided pursuant to the issuance of a conditional use permit under Section ZN 5.03 of this Ordinance:

- (a) Awnings and canopies not to exceed four (4) feet into any yard
- (b) Balconies not to exceed six (6) feet into any rear yard or side yard and not closer than three (3) feet to any lot line. Balconies are not permitted to project into a street yard or shore yard.
- (c) Bay windows not to exceed four (4) feet into any yard.
- (d) Belt courses and ornaments not to exceed three (3) feet into any yard.
- (e) Chimneys, flues, not to exceed two (2) feet into any yard
- (f) Clothesline posts (rear or side yard only)

- (g) Decks not to exceed ten (10) feet into any required rear yard or side yard, and not closer than five (5) feet to any side lot line or fifteen (15) feet to any rear lot line.
- (h) Driveways shall not be closer than two (2) feet to any side lot line.
- (i) Eaves not to exceed three (3) feet into any yard
- (j) Essential Services, utilities, electric power and communication transmission lines are exempt from the yard requirements of this Ordinance.
- (k) Fire escapes not projecting into the required rear or side yard by more than six (6) feet and not closer than three (3) feet to any lot line.
- (l) Fences, walls and hedges in accordance with Section ZN 3.08 of this Ordinance. Where fences on adjoining properties existing prior to September 1, 1984, are located closer than two (2) feet to a public right-of-way, the applicant may construct a fence with an equal encroachment upon the required setback.
- (m) Flagpoles in any yard
- (n) Garbage containers, non-permanent (rear yard only)
- (o) Guardhouse or gatehouse or bus shelters in any street yard
- (p) Landscape features such as sun dials, terraces, (open), ornamental lights, birdbaths, etc.
- (q) Mailbox located in highway right-of-way
- (r) Off-street parking lots are permitted in rear yards in all districts (except one- and two- family residential districts) and in front and side yards in the business and industrial districts provided the parking shall not be closer than twenty (20) feet to the public right-of-way if the business or industrial district abuts a residential district and not closer than ten (10) feet to a lot line if the business or industrial district abuts a residential district.
- (s) Open or enclosed porches shall not extend into or encroach upon any setback requirement.
- (t) Overhanging Roof, eaves, gutter, cornice or other architectural feature not to exceed three (3) feet.
- (u) Patios are permitted in any yard except street yards and shore yards and shall be located at least five (5) feet from any side or rear lot line.
- (v) Planting boxes into any yard
- (w) Recreational apparatus (except swimming pools and tennis courts) (rear and side yard only) such as playground equipment

- (x) Satellite dish antennas in excess of two (2) feet in diameter shall be at least five (5) feet from a side or rear lot line. Satellite dish antennas in excess of two (2) feet in diameter shall not be located in a street yard or shore yard. Freestanding hobby radio towers not more than fifty (50) feet in height may be located in a side or rear yard only, and guy wires must be at least five (5) feet from any side or rear lot line in a residential district.
- (y) Sidewalks, driveways, and steps for access purposes into any yards
- (z) Signs (in accordance with Section ZN 3.07 of this Ordinance)
- (aa) Steps, stairs (entry) and landings to a dwelling, (uncovered and non-enclosed) not to project more than four (4) feet (landing not to exceed four (4) feet by six (6) feet) into the street yard or shore yard; no closer than three (3) feet to any side lot line and no closer than fifteen (15) feet to any rear lot line.
- (bb) Structural steps and stairs in the shore yard necessary for access to the lake shall not exceed five (5) feet in width, and any necessary landings shall not exceed thirty-two (32) square feet in area (see Section ZN 3.10(4)).
- (cc) Trees, shrubs, flowers and other plants, in accordance with the vision requirements of Section ZN 3.06(1) of this Ordinance.
- (dd) Yard and service lighting fixtures, poles into any yard

(3) **AVERAGE STREET YARDS AND SHORE YARDS.**

The required street yard may be decreased in any residential or business districts to the average of the existing street yard of the abutting structures within two hundred (200) feet of said property. But in no case less than thirty (30) feet from the right-of-way of a federal, state or county trunk highway nor less than twenty (20) feet from all other roads.

The required shore yards may be decreased in any shoreland jurisdictional area to the average of the existing shore yards of the abutting structures on each side, but in no case less than fifty (50) feet.

An abutting vacant lot may be used as an existing seventy-five (75) foot setback when averaging in the shoreland area.

(4) **NOISE.**

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this Ordinance.

(5) **CORNER LOTS.**

Each corner lot shall have two (2) street yards, one (1) side yard, and one (1) rear yard. The side and rear yard are interchangeable for setback purposes.

ZN 5.02 NON-CONFORMING LOTS, STRUCTURES AND USES.

(1) **INTENT.**

Within the Districts established by this Ordinance or amendment thereof, there may exist lots, structures and uses of land and structures which were lawful before this Ordinance was enacted or amended, but which would be prohibited in the future under the terms of this Ordinance or amendment.

It is the intent of the Village Board of Trustees to permit these non-conforming lots, structures and uses existing as of the effective date of this Ordinance or amendment thereof to remain and continue in accordance with the provisions hereinafter set forth until they are removed by economic forces or otherwise. It is not the intent of this section to encourage the survival of non-conformities since it has been determined that they are incompatible with the character of the districts involved, or to permit non-conformities to be enlarged upon, expanded, or extended except as provided for herein. Existing non-conformities shall not be used to justify adding structures or uses prohibited elsewhere in the same district.

It is the further intention of the Village Board of Trustees that the guidelines be set for the purpose of determining:

- (a) That the non-conforming lot, structure or use existed prior to the effective date of this Ordinance or amendment thereto;
- (b) The ways in which the right of the non-conforming lot or structure to remain can be served and the ways in which the right to continue non-conforming uses can be lost;
- (c) The extent of permissible variation in the non-conforming lot, structure and use; and,
- (d) The devices available for eliminating such non-conforming lots, structures and uses.

(2) **DEFINITIONS.**

- (a) **Assessed value.** The full market value placed upon the structure or lot by the Village Assessor as of the date that the non-conformity came into being, that is, the effective date of this Ordinance or amendment thereto. Such valuation by the Village assessor shall be prima facie evidence of the assessed value of the structure or lot.
- (b) **Legally existing.** A lot, structure or use existing on the effective date of this Ordinance or amendment thereto which was created, built or established in accordance with zoning and land use regulations in effect in the Village wherein the parcel is located immediately prior to the effective date of this Ordinance or amendment thereto or a lot, structure or use for which a zoning permit was issued prior to the effective date of this Ordinance or amendment thereto in accordance with the provision of Section ZN 1.02(5) of this Ordinance.
- (c) **Non-conforming Lot.** A non-conforming or substandard lot is defined as a parcel of land legally created prior to the effective date of this Ordinance having frontage on a public street, easement of record or other officially approved means of access, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses having

insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this Ordinance.

- (d) **Non-conforming Structure.** A non-conforming structure is one which was legally constructed prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new structure under the terms of this Ordinance or amendment thereto because the structure is not in conformance with the yards, height, coverage, or floor area ratio requirements of the district in which it is located. A structure located on a non-conforming lot shall not be classified as a non-conforming structure solely because of insufficient lot area or width.
- (e) **Non-conforming use.** A non-conforming use is an activity utilizing land or structures or both legally established prior to the effective date of this Ordinance or subsequent amendment thereto, which would not be permitted as a new use in the district in which it is located under the terms of this Ordinance.

(3) **CURRENT RECORD OF NON-CONFORMING USES.**

- (a) The Village Department of Planning and Development shall make a record immediately after the approval of this Ordinance or amendment thereto, or change in district boundaries approved by the Village Board, all lands, premises and buildings used for purposes not conforming to the regulations applicable to the district in which they are situated. Such records shall include the nature and extent of the uses therein, the names and addresses of the owner or occupant or both, extent of the non-conformities, the assessed value of the land and structures thereon at the time of its becoming a non-conforming lot, structure or use and the cost of all modifications or additions which have been permitted.

(4) **BURDEN OF PROOF.**

Any property owner asserting as a defense to a charge of violating this Ordinance that his property was a valid non-conforming use has the burden of demonstrating to a reasonable certainty by the greater weight of credible evidence that:

- (a) The non-conforming use was legally in existence at the time the ordinance was passed or amended, and
- (b) That the use of the property prior to the ordinance was so active and actual that it can be said the property owner acquired a vested interest in its continuance. For purposes of this Ordinance, a property owner shall be deemed to have a vested right in the use of his property where that use at the time of the effective date of this Ordinance or amendment thereto is both active and actual (non-contemplated) and a substantial degree of activity or expense had been undertaken prior to the effective date of this Ordinance or amendment thereto. Permits issued prior to the existence of this Ordinance shall be deemed to have created a vested right in the property owner to the extent provided in Section ZN 1.02(5) of this Ordinance.
- (c) That the use is substantially the same use that existed prior to the enactment of the ordinance or amendment thereto.

(5) **EXISTING VACANT NON-CONFORMING LOTS.**

In any residential, upland conservancy or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any vacant non-conforming lot provided that all requirements of the Village Ordinances are met:

(a) Non-conforming lots shall have the following minimum width, area and setbacks:

Lot	Width	Minimum	40 feet (public sewerage) 50 feet (private sewage system)
	Area	Minimum	4,000 square feet (public sewerage) 6,000 square feet (private sewage system)
	Setbacks	Street	The minimum required in the district except as provided in Section ZN 5.01(3) of this Ordinance
		Rear	Minimum 25 feet from lot line
		Side	Minimum 16% of the lot width on each side, but not less than 5 feet from lot line

(b) Non-conforming corner lots shall have the minimum setback requirements:

Lot Width	40 feet through 49 feet	
	Setbacks	Primary street yard – minimum as required in the district Secondary street yard – 26% of the lot width Side yard – 12.5% of the lot width Rear yard – 25 feet
Lot Width	50 feet through 59 feet	
	Setbacks	Primary street yard – minimum as required in the district Secondary street yard – 32% of the lot width Side yard – 16% of the lot width Rear yard – 25 feet
Lot Width	60 feet through 65 feet	
	Setbacks	Primary street yard – minimum as required in the district Secondary street yard – 38% of the lot width Side yard – 10 feet Rear yard – 25 feet

(c) Driveways shall be a minimum of twenty (20) feet in length starting from the right of way line

and shall access a Village road rather than a Village or state trunk highway.

(d) Non-conforming lots or parcels in the shoreland that were legally created and met minimum area and minimum average width requirements when created or after having been enlarged, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- 1 The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- 2 The substandard lot or parcel is developed to comply with all other ordinance requirements.

(6) **COMMON OWNERSHIP OF ABUTTING NON-CONFORMING LOTS.**

Non-conforming lots of record owned by the same individual or individuals shall be combined prior to the issuance of a zoning permit.

(7) **EXISTING NON-CONFORMING STRUCTURES.**

The use of a structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established lot area and width, building setback line along streets and highways, or the yard, height, parking, loading, or access provisions of this Ordinance.

Non-conforming structures which encroach upon the yard requirements of this Ordinance, but which met yard requirements of the applicable zoning ordinance at the time of construction, may be structurally enlarged or expanded if the existing structure is located at a minimum of at least fifty (50%) percent of the minimum setback requirement of all yard setback requirements and further provided that the alteration does not create a greater degree of encroachment on yard, height, parking, loading, or access requirements. Placement of a new foundation or basement under an existing non-conforming structure shall be allowed as long as no further encroachment is permitted. Non-conforming structures which are located less than fifty (50%) percent of the minimum setback requirement from one (1) or more of their yard setback requirements may be structurally enlarged or expanded so long as all four (4) sides of the enlargement or expansion are located at least fifty (50%) percent of the minimum setback requirement. This shall not constitute an allowance to make an existing conforming yard setback non-conforming, make an existing non-conforming yard setback more non-conforming or deviate from a height standard in this Ordinance.

When a non-conforming structure is damaged by fire, explosion, violent wind, or other calamity or is intentionally dismantled, to the extent of more than fifty (50%) percent of its assessed value as defined in Section ZN 5.02(2)(a) of this Ordinance, it shall not be restored except so as to comply with all provisions of this Ordinance provided under Chapter 62, Wis. Stats.

Non-conforming structures in shoreland areas damaged or destroyed after, October 14, 1997, by violent wind, fire, flood, or vandalism may be reconstructed or repaired, as provided under §59.692(1s), Wis. Stats., to the size, location, and use it had immediately before the damage occurred if the landowner can establish that the damage was not due to a deliberate act by the landowner or by his or her agent, or due to general deterioration or dilapidated condition.

A non-conforming structure shall not be moved or relocated to any other location on the lot unless such structure is made to conform to all regulations of the district in which it is located.

(8) EXISTING NON-CONFORMING USES.

The non-conforming use of a structure, land, or water existing on the effective date of adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, except that:

The alteration or structural repair of, or addition to any existing structure being used for a non-conforming use, in excess of fifty (50%) percent of the assessed value as defined in Section ZN 5.02(2)(a) of this Ordinance, is prohibited.

The non-conforming use of a structure may be changed to a use of the same or more restricted classification, but where the non-conforming use of a structure is hereafter changed to a use of a more restricted classification, it shall not thereafter be changed to a use of a less restricted classification.

When a structure being used for a non-conforming use is damaged by fire, explosion, flood, or other calamity, to the extent of more than fifty (50%) percent of its assessed value, as defined in Section ZN 5.02(2)(a) of this Ordinance, it shall not be restored except so as to comply with the use provisions of this Ordinance. If a non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.

Parcels containing a non-conforming use of land or water may be maintained or repaired including grading, paving, and surfacing, or the repair and replacement of bumper or wheel stops, fences, screening and drainage ways, provided that the amount of land, water or storage (i.e. vehicles, equipment and/or materials) devoted to such non-conforming use as it existed prior to the date of this Ordinance is not extended, enlarged, or moved.

(9) CHANGES AND SUBSTITUTIONS.

Once a non-conforming use or structure has been changed or altered so as to comply with the provisions of this Ordinance, it shall not revert back to a non-conforming use or structure. Once the Board of Review has permitted the substitution of a more or equally restrictive non-conforming use for an existing non-conforming use pursuant to the provisions of Section ZN 7.02, the existing use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board.

(10) SHORELAND NON-CONFORMING STRUCTURES AND USES.

(a) An existing non-conforming structure in the shoreland that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the non-conforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than thirty-five (35) feet above grade level. Expansion of a structure beyond the existing footprint may be permitted if the expansion is necessary to comply with applicable state or federal requirements.

- (b) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be expanded laterally, provided that all of the following requirements are met:
- 1 The use of the structure has not been discontinued for a period of twelve (12) months or more if a non-conforming use.
 - 2 The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
 - 3 Lateral expansions are limited to a maximum of two hundred (200) square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 - 4 The Village shall issue a permit that requires a mitigation plan that shall be approved by the Village and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section ZN 3.10(8) (Mitigation).
 - 5 All other provisions of the shoreland ordinance shall be met.
- (c) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per Section ZN 3.10(2).
- (d) An existing non-conforming principal structure in the shoreland that was lawfully placed when constructed but that does not comply with the required building setback may be relocated on the property provided all of the following requirements are met:
- 1 The use of the structure has not been discontinued for a period of twelve (12) months or more if a non-conforming use.
 - 2 The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark.
 - 3 No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
 - 4 The Village determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement.
 - 5 The Village shall issue a permit that requires a mitigation plan that shall be approved by the Village and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in Section ZN 3.10(8) (Mitigation),

and include enforceable obligations of the property owner to establish or maintain measures that the Village determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Village Register of Deeds.

6 All other provisions of the shoreland ordinance shall be met.

(e) Maintenance, Repair, Replacement or Vertical Expansion of Structures that were Authorized by a Variance. (§59.692(1k)(a)2. and (a)4, Wis. Stats.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than thirty-five (35) feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(11) **NON-CONFORMING PERFORMANCE STANDARDS**

The use of any lot or parcel failing to comply with the performance standards set forth in this Ordinance at the time of the adoption of this Ordinance shall not be expanded unless such expansion conforms with the performance standards set forth in Section ZN 3.05 of this Ordinance.

ZN 5.03 CONDITIONAL USES.

(1) **PURPOSE.**

A conditional use, as used in this Ordinance, is designed to be a flexibility device designed to cope with situations where a particular use, although not inherently inconsistent with the use classification of a particular district, could create special problems and hazards if allowed to develop and locate as a matter of right in a particular district and therefore is in need of special consideration. Often the effects of these uses on the surrounding environment cannot be foreseen until a specific site has been proposed. The nature, character or circumstances of these uses are so unique or so dependent upon specific contemporary conditions that predetermination of permissibility by right or the detailing in the ordinance of all of the specific standards, regulations or conditions necessary or appropriate to such permissibility is not practical, it being recognized that the Village is faced with practical difficulties in defining with precision in advance the conditions under which a conditional use permit will be granted. Those conditional uses hereinafter designated as such are deemed to have one (1) or more of the following characteristics when located within certain districts:

(a) Hazardous, dangerous or harmful to adjoining or nearby parcels, waters or the environment

- (b) Noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, water or the environment
- (c) Inconsistent with or otherwise adverse to adjoining or nearby land or water uses in the absence of certain conditions

(2) **INTENT.**

It is the intent of the Village Board of Trustees to allow the hereinafter designated conditional uses within the areas designated by this Ordinance in accordance with Section ZN 5.03(5)(g) of this Ordinance and only when the conditions imposed thereon are met. Any conditions so imposed as a basis for granting the conditional use permit shall be binding on all grantees, assignees, heirs, legatees, donees, transferees and trustees of the petitioner.

(3) **PERMITS.**

The Village Board of Trustees may authorize the Village Department of Planning and Development to issue a conditional use permit for conditional uses as specified in each of the aforementioned districts set forth in Sections ZN 4.02 to Section ZN 4.08 after review and a public hearing, as provided herein, provided that such conditional uses and structures are in accord with the provisions of this Ordinance, its purpose and intent.

(4) **APPLICATION.**

- (a) Prior to application, the petitioner shall set up a pre-application conference with Village Planning and Development staff. This conference is intended to inform the petitioner of the purpose and objectives of these regulations. In so doing, the petitioner and the planning staff may reach mutual conclusions regarding the possible effect of the project on abutting properties and the petitioner will gain a better understanding of subsequent required procedures.
- (b) Applications for conditional use permits shall be made in triplicate to the Village Department of Planning and Development on forms furnished by the Village Department of Planning and Development and shall include the following:
 - 1 Name, address and phone number of the applicant, owner of the site, architect, professional engineer, contractor, and authorized agent.
 - 2 Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees, and the zoning district within which the subject site is located.
 - 3 Plat of survey and/or a site plan layout consisting of a survey prepared by a land surveyor registered by the State of Wisconsin or other map drawn to scale and approved by the Department of Planning and Development showing all of the

information required under Section ZN 2.02(1) for a zoning permit. In addition, the plat of survey or site plan layout or map shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within fifty (50) feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within fifty (50) feet of the subject premises, and existing and proposed landscaping. Such plans as, for example, a plan of operation, may be required as well as impact statements.

- 4 For shoreland and floodland conditional uses, such description shall also include information that is necessary for the Village Board to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human, animal or aquatic life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing existing and proposed elevations or contours of the ground; fill or storage elevation; basement and first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets water supply and sanitary facilities; aerial photographs, and photographs showing existing surrounding land uses and vegetation upstream and downstream; soil types and any other pertinent information required by the Department of Planning and Development.
- 5 Additional information relative to the elimination or alleviation or control of the danger, hazard or nuisance sought to be averted as may be required by the Department of Planning and Development, such as, without limitation due to enumeration, ground surface elevations, basement and first floor elevations, utility elevations, detailed landscape plans, plans of operation, hours, parking plans and waste disposal plans as defined in this Ordinance, historic and probable future flood water elevations, areas subject to inundation by flood waters, depths of inundation, floodproofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure or its affects on flood flows.
- 6 A list of property owners and parties of interest and their addresses certified by the Village Clerk/Treasurer as required by Section ZN 2.02(1)(e) of this Ordinance.
- 7 An agreement to abide by the terms of this Ordinance and any permit issued pursuant to it.
- 8 The fee as required by Section ZN 2.02(8) of this Ordinance.

(5) **REVIEW AND APPROVAL.**

- (a) After receipt of a petition for a conditional use permit, the Village shall place the matter on the agenda for a public hearing before the Village Plan Commission provided, however, that the requirements of Section ZN 2.01(4) of this Ordinance are complied with.
- (b) Notice of the aforementioned public hearing shall be published as a Class 1 notice in a newspaper of general circulation within Kenosha Village pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, §19.81 to §19.98, Wis. Stats. In addition, notice of said public hearing shall be mailed to the last known address of all property owners certified by the Village Clerk/Treasurer as being owners of property within three hundred (300) feet of the subject property or parties of interest as defined in this Ordinance. Failure to receive notice shall not invalidate any action taken by the committee. After publication and notice, the petitioner may request the Plan Commission for a one (1) month postponement of the public hearing for good cause and no further publication or notice shall be required, provided, however, that notice of the adjourned hearing date is given in the record at the time of the published hearing. In the event the subject property lies within the shoreland jurisdiction of this Ordinance, notice of the public hearing, at least ten (10) days before the hearing, and a copy of the application shall be mailed to the Southeast District office of the Department of Natural Resources in accordance with Wis. Admin. Code §NR 115.05(6)(h). In the event the subject property is zoned A-1, notice shall be given as required by §91.48(2), Wis. Stats., to the State Department of Agriculture, Trade and Consumer Protection.
- (c) Upon receiving a petition for a conditional use permit, the Village shall forward a copy of the petition to the Village Board and/or Village Plan Commission.
- (d) In hearing a petition requesting the issuance of a conditional use permit, the Village Plan Commission shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the Commission, and at the conclusion thereof, the chairman shall hear and receive any evidence or sworn testimony presented by the petitioner or his authorized agent. At the conclusion of the petitioner's presentation, the Chairman shall first ask for any public comments from those in support of the petition and secondly from those in opposition to the petition. Any relevant and material evidence or sworn testimony presented by individuals either in favor of or in opposition to the petition shall be received by the Chairman provided however that said evidence or sworn testimony is properly identifiable for the record. Lastly, the Chairman shall ask for a recommendation from the Department of Planning and Development.
- (e) Upon receiving the recommendation of the Department of Planning and Development,

the Commission may table the petition for a period of up to sixty (60) days from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the Commission or so as to allow the Commission members an opportunity to view the site in accordance with the guidelines set forth in Section ZN 7.02(11) or consider the conditions for issuing a conditional use permit or to view similar uses already in existence in accordance with the guidelines set forth in Section ZN 7.02(11) if a comparison is warranted. All deliberations and decisions of the Commission relating to the issuance of a conditional use permit shall, however, be made at a meeting held in conformance with the Wisconsin Open Meeting Law.

- (f) Upon having received all evidence and hearing all sworn testimony relating to the petition, the Plan Commission shall review the site plan, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage and water systems, the proposed operation, the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and any other pertinent requirements deemed necessary by the Commission so as to eliminate, alleviate, or control any hazard, danger, harm, nuisance, adversity or inconsistency that exists or could develop. Upon completion of said review, the Commission chairman shall entertain a motion that the Commission either grant or deny the petition based upon specific findings and conclusions.
- (g) In making its determination, the Commission shall make the following findings:
 - 1 Identification of the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be averted.
 - 2 The affect of the proposed conditional use on drainage, traffic circulation, and the provision of public services.
 - 3 Existing and proposed methods of eliminating, alleviating or controlling the identified hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency.
 - 4 That regardless of any other provisions of this Ordinance to the contrary allowing for a conditional use permit for a particular use on a particular parcel, that the proposed and applied for use on a particular parcel is not inherently inconsistent with either the district in which it is located or adjoining districts or neighborhoods.
- (h) Unless specifically altered by Section ZN 5.03(8) of this Ordinance, compliance with all of the minimum provisions of this Ordinance, dealing with such matters as, without

limitation due to enumeration, lot area and width, building height and area, yards, sanitary systems, signs, parking, loading, traffic and highway access and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section ZN 7.02 of this Ordinance.

- (i) The decision of the Commission shall be final unless a motion to review the decision of the Commission is made and seconded at the Village Board Meeting immediately following the decision of the Commission. All evidence or sworn testimony presented at said public hearing shall be preserved by the Village Department of Planning and Development. Notice of conditional uses granted in the A-1 Agricultural Preservation District shall be given to the State Department of Agriculture within ten (10) days following the decision. Notice of conditional uses granted in any area where the shoreland jurisdiction is applicable shall be given to the Southeast District office of the State Department of Natural Resources within ten (10) days following the decision.
 - (j) Any decision of the Village Plan Commission or the Village Board of Trustees related to the granting or denial of a conditional use permit may be appealed as provided for in Section ZN 7.01 of this Ordinance.
 - (k) Any conditional use permit granted by the Commission shall not be valid unless recorded by the applicant in the office of the Kenosha Village Register of Deeds within five (5) days after the issuance of the permit. Any recording fees shall be paid by the applicant. In addition, the Department of Planning and Development shall keep a record and/or map of all such conditional uses and permits which shall be open to the public.
- (6) **EXISTING USES.**
- (a) All uses existing at the effective date of this Ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this Ordinance, are hereby declared to be conforming conditional uses to the extent of the existing operation only. Any addition, alteration, extension, repair or other proposed change in the existing operation shall be subject to the conditional use procedures as if such use were being established anew.
 - (b) Campgrounds; contractor yards; salvage, wrecking, junk, demolition, and scrap yards; towing services; mineral extraction and related uses; and sanitary landfill uses shall within one hundred eighty (180) days after the effective date of this Ordinance register with the Department of Planning and Development and submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps or site plan showing the existing layout, and such other data as may be necessary to enable the Department of Planning and Development to create a permanent file establishing the size, layout and operational characteristics of the existing operation. A

permit shall be granted to such existing operations for the extent of the existing operation only. The Department of Planning and Development may make a finding that an adequate file already exists concerning an existing operation and may accordingly waive the registration requirement and issue a permit accordingly. Notwithstanding the fact that the aforementioned use may not be permitted within a given district, any addition, extension, or change in the operation of the aforementioned uses may be permitted, provided that such addition, extension or change shall be subject to the conditional use procedures set forth in this Ordinance.

- (c) Any other use not mentioned above which was a conforming conditional use before adoption or amendment of this Ordinance, but is not a permitted conditional use in the district in which it is now located, shall be considered a legal non-conforming use and shall be subject to the requirements of Section ZN 5.02(1) through Section ZN 5.02(11) of this Ordinance.

(7) REVOCATION OF CONDITIONAL USE PERMIT.

Upon a complaint filed alleging non-compliance with the terms of the conditional use permit by any interested party with the Department of Planning and Development, or upon the motion of the Department of Planning and the Plan Commission shall schedule an open hearing within forty-five (45) days of the filing of the complaint and shall conduct a hearing pursuant to the general outline set forth in Section ZN 5.03(5). Upon a finding that the standards, regulations and conditions set forth in granting the conditional use permit have been violated, the Plan Commission may suspend the conditional use permit until such time as there is compliance with the standards, regulations and conditions imposed in the past. In the alternative, the Commission may revoke the conditional use permit. Any continued operation of the conditional use after a suspension or revocation shall be deemed a violation of this Ordinance and subject to the fines set forth in Section ZN 6.04 of this Ordinance. The action of the Commission may be appealed pursuant to Section ZN 7.01 of this Ordinance. Any failure to revoke a conditional use permit for past violations shall not operate as a waiver of the right to suppress future violations.

(8) STANDARDS FOR CONDITIONAL USES.

- (a) In addition to the specific conditions required herein, additional reasonable conditions or requirements which bear a direct relationship to the hazard, danger, harm, noxiousness, offensiveness, nuisance or other adversity or inconsistency sought to be eliminated, alleviated or controlled such as without limitation due to enumeration: environmental, economic or social impact statements, storm drainage plans, landscaping, architectural design, type of construction, floodproofing, ground cover, anchoring of structures, construction commencement and completion dates in accordance with Section ZN 2.02(3) of this Ordinance, sureties, letters of credit, performance bonds, waivers, lighting, fencing, location, size and number of signs, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway

access restrictions, increased yards or parking requirements, plat of survey maps, certified survey maps, easement or street dedications, increased building areas, increased water supply, essential services and utilities, sanitary and sewage requirements, installation of pollution abatement, security, and/or safety systems, higher performance standards, stages for development of the conditional use, future review of the conditional use operation, conditions surrounding termination of the conditional use permit and the period of time for which the conditional use will be permitted may be required by the if upon its finding these are necessary to fulfill the purpose and intent of this Ordinance and so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency sought to be averted. Where studies or impact statements are required, the Commission can address problems called to its attention by the imposition of certain conditions aimed at eliminating, alleviating or controlling the problems.

- (b) The following uses are deemed by the Village Board of Trustees to be hazardous, dangerous, harmful, noxious, offensive, a nuisance or otherwise adverse to adjoining or nearby parcels, waters or the environment or inconsistent with or otherwise adverse to adjoining or nearby land or water uses and therefore should be required to meet certain additional regulations, standards, and conditions hereinafter set forth and/or standards and conditions imposed by the Plan Commission in accordance with Section ZN 5.03(5)(g) so as to eliminate, alleviate or control the hazard, danger, harm, noxiousness, offensiveness, nuisance, adversity or inconsistency prior to being permitted in the particular district wherein said use is listed as a conditional use:

- 1 Abrasives and asbestos in the M-2 District.
 - a There shall be adequate containment and disposal of waste and by-products used in the manufacturing of abrasives and asbestos.
 - b There shall be sufficient safeguards to insure against pollution and contamination of surrounding areas so as to insure against damage to the surrounding environment and to further insure against health hazards.
 - c The Department of Planning and Development shall be permitted access to the property and buildings located thereon at any time upon request to determine compliance with the specific conditions set forth by the Plan Commission.
- 2 Reserved for future use.
- 3 Airstrips, landing fields and hangars for personal or agricultural related uses in the A-1, A-2 and A-4 Districts and airports, heliport pads, aircraft hangars for

storage and equipment maintenance and aircraft sales and maintenance in the I-1 District.

- a The area shall be sufficient and the site otherwise adequate to meet the standards of the federal aviation agency and the Wisconsin Department of Transportation and any other Federal or State agency retaining jurisdiction over such airstrips and landing fields in accordance with their proposed rules and regulations. In no case shall the parcel be less than thirty-five (35) acres in size.
- b Any building, hangar or other structure shall be at least one hundred (100) feet from any street or boundary line.
- c Any proposed runway or landing strips shall be situated so that the approach zones are free of any flight obstructions, such as towers, chimneys, other tall structures or natural obstructions outside the airport site.
- d There shall be sufficient distance between the end of each usable landing strip to satisfy the requirements of the aforementioned agencies, and no landing strip shall be within two hundred (200) feet of any property line. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, satisfactory evidence thereof shall be submitted with the application.
- e Airstrips and landing fields in the A-1, A-2, and A-4 Districts are intended only for the use of the property owner and/or emergency landings. No commercial operation shall be permitted with the exception of crop dusting.
- f Storage of any combustible fuels shall be in accord with any state and federal regulations and due consideration shall be given so as to insure safe storage of such fuels.
- g Special consideration shall be given to the installation of equipment normally associated with the use of airplanes such as: proper ground markings and lighting, wind direction signals, fire fighting extinguishers, radio communications equipment, and tie-down spaces.
- h No more than two (2) planes shall be housed on the premises except for the case of airports in the I-1 District.
- I No conditional use permit shall be given unless all necessary federal and state permits have been placed on file with the Department of Planning

and Development.

- 4 Airport Overlay Conditional Uses.
 - a Those conditional uses permitted in the Airport Overlay District pursuant to Section ZN 4.08(3)(f) shall comply with those requirements set forth for the granting of a conditional use permit for said use in the underlying district. In the event that the conditional use listed in Section ZN 4.08(3)(f) is not permitted as a conditional use in the underlying district, such conditions may be set as will provide for the health, safety and welfare of the general public.

- 5 Amusement parks, carnivals, circuses, fairgrounds and exposition grounds in the PR-1 District.
 - a The site shall contain at least twenty (20) acres and shall have direct access to federal, state or Village highways.
 - b All yards shall be at least fifty (50) feet each.
 - c Adequate vacant area must be available on the site to provide lighted parking space sufficient to handle all anticipated crowds with proper ingress and egress to public roads. A traffic-flow plan shall be required.
 - d Accessory uses consistent with the operation of the grounds shall be permitted to the extent that they do not constitute a general retail sales outlet.
 - e In the event that the circus, farm or show animals are to be brought onto the site, adequate provision shall be made for their proper confinement and for the proper disposal of animal waste.
 - f Proper sanitary facilities must be provided to handle all anticipated crowds.
 - g Time limits, performance bonds and sureties may be required as a condition for the issuance of such permit. In addition, any requirements reasonably related to the general safety and welfare of those in attendance at such activities may also be required.
 - h Increased performance standards relating to noise and hours of operation may be required.
 - i A site plan shall be provided showing the location of all buildings, parking

areas, housing of animals and amusement rides, etc.

- 6 Animal hospitals, shelters and kennels and veterinary services in the B-2 and B-5 Districts.
 - a All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
 - b Adequate provisions shall be made for the proper disposal of animal waste.
 - c Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.

- 7 Animal reduction in the M-2 District.
 - a The site shall contain at least five (5) acres and have an average lot width of at least three hundred (300) feet.
 - b The site shall have direct access to a Federal, State or Village Trunk Highway.
 - c Buildings, structures and storage areas shall be located in conformance with the yard requirements of the zone in which they are located, except that no buildings, structures or storage areas shall be located within one hundred (100) feet of any district boundary line. However, any setback from a railroad right-of-way need not exceed five (5) feet.
 - d A bond or other form of surety may be required so as to insure compliance with performance standards set forth in this Ordinance.
 - e An application for a conditional use permit for an animal reduction plant shall be accompanied by a report setting forth the proposed operation of the plant and also indicating the method of collection, handling, disposal and storage of all waste and by-products and in addition thereto, a report may be required from an appropriate health authority indicating the appropriateness of the site selection and the proposed plant operation as it may affect the public health.
 - f Prior to the commencement of the operation, copies of any licenses or permits from all appropriate Village, state and/or federal agencies shall be submitted to the Village Department of Planning and Development.

- g Periodic evaluations may be required so as to determine compliance with the provisions of this Ordinance and the permit granted pursuant to it.

8 Archery and firearm ranges (outdoors) in the PR-1 District.

- a For single projectile (rifle and pistol) outdoor firearm ranges, all shooting shall be in the direction of targets and all targets shall be at least five hundred (500) feet from any property line. For shotgun and archery ranges, shooting positions must be at least one hundred fifty (150) feet from the property boundary.
- b For single projectile (rifle or pistol) outdoor firearm ranges, berms shall be five (5) feet in height above the highest point of the target and shall be a minimum of ten (10) feet in depth so as to absorb stray shot. A firearm range design and operation must consistent with the most recent edition of the NRA Range Sourcebook or similar industry guidelines.
- c In granting a conditional use permit for archery and firearm ranges, the Plan Commission shall further evaluate the potential hazards to adjacent uses, the topography and ground cover, and noise to be generated by such activity and establish reasonable and necessary standards for eliminating or minimizing the potential hazards and noise.
- d Firing shall be directed toward the interior of the property and shall not be permitted directly over any public roads nor toward any buildings or structures or toward any population concentration within three hundred (300) feet of the range site.
- e There shall be a defined firing line and firing direction.
- f Ranges shall be clearly identified by signs not less than four square feet in gross area located at intervals not less than twenty-five (25) yards around the perimeter. Furthermore, ranges shall be securely fenced off from adjacent lands and waters.
- g Provisions for first aid may be required.

9 Arenas and stadiums in the B-3 District.

- a At least one (1) off-street parking space shall be provided for every three (3) seats located within the arena or stadium.
- b The site shall have direct access to federal, state or Village highways.

- c An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the arena or stadium.
- 10 Arenas, stadiums, coliseums, auditoriums and gymnasiums in the PR-1 District.
 - a Those requirements set forth for the granting of a conditional use permit for arenas and stadiums in the B-3 District shall be met for arenas, stadiums coliseums, auditoriums and gymnasiums located in the PR-1 District.
- 11 Auto-truck body and engine repair and painting in the M-1 and M-2 Districts.
 - a All outside storage of vehicles shall be properly screened, fenced and secured. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - b The premises shall not be used for storage of wrecked and/or dismantled vehicles.
- 12 Automotive Body Repair in the B-3 District.
 - a Those requirements set forth for the granting of a conditional use permit for auto-truck body and engine repair and painting in the M-1 and M-2 Districts shall be met.
- 13 Automotive Sales, Service and Repairs in the B-2, B-3, and B-5 Districts.
 - a All servicing and repair work shall be within an enclosed structure. Repair materials, new, used or junk parts shall not be stored outside unless the storage area has a solid fence enclosure. Junk materials shall be removed at least once a month to avoid unsightliness of the site. Fences shall be of uniform design and height and be properly maintained for aesthetic purposes.
 - b No cars shall be parked within the vision triangle and all parking lots shall meet all yard requirements.
 - c Lights shall not be beamed directly onto adjoining property.
- 14 Beaches and Public Swimming Pools in the PR-1 District.
 - a Standards such as those required in Section ZN 3.09 of this Ordinance may be required.

- b Provision for lifeguards shall be required.
- 15 Bed and breakfast establishments in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, and C-2 districts.
- a A site plan and plan of operation shall be submitted to the Plan Commission. The site plan shall include a parking plan.
 - b All requirements set forth in §50.51(b), Wis. Stats., and Wis. Admin. Code §HSS 197 shall be fully complied with. Necessary state permits and licenses shall have been secured.
 - c All requirements of the Kenosha Village Sanitary Code shall be fully complied with. Existing onsite soil absorption sewage disposal systems shall be evaluated prior to the issuance of a conditional use permit.
 - d The owner of the bed and breakfast establishment shall reside in the establishment. No bedrooms shall be permitted to be located in an accessory structure.
 - e No more than four bedrooms shall be rented.
 - f Dwellings being considered for conversion to bed and breakfast establishments shall exhibit unique architectural or historic characteristics.
 - g Individual rentals shall not exceed five (5) consecutive days in length.
 - h No retail sales shall occur in a bed and breakfast establishment.
 - i One (1) exterior advertising sign, not exceeding four (4) square feet in area, may be erected on the premises.
- 16 Borrow pits (temporary); stockpiling or filling of clean fill materials in the A-1, A-2 and A-4 Districts
- a A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed area to be filled or excavated, the location and dimensions of proposed stockpiles, circulation routes and parking, and any other specific operations areas.
 - b A detailed stormwater management and erosion control plan prepared according to best management practices by a Wisconsin registered civil engineer.

- c A restoration plan showing topography at two (2) foot intervals, drainage patterns, and proposed end use(s).
 - d An irrevocable letter of credit, cash, bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition shall be required.
 - e Stockpiling or filling in wetlands is prohibited.
 - f Fill material shall consist of clean fill only, not to include concrete, asphalt or construction debris.
- 17 Bus depots in the B-2 District.
- a Sufficient space for off-street parking shall be required.
- 18 Bus terminals in the I-1 District and bus terminals and related equipment storage and maintenance buildings in the M-2 District.
- a All maintenance and repair work shall be done within an enclosed structure.
 - b Storage of fuels and other combustible materials and products shall be adequately safeguarded and located in such a fashion as to minimize hazards inherent in the storage of such materials.
- 19 Campgrounds (Rental) in the PR-1 District.
- a Each campsite shall be plainly marked.
 - b The maximum number of campsites shall be twelve (12) per gross acre.
 - c The minimum size of a recreational vehicle rental park or campground shall be five (5) acres.
 - d The minimum dimensions of a campsite shall be thirty (30) feet wide by fifty (50) feet long.
 - e Each campsite shall be separated from other campsites by a yard not less than fifteen (15) feet wide.
 - f There shall be two (2) automobile parking spaces for a campsite.
 - g No campsite shall be located closer than seventy-five (75) feet from a

public highway or road right-of-way, nor closer than forty (40) feet from any other property boundary. All camping units shall be located no closer than twenty (20) feet to any internal private service road. All service roads shall be free of parked vehicles.

- h All campgrounds shall conform to the requirements of §HSS 178, Wisconsin Administrative Code, which shall apply until amended and then shall apply as amended.
- i Each campground shall be completely enclosed, except for permitted entrances and exits by either:
 - 1) A Temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more, and
 - 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen, such permanent planting shall be grown or maintained to a height of not less than ten (10) feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.
- j Each trailer camp, campground, or camping resort shall have a service building similar to that required by Wis. Admin. Code §HSS 177.
- k Any recreational vehicle rental park or campground may have one (1) commercial facility per development, such as a small convenience store, restaurant or snack bar, etc., located within the complex when designed for use by the occupants only. Under no circumstances may this facility be located on a public road and used for general street trade and no advertising of the facility shall cater to the general public.
- l No trailer or camping unit shall be located on one (1) site for a period of more than six (6) weeks or an extension thereof not to exceed fifteen (15) days. No trailer shall be stored in a trailer park, camping ground or camping resort and in no event shall any structures on the camp site or camping trailers be used as permanent living quarters.
- m Periodic inspections by appropriate health authorities may be required as a condition for the granting of a conditional use permit for the campground.

- a Car washes shall be located on a public sanitary sewer and on federal, state or Village highways.
 - b A traffic flow pattern shall be submitted to the Plan Commission.
- 21 Caretaker quarters in the M-3 District.
- 22 Cemeteries in the I-1 District.
- a The site proposed for a cemetery shall not interfere with the development of a system of collector and arterial streets in the vicinity. In addition, the site shall have direct access to a public roadway.
 - b Any new cemetery shall be located on a site containing at least twenty (20) acres.
 - c All burial buildings and crematoriums shall meet the yard requirements of the District. A burial building is any building used for the interment of bodies or other remains of persons who have died, including mausoleums, vaults or columbaria.
 - d All graves or burial lots shall be set back at least thirty (30) feet from any street bounding the cemetery and there shall be two (2) side yards and a rear yard of at least twenty-five (25) feet each.
 - e Existing cemeteries may continue to operate in a manner consistent with the existing development in the area presently covered by a conditional use permit. Any expansion to land not covered by an existing conditional use permit must comply with the requirements of this section.
 - f Adequate parking shall be provided on the site, and no cemetery parking shall be permitted on any public street.
 - g Nothing in these provisions, however, shall prohibit the issuance of a conditional use permit for a pet cemetery.
- 23 Chemicals in the M-2 District.
- a A detailed site, operation, fire protection, security, waste disposal, storage, pollution control, storm drainage, and traffic flow plan shall be presented to the committee.
 - b Performance bonds shall be required to insure compliance with the terms of the conditional use permit.

- c The committee shall be advised of the potential of any health hazards that may accompany the manufacture or production of chemicals.
- 24 Coal and bone distillation in the M-2 District.
 - a Performance bonds shall be required to insure compliance with the performance standards set forth in this Ordinance.
- 25 Commercial egg production in the A-3 District. For all new and expanding commercial egg production facilities, the following requirements shall be complied with:
 - a The site shall contain a minimum of one hundred (100) acres.
 - b There shall be submitted a detailed site plan showing all building locations and distances and the capacity of each building.
 - c There shall be submitted to the Plan Commission for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures.
 - d There shall be submitted detail of all types of equipment used in handling process of manure.
 - e There shall be provided a plan for odor control, such as ozonators, etc.
 - f There shall be provided a detailed day-to-day management plan for total operation.
 - g There shall be provided a vermin, rat, and insect control plan for all facilities on the premise.
 - h All buildings housing chickens shall be located at least five hundred (500) feet from any property boundary line.
 - i There shall be provided a detailed stormwater drainage plan between all buildings and feedlots.
 - j There shall be provided a sealed vermin-proof container for all dead chickens and further, the owner and operator shall present the Plan Commission with proof that the operator has contracted with a licensed renderer to haul all dead chickens off premise on a weekly basis. Further,

the owner shall be required to show that hauling is being performed at last once a week.

- 26 Commercial feedlot in the A-3 District. For all new and expanding commercial feedlot facilities, the following requirements shall be complied with:
- a The site shall contain a minimum of one hundred (100) acres.
 - b The applicant shall submit a detailed site plan showing all distances between building locations and feedlot areas and the capacity of each building and feedlot.
 - c The applicant shall submit to the Plan Commission for their approval a detailed plan as to how manure is to be handled. This shall include items as drying and storage facilities, hauling methods, location(s) where manure is to be spread and distances to the surrounding residential structures.
 - d The applicant shall detail all types of equipment used in the handling process of manure.
 - e The applicant shall provide a plan for odor control, such as ozonators, etc., if located inside a building.
 - f The applicant shall provide a detailed day-to-day management plan for total operation.
 - g The applicant shall provide a vermin, rat, and insect control plan for all facilities on the premise.
 - h All buildings and feedlots shall be located at least five hundred (500) feet from any property boundary line.
 - i The applicant shall provide a detailed stormwater drainage plan between all buildings and feedlot areas.
 - j The applicant shall present the Plan Commission with proof that the operator has contracted with a licensed renderer to haul all carcasses off the premise on a weekly basis. Further, the owner shall be required to show that hauling is being performed at least once a week.
 - k The applicant shall provide an adequate water supply system for all animals on the premises.

- 27 Commercial Recreational Facilities in the B-2 District.
- a Applicants for a conditional use permit for a commercial recreational facility (outdoor) must submit detailed development plans with time tables and necessary bonding to insure performance.
- 28 Community living arrangements having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8 Districts.
- a A report and license from the Wisconsin Department of Health and Social Services relating to the suitability of the premises for use as a community living arrangement shall accompany the application for a conditional use permit. The loss of any license shall operate as an automatic revocation of the conditional use permit. Permits shall not be transferable to another location or holder without approval of the committee.
- b The applicant for a conditional use permit for a community living arrangement shall state on his application the purpose for the community living arrangement, the type of individuals that will reside on the premises and the plan for supervising and administering to the needs of the residents.
- c There shall be continuous twenty-four (24) hour a day supervision for the residents in the community living arrangement facility.
- d There shall be one (1) off-street parking facility for every four (4) residents in the facility.
- e The owner and supervisors for the facility shall appear before the Plan Commission in person.
- f Noises and disturbances such as loud music which may be heard on adjoining property shall be prohibited after 10:00 p.m.
- g Unless greater restrictions are set by the State of Wisconsin, there shall be not more than three (3) residents per one hundred twenty (120) square feet of bedroom living area.
- h The premises shall be located on a sanitary sewer.
- i The premises shall be located on a minimum of one (1) acre of land.

- j Where a city, town or village has passed an ordinance pursuant to §59.69(15)(a) and (b), Wis. Stats., the location and number of such community living arrangement shall be in conformance with such ordinance.

- 29 Community living arrangements for nine (9) or more persons and which are in conformance with all state statutory requirements in the R-9, R-10, and R-11 Districts.
 - a Those requirements set forth for the granting of the conditional use permit for a community living arrangement having nine (9) but not more than fifteen (15) persons and in conformance with all state statutory requirements in the A-1, A-2, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7 and R-8 Districts shall be complied with.

- 30 Concrete and Asphalt Batch Plants in the M-1, M-2 and M-3 Districts.
 - a Federal and state air quality standards shall be complied with.
 - b Conditions may be set with respect to hours of operation and ingress and egress to the premises.
 - c The premises shall be properly secured.

- 31 Concrete and Asphalt Batch Plants temporarily located on a parcel in the A-1, A-2, A-3, and A-4 Districts.
 - a Federal and state air quality standards shall be complied with.
 - b Special consideration shall be given to the hours of operation and traffic patterns including ingress and egress.

- 32 Contractor storage yards in the M-2 District.
 - a The property shall be fenced with a six (6) foot high solid fence and shall also have a permanent evergreen shrub and tree plantings along said fence. In addition, a landscape plan shall be submitted to the Plan Commission for approval.

- 33 Conversion of a resort into a residential condominium in the PR-1 District, provided that:
 - a All structures shall comply with local building codes.

- b The condominium declaration shall be submitted with the conditional use permit application and shall be made part of the permanent review file.
- c The applicant shall submit a condominium plat showing how the property will be divided and identifying areas of common ownership. All relevant plat restrictions shall be shown on the face of the plat. Upon approval of the condominium plat, the plat shall be recorded with the Kenosha Village Register of Deeds and a copy of the plat shall be made part of the permanent review file for the conditional use.
- d The Plan Commission shall specify the permitted dwelling sizes, dwelling height, setback, side yards, rear yard, and shore yard of the resort/condominium conversion and shall make such determinations a part of the permanent file.
- e Additions and modifications to the converted condominium shall conform to the lot area, building bulk, and yard requirements of the R-10 District and shall be considered a new conditional use.

34 Construction services including building contractors; carpentering, wood flooring; concrete services; masonry, stonework, tile setting, and plastering services; roofing and sheet metal services; and septic tank and water well drilling services in the B-5 District.

- a All outside storage and work areas that are within three hundred (300) feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six (6) feet; screen plantings may be required around the perimeter of the use where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.
- b A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material.
- c Lighting shall be required for the storage and work areas provided, however, that the glare from said lighting does not shine on adjoining properties.

35 Earth movements in Shoreland areas. (See Section ZN 3.10(3) of this Ordinance.)

36 Electric and steam generating plants in the M-2 District.

- a The plan of operation and impact statement shall be submitted to the Plan Commission for review.
- b All necessary state and federal permits shall be filed with the Plan Commission.
- c The plan for the transportation, storage and disposal of fuels and waste shall be presented to the Plan Commission for review, consideration and approval.
- d All security measures for the proposed electric and steam generating plants shall be reviewed by the Plan Commission so as to insure proper and complete security measures.
- e All federal and state pollution guidelines and the performance standards set forth in this Ordinance shall be complied with.
- f In the event that said generating plants make use of nuclear fuels, no conditional use permit for the construction of a nuclear generating plant shall be issued without the presentation of an evacuation plan for residents within thirty (30) miles of the site.

37 Event Barns in the A-1 and A-2 Districts. For the conversion of existing farm buildings on a farm for organized meetings and/or reception space as a gathering place for weddings, parties and corporate events.

- a Village Board approval shall be required prior to the issuance of a conditional use permit for an event barn. The Village Board shall have the authority to develop additional minimum standards.
- b Farm buildings shall be constructed prior to 1965 unless waived by the Village for good cause.
- c The minimum parcel size shall be ten (10) acres.
- d A two hundred (200) foot open buffer shall be provided on all sides of the property not abutting a public roadway. Outdoor special event/commercial business activities are not permitted within this buffer area. Where possible, agricultural crops shall remain or be grown in the buffer area, or suitable landscaping, to maintain the rural and agricultural character of the site.
- e Buffer plantings shall be provided along a property line where there is an abutting residence and which are intended to screen views, lights and

noise from the operation. A buffer planting plan shall be submitted with the application and approved by the Village Plan Commission.

- f Parcels shall have frontage along a paved public road for direct access.
- g Access by private easement must be formalized and be recorded or available for recording. Modifications of existing easements resulting from the proposed use must be approved in writing by all easement parties.
- h All ingress/egress and parking areas shall be located in such a manner to minimize traffic hazards associated with entering and exiting the public roadway.
- i The increase in traffic generated by the proposed use shall not create a nuisance to nearby residents by way of traffic or noise.
- j Parking may be either gravel or paved. Handicapped parking spaces shall be paved and meet all state standards. Sufficient parking spaces to accommodate the proposed use shall be provided. Overflow parking on grass or hay areas is permissible. Parking on public ways is not permitted.
- k Parking areas of any type shall not be located in the required buffer area and must meet the parking requirements of Section ZN 3.06(3)(j) and (k).
- l Signage shall comply with Section ZN 3.07.
- m Any newly proposed or changed outdoor lighting shall consist of full cut-off luminaries and shall not exceed an illumination level of 0.5 foot-candles as measured at the property line. Lighting fixtures shall be shielded or directed in such a manner so as to prevent light from shining directly onto abutting rights-of-way and adjacent properties (cut-off type luminaries only). No protruding lenses are allowed and lenses must be constructed so as to be parallel to the constructed yard grade. All security lighting shall be shielded and aimed so that illumination is directed only to the designated areas. General flood lighting fixtures shall be discouraged.
- n No on or off-premise signs, banners, or billboards shall be constructed, erected, or displayed without first obtaining proper permits from the State, Village or local unit of government in which they are being located.

- o Structures shall be inspected by the Village Fire and Building Inspector prior to the Village meetings and shall meet all Village Fire and Building Code standards prior to occupancy.
 - p Parcels not served by public sanitary sewer shall be served by Private Onsite Wastewater Treatment Systems (POWTS) which meet all requirements of Chapter 15 of the Kenosha Village Sanitary Code and Private Sewage System Ordinance, and Wis. Admin. Code §SPS 382 - 385 and their corresponding design manuals regarding POWTS.
 - q It is the responsibility of the applicant to comply with all State and local regulations regarding public health. This includes proper and adequate toilet and hand washing facilities, showering facilities, proper food preparation and serving conditions, adequate tested potable water, proper disposal of refuse and food by-products on a timely basis. The Kenosha Village Division of Health requires permits and inspections to assure the event is conducted within laws of proper sanitation and health. The applicant shall obtain all necessary health-related permits and assure that all necessary tests and inspections are conducted.
 - r Food vendors shall be licensed by the Health Department.
 - s Amplified music and dancing are permitted only within the barn structure. Village noise ordinance shall be complied with. Outside amplified music is not permitted.
 - t The sale and consumption of alcohol beverages on the premises are subject to Village licensing requirements and Village cabaret licensing.
- 38 Flea markets, where two (2) or more wholesalers or retailers pay a consideration to the property owner for use of the site, in the B-1, B-2, B-3, B-4, M-1 and M-2 Districts.
- 39 Fertilizer production, sales, storage, mixing and blending in the A-3 and M-2 Districts.
- a The site shall contain at least ten (10) acres.
 - b A plan of operation shall be submitted along with a site plan.
 - c Storage of fertilizer shall be at least one hundred fifty (150) feet from any property boundary line.
 - d There shall be compliance with all federal and state pollution guidelines.

- e No storage shall be closer than three hundred (300) feet to any navigable stream.
 - f All parcels shall be at least one hundred (100) feet away from any residential structure.
 - g A performance bond insuring compliance with all pollution laws shall be required.
 - h The facilities shall be properly and securely locked or fenced.
- 40 Filling as authorized by the Wisconsin Department of Natural Resources and United States Army Corp. of Engineers to permit the establishment of approved bulkhead lines in the FPO Floodplain Overlay District.
- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches shall be complied with.
 - b All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- 41 Forges in the M-2 District.
- a A site plan and plan of operation shall be presented to the Plan Commission.
 - b Performance bonds shall be required guaranteeing compliance with all federal and state pollution control guidelines.
 - c Open storage of materials shall be enclosed within a solid fence.
- 42 Foundries in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for forges in the M-2 District shall be complied with.
- 43 Freight terminals, yards and freight forwarding services and related equipment storage and maintenance facilities in the M-2 District.
- a A detailed site plan shall be submitted with the application for a conditional use permit.

- b A parking plan shall be submitted for any semi-tractor/trailer storage specifying the number and type of vehicles to be temporarily stored, and the average duration of such storage.
- c No loading or unloading of trailers shall be permitted unless expressly permitted by the conditional use permit.
- d No outside storage of any product; or of packing and crating materials shall be permitted except as expressly permitted by the conditional use permit, and any permitted outside storage shall be screened if located closer than five hundred (500) feet to any residential, institutional or park district.
- e The plan for the storage of any fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Plan Commission for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
- f All federal and state guidelines shall be complied with.
- g All federal, state and local permits shall be filed with the Plan Commission.
- h Storage of petroleum and other fuels shall not be permitted closer than five hundred (500) feet to any residential, institutional or park district.

44 Freight terminals, yards and freight forwarding services and related equipment storage and maintenance facilities in the M-2 District.

- a The site shall contain a minimum of at least five (5) acres.
- b All vehicle repairs shall be indoors.
- c A site plan and plan of operation shall be presented to the Plan Commission along with a plan for the storage of fuels and combustible materials.
- d Storage of junk parts shall not be permitted on the site.
- e Salvaging operations shall not be permitted on the site.
- f All transfer of products shall be done at a loading dock facility.

- g Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete or asphalt and shall be adequately lit.
 - h A stormwater drainage plan prepared by certified engineers shall be submitted to the Plan Commission.
 - i The site shall be fenced and secured.
 - j Outdoor lighting shall not be permitted to shine on neighboring property.
 - k Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 45 Fuel in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for chemicals in the M-2 District shall be complied with.
- 46 Fuel oil, bottled gas, and ice dealers in the B-5 District.
- a A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.
 - b The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Plan Commission for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
 - c All federal and state guidelines shall be complied with.
 - d All federal, state and local permits shall be filed with the Plan Commission.
 - e Storage of fuel oil and bottled gas shall not be permitted closer than five hundred (500) feet to any residential, institutional or park district.
- 47 Garbage Incinerators in the M-4 District.
- a A site plan and plan of operation together with an environmental impact statement (EIS) assessing the effect the operation will have on the

environment shall be submitted to the Plan Commission. No hazardous wastes shall be disposed of in a garbage incinerator.

- 1) The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand (\$25,000.00) Dollars shall be provided to guarantee payment for the review.
 - b All federal and/or state licenses shall be presented to the Plan Commission.
 - c A performance bond guaranteeing compliance with all federal and state pollution guidelines and the performance standards set forth in this Ordinance shall be required.
 - d There shall be no outside storage of refuse unless it is contained within vermin-proof containers.
 - e Scrap yard operations shall not be permitted on the premises.
 - f A security plan shall be presented to the Plan Commission.
 - g Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 48 Gas and electric utility uses not requiring authorization under §196.491, Wis. Stats., in the A-1 and A-4 Districts.
- a All such uses shall be properly fenced and secured for protection against vandalism.
- 49 Gasohol and fuel related alcohol plants in the A-3 and M-2 Districts.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture and production of chemicals in the M-2 District shall be complied with.
- 50 Gasoline service stations in the B-1, B-2, B-3, B-4 and B-5 Districts.
- a A detailed site plan shall be submitted showing all structures and their distances including canopies, pump islands, lightpoles, tower signs, storage tank locations, etc.

- b All canopy posts shall be at least thirty (30) feet from any property line. No canopy shall exceed twenty (20) feet in height.
- c Canopies shall not be permitted to overhang past the property line.
- d All pumps shall be set back at least thirty (30) feet from any property line.
- e Gasoline service stations for semi-trailers shall have their ingress and egress located in such a fashion as to give due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

51 Golf courses in the PR-1 District.

- a A detailed site plan and plan of operation shall be submitted to the Plan Commission.
- b Adequate sanitary facilities shall be provided.
- c A storm drainage plan prepared by certified engineers shall be presented to the Plan Commission.
- d Fairways shall be located in such a fashion as to avoid golf balls being driven outside of the property boundary lines.
- e Those courses to be located in primary environmental corridors shall not be granted a conditional use permit unless a conservation plan has been presented to the Plan Commission.
- f The following accessory uses may be permitted:
 - 1) Country club
 - 2) Restaurant
 - 3) Pro shop facility
 - 4) Tennis courts
 - 5) Ice skating rinks
 - 6) Swimming pools

- g The site shall contain a minimum of at least eighty (80) acres.
- h Those golf courses located in floodplain areas shall not be permitted to have structures located thereon.

52 Golf driving ranges in the PR-1 District

- a The site shall contain at least ten (10) acres and shall be of such a configuration as to permit a minimum driving distance of three hundred (300) yards from each proposed tee, exclusive of the required buffered area.
- b A site plan shall be submitted showing the layout of the property with all fairways, roughs, greens, structures, parking, fencing and indigenous materials.
- c The golf driving range shall maintain a seventy-five (75) foot front yard and a one hundred fifty (150) foot side yard setback. The site shall be buffered by indigenous materials and fencing to minimize the impact upon adjoining properties.
- d Toilet facilities for use by patrons shall be provided. Such facilities shall be approved by appropriate health authorities.
- e A minimum of one (1) off-street parking space shall be provided for each driving tee proposed on the site. If other accessory uses are provided, such as a miniature golf course or batting cage, a minimum of one (1) additional parking space shall be provided for each hole of the miniature golf course or for each station in each batting cage, etc.
- f All parking areas shall be kept in a dust-free condition, such as by oiling or by spraying with calcium chloride.
- g Accessory use permits shall be limited to a refreshment stand, a maintenance shed, a miniature golf course, batting cage and a pro shop. In consideration of golf driving ranges, additional conditions necessary to minimize the impact upon adjacent land uses may be imposed.
- h Night lighting shall be provided for all parking areas and no night lighting shall be permitted to shine on adjoining property.
- i The hours of operation may be limited by the Plan Commission.
- j The driving range shall be situated in such a fashion that the safety of

adjoining residences and nearby traffic is safeguarded against stray balls.

- 53 Hazardous waste warehousing and transfer stations in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.
- a A plan of operation shall be submitted to the Village Plan Commission together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha Village Office of Emergency Government. The method of storage and/or transfer of materials shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Village Plan Commission shall also be informed as to the potential hazards of the materials to be stored or transported.
 - 1) The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand (\$25,000.00) Dollars shall be provided to guarantee payment for the review.
 - b A detailed site plan shall be presented to the Village Plan Commission which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.
 - c A fire prevention and fire protection plan shall be presented to the Village Plan Commission for review and consideration.
 - d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what materials will be disposed of, where and by what means they will be disposed, and the potential hazards of material disposal.
 - e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Village Plan Commission for review and consideration.
 - f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha Village Office of Emergency Services.
 - g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all

permits shall be submitted with the conditional use permit application.

- h No hazardous waste storage or transfer facility shall be located closer than two thousand five hundred (2,500) feet from a residential district or use, two thousand five hundred (2,500) feet from a navigable body of water, or within a floodplain. No hazardous waste storage or transfer facility shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Village Plan Commission so as to insure compliance with the conditions imposed by the Village Plan Commission. Such bond shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
- j The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- k The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period of two (2) years by the Village Plan Commission after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.
- l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
- m The conditional use permit shall not be transferable or assignable without the approval of the Kenosha Village Board of Supervisors.

54 Housing for farm laborers or caretakers in the A-1, A-2 and A-4 Districts.

- a A site plan shall be submitted to the Plan Commission.
- b Not more than one (1) dwelling for farm laborers or caretakers shall be permitted per farm.
- c The conditional use shall be permitted only so long as the occupants of said dwelling are primarily engaged in farm labor on the farm or management of the farm on which the dwelling is located.

- 55 Housing for seasonal or migratory farm workers in the A-1 and A-4 Districts.
- a Those requirements set forth for the granting of the conditional use permit for housing for farm laborers in the A-1 and A-4 Districts shall be complied with.
- 56 Housing for the elderly in the R-11 District.
- a A site plan shall be submitted to the Plan Commission.
 - b Not more than twenty (20) units per acre shall be permitted.
 - c Adequate lighting on walkways, driveways, and parking areas shall be required.
- 57 Insulating materials in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 58 Kennels (commercial or non-commercial) in the A-1 and A-2 Districts.
- a All animals shall be kept within an enclosed structure and no structure or animal enclosure shall be located closer than one hundred (100) feet to a property boundary.
 - b Adequate provisions shall be made for the proper disposal of animal waste.
 - c Buildings to house animals shall be constructed with materials so as to deaden noise, such as concrete, etc.
 - d In no case shall the parcel be less than ten (10) acres in size.
- 59 Laboratories in the B-5 and M-2 Districts.
- a The site shall contain a minimum of two (2) acres.
 - b A plan of operation shall be submitted to the Plan Commission along with a plan for the storage and disposal of chemicals and other hazardous materials. The Plan Commission shall also be informed as to the potential hazards and general areas of experimentation. Furthermore, in the event that those general areas of experimentation

are later changed, the Plan Commission shall be so informed.

- c A fire prevention and protection plan, along with a security plan for the premises shall be presented to the Plan Commission for review and consideration.
- d A performance bond may be required by the Plan Commission so as to insure compliance with the conditions imposed by the Plan Commission.

60 Lacquer, paint, stain, varnish and allied products in the M-2 District.

- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.

61 Livestock sales facilities in the A-3 and M-2 Districts.

- a The site shall contain a minimum of five (5) acres.
- b A detailed site plan shall be submitted to the Plan Commission showing all buildings and distances between said buildings.
- c A traffic plan showing ingress and egress for trucks using said facility shall be submitted to the Plan Commission.
- d A plan of operation including hours of operation shall be submitted to the Plan Commission.
- e A plan shall be submitted to the Plan Commission setting forth proper removal and disposal of all animal waste.
- f This facility shall be for the primary purpose of the sale of livestock and livestock shall not be kept in this facility for more than forty-eight (48) hours after delivery.
- g All buildings housing livestock shall be five hundred (500) feet from any property boundary line.
- h A detailed stormwater drainage plan between all buildings and livestock areas shall be presented to the Plan Commission.

62 Living quarters for watchmen and caretakers in the M-2 District.

- a A site plan shall be presented to the Plan Commission.

- b Not more than one (1) such living quarters shall be permitted per parcel.
 - c Said living quarters shall not exceed one thousand (1,000) square feet.
 - d Said conditional use permit terminates at such time as the aforementioned quarters are no longer used as living quarters for watchmen or caretakers.
- 63 Locker plants in the B-5 District.
- a A detailed site plan and plan of operation shall be presented to the Plan Commission.
 - b No meat packing or processing shall be permitted.
- 64 Lubricating oils and greases in the M-2 District
- a The requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 65 Malt production in the A-3, M-1 and M-2 Districts.
- a A site plan and plan of operation shall be presented to the Plan Commission.
 - b Increased performance standards relating to odors may be required by the Plan Commission.
- 66 Manufacturing of cement or concrete products in the M-3 District.
- a The site shall not be closer than three hundred (300) feet to any navigable water.
 - b The following plans shall be submitted to the Plan Commission: site plan, traffic flow plan, security plan, plan of operation, and environmental protection plan.
 - c Increased performance standards may be required by the Plan Commission along with a performance bond to insure compliance with the conditions set forth by the Plan Commission for the issuance of a conditional use permit.
- 67 Manufacturing of lime, gypsum or plaster of paris in the M-3 District.

- a Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.
- 68 Manufacturing, processing and storage of building materials, explosives, dry ice, fat, flammables, glue, grains, grease, lard, plastic, radioactive materials, shellac, soap, tires, turpentine, vinegar, and yeast in the M-2 District
- a Those requirements set forth for the granting of a conditional use permit for the manufacturing of cement or concrete products in the M-3 District shall be complied with.
 - b A report shall be filed with the Plan Commission indicating the type of materials to be manufactured, processed or stored on the site and the potential hazards and dangers incurred in the manufacturing, processing and storage of said materials.
- 69 Manufacture of substances where EPA certified priority pollutants such as Naphthalene, Phenols, and Polychlorinated Biphenyls (PCB's) may be a by-product of such operation in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.
- a A plan of operation shall be submitted to the Plan Commission together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha Village Office of Emergency Government. Any storage of products manufactured shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Plan Commission shall also be informed as to the potential hazards of the materials to be stored or transported.

The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand (\$25,000.00) dollars shall be provided to guarantee payment for the review.
 - b A detailed site plan shall be presented to the Plan Commission which shall include, but is not limited to, a security plan showing location and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.

- c A fire prevention and fire protection plan shall be presented to the Plan Commission for review and consideration.
- d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what manufacturing wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of manufacturing waste disposal.
- e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Plan Commission for review and consideration.
- f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha Village Office of Emergency Services.
- g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- h No carcinogen manufacturing operation shall be located closer than two thousand five hundred (2,500) feet from a residential district or use, two thousand five hundred (2,500) feet from a navigable body of water, or within a floodplain. No carcinogen manufacturing operation shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Plan Commission so as to insure compliance with the conditions imposed by the Plan Commission. Such bond shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
- j The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- k The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two (2) years by the Plan Commission after review of the performance of the operation. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

- l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
 - m The conditional use permit shall not be transferable or assignable without the approval of the Village Board of Trustees.
- 70 Marine sales and service in the B-3 District.
 - a Those requirements set forth for the granting of a conditional use permit for marinas and marine sales and service in the PR-1 District shall be complied with.
- 71 Meat packing, slaughterhouse and production of sausages and other meat products in the A-3 and M-2 Districts.
 - a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
 - b No permit shall be issued unless all operations are conducted within an enclosed building.
- 72 Medical waste incinerators and medical waste processing facilities in the M-4 Sanitary Landfill and Hazardous Waste Disposal District.
 - a A plan of operation shall be submitted to the Village Plan Commission together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment. Copies of all plans shall also be reviewed by the Kenosha Village Office of Emergency Government. Any storage of medical wastes or other hazardous wastes shall be identified in the plans. The operational plan shall set forth in detail the hours of operation, all mechanical and pollution control equipment and processes, plant security and pollution monitoring. The Village Plan Commission shall also be informed as to the potential hazards of the materials to be stored or transported.
 - 1) The Village may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than Twenty-five Thousand (\$25,000.00) Dollars shall be provided to guarantee payment for the review.
 - b A detailed site plan shall be presented to the Village Plan Commission which shall include, but is not limited to, a security plan showing location

and type of fencing and showing how loading/unloading area will be protected; a parking plan; a site drainage plan; and a landscaping plan.

- c A fire prevention and fire protection plan shall be presented to the Village Plan Commission for review and consideration.
- d A transportation and traffic flow plan shall be prepared showing the means and the routes for transporting materials. The plan shall identify what medical and hazardous wastes will be disposed of, where and by what means they will be disposed, and the potential hazards of said waste disposal.
- e An emergency plan setting forth precautions and procedures (including evacuation) in the event of an accidental spill of material shall be presented to the Village Plan Commission for review and consideration.
- f The transportation and traffic flow plan and the emergency plan shall be reviewed by the Kenosha Village Office of Emergency Services.
- g All applicable state and federal permits and approvals governing the handling and disposal of medical wastes shall be secured. Copies of all permits shall be submitted with the conditional use permit application.
- h No medical waste incinerator or medical waste reduction facility shall be located closer than two thousand five hundred (2,500) feet from a residential district or use, two thousand five hundred (2,500) feet from a navigable body of water, or within a floodplain. No medical waste incinerator or medical waste reduction facility shall be located closer than five thousand (5,000) feet to a school, hospital, nursing home or other institution. Minimum separation distances shall be measured from principal building to principal building.
- i A performance bond shall be required by the Village Plan Commission so as to insure compliance with the conditions imposed by the Village Plan Commission. Such bond shall also cover Village monitoring, cleanup and restoration costs for which the applicant shall be responsible as well as for personal injury and property damage caused by the accidental or intentional discharge of an environmentally hazardous substance.
- j The Village shall be permitted access to the plant at all times for purposes of inspection of operations and records.
- k The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon application for a period of two

(2) years by the Village Plan Commission after review of the performance of the operation.

Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any bond.

- l Violation of federal or state permits or environmental laws, rules, or regulations shall be prima facie evidence of a violation of the conditional use permit and grounds for revocation of the permit.
- m The conditional use permit shall not be transferable or assignable without the approval of the Village Board of Trustees.

73 Millwork, lumberyards, sawmills and planing mills in the B-5, M-1, and M-2 Districts.

- a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Plan Commission.

74 Mini-mike trails in the PR-1 District.

- a A detailed site plan and plan of operation shall be presented to the Village Plan Commission.
- b A safety plan shall be presented to the Village Plan Commission indicating speed limits and the posting thereof along with other warning and cautionary signs.

75 Mini-warehouses in the B-3 and B-5 Districts.

- a A detailed site plan, traffic plan, security plan, fire protection plan, landscape plan, and plan of operation shall be presented to the Plan Commission.
- b All lighting shall be shielded and directed as to not shine on to abutting properties or the highway right-of-way.
- c All buildings shall be completely constructed of decorative brick, block, and/or masonry.
- d The property shall be fenced with a six (6) foot high security fence.
- e All parking areas, service drives, and access drives shall be paved.

76 Mobile Home/Manufactured Home Parks in the R-12 District

- a The requirements set forth in all applicable provisions of the Wisconsin Administrative Code and amendments thereto shall be complied with.
- b The minimum park size shall be ten (10) acres.
- c Minimum park width shall be four hundred fifty (450) feet
- d The maximum number of mobile home/manufactured home sites shall be eight (8) per gross acre and shall be supplied by community water facilities or municipal water if available.
- e The minimum open space provided shall be twenty (20%) percent of the development area, exclusive of streets.
- f The minimum lot area for a single module mobile home/manufactured home shall be five thousand (5,000) square feet. The mobile home/manufactured home lot shall be a minimum of fifty (50) feet in width.
- g The minimum lot area for a double module mobile home/manufactured home shall be six thousand (6,000) square feet. The mobile home/manufactured home lot shall be a minimum of sixty (60) feet in width.
- h The minimum setback for a mobile home/manufactured home park shall be sixty-five (65) feet from the right-of-way line of a state trunk or Village trunk highway and forty-five (45) feet from all other roads.
- i The minimum distance between mobile home/manufactured home units and all other exterior park lot lines shall be forty-five (45) feet.
- j The minimum distance between mobile home/manufactured home and internal service roads shall be twenty (20) feet.
- k The minimum distance between mobile home/manufactured home trailers shall be twenty (20) feet.
- l All drives, parking areas, and walkways shall be surfaced with dust-free material. There shall be two (2) parking spaces for each mobile home/manufactured home. All public or private roadways shall have a minimum road right-of-way of sixty-six (66) feet and shall meet all Village standards for road construction.

- m All mobile homes/manufactured homes shall be securely anchored to the ground so as to minimize storm damage.
- n No mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted as long as it is related to the general operations of the park.
- o Each mobile home/manufactured home park shall be completely enclosed, except for permitted entrances and exits by:
 - 1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and
 - 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.
- p All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association and any other requirements set forth by the Wisconsin Statutes or Wisconsin Administrative Code. All manufactured homes shall have a HUD (U.S. Department of Housing and Urban Development) label or insignia certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards as set forth in the United States Code of Federal Regulations.
- q No mobile home/manufactured home site shall be rented for a period of less than thirty (30) days.
- r The mobile home/manufactured home park shall meet the requirements of all local ordinances and State administrative rules regarding mobile homes/manufactured homes and mobile home/manufactured home parks and in the event of a conflict between said ordinances, statutes or rules, the more restrictive requirement shall be complied with.
- s Copies of all licenses required by §66.0435(1) to (8), Wis. Stats., shall be obtained and presented to the committee for review.

77 Model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts.

- a Models may be located in all new subdivisions for a period not to exceed

three (3) years from the date of issuance of a zoning permit.

- b Models shall not be used as a real estate office other than incidental to showing the model dwelling.
- c Models shall be designed in such manner as they will blend with existing neighborhood environments.
- d Models shall not be opened beyond 9:00 p.m.
- e One (1) sign shall be permitted provided, however, that it is no larger than four feet by six (6) feet and provided further that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.
- f Proper exterior maintenance of the property shall be provided such as maintaining the lawn and yard, removal of snow, etc.
- g Models shall be completely landscaped and have a paved driveway within one (1) year from the date of issuance of the zoning permit.
- h No parking lots shall be created that would not normally be found in a single-family development.
- i Sufficient parking shall be provided on subdivision roads and in model home driveways, but in no case shall the parking be allowed on any federal, state, Village or Village highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.
- j In those cases where five (5) or more homes are developed into a "parade of homes", the developer shall provided sufficient temporary off-street parking for the duration of the exhibit. This parking need not, however, be paved or graveled.

78 Model mobile home and related temporary real estate sales office located within the model unit in the R-12 District.

- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

79 Model single-family home and related temporary real estate sales office located

within the model unit in the R-1 and R-2 Districts.

- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

80 Model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit in the R-3, R-4 and R-5 Districts.

- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

81 Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit in the R-7 and R-8 Districts.

- a Those requirements set forth for granting a conditional use permit for model apartments and model condominiums and related temporary real estate sales office located within the model unit in the R-9, R-10 and R-11 Districts shall be complied with.

82 Motor freight in the M-2 District

- a Those requirements set forth for the issuance of a conditional use permit for freight terminals in the M-1 and M-2 Districts shall be complied with.

83 Multiple family dwellings in the R-9, R-10, and R-11 Districts.

- a In the R-9 District, dwellings containing between four and eight (8) units per structure shall not be located closer than three hundred (300) feet to any parcel of land zoned for a single-family residence.
- b Additionally, all applicants for developments of multiple-family dwellings in the R-9, R-10, or R-11 Districts shall submit an application substantially complying with Section ZN 4.08(2)(h) of this Ordinance, which shall be reviewed pursuant to conditional use procedures and according to the additional standards contained in Section ZN 4.08(4)(k)1a to d.

84 Municipal Water Supply and Sanitary Sewerage Systems in the FPO District.

- a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- b The system must be floodproofed to an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, and be designed to eliminate or minimize infiltration of floodwaters into the system. Certification of floodproofing shall be made to the Office of Planning and Zoning and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular stream reach.
- c All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

85 Non-residential Buildings may be constructed and maintained in the C-1 and C-3 District, provided that:

- a The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
- b The building cannot, as a practical matter, be located outside the wetland;
- c Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
- d Only limited filling or excavating necessary to provide structural support for the building is authorized.

86 Offal in the M-2 District.

- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

87 Outside storage and manufacturing in the M-2 District.

- a All outside storage and manufacturing areas a minimum of three hundred (300) feet from residential, institutional or park districts shall be

enclosed by a solid fence with a minimum height of six (6) feet; screen plantings may be required around the perimeter of the district where such perimeter abuts residential districts or where such a screen planting is deemed necessary or advisable depending on surrounding land uses.

- b A detailed site and security plan shall be required indicating the location of storage areas, the type of material to be stored and a list of all hazardous materials stored on the property along with precautions necessitated by the storage of such hazardous material.
- c Lighting shall be required for the storage and manufacturing areas provided, however, that the glare from said lighting does not shine on adjoining properties.

88 Packing and crating services in the M-1 and M-2 Districts.

- a All transfer of products shall be done at a loading dock facility.
- b Terminal roads, parking and loading areas shall be paved with dust-free material such as concrete and asphalt and shall be adequately lit.
- c A stormwater drainage plan prepared by certified engineers shall be submitted to the Plan Commission.
- d The site shall be fenced and secured.
- e Outdoor lighting shall not be permitted to shine on neighboring property.
- f Ingress and egress to the premises and the location of loading docks and storage of pallets shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

89 Park and recreational areas not including structures in the FPO District.

- a Those requirements set forth for granting a conditional use permit for bridges and approaches in the FPO District shall be complied with.

90 Park and Recreation Areas (public or private), natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads in C-1 and C-3 Districts, provided that:

- a Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;
- b Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section ZN 5.03(8) of this Ordinance, and;
- c Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

91 Penal, reform, disciplinary and mental institutions in the I-1 District.

- a A statement of intent shall be filed with the Plan Commission indicating the type of facility that is being proposed, the type of individuals to be housed in the facility along with a listing of their needs and the problems they have encountered, whether the facility is to be a maximum security facility or a minimum security facility or other such designation, the maximum number of inmates or patient that will be residing at the facility, and the number of personnel to be employed by the facility and the type of employment that each will be engaged in.
- b A site plan shall be presented in detail and include therein all internal road systems and the location of all buildings and security devices.
- c A plan of operation shall be submitted setting forth the security system to be employed on the site, the number of personnel employed on each shift, fire and police protection that will be relied upon in the event of an emergency, alternate security systems and back-up systems, especially where electronic security devices are used, the type of supervision to be employed in the facility including the job descriptions and requirements for all employees, and what medical facilities will be relied upon in the event of an emergency.
- d All appropriate licenses to be issued by federal, state and/or local governing bodies or agencies shall be submitted to the Plan Commission.
- e An impact statement shall be required so as to better enable the Plan Commission to determine the effect of such a facility on the community

with such statement addressing itself to the social, economic and environmental impact on the Village and addressing itself to, without limitation due to

enumeration, the effect of such a facility on local and Village law enforcement agencies, local and Village fire protection requirements, the Village court system, property values in surrounding areas, sanitation requirements, increased highway and transportation needs, employment, housing, schools, the surrounding environment, and the cost of the increase in services to Village taxpayers.

1) The aforementioned impact statement is to be prepared by a consultant chosen by the Village Board of Trustees and paid for by the applicant. Such impact statement shall list problems incurred by other facilities of a similar nature, be they in or outside of the state of Wisconsin.

2) Any problems, hazards, nuisances, danger, harm, noxiousness or offensiveness brought out by such impact statement may be addressed by the Plan Commission and may form the basis for additional conditions being imposed upon the applicant.

f Mindful of the dangers and hazards imposed by both fire and nuclear radiation and the proximity of Kenosha Village to the Zion nuclear plant, an evacuation plan setting forth in detail the method and manner for mass evacuation in the event of an emergency shall be required. In lieu thereof, a shelter facility shall be provided on the facility to adequately service the needs of employees and residents in the event of emergency.

g The site shall contain a minimum of three hundred (300) acres.

h Structures shall be at least one thousand five hundred (1,500) feet from any boundary line and all structures shall be at least two thousand five hundred (2,500) feet from any residential, commercial, manufacturing or other institutional district.

i Structures shall contain living areas of not less than ninety (90) square feet per occupant.

j A solid reinforced concrete wall, at least twenty-four (24) inches wide and twenty-five (25) feet in height shall completely encircle all prison and penal institutions and no building may be located closer than seventy-five (75) feet to said wall.

k Three (3) chain link fences at least thirty (30) feet apart shall be located

outside the prison wall. Within the inner fence there shall be an electronic surveillance system between the fence and the prison wall and between all chain link fences there shall be spread out on the ground three (3) foot diameter coils of barbed steel tape for maximum security institutions.

- l The grounds and all areas within the aforementioned chain link fences shall be adequately lit at night and an emergency electrical generation station shall be provided for in the event of an emergency.
- m The facility shall be on public sewer and water.
- n The street frontage shall be landscaped in such a manner as to achieve a height of ten (10) feet or more by way of a temporary planting of fast growing material and shall also provide for a permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen, with such permanent planting growing or being maintained to a height of not less than ten (10) feet. Details as to plant materials, size and design of planting as well as time tables must be submitted with the application for a conditional use permit.
- o In the case of mental institutions, or in the case of juvenile detention facilities, minimum security, penal institutions, and reformatories, the aforementioned conditions may be modified as deemed appropriate by the Plan Commission.

92 Pet Kennels (see Kennels).

93 Petroleum bulk stations and terminals in the M-1 and M-2 Districts.

- a A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.
- b The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Plan Commission for review, consideration and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
- c No storage shall be permitted within three hundred (300) feet of any shoreland or floodplain.
- d A statement of intent shall be filed with the Plan Commission indicating

the type of fuels to be stored and the manner of storage. In the event of subsequent modification of the type of materials or manner for storing materials, the aforementioned plan shall be updated.

- e All federal and state pollution guidelines shall be complied with.
 - f All federal, state and local permits shall be filed with the Plan Commission.
 - g A detailed drainage plan, traffic plan and loading plan shall be presented to the Plan Commission along with the location of any pipelines.
 - h Storage shall not be permitted closer than one thousand five hundred (1,500) feet to any residential, commercial, industrial or institutional district.
- 94 Plastic materials and synthetic resins, synthetic rubber, and synthetic and other man-made fibers and products in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 95 Poison in the M-4 District.
- a Those requirements set forth for the manufacture or production of chemicals in the M-2 District shall be complied with.
- 96 Power and heat generating plants in the M-2 and I-1 Districts.
- a The issuance of a conditional use permit for electrical and steam generating plants in the M-2 District shall be complied with.
 - b An impact statement may be required by the Plan Commission setting forth the economic, social and environmental impact of such a project on the community.
- 97 Processing and packaging of animal bedding in the A-3 District.
- a A detailed site plan, traffic plan, security plan, fire protection plan, and plan of operation shall be presented to the Plan Commission.
 - b Bedding materials may be processed from straw, hay, or other natural bedding materials; or may be processed from recycled paper or

cardboard, or wood shavings.

- c Recycling of other materials; or recycling to create a product other than animal bedding shall be prohibited.
- d No outside storage of bedding materials or processing waste shall be permitted on the site.

98 Processing of hardwood dimension, flooring, veneer and plywood in the M-1 and M-2 Districts.

- a A detailed site plan and plan of operation shall be submitted to the Plan Commission with said plans indicating the type of material to be stored on the premises, its location, the security to be provided on the premises including fencing and lighting.
- b Roads shall be paved or maintained in a dust-free condition.
- c A drainage plan shall be submitted to the Plan Commission.
- d Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

99 Production of animal and marine fats and oils in the A-3 and M-2 Districts.

- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

100 Production of shortening, table oils, margarine and other edible fats and oils in the A-3 and M-2 District.

- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.

101 Public water measuring and control facilities done in accordance with the provisions of Wis. Admin. Code §NR 116.17 in the FPO Floodplain Overlay District.

- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- b All persons petitioning for a map amendment that obstructs flow causing

any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.

102 Quarrying and other non-metallic mining in the M-3 District.

a An application for quarrying and other non-metallic mining shall include:

- 1) The name, address, telephone number. The name, address and telephone number of the operator, and the name, address, and telephone number of the owner of the site, if the operator is not the owner.
- 2) A copy of the operator's deed to the site, contract to purchase the site, or lease authorizing the operator to conduct quarry or other non-metallic mining operations on the site. The expiration date of any lease shall be clearly indicated thereon.
- 3) A legal description of the proposed quarry or other non-metallic mining site and the total number of acres involved.
- 4) A list of all other quarry or non-metallic mining permits or licenses held by the operator, including the name, address, and telephone number of each permitting or licensing entity.
- 5) A general location map of the site.

b Survey Required. Five (5) copies of a survey, drawn to a scale of no less than one (1) inch equals two hundred (200) feet, which shall include the following:

- 1) The boundaries of the quarry or other non-metallic mining site.
- 2) Topography of the site and all lands within two hundred (200) feet thereof, at intervals no larger than two (2) feet.
- 3) Location and names of all streams, lakes, ponds, roads, railroads, utility lines, and pipelines on or immediately adjacent to the site.
- 4) Location of all structures.
- 5) Boundaries and elevations of previous excavations on the site.

- 6) Location and description of mining site boundary stakes and permanent reference point.
- c Zoning of the site and of all properties within five hundred (500) feet of the boundaries of the site.
 - d Photographs (8" x 10") of the site and its surroundings, including photographs of all potentially sensitive or important aspects of the site or neighboring properties, and, if available, an aerial photograph of the site and its surroundings (usually available from the Southeastern Wisconsin Regional Planning Commission).
 - e An operations plan, in which all horizontal and vertical measurements are referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the nature of the operations, the methods and procedures to be used in mining the site and in processing and otherwise dealing with the mined materials, the methods and procedures to be used in eliminating or minimizing adverse impacts or effects of the proposed operations, and a proposed timetable for completion of the operations and of the various stages of the operations, and which shall contain, without limitation, the following:
 - 1) Type and total volume of desirable material to be extracted, and the estimated annual volume to be extracted, identifying the assumptions on which such estimate is based; and the type and volume of waste material to be stripped or extracted.
 - 2) Type of mining, processing, and transportation equipment to be used.
 - 3) Timetable for the commencement, and to the extent practical, duration, and cessation of the mining operations and, if seasonal operations are intended, the months during which operations will be conducted.
 - 4) Anticipated hours and days of operation, specifying differences between various aspects of the operations, if applicable.
 - 5) Market area to be served by the operation.
 - 6) Means of transporting mined materials from the site and the primary travel routes to be used.

- 7) Whether haul trucks will be owned by the operator or others.
- 8) Boring descriptions to the total depth of the proposed operation, describing each formation in terms of thickness and other relevant characteristics, sufficient borings shall be conducted to describe the type and quality of material to be extracted, to calculate the amount of desirable material to be mined and the amount of waste material to be disposed of, and to demonstrate that an adequate supply of desirable material is located at the site to justify the adverse impacts of the operation. Borings shall be referenced to a permanent reference point.
- 9) A detailed description and explanation of all methods used to control and monitor noise.
- 10) A detailed description and explanation of all methods used to control and monitor dust and mud tracking.
- 11) A detailed description and explanation of all methods used to control and monitor ground vibrations.
- 12) A detailed description and explanation of all methods used to control and monitor airblast.
- 13) A detailed description and explanation of how the operator proposes to screen the operations from surrounding properties, streets and highways, including, without limitation, detailed plans for any proposed berming or landscaping.
- 14) A detailed description and explanation of how water will be collected, treated, and disposed of on the site, and of all methods used to avoid or control water pollution or sedimentation and to monitor the results of such controls.
- 15) A detailed description and explanation of how overburden and other waste materials will be stored, disposed of, or used.
- 16) Observed or estimated depth of groundwater, together with a description of the location(s) and date(s) of any observations and the basis for any estimates.
- 17) A detailed description and explanation of how the operator will avoid a drawdown of groundwater that will affect nearby wells and of all methods used to monitor the effects of the operation

on the groundwater table.

- 18) A detailed statement of the following:
 - a) The beneficial aspects of the proposed operation.
 - b) The potential adverse impacts of the operation on humans residing or working in the vicinity of the operation which cannot be totally eliminated by proposed control measures.
 - c) The potential adverse environmental impacts of the operation which cannot be totally avoided by proposed control measures.
 - d) The potential adverse economic impacts of the operation on neighboring property owners and the Village which cannot be totally avoided by the proposed control measures.
- 19) A detailed, step-by-step description and explanation of all aspects of the operations.
- 20) A detailed site plan, drawn to scale, showing the boundaries of the site, the proposed boundary of the area to be mined, the proposed location of permanent mining area markers, the final elevation of the area to be mined, and the locations and dimensions of proposed berms, haul roads, crushing, washing or other processing facilities, conveyors, stockpiles, loading areas, scales or other sales facilities, circulation routes and parking, offices, explosives storage facilities, and all other structures or specific operations areas.
- 21) With respect to any proposed blasting operations, a detailed description and explanation of the proposed blasting methodology, including, without limitation, drilling procedure (and how burden and depth of holes is measured), benching, the initiation system, type and sequencing of delays, the explosives used and a full description of a typical proposed production shot, including the height of the face, number of holes, size of holes, burden, spacing, and maximum pounds of explosives per delay.

- 22) If explosives are to be used in the operation, a detailed plan for the storage, handling and use of such explosives. Any such proposed procedures shall comply with all Federal, State and local regulations.
- 23) Map or diagram and narrative describing in detail the sequential stages of mining (including any shifts in the location of activities or facilities) or, if no stages are planned, a detailed description of how the operator plans to proceed with the mining operation. The map or diagram shall show the location of all phase boundary stakes.
- 24) A detailed plan showing and describing in detail erosion control measures to be used during and in connection with each aspect of the operation. Such plan shall describe, without limitation, how disturbed surfaces such as stripped areas, haul roads, berms, waste piles, stored topsoil and stockpiles will be dealt with to prevent erosion, sedimentation, fugitive dust and pollution of surface and groundwater, and how the operator proposes to minimize the area of erodible surfaces exposed at any one (1) time. (In addition to any permit requirements, temporary stabilization measures may be ordered by the Plan Commission or its designee to correct situations which are resulting in or are likely to result in erosion, sedimentation, fugitive dust or water pollution that is detrimental to adjoining properties or to the public health, safety, and welfare. Such temporary stabilization measures may include, without limitation, silt fencing, bale check dams, sod strips, riprap, hard surfacing with concrete or blacktop, slope reduction, seeding or sodding, erosion mat placement, mulching, and settling basin construction).
- 25) A plan describing and explaining in detail the handling of all water on the site, including, without limitation, the following:
 - a) Existing and proposed drainage on the site, showing contours at two (2) foot intervals.
 - b) The location and dimensions of all settling, retention or detention ponds, together with calculations demonstrating that such ponds are of adequate design to eliminate downstream sedimentation, erosion, or water pollution.
 - c) The estimated volume of water to be pumped out of the

operations area, together with the assumptions, observations, and calculations on which such estimate is based.

- 26) A scale map of survey delineating all bodies of navigable water, all floodplains, all shorelands or shorelands wetlands zoning areas, all wetlands, and all primary environmental corridor areas on the site.
- 27) A detailed map or diagram and description of the location, type, height, and installation of proposed fencing.
- 28) If customers of the operator will pick up product at the site, a detailed description of how the operator will deal with haul trucks that arrive at the site before the site is open in the morning.
- 29) A detailed description of any highway modifications or improvements that are required or desirable to accommodate the anticipated truck traffic, including, for example, acceleration or turning lanes, traffic signals or reinforced pavement, the estimated cost of such improvements, and of any other required modifications of public infra-structure, and whether the operator proposes to pay for such modifications.
- 30) A detailed traffic study demonstrating that the anticipated truck traffic can be safely accommodated on the proposed routes of travel.
- 31) A detailed description and explanation of the methods by which the operator proposes to determine whether the operation has damaged or diminished the value of nearby properties, including, for example, periodic evaluation of structures, wells and market value, and whether the operator is willing to reimburse persons for such losses.
- 32) If there are active wells within one thousand (1,000) feet of the quarry site, a hydrogeological study to determine whether and to what extent the operation is likely to draw down the groundwater table to an extent that wells will or may be impaired.
- 33) A listing of all Federal, State, or local permits or approvals, which are required in connection with any aspect of the proposed

operation.

- 34) A detailed description of all structures or areas of archeological or historic interest on the site, and a detailed explanation of how the operation will affect such structures or areas.
- 35) A detailed description of, explanation of the function of, and architectural renderings of all proposed structures.
- 36) Any other information or materials required to demonstrate that the proposed operation will result in no significant loss, harm or damage to neighboring property owners, to the Village or to the public health, safety, and welfare, nor any serious risk of any such loss, harm or damage.

f A reclamation plan, in which all horizontal and vertical measurements shall be referenced to a permanent reference point, consisting of maps, diagrams, narrative documents and other materials describing and explaining in detail the proposed reclamation of the site, the methods and procedures to be used for reclamation and a timetable for completion of various stages of the reclamation, and which shall contain, without limitation, the following:

- 1) A detailed description of the topsoil stripping and separation process, the location of topsoil storage, and the methods of stabilization and conservation that will be used during storage.
- 2) A detailed reclamation site plan and description of the site when fully reclaimed, showing topography at two (2) foot intervals, drainage patterns, landscaping, structures, any water impoundments or lakes, and the proposed end use(s). To the extent that restoration will take place in stages, or incrementally, provide such site plan and description for each appropriate stage.
- 3) The estimated elevation of the water's surface in any lake or impoundment, referenced to a permanent reference point, and a detailed explanation for the basis of such estimate.
- 4) Detailed landscaping plans, showing the location, species, species and size of the trees, shrubs and other vegetation to be planted or seeded, and the approximate time frame or such planting or seeding.

- 5) Detailed cross-section diagrams, drawn to scale, showing at appropriate illustrative locations (which should be indicated on the reclamation site plan(s)) the reclaimed topographic features, including, without limitation, elevations slopes, high wall reductions, benching, terracing, and other stabilization and utilitarian features.
- 6) Detailed topsoil application, seeding and/or sodding plan, describing the location, methods and thickness of topsoil application, seed types, seeding rates, and mulching netting and/or other techniques used to accomplish soil and slope stabilization.
- 7) Detailed plan for the disposal of all structures, roads, and other facilities not incorporated into the final reclamation plan.
- 8) Estimated cost of reclamation, by phase, with accompanying supportive estimates and calculations, and the proposed form of any security documents.
- 9) A detailed description of how potentially dangerous conditions will be rendered safe and useful, e.g., by reducing sheer high walls to provide for access to the water, shallow areas suitable for swimming and fish propagation, climb-out areas, etc. To the extent practicable, a timetable for the commencement, duration, and cessation of reclamation activities, by stage.
- 10) Any other information or materials required to demonstrate that the proposed reclamation will result in a safe, useful, and aesthetically pleasing site.

g Additional Information. The Plan Commission and its designees may require the submittal of such additional information or materials as may be necessary or desirable to determine the nature and extent of the operations, the potential adverse impacts of such operations on neighboring property owners and the Village in general, the appropriate methods to eliminate or mitigate potential adverse impacts and the appropriateness and effectiveness of the proposed reclamation.

h Waiver of Application Requirements. The Plan Commission may waive any specified information required to be submitted with the application for a permit if it is satisfied that such information is not relevant or is unnecessary to a full and effective evaluation of the proposed operation and reclamation, or if the cost of producing certain information is

unreasonable in comparison to the usefulness of the information in the evaluation process. The Office of Planning and Development staff may preliminarily waive any application requirements on the same grounds, but such a preliminary waiver may be reversed by the Plan Commission. In determining whether to waive application requirements, the Plan Commission and the Office of Planning and Development staff shall take into account, without limitation, the nature and extent of the proposed operations, the surrounding existing and anticipated land uses, and whether and to what extent the operation pre-existed the effective date of this Section. It shall be the obligation of the applicant to request in writing any such waiver. Such request shall set forth the justification for such waiver.

- i Public Hearing for Non-metallic Mining. Notwithstanding the public hearing requirements of Section ZN 5.03(5) of this Ordinance, the Office of Planning and Development staff shall, upon receipt of a complete permit application, refer the application to the Plan Commission for its consideration and the Committee shall schedule a public hearing on the application. The hearing shall be scheduled not earlier than sixty (60) days nor more than ninety (90) days after receipt of the application to provide time for the staff to review the application, but the Plan Commission, for good cause shown, may order a modification of this requirement. Notice of the public hearing shall be published as Class 1 notice in a newspaper of general circulation within the Village. In addition, notice of the public hearing shall be mailed to the operator, the owner of the site, and to the last known address of all owners of real property located within three hundred (300) feet of the boundaries of the site. This requirement of actual notice to persons other than the operator is precatory, and the failure to mail or receive such notice shall not invalidate any action taken by the Plan Commission. At the hearing, the Plan Commission shall hear and receive information or recommendations presented by the Office of Planning and Development staff and/or its consultants, information presented by the applicant or the applicant's authorized agents and consultants, and information presented by members of the public. If the Plan Commission determines that additional time or information is required, the public hearing may be continued from time to time at the direction of the Commission. The applicant shall be given an opportunity to respond to any adverse information or recommendation.

- j Decision. After the hearing, the Plan Commission shall either grant or deny the permit application on the basis of express findings and conclusions. The Plan Commission shall condition any permit granted upon compliance with specified operational and reclamation

requirements, including the minimum requirements of this section and the requirements of all other applicable Village ordinances, except as such requirements may be appropriately modified by the Commission, and the requirements of all other applicable Federal, State, and local statutes, rules, regulations, ordinances and permits relating to blasting, mining, land use, highway access, air pollution, water pollution, contamination of the ground, solid waste disposal, navigable waters, groundwater, wetlands, floodplains, shorelands, and other environmental matters. The Commission may impose requirements which are in addition to, or more stringent than, the minimum requirements of this Section. In granting a permit, the Commission shall specify all aspects of the proposed plan of operations and plan of reclamation which are not approved. No application shall be granted unless the Commission first finds that the approved operations, as conditioned, will result in no significant loss, harm, or damage to neighboring property owners, to the Village, or to the public health, safety or welfare, nor serious risk of any such loss, harm or damage, and that the approved reclamation will result in a safe, useful, and aesthetically pleasing site. In deciding upon an application regarding an operation that pre-existed the effective date of this Section, and was active on the effective date of this Section, the Plan Commission shall take into account the nature, extent, circumstances, and past performance of the operation and shall modify the requirements of this section to the extent necessary to ensure that the permit requirements are reasonable under the particular circumstances.

- k Term of Permit. Permits shall be granted for an initial term of two (2) years. Thereafter, permits may be renewed by the Plan Commission for terms of two (2) years. Any permit issued pursuant to this section shall automatically terminate upon the abandonment of the quarry or other non-metallic mining operations.

- l Renewal. Applications for the renewal of a permit shall be filed with the Village Clerk/Treasurer not later than ninety (90) days prior to the expiration date. Any information or materials required for an initial permit application shall be supplied with the application for renewal to the extent that such information or materials were not supplied with the prior application or to the extent that the previously supplied information or materials are out of date or no longer accurate and complete. Such an application shall be processed in the same manner as an initial permit application. In the event that a timely renewal application is not decided by the expiration date of the permit, the permit shall be deemed to be extended to the date of the Commission's

decision.

- m Amendment. In the event that the operator desires to make any material modification in the permitted operation or reclamation, the operator shall file with the Village Clerk/Treasurer an application for an amendment to the permit. Such application shall describe in detail the proposed modification, explain the effects of the proposed modification, supplement and update the information and materials submitted with the prior application and make the certification required for renewal applications. Such an application shall be processed in the same manner as an initial permit application.
- n Review and Monitoring Fees. The applicant shall pay a fee equal to the cost of any administrative, legal, engineering, or consultant work which may be undertaken by the Village in the review of a quarrying or non-metallic mining permit application. Such fee may include the cost of any monitoring activity set forth as a condition of the permit issued.
- o Security. As a condition of any permit issued pursuant to this Section, the Plan Commission shall require, and the operator shall promptly deposit with the Village, an irrevocable letter of credit, cash, a bond or other security in an amount adequate to secure the obligation of the operator to restore the site to a safe, useful and aesthetically pleasing condition, in accordance with the approved restoration plan, to the extent of the mining operations if the operations were abandoned during the term of the permit. Any security instrument shall be in a form satisfactory to the Village Attorney and shall be issued by a person satisfactory to the Village Attorney. Any cash deposited with the Village shall be deposited in a segregated interest bearing account and shall be used only for the required restoration. Any security shall be promptly released or returned to the operator, with any accrued interest, at the completion of the approved reclamation to the satisfaction of the Plan Commission. The termination, expiration, or modification of a security instrument, in the absence of a renewal or replacement thereof or the making of other arrangements satisfactory to the Plan Commission after review by the Village Attorney, shall be grounds for suspension of the operator's permit.
- p Transfer. Permits issued under this section may be transferred only with the prior written approval of the Plan Commission. Such approval shall not be unreasonably withheld, but the Commission shall not approve any transfer in the absence of satisfactory arrangements regarding security and the prompt correction of any prior failure to comply with permit requirements.

- q Minimum Standards. The following are minimum standards for all operations commenced after the effective date of this Section, and to the extent reasonable, for all pre-existing operations contained thereafter.
- 1) The minimum setback of any excavation shall be two hundred (200) feet from any street right-of-way or property line. When the operations adjoin residentially developed land or residentially zoned land, the Commission shall carefully consider whether greater setbacks are required.
 - 2) The minimum setback of any building, structure, storage area, parking area, or stockpile shall be one hundred (100) feet from any street right-of-way or property line.
 - 3) Access ways and roads shall be maintained in a dust free condition either by oiling or by spraying with calcium chloride.
 - 4) All operations shall be conducted in a safe manner, especially with respect to hazards to persons, damage to adjacent lands or improvements, and damage to any street by slides, sinking, or collapse of supporting soil adjacent to an excavation. No extractive operation shall be conducted in a manner so as to lower the water table of surrounding properties.
 - 5) No plan of reclamation shall be approved unless it will result in a safe, useful, and aesthetically pleasing site.
 - 6) No reclaimed slope shall exceed a four (4) to one (1) ratio of horizontal distance to vertical distance; provided, however, that this requirement shall not apply to rock faces, and further provided that the Plan Commission, for good cause shown, may modify this requirement.
 - 7) After completion of operations, and in accordance with the approved rehabilitation map, the premises shall be cleared of debris, and a layer of soil capable of supporting vegetation shall be spread over the premises to a depth of at least six (6) inches, (except for areas under water) and shall be seeded with grass or other ground cover to prevent erosion.

- a A detailed site plan shall be presented to the Plan Commission and shall include the location of storage of any hazardous fuels and materials.
 - b A detailed plan of operation shall be presented to the Plan Commission and shall include a plan for the security, fencing, lighting, and safety of individuals in the area.
 - c The depot shall be located in such a manner as to preclude trains at a stop from interfering with any motor vehicle traffic.
- 104 Railroad Line construction and maintenance in the C-1 and C-3 District, provided that:
- a The railroad lines cannot as a practical matter be located outside of a wetland; and
 - b Any filling, excavating, ditching, or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
- 105 Railroad terminals and freight yards in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for railroad depots in the B-2 and I-1 Districts shall be complied with.
 - b An impact statement may be required by the Plan Commission detailing the impact of such terminal or freight yard on other proper-ties in the general area.
 - c All outside storage of material shall be securely fenced.
 - d Repairs of cars and locomotives shall be indoors.
 - e Storage of junk parts shall not be permitted on the site.
 - f Salvaging operations shall not be permitted on the site.
 - g Internal roads, parking and loading areas shall be paved with dust free materials, such as concrete or asphalt or oiled so as to keep the area in a dust free condition.
 - h A stormwater drainage plan prepared by a certified engineer shall be submitted to the Plan Commission for approval.

- i Ingress and egress to the premises and location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

106 Recreational vehicle (RV) campground or subdivisions in the PR-1 District.

- a Recreational vehicle campgrounds and subdivisions are uses of land which require a unique site and direct accessibility. Generally, sites should be of such character that they are naturally well-screened by existing natural planting which affords primary seclusion. The use of lands for recreational vehicle parks inherently expresses the fact of minimum impact upon adjoining land uses. The express concern of an adequate site and direct accessibility from major thoroughfares are important factors which shall be considered in site selection and the final determination of an acceptable site for a recreational vehicle campground or subdivision.
- b The site shall contain at least twenty (20) acres and have an average width of a least three hundred (300) feet.
- c The site shall have direct access to a federal, state or Village highway.
- d A site plan of one (1) inch equals one hundred (100) feet, showing all improved lots, unimproved lots, structures, parking areas, roads, walkways, recreational areas and other service facilities shall accompany the application.
- e A preliminary drainage and utility plan shall be in compliance with the on-site detention regulation.
- f Each recreational vehicle campground or subdivision shall be completely enclosed, except for permitted entrances and exits by:
 - 1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and
 - 2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.
- g When the recreational vehicle campground or subdivision ceases to operate, accessory uses shall immediately cease.

- h The development may be developed for sale or rental, or may be developed as a condominium pursuant to Chapter 703, Wis. Stats., and amendments thereto.
- i RV developments shall be located on public sanitary sewer facilities except that where the development is based on rental sites and the development does not result in a permanent subdivision of land and the sale of lots or sites in fee simple absolute, said development shall be located on public sanitary sewer facilities or shall be served by a private treatment system approved by the Wisconsin Department of Natural Resources and the Wisconsin Department of Health and Social Services or Department of Industry, Labor and Human Relations--Plumbing Section, or any other applicable governing agencies.
- j RV developments shall be supplied by municipal or community water facilities or high capacity well.
- k RV developments shall, under no circumstances, in the case of recreational vehicle development as fee simple lots or RV condominiums, have a density exceeding 6.5 units per gross acre maximum and twenty (20%) percent of the total acreage shall be maintained in common open space areas. When a campground is developed on a basis of rental sites, such development shall, under no circumstances, have a density exceeding twelve (12) units per gross acre maximum.
- l A general development plan for all proposed phases of development and a plan of operation shall be submitted with the application for a conditional use permit. Detailed plans shall be submitted before each phase is to be approved.
- m Developers shall submit for approval to the Plan Commission before each proposed phase is to be approved a detailed landscaping plan along with a list of the type, number and size of the plantings with a time table for planting. The landscape plan must provide for sufficient screening and tree planting between individual lots or sites and between lots or sites in all common open space areas. Said landscape plan shall also be reviewed by the USDA Natural Resources Conservation Service for their recommendation with respect to minimizing soil erosion.
- n All RV developments shall conform to the standards of the Village Subdivision Control Ordinance, of the Village Municipal Code as they pertain to this type of development when practicable, except that the standards of Floodlands and Lots shall not apply except as modified and

provided for herein and also that modifications may be made with respect to the following items:

- 1) Minimum lot size shall be no less than four thousand (4,000) square feet per lot with a minimum lot width of fifty (50) feet at the road and fifty (50) feet wide at the RV pad. Frontage requirements may vary on cul-de-sacs, and curves with a centerline radius of two hundred (200) feet or less, provided that the lot still maintains a minimum width of fifty (50) feet at the RV pad and a lot area of four thousand (4,000) square feet and in no case shall a lot be less than twenty (20) feet at the street.
 - 2) All public or private streets shall have a minimum right-of-way of sixty-six (66) feet. Cul-de-sacs shall have a minimum radius of sixty (60) feet.
 - 3) A lot may be located on a private street provided that the street meets town standards as they may pertain to pavement width and pavement construction materials.
- o An RV development may have one (1) single-family residential dwelling unit with the development when used as the caretaker facility.
- p Lots within an RV development shall under no circumstances be used or combined with other lots to create a residential building site.
- q All RV developments shall have extensive deed restrictions which will be furnished to the Plan Commission for approval and will further be enforced by the owners through a property owners association provided for in the deed restrictions. These restrictions shall govern the use of all lots or sites, open space areas and all amenities which are to be part of the development. Where the development creates lots of fee simple absolute or condominiums on the face of the plat, it shall further state that all lots, sites, or open space areas may not be used or combined for residential, commercial or industrial development.
- r No more than one (1) RV vehicle shall be located on a lot or site. Where lots are developed in fee simple absolute or condominiums, additional RV spaces shall be provided in a common overflow parking area having the necessary water and sanitary sewer facilities at a ratio of one (1) space for every ten (10) lots or sites for visitors or guests' RV vehicles. Overflow RV parking shall not be computed as part of the overall density. An RV development shall have, for both sales and rental, at least two (2)

auto parking spaces per lot or site with common overflow or parking area in a ratio of one (1) space for every ten (10) lots or sites. Tents may be permitted on RV lots or sites.

- s RV developments may have major accessory structures such as clubhouses, athletic facilities, shelters, restrooms, and major storage facilities located in common open space areas or outlots provided that they meet the necessary setback requirements of this Ordinance and in addition, that setbacks of not less than thirty (30) feet be provided from the right-of-way of all private streets.
- t RV sites may have one (1) open deck no larger than three hundred (300) square feet in area and/or one (1) private storage building no larger than eighty (80) square feet in area and eight (8) feet in height placed on each lot or site provided that it meets all necessary requirements as outlined in the deed restrictions which are approved by the Plan Commission as it may pertain to design, dimensions and materials permitted for construction. Setbacks of not less than five (5) feet from all lot lines and thirty-eight (38) feet from the center line of street rights-of-way shall be provided. A zoning permit will be required for every open deck and/or storage building. Fences will only be permitted for a total development project and not for individual lots.
- u RV developments may have one (1) commercial facility per development, such as a small convenience store, restaurants, snack bar, etc., located on the complex when designed for use by occupants only. Under no circumstances may this facility advertise for general street trade.
- v No RV lot or lots shall be used or converted for the use of a mobile home and/or mobile home parks.
- w RV development management shall prohibit the use of RVs that are not operable and currently licensed and further shall prohibit the use of enclosures, foundations or other means which tend to make the RV unit less mobile.
- x Additional restrictions or requirements may be imposed by the Plan Commission and impact statements as deemed necessary by the Plan Commission may be required.
- y Lots in the PR-1 Park Recreational District shall provide sufficient area for the principal structure or use, and its accessory structures, off-street parking and loading, the disposal of sanitary waste if a public sanitary sewage system is not required.

- z No building or part of a building shall exceed thirty-five (35) feet in height.
- aa A minimum street yard (setback) of sixty-five (65) feet from the right-of-way of all State trunk or Village trunk highways, and forty (40) feet from all other roads shall be required.

A minimum shore yard not less than seventy-five (75) feet from the high water elevation of any navigable water.

No building or structure shall be erected, placed, or moved closer than forty (40) feet to any other lot line.

- bb Every builder of any building hereafter erected or structurally altered in the PR-1 Park Recreational District shall, before a building permit is issued, present detailed plans and specifications of the proposed structure to the Plan Commission, who will approve said plans only after determining that the proposed building will not impair an adequate supply of light and air to adjacent property, or substantially increase the danger of fire, or traffic congestion or otherwise endanger the public health or safety, or substantially diminish or impair property values within the community.

107 Recreational vehicle, motor home or similar large size equipment or vehicle sales involving extensive outdoor display and storage in the B-3 District.

- a Those requirements set forth for the granting of a conditional use permit for automotive sales, service and repairs in the B-2 and B-3 Districts shall be complied with.
- b A detailed site plan and stormwater drainage plan shall be submitted to the Plan Commission for approval with said plans taking into consideration security, fencing, lighting, location of signs, and traffic and parking proposals.

108 Recycling centers and warehousing of recovered resources in the M-2 and M-4 Districts.

- a A site plan and plan of operation shall be submitted to the Plan Commission.
- b Reclamation of sewage sludge, food wastes, and other organic material is prohibited.

- c Reclamation of carcinogens and other hazardous wastes is prohibited.
- 109 Refineries in the M-2 District.
 - a Those requirements set forth for the granting of a conditional use permit for petroleum bulk stations and terminals in the M-1 and M-2 Districts shall be complied with.
- 110 Rendering plants in the M-2 District.
 - a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
- 111 Resorts in the PR-1 District.
 - a A statement of intent outlining the type of recreational activities and facilities to be located on the site shall be presented to the Plan Commission.
 - b A detailed site plan shall be presented to the Plan Commission along with proposals for sanitary facilities.
 - c Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.
- 112 Restaurants or taverns or cabarets (with live entertainment) in the B-3 District.
 - a Ingress and egress to the premises shall be determined with due regard to topography geographical relationship to residential areas and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - b There shall be strict compliance with those performance standards set forth in this Ordinance relating to noise, and where circumstances warrant, the performance standards in this Ordinance relating to noise may be expanded.
 - c There shall be strict compliance with all state and local laws relating to liquor and/or malt beverages and all local ordinances relating to cabarets.
- 113 Restaurants, bars and taverns with outdoor dining, recreation, entertainment in the B-2 and B-3 Districts.

- a A site plan shall be submitted showing all proposed outdoor use areas including parking, landscaping and the location of existing structures.
 - b Hours of use may be limited to prevent disturbance to abutting property owners.
 - c Lighting may be limited to prevent disturbance to abutting property owners.
 - d There shall be no outside music speakers or live music.
 - e Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.
- 114 Retail or Wholesale Sales of Manufactured Products on Premises in the M-1 and M-2 Districts.
- a All sales shall be in an enclosed structure separate from those structures wherein the products being sold are manufactured.
- 115 Riding stables and indoor riding arenas (public) in conforming A-1, A-2, and A-4 Districts.
- a A detailed site plan and a plan of operation which details the operation shall be presented to the Plan Commission.
 - b Adequate provisions shall be made for the proper disposal of animal waste.
- 116 Road construction and maintenance in the C-1 and C-3 District, provided that:
- a The road is necessary to the conduct of agricultural cultivation or to a silvicultural activity;
 - b The road cannot as a practical matter be located outside the wetland;
 - c The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland;
 - d The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - e Road construction activities are carried out in the immediate area of the roadbed only.

- 117 Road and driveway construction and maintenance in the C-3 District provided that:
- a The road or driveway is necessary to the continuity of a planned urban street system;
 - b The road or driveway cannot as a practical matter be located outside the wetland;
 - c The road or driveway is designed and constructed to minimize adverse impact upon the natural functions of the wetland and on wetland values (See Section ZN 8.02(2)(b));
 - d The hydrologic continuity of a wetland traversed by a road or driveway shall be maintained through use of an appropriate culvert;
 - e The road or driveway is designed and constructed with the minimum cross-sectional area practical to serve the intended use. Driveways should not be wider than twelve (12) feet, and where practical, adjacent properties should share a single access;
 - f Road and driveway construction activities are carried out in the immediate area of the roadbed only. Roads and driveways should be protected by a stable side slope of one on two (1:2);
 - g The Wisconsin Department of Natural Resources (DNR) may exercise preemptive procedures as set forth in Section ZN 8.02(2)(c) where roads or driveways may have an adverse impact upon the criteria listed in Section ZN 8.02(2)(b).
- 118 Road test facilities in the M-2 District.
- a A detailed site plan shall be presented to the Village Plan Commission for approval, with said plan specifying the location for the storage of hazardous fuels.
 - b The site shall contain a minimum of thirty (30) acres and there shall be a minimum setback of four hundred (400) feet from any boundary line.
 - c There shall be strict compliance with the performance standards set forth in this Ordinance for noise control and where circumstances warrant, the standards set forth in this Ordinance for noise control may be expanded upon.

- d The Village Plan Commission may restrict the hours of operation of the facility.
- e Lighting shall not be permitted to shine upon adjacent property.
- f The facility shall not be used for any form of public entertainment and shall be closed to the public during road testing.

119 Rummage sales and flea markets (permanent) in the B-3 District.

- a The site shall be securely fenced and adequately lit at night with the provision, however, that no night lights shall be permitted to shine upon adjoining property.
- b A site plan shall be presented to the Plan Commission which shall delineate all sanitary facilities, fire lanes, parking, and proposed traffic routes.
- c There shall be strict compliance with the performance standards set forth in this Ordinance for noise, and where circumstances warrant, stricter standards may be imposed by the Plan Commission for noise control.
- d No permanent structure shall be permitted on the site.
- e No camping shall be permitted on the site.

120 Sanitary landfill operations in the M-4 District.

- a A statement of intent shall be presented to the Village Plan Commission indicating the type of material that will be placed on the site and whether or not said material is deemed hazardous, and the manner in which the material is to be buried.
- b An impact statement shall be required addressing itself to the impact of the sanitary landfill operation on the surrounding environment, community, and economy.
- c A stormwater drainage and tile plan prepared by a certified engineer shall be submitted to the Village Plan Commission.
- d A detailed restoration plan and time table shall be submitted to the Village Plan Commission. In the alternative, the applicant may satisfy this condition by meeting the requirements of §144.443 and §144.444, Wis.

Stats., concerning financial responsibility and transference of responsibility. Evidence of satisfying this condition may be provided to the Village Plan Commission.

- e All state and/or federal licenses and permits shall be submitted to the Village Plan Commission and all Federal and State laws and regulations shall be complied with.
- f The requirements set forth in the Wis. Admin. Code §NR 151 (§NR 180) as amended from time to time shall be complied with and the issuance of a conditional use permit shall be conditioned on such compliance.
- g A detailed site and sanitary plan shall be presented to the Village Plan Commission as well as a method of maintaining records of the source and type of waste deposited on the site and its location and date of deposit.
- h Sanitary landfills shall not be permitted within one thousand two hundred (1,200) feet of a residence or within a conservancy or floodplain district, nor shall such landfill be permitted within three hundred (300) feet of any shoreland area. In addition, sanitary landfills shall not be permitted within one thousand two hundred (1,200) feet of any private or public water supply. To the extent that no environmental harm will occur, the Village Plan Commission may grant a variance to any of the aforesaid separation requirements.
- i The landfill owner/operator shall post a performance bond to insure proper operation, closure and long-term care of the proposed site. Compliance with §144.443, Wis. Stats., concerning "financial responsibility," as amended from time to time, shall satisfy this condition.

An additional bond shall be furnished to the Village to insure against possible road damage to nearby roads due to heavy trafficking of materials.
- j Periodic inspections shall be made from time to time by the Village.
- k The sanitary landfill shall be completely enclosed, except for permanent entrances and exits by either:
 - 1) A temporary planting of fast growing material, capable of reaching a height of ten (10) feet or more and

2) A permanent evergreen planting, the individual trees to be of such number and so arranged that within ten (10) years, they will have formed a dense screen. Such permanent planting shall be grown or maintained to a height of not less than ten (10) feet.

l The conditional use permit may be revoked in accordance with the procedures set forth in Section ZN 5.03(7) of this Ordinance.

m In addition, any of the applicable requirements for granting a conditional use permit for mining or extraction of rock, etc., in the M-3 District may be required.

n All Environmental Protection Agency regulations shall be complied with respect to, but not limited to:

- 1) Contamination of ground and underground water.
- 2) Limitation of explosive gases within landfill structures.
- 3) Monitoring.
- 4) Obtaining water pollution discharge permits.
- 5) Collection and treatment of leachate before discharge.
- 6) Control of rats, flies, and mosquitos.
- 7) Daily covering of waste material.
- 8) Air quality and open burning of waste except for special wastes, as for example, brush, or emergencies.
- 9) Security.
- 10) Availability of water or dirt to control accidental or permitted fires.
- 11) Restriction of flood waters or reduction of water storage capacity of floodplains.
- 12) Bird hazards in the vicinity of airports.
- 13) Modifications of species habitat or interference with migration.

14) Hazardous wastes regulations.

- 121 School auditoriums, gymnasiums and stadiums in the I-1 District.
- a At least one (1) off-street parking space shall be provided for every three (3) seats located within the auditorium, gymnasium or stadium.
 - b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - c Night lighting shall not shine on adjoining property.
 - d In the case of outdoor stadiums, the parking area shall be paved or maintained in a dust free condition.
- 122 Second single-family, farm related residential dwelling in the A-1 and A-4 Districts.
- a The need for more than one (1) single-family dwelling to support and carry on the permitted or approved conditional use must be established to the satisfaction of the Plan Commission before issuance of the conditional use permit. If approval is granted for a second farm dwelling, the additional dwelling shall be placed on a parcel separated from the farm parcel.
 - b A second farm dwelling shall provide a minimum lot area of five (5) acres and no parcel shall be less than three hundred (300) feet in width at the highway right-of-way line. If any such aforementioned dwellings are provided with municipal sanitary sewerage services, the lot area requirement may be reduced to a minimum of twenty thousand (20,000) square feet and the lot width shall be not less than one hundred twenty-five (125) feet. Any new five (5) acre parcel created as described above for a second single-family dwelling shall be approved only if it is located as contiguous as possible to existing lots or dwellings on the subject or adjacent ownerships.
 - c The second single-family farm dwelling shall be occupied by a person who, or a family at least one (1) member of which earns a substantial part of his or her livelihood, as defined in this Ordinance, from farm operations on the parcel or is a parent or child of the operator of the farm.
 - d The only accessory uses permitted in conjunction with the second single-

family farm related residential dwelling shall be a garage or carport and home occupations.

- 123 Ship and boat building and repair in the M-2 District.
- a A detailed site plan shall be presented.
 - b Any outside storage of material shall be securely fenced.
 - c Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 124 Skeet and trap shooting ranges in the PR-1 District.
- a In addition to all applicable conditional use standards for archery and firearm ranges (outdoors) in the PR-1 District, skeet and trap shooting ranges must:
 - 1) provide shot fall zones directed toward the interior of the property extending six hundred sixty (660) feet.
 - 2) continue at least one hundred (100) contiguous acres; and
 - 3) only use steel or other non-toxic shot regulations for shooting over wetland areas.
 - b The Plan Commission may restrict the hours of operation between 11:00 o'clock p.m. and 6:00 o'clock a.m.
 - c Lighting shall be designed to minimize their impact on adjacent property.
 - d Proper and recognized signals shall be used in the operation of the range.
 - e A detailed site plan shall be submitted to the Plan Commission.
- 125 Snowmobile trails in the PR-1 District.
- a A detailed site plan shall be presented to the Plan Commission indicating thereon access and exit points on the trail.
 - b The trail shall be posted with proper speed limits and warning signs as

deemed necessary.

- 126 Sportsmen clubs in the PR-1 District.
- a A detailed site plan shall be presented to the Plan Commission.
 - b The site shall be posted at least every one hundred (100) feet as a sportsmen's club.
 - c Impact statements as deemed appropriate by the Plan Commission may be required.
- 127 Stockyards in the M-2 District.
- a Those requirements set forth for the granting of a conditional use permit for animal reduction in the M-2 District shall be complied with.
 - b Impact statements as deemed necessary by the Village Plan Commission may be required.
 - c The site shall be securely fenced as deemed appropriate by the Village Plan Commission.
 - d A stormwater drainage plan prepared by certified engineers shall be submitted to the Village Plan Commission.
 - e Ingress and egress to the premises and the location of loading docks shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- 128 Storage of mineral products or machinery in the M-3 District.
- a The site shall be securely fenced as deemed appropriate by the Plan Commission.
 - b A stormwater drainage plan prepared by a certified engineer shall be submitted to the Plan Commission.
- 129 Storage of recreational vehicles, boats or snowmobiles in the A-1, A-2 and A-4 Districts.
- a Storage of more than two (2) recreational vehicles and/or boats or snowmobiles shall be within an enclosed structure.

- 130 Summer theaters and amphitheaters or band shells in the PR-1 District.
- a A detailed site plan shall be submitted to the Plan Commission along with the proposed hours of operation and seating capacity on the premises.
 - b At least one (1) off-street parking space shall be provided for every three (3) seats located within the theater, amphitheater or band shell.
 - c The site shall have direct access to federal, state or Village highways.
 - d An application for a conditional use permit shall be accompanied by a report setting forth the proposed operation of the theater, amphitheater or band shell.
 - e Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - f Parking areas shall be maintained in a dust free condition and where paved, a stormwater drainage plan shall be submitted to the Plan Commission.
 - g Night lighting shall not be permitted to shine on adjacent property.
 - h Proposals for water and sanitation facilities and emergency services shall be reviewed by the Plan Commission.
 - i Increased performance standards with respect to noise may be required as deemed necessary.
- 131 Taverns (with no live entertainment) in the B-1 District.
- a Ingress and egress to the site shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
 - b Performance standards set forth in this Ordinance as they relate to noise control shall be complied with, and where deemed appropriate, the Plan Commission may establish stricter performance standards relating to noise control.
- 132 Truck stops, sales and service in the B-3 District.
- a A detailed site plan shall be submitted to the Plan Commission and shall include therein the location of storage facilities for all fuels and other

hazardous materials.

- b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c All repair work shall be done within enclosed structures.
- d All street yard, side yard and rear yard setbacks shall be at least one hundred (100) feet.
- e Night lights shall not be permitted to shine on adjacent property.
- f All parking areas and roadways shall be maintained in a dust free condition and where paved, a stormwater drainage plan shall be submitted to the Plan Commission by a certified engineer.

133 Utilities and substations in the M-3 District.

- a Environmental and economic impact statements shall be required by the Plan Commission.
- b A detailed site plan shall be presented to the Plan Commission.
- c A stormwater drainage plan prepared by a certified engineer shall be presented to the Plan Commission.
- d The site shall be securely fenced and marked with appropriate warning signs.
- e Failure to comply with the performance standards set forth in this Ordinance shall be grounds for revocation of the conditional use permit.

134 Utility Construction and Maintenance, including electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members, in the C-1 District, provided that:

- a The transmission and distribution facilities cannot, as a practical matter, be located outside the wetland;
- b Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland.

- 135 Utility facilities (except buildings and substations) such as underground watertight conduits, telephone and electric poles, etc., constructed in conformance with Wis. Admin. Code §NR 116.17 in the FPO District, provided that:
- a Those requirements set forth for the granting of a conditional use permit for bridges and approaches in the FPO District shall be complied with.
- 136 Utility substations, microwave relay stations, and cellular relay stations in the A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-4.5, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, M-1, M-2, I-1 and C-2 Districts.
- a All utility substations, microwave relay stations, and cellular relay stations shall be securely fenced and marked with appropriate warning signs.
 - b The height of tower-mounted utility substations, microwave relay stations, and cellular relay stations shall not exceed three (3) times their distance from the nearest property line.
- 137 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil in the M-3 District
- a A detailed site plan and impact statements shall be presented to the Plan Commission along with a stormwater drainage plan prepared by a certified engineer.
 - b Impact statements as deemed appropriate by the Village Plan Commission may be required.
 - c Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance. Roads shall be maintained in a dust-free condition.
- 138 Water storage tanks and towers and radio and television transmitting and receiving towers in the B-5 and I-1 Districts.
- a Towers shall not be located closer than fifty (50) feet to any structure.
 - b All towers shall be securely anchored and lit with warning lights as deemed appropriate.
 - c All federal and state licenses shall be filed with the Planning and

Development Administrator's office.

- d Water tanks and water towers are exempt from the height limitations of this Ordinance. The height of radio and television transmitting and receiving towers shall not exceed three (3) times their distance from the nearest property line.
- 139 Water withdrawal and diversion uses in shoreland areas. (See Section ZN 3.10(6) of this Ordinance)
- 140 Wildlife ponds in the C-1 District, provided that:
- a Any excavating, ditching, dredging, or draining that is to be done must be necessary for such construction and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands. Any excavating, ditching, dredging, or draining shall be for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
 - b Wildlife ponds shall not exceed an average depth of five (5) feet and side slopes shall not exceed a gradient of one (1) foot vertical to five (5) feet horizontal.
 - c Spoils from pond construction shall not be deposited or disposed of within the C-1 District.
- 141 Wind energy conversion systems, commonly called "windmills", in the A-1, A-2, A-3, A-4, R-1, I-1, PR-1 and C-2 Districts.
- a The site area shall be a minimum of five (5) acres.
 - b Applications for the erection of a wind energy conversion system shall be accompanied by a plat of survey for the property to be served showing the location of the generating facility and the means by which the facility will provide power to structures. If the system is intended to provide power to more than one (1) premise, the plat of survey shall show all properties to be served and the means of connection to the wind energy conversion system. A copy of all agreements with system users off the premises shall accompany the application. The application shall further indicate the level of noise to be generated by the system, and provide assurances as to the safety features of the system.
 - c Wind energy conversion systems shall be constructed and anchored in such a manner to withstand wind pressure of not less than forty (40)

pounds per square foot in area.

- d The maximum level of noise permitted to be generated by a wind energy conversion system shall be fifty (50) decibels, as measured on a dB(A) scale, measured at the lot line.
- e Wind energy conversion system generators and alternators shall be filtered and/or shielded so as to prevent the emission of radio-frequency energy that would cause any harmful interference with radio and/or television broad-casting or reception. In the event that harmful interference is caused subsequent to the granting of a conditional use permit, the operator of the wind energy conversion system shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.
- f Wind energy conversion systems shall be located in the rear yard only and shall meet all setback and yard requirements for the district in which they are located and, in addition, shall be located not closer to a property boundary than a distance equal to their height. Wind energy conversion systems are exempt from the height requirements of this Ordinance, however, all such systems over seventy-five (75) feet in height shall submit plans to the Federal Aviation Administration (FAA) to determine whether the system is to be considered an object affecting navigable air space and subject to FAA restrictions. A copy of any FAA restrictions imposed shall be included as a part of the wind energy conversion system conditional use permit application.
- g All wind energy conversion systems shall be surrounded by a security fence not less than six (6) feet in height. A sign shall be posted on the fence warning of high voltages.
- h The appropriate electric power company shall be notified, in writing, of any proposed interface with that company's grid prior to installing said interface. Copies of comments by the appropriate utility company shall accompany and be part of the application for a conditional use permit.

142 Wrecking, junk, demolition and scrap yards in the M-2 District.

- a Any wrecking, junk, demolition and scrap yard, or salvage yard for which permission is granted under this section shall at all times be subject to the performance standards established in this Ordinance. Failure to comply with said performance standards shall be grounds for revocation of the conditional use permit.

- b All outdoor storage areas shall be screened or fenced with a solid fence at least six (6) feet, but not more than eight (8) feet in height or enclosed with a dense evergreen growth at least six (6) feet in height. Storage between the street and such fence or screen is expressly prohibited.
- c Any junk or salvage yard which offers to the public at retail any new or used merchandise shall provide at least two (2) parking spaces per one hundred (100) square feet of retail floor space.
- d All ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- e No wrecking, junk, demolition or scrap yard shall be located within one thousand (1,000) feet of any navigable body of water or shoreland area.
- f There shall be proper and adequate control of all rodents.
- g There shall be strict compliance with Chapter 9 of the Village Code of General Ordinances and the requirement set forth therein for motor vehicle wrecking yards.
- h A performance bond shall be required by the Plan Commission to insure compliance with the conditions set forth by the Plan Commission and which conditions form the basis for the granting of a conditional use permit.

A corporate surety bond shall be furnished to the Village to assure compliance with the approved rehabilitation map and plan. The bond shall be in an amount to be determined by the Commission sufficient to cover twice the projected expenses of such rehabilitation at the time that the rehabilitation is to occur according to the plan of the applicant. A termination date for the completion of operations and the rehabilitation of the tract shall be imposed at the time of approval based upon the estimated length of time the operation will be necessary.

An additional bond shall be furnished to the Village to insure against possible road damage to nearby roads due to heavy trafficking of materials.

- i The conditional use permit shall be in effect for a period not to exceed two (2) years and may be renewed upon an application for a period of an additional two (2) years by the Plan Commission upon review of the

performance of the operations. Modifications or additional conditions may be imposed upon application for renewal including an increase in the amount of any surety bond.

- j No junk yard shall be permitted to operate in violation of §84.31 and §175.25, Wis. Stats.

143 Zoological and botanical gardens in the PR-1 District.

- a A detailed site plan shall be presented to the Plan Commission setting forth in detail the location of all structures, sanitary facilities, etc.
- b Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
- c Night lights shall not be permitted to shine on adjoining or adjacent property.
- d There shall be only off-street parking provided for.
- e In the case of zoological facilities, the site shall be securely enclosed and the Plan Commission shall review the security system to be used on the premises for the containment of animals, reptiles, etc.