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**SECTION 6 – CONDITIONAL USES**

**6.1 Special Land Use**

In order to accomplish the purposes of this Ordinance, it is necessary to give special study and consideration to certain uses, because they are of a special nature and may present special problems because of incompatibility with the neighboring land uses or because of special requirements applicable to a particular use. These uses are not automatically permitted in any district, but may be allowed in certain districts upon study and approval of the specific use and compliance with the conditions imposed by the Park Commission.

**6.2 Permit**

The Park Commission may authorize the Town Clerk to issue a conditional use permit after the procedures of this section have been followed and a public hearing has been held.

**6.3 Application**

Application for a conditional use permit shall be made to the Park Commission on forms supplied by the Commission and available at the Town Hall. The following information shall be required:

- a. Names and addresses of the applicant, owner of the site, architect, planner, or engineer responsible for the design, contractor, and all adjacent property owners of record.
- b. Description of the area to be developed, including lot, block, recorded subdivision.
- c. The type of structure proposed, the use proposed, and the existing zoning classification.
- d. Plat of Survey (in triplicate) showing the location boundaries, dimensions, elevations, uses and size of the following: subject site, existing and proposed structures, landscaping, natural ground features, easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions, existing and proposed street, side and rear yards, and existing and proposed easements. In addition, the Plat of Survey shall show the locations, elevation and use of any abutting lands and structures within 200 feet of the subject site.
- e. Additional information as may be required by the Park Commission or as indicated in subsequent paragraphs of this section.
- f. Fee receipt from the Town Clerk in the amount of \$100.00 which shall be applied towards the Town cost incurred in processing the application, except where exempted in subsequent paragraphs of this section.

**6.4 Public Hearings**

No more than sixty (60) days after the filing of application for a conditional use permit, a public hearing shall be held by the Park Commission. Notice of the hearing shall be published at least one time in the official paper of the Town of Sheboygan not less than ten (10) nor more than thirty (30) days before the date of such hearing. Written notice of the hearing shall be given to the applicant and any parties in interest and to all surrounding or adjoining landowners within 200 feet of the applicant's land

at least ten (10) days before the hearing, and the published notice may be supplemented by such additional form of notice as the Commission may require by its rules. The notice of hearing shall contain the date, time and place of the hearing, the street address or common description of the property involved, and a brief statement of the conditional use sought.

**6.5 Review**

The Park Commission shall review the site and all aspects of the proposal, along with all provisions for circulation of traffic and extension of public utilities. Conditions may be imposed by the Park Commission upon its determination that these requirements are necessary to accomplish the intent and purpose of this Ordinance. The Commission may authorize the issuance of a conditional use permit provided that such conditional uses and structures are in accordance with the purpose and intent of this Ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Town and Sheboygan County.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, Certified Survey Maps, flood proofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking, may be required by the Park Commission upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.

**6.6 Appeals**

An appeal of conditions imposed or of refusal to allow a conditional use under the provisions of this Ordinance may be submitted to the Board of Appeals under the regulations set forth in Section 11 of this Ordinance.

**6.7 Revocation**

The Building Inspector shall revoke the conditional use permit if at any time there has been a failure to comply with the conditions imposed or if there has been a substantial change in the development, unless such change has been approved by the Park Commission.

**6.8 Compliance**

All other provisions of this Ordinance, such as lot dimensions, yards, building bulk restrictions, parking, loading, traffic circulation, and performance standards, shall be observed with the granting of a conditional use. Variances shall only be granted as provided in Section 11 of this Ordinance.

**6.9 Conditional Uses by Category**

Except where specifically permitted as principal uses, the following uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the Park Commission shall familiarize itself with the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of

this Ordinance and upon the particular land use problems related to development of the site or sites as proposed.

**6.10 Conditional Uses in A-1 Agricultural District**

The following uses shall be conditional uses and may be permitted in the Agricultural District.

- a. Airports and airstrips.
- b. Auditoriums, stadiums, arenas, armories or gymnasiums.
- c. Cemeteries.
- d. Churches, temples, and other places of worship.
- e. Dog kennels, dog day care facilities, dog grooming facilities and stables.<sup>1</sup>
- f. Drive-in theaters, provided that a planting screen at least twenty-five feet (25') wide is created along any side abutting a residential district and no access is permitted to or within one thousand (1,000) feet of any arterial street.
- g. Golf courses, including club houses located thereon, excluding miniature golf courses.
- h. Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, museums.
- i. Greenhouses and garden centers.
- j. Hatcheries.
- k. Hospital, sanitariums, nursing homes.
- l. Other compatible uses that may be interpreted by the Park Commission as generally understood to be an "agricultural/agriculturally related use."
- m. Propagation, boarding or butchering of animals, processing of meat products, packing plants, tanning and curing of raw hides.
- n. Public utilities engaged in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation, and metering of such utilities in any district.
- o. Radio and TV towers.
- p. Recreation camps and parks.
- q. Sanitary landfill.

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<sup>1</sup>Repealed and recreated by Ordinance No. \_\_\_-2004/05. Enacted August \_\_\_, 2004.

- r. Storage of any kind, except that storage shall not include the accumulation of motor vehicles for salvage or otherwise or junk of any type.

**6.11 Conditional Uses in C-1 Conservancy District**

The following uses may be conditionally permitted, except that issuance of a "Conditional Use Shoreland Zoning Permit" (pursuant to the SHORELAND-FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources permits (pursuant to Wis. Stat. §§ 30.11, 30.12, 30.19, 30.195, and 31.05) may be required:

- a. Stream bank and shore protection and preservation.
- b. Piers and docks.
- c. Removal of peat or topsoil.
- d. Special crop farming.
- e. Utilities such as telephone, telegraph, gas lines, and transmission lines.
- f. Nonresidential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animals or crops.

**6.12 Conditional Uses in -R- Residence Districts**

The following uses shall be conditional uses and may be permitted in the R-Residence Districts:

- a. In R-1 and R-2 Residence Districts:
  - (1) Fire stations (satellite).
  - (2) Public Utilities.
  - (3) Dog grooming facilities<sup>2</sup>
- b. In R-3 Residence District:
  - (1) Multiple family dwellings containing no more than twelve (12) dwelling units.
  - (2) Professional offices. (No professional office building shall contain more than 3,000 square feet of floor area.)
- c. In R-4 Residence District:
  - (1) Hotels and motels.
  - (2) Governmental buildings, excluding incinerators and tool houses.

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<sup>2</sup>Created by Ordinance No. \_\_\_ - 2004/05. Enacted August \_\_\_, 2004.

- (3) Multiple family dwellings.
  - (4) Private clubs and fraternal organizations.
  - (5) Colleges and universities.
- d. Agricultural Uses in R-2, R-3 and R-4, except as follows:
- (1) No building or enclosure in which farm animals and poultry are kept shall be nearer than 100 feet to any adjoining property line.
  - (2) No storage of manure, odor, or dust producing substances or use shall be permitted within 100 feet of any adjoining property line.
  - (3) No swine, fur farms or fee lots shall be allowed.
  - (4) No sale of products shall be allowed from any roadside stands.
  - (5) All animals and poultry, except household pets, shall be kept within a structure or other enclosure. See Section 6.18 for keeping horses.
  - (6) Any other conditions deemed necessary to carry out the intent of this Ordinance.
- e. Hospitals, sanitariums, nursing homes, and homes for the aged in R-2, R-3 and R-4, subject to the following:
- (1) The proposed site and site development does not in any way tend to prevent the use of adjacent land for permitted principal uses of the district.
  - (2) Side and rear yards shall be screened from adjacent uses within R-2 district through the use of planting, landscaping, or decorative fencing.
  - (3) The site shall be easily accessible through the use of adjacent streets without causing a substantial increase in traffic on streets intended and designed only for local residential traffic.
  - (4) Off street parking for all staff employees, patients, and visitors must be provided.
- f. Governmental and cultural uses, such as fire and police stations, community centers, libraries, parks, playgrounds, museums in R-2, R-3, R-4 and R-5.
- g. Auditoriums, stadiums, arenas, armories, or gymnasiums in R-3 and R-4.
- h. Manufactured homes in the R-4 district subject to the following conditions:<sup>3</sup>
- (1) Manufactured Home Communities.

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<sup>3</sup>Recreated and amended by Ordinance No. \_\_\_-2002/03. Enacted November 19, 2002.

- (a) A manufactured home community shall be located on a well-drained site consisting of at least ten (10) acres, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Community or municipal sewer and water facilities must be provided directly to each manufactured home space.
- (c) Each manufactured home community shall provide manufactured home spaces and each such space shall be clearly defined and delineated. Each space shall have an area of not less than 2,000 square feet and a width of not less than thirty feet (30'). The average size of all manufactured home spaces in a manufactured home community shall not be less than 3,000 square feet, and the average width of all such spaces in a manufactured home community shall not be less than forty feet (40').
- (d) Manufactured homes shall be located so that there is at least a twenty-five foot (25') clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance may not be less than fifteen feet (15').
- (e) No manufactured home shall be located closer than forty feet (40') from any community building, including any washroom, toilet, or laundry facilities within a manufactured home community or from any property line of a manufactured home community.
- (f) Each manufactured home community shall devote at least twenty-five percent (25%) of its total area to open space provided for the recreational uses and enjoyment of the occupants of a manufactured home community.
- (g) All manufactured home spaces shall abut upon a paved driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley, or highway.
- (h) No manufactured home shall be located less than 100 feet from any property line or county trunk or Town highway and wherever a manufactured home community abuts upon any property outside a manufactured home community that is classified for residential uses (except property used for non-residential uses or for a manufactured home community), then no manufactured home shall be placed closer than 200 feet from such boundary. The 200 foot setback required by this subsection shall be planted and landscaped so as to screen a manufactured home community from the abutting property.
- (i) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.
- (j) In all other respects, manufactured home communities shall comply with all of the applicable statutes of the State of Wisconsin, and all applicable regulations of all departments, commissions, and agencies of the State of Wisconsin.

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- (k) Screening shall be utilized on all sides of a manufactured home community. Consideration shall be given to topography, large trees, vegetation, site design, and land uses in the evaluation of the extent of required screening. Whenever screening is required, either a durable masonry wall, fence or berm, natural planting and landscaping, designed to be compatible with the character of adjoining properties, shall be provided. Walls and fences shall be at least five feet (5') in height, but not greater than six feet (6') in height, measured from the ground along the common lot line of adjoining properties. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet (3') and shall be of such variety that an average height of at least six feet (6') could be expected within no later than two (2) years from the time of planting.
- (l) For each manufactured home there shall be constructed a permanent patio located adjacent to or attached to the manufactured home stand, and such patio shall be of the following characteristics:
- (i) Each patio shall be at least 180 square feet in area.
  - (ii) East patio shall have sufficient gradient to facilitate adequate drainage away from the manufactured home stand.
  - (iii) Each patio shall have a graded and compacted base and shall be Portland cement concrete or masonry construction.
- (m) A walkway shall be constructed for each manufactured home space and shall connect the parking bay and the patio where parking is provided for on the manufactured home space, and shall connect the patio and the drive where community parking areas are provided.
- (n) Parking areas for mobile vehicles shall be provided at a ration of two (2) parking spaces for each manufactured home living unit. Parking may be provided on the manufactured home space or in community bays. Each parking space shall be at least 180 square feet in area, have a minimum width of eight and one-half feet (8-1/2'), and shall be surfaced with at least four inches (4") of compacted crushed stone.
- (2) Manufactured Home Subdivision. A Manufactured Home Subdivision may be created by converting a Manufactured Home Community to a Manufactured Home Subdivision. A Manufactured Home Subdivision is a parcel of land to be divided into three (3) or more lots for the purpose of siting thereon three (3) or more manufactured homes to be used as single-family residences on said lots that may be owned by the manufactured home owner. Manufactured home communities (as set forth in Section h.,(1), may be converted to a Manufactured Home Subdivision subject to the following conditions, provided, however, these conditions shall be superceded by variances, approvals, development agreements, permits, and agreements that have been granted, issued, or entered into for the existing Manufactured Home Community:

- (a) A Manufactured Home Subdivision shall be located on a well-drained site consisting of at least ten (10) acres, property graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Community or municipal sewer and water facilities must be provided directly to each lot.
- (c) Each Manufactured Home Subdivision shall provide lots that are platted in accordance with Section \_\_\_\_\_ of the Town of Sheboygan Ordinances. Each lot shall have an area of not less than 2,000 square feet and a width of not less than thirty feet (30'). The average size of all Manufactured Home Subdivision lots shall not be less than 3,000 square feet, and the average width of all such spaces in a Manufactured Home Subdivision shall not be less than forty feet (40').
- (d) There shall be no more than one (1) dwelling unit on each lot.
- (e) Manufactured homes shall be located so that there is at least a twenty-five foot (25') clearance between manufactured homes; provided, however, that with respect to manufactured homes parked end-to-end, the end-to-end clearance may not be less than fifteen feet (15').
- (f) No manufactured home shall be located closer than forty feet (40') from any subdivision community building, including any washroom, toilet, or laundry facilities within a Manufactured Home Subdivision.
- (g) Each Manufactured Home Subdivision shall devote at least twenty-five percent (25%) of its total area to open space provided for the recreational uses and enjoyment of the occupants of a Manufactured Home Subdivision.
- (h) All lots shall abut upon a paved driveway of not less than twenty feet (20') in width, which shall have unobstructed access to a public street, alley, or highway.
- (i) No manufactured home shall be located less than 100 feet from any county trunk or Town highway and wherever a Manufactured Home Subdivision abuts upon any property outside a Manufactured Home Subdivision that is classified for residential uses (except property used for non-residential uses or fora Manufactured Home Subdivision), then no manufactured home shall be placed closer than 100 feet from such boundary. The 100 foot setback required by this subsection shall be planted and landscaped so as to screen a Manufactured Home Subdivision from the abutting property.
- (j) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residence district or upon any public street or park.
- (k) In all other respects, Manufactured Home Subdivisions shall comply with all of the applicable statutes of the State of Wisconsin and all applicable regulations of all departments, commission, and agencies of the State of Wisconsin.

- (l) Screening shall be utilized on all sides of a Manufactured Home Subdivision. Consideration shall be given to topography, large trees, vegetation, site design, and land uses in the evaluation of the extent of required screening. Whenever screening is required, either a durable masonry wall, fence, or berm, natural planting and landscaping, designed to be compatible with the character of properties adjoining a Manufactured Home Subdivision, shall be provided. Walls and fences shall be at least five feet (5') in height, but not greater than six feet (6') in height, measured from the ground along the common lot line of properties adjoining a Manufactured Home Subdivision. Hedges or comparable natural plantings shall be planted at an initial height of at least three feet (3') and shall be of such variety that an average height of at least six feet (6') could be expected within no later than two (2) years from the time of planting.
  - (m) A walkway shall be constructed for each lot and shall connect the parking bay and the patio where parking is provided for on the lot.
  - (n) Parking areas for mobile vehicles shall be provided at a ratio of two (2) parking spaces for each manufactured home living unit. Parking shall be provided on each lot. Each parking space shall be at least 180 square feet in area, have a minimum width of eight and one-half feet (8-1/2'), and shall be surfaced with at least four inches (4") of compacted crushed stone.
- i. Planned Residential Developments, such as cluster developments, in the R-3 Residential District and garden apartments, row housing, and group housing in the R-4 Residential District.

The Park Commission may disapprove, recommend the development as submitted, or may modify, alter, adjust, or amend the plan before recommendation, and in recommendation it may prescribe other conditions as provided in this section.

The district regulations governing population density and/or building intensity may be varied, provided other provisions are incorporated in the plan, which would significantly enhance the character of the development, and provided the average intensity and density of land use shall be no greater than that required in the district in which it is located.

Character, identity, and architectural and siting variation incorporated in a development may include (but are not limited to) the following:

- (1) Landscaping.
  - (a) Street scape.
  - (b) Open spaces and plazas.
  - (c) Use of existing landscape.
  - (d) Pedestrian way treatment.
  - (e) Recreational areas.

- (2) Siting.
  - (a) Visual focal points.
  - (b) Use of existing physical features (topography, etc.).
  - (c) View.
  - (d) Sun and wind orientation.
  - (e) Circulation pattern.
  - (f) Physical environment.
  - (g) Variation in building setbacks.
  - (h) Building groups (cluster, etc.).
  
- (3) Design Features.
  - (a) Street sections.
  - (b) Architectural styles.
  - (c) Harmonious use of materials.
  - (d) Parking areas broken by landscape features.
  - (e) Varied use of house types:
    - (i) Town house
    - (ii) Attached
    - (iii) Maisonette
    - (iv) Terrace
    - (v) Tower

Common open spaces shall be reserved by a legally binding agreement and may be in the form of land located within the planned district, land located near the planned district, or funds which the Town shall use for the acquisition and development of public open space located near the district for the enjoyment and use of the public. If the common open space is not dedicated for public use, legal agreements shall include an open space easement granted to the Town and provision for adequate future maintenance.

The following provision shall be complied with:

<u>Development</u>		Minimum ten (10) acres.
<u>Lot</u>	Area	Minimum of 2/3 of the minimum lot area for the district in which located. Minimum 3,000 square feet for row houses.
	Width	Minimum of 2/3 of the minimum lot width for the district in which located. Minimum twenty feet (20') for row houses.
<u>Building</u>	Area	Minimum building area for the district in which located.
	Height	Maximum of thirty-five feet (35').
	Rooms	All living rooms shall have windows opening onto a yard.
<u>Yards</u>	Street	Minimum twenty feet (20').
	Rear	Minimum fifty feet (50').
	Side	Minimum twenty feet (20') from street rights-of-way, exterior property lines of the development, and other buildings.

The development as authorized shall be subject to all conditions so imposed, and shall be excepted from other provisions of this Ordinance only to the extent specified in the authorization.

The report of the Park Commission to the Building Inspector shall be in writing and shall include a finding as to whether the proposed development is consistent with the Comprehensive Plan of the Town.

- a. The proposed residential development must be designated to produce a stable and desirable environment not out of harmony with the surrounding neighborhoods, and must provide standards of open space and parking adequate for the occupancy proposed. It must include provisions for open space to meet the needs of the anticipated population, or as specified in the Comprehensive Plan of the Town of Sheboygan.
- b. The conditional use of this category may contain a professional or limited commercial use as an integral part of a residential development, but such uses shall be planned primarily for the service and convenience of the residents of the planned residential development, and shall be authorized only to the extent that such uses are not available to the residents in reasonable proximity.
- c. The Park Commission may approve the plan if it finds that:
  - (1) The proposed uses will not be detrimental to present and potential uses in the area surrounding the proposed district.

- (2) Existing and future highways are suitable and adequate to carry anticipated traffic associated with the proposed district.
  - (3) Existing and future utilities are or will be adequate for the proposed development.
  - (4) The development plan complies with the requirements of this Ordinance.
- d. The permit, when authorized, shall be for a term of two (2) years from the date of issue. At the end of two (2) years, the Park Commission shall review the progress of the planned residential development and upon finding that development is in substantial accord with the permit, shall authorize a renewal of the permit for an additional period of its own determination. Upon a finding that there had not been substantial, authorized development within the area, the Park Commission may refuse to renew the permit, except when the developer shows good cause for such failures. The planned residential development may be amended when authorized at the discretion of the Town Park Commission.

**6.13 Conditional Uses in -B- Business Districts**

The following uses shall be conditional uses and may be permitted in the B-Business Districts:

a. B-1 District.

- (1) Apartments and general residential use incidental to main purpose of building in B-1.
- (2) Self-service laundries and dry cleaning establishments and pick up stations in B-1.
- (3) Packaged beverage stores and personal service establishments.
- (4) Dog day care and dog grooming facilities.<sup>4</sup>

b. B-2 District.

- (1) Any use permitted in B-1 District.
- (2) All types of otherwise lawful retail sales and services.
- (3) Garden centers and greenhouses.
- (4) Taverns and cocktail lounges.
- (5) Restaurants.
- (6) Theaters, not including outdoor drive-in theaters.
- (7) Bowling alleys.
- (8) Laundry and dry cleaning establishments.

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<sup>4</sup>Created by Ordinance No. \_\_\_-2004/05. Enacted August \_\_\_, 2004.

- (9) Radio and television repair shops.
- (10) Banks, savings and loan, and credit union establishments, including drive-in banking facilities.<sup>5</sup>
- (11) Radio and television broadcasting stations, excluding towers and relay equipment.
- (12) Wholesale establishments confined to indoor storage.
- (13) Indoor storage and warehouses.
- (14) General retail merchandise and food stores.
- (15) Public passenger transportation terminals.
- (16) Motels, hotels, and tourist courts in the B-2 and B-3 Districts.
- (17) Mobile home and trailer sales and rental in B-2 and B-3, but not including the use of any mobile home as a residence.

c. B-3 District.

- (1) Drug stores.
- (2) Food stores.
- (3) Gift and souvenir shops.
- (4) Restaurants.
- (5) Taverns and Cocktail lounges.
- (6) Parking.
- (7) Self-service laundries and dry cleaning establishments.

d. B-4A District. (Planned Business Park Office and Light Industrial)

- (1) Banks, savings and loan establishments, except drive-in banking facilities.
- (2) Radio and television broadcasting stations, excluding tower and relay equipment.
- (3) Wholesale establishments confined to indoor storage.
- (4) Indoor storage and warehouses.
- (5) Private clubs and fraternal organizations.

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<sup>5</sup>Amended by Ordinance No. \_\_\_-1999/00. Enacted July \_\_\_, 2000.

- (6) Motels and hotels.
  - (7) Contractor's and construction offices, and shops.
  - (8) Machine shops and metal products manufacturing and tool and die shops, provided they do not include drop forges or riveting machines.
  - (9) Manufacturing and/or assembling products from substances such as wood, cork, glass, leather, fur, plastic, felt, and other textiles.
  - (10) Manufacturing of electronic products and components.
  - (11) Printing and binding plants.
  - (12) Radio and television broadcasting stations and electronic equipment.
  - (13) Research laboratories.
  - (14) Business service establishments.
  - (15) Personal services.
  - (16) Packing and packaging plants.
  - (17) Public passenger transportation terminals.
  - (18) Indoor storage and warehouses.
- e. B-4C Districts. (Planned Business Park Commercial)
- (1) Automobile service stations, automobile laundries, automobile repair stations and garages, automobile sales and rentals.
  - (2) Restaurants and drive-in restaurants serving food or beverages for consumption outside the structure and on the premises.
  - (3) Mortuaries and funeral parlors, but not including crematoriums.
  - (4) Planned shopping center developments.
  - (5) Drive-in banking facilities maintained in conjunction with a bank or financing institution.
  - (6) Hotels and motels.
  - (7) Private clubs and fraternal organizations.
- f. In All B-4 Districts.
- (1) Public utilities engage in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation, and metering of such utilities.

- (2) No building shall be used for residential purposes, except that accommodation may be offered to the transient public by motels or hotels.
  - (3) All business, servicing, storage, and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
  - (4) No business establishment shall offer goods or services directly to customers waiting in parked motor vehicles, or sell beverages or food for consumption on the premises in parked motor vehicles, except under District B4-C and after obtaining a conditional use permit.
- g. Multi-Use Zoning. Planned Business Park District may be zoned for multi uses, which shall be designated by scaled map designating the specific uses as listed in this section.

#### 6.14 Conditional Uses in -I- Industrial Districts

The following uses shall be conditional uses and may be permitted in I-1 and 2 Industrial Districts:

- a. Incinerators, tool houses and sewage treatment plants.
- b. Sand, gravel, and mineral extraction. Sand, gravel, and mineral extractions including washing, crushing, and other processing:
  - (1) The application for the conditional use permit shall include: adequate description of the operations; a list of equipment, machinery, and structures to be used; the source, quantity and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet (5'); trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a restoration plan.
  - (2) The Restoration Plan provided by the applicant shall contain proposed contours after filling, depth of the restored topsoil, type of fill, planting or reforestation, restoration, commencement and completion dates. The applicant shall furnish the necessary fees to provide for the Town's inspection and administrative costs and the necessary sureties which will enable the Town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by the Town Engineer, and the form and type of such sureties shall be approved by the Town attorney.
  - (3) 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 not to exceed two (2) years. Modifications or additional conditions may be imposed upon application for renewal.
  - (4) The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality, and shall also consider the practicality of the proposed restoration of the site.
- c. Public passenger transportation and terminals, radio and television towers.

- d. Crematoriums.
- e. Dumps and disposal areas:
  - (1) That they are properly licensed or are fully qualified for licensing under state statute and Town ordinance.
  - (2) The Town Park Commission may recommend and prescribe other conditions as to access roads, landscaping, sun and wind orientation, pedestrian way treatment, fencing, regulations for covering, and sanitation and parking facilities.
- f. Automobile wrecking and junk yards provided as follows:
  - (1) They are enclosed around the entire perimeter by a solid fence of heights sufficient to effectively screen the scrap material.
  - (2) That said fence shall be located at least 750 feet from any public road or highway, lake, or stream and not less than one-half mile from the boundary of any residential district.
  - (3) That they are properly licensed or are fully qualified for licensing under state statute and Town ordinance.
  - (4) The Town Park Commission may recommend and prescribe other conditions as to access roads, landscaping, sun and wind orientation, pedestrian way treatment, and parking facilities.
- g. Building material sales and storage.
- h. Business offices.
- i. Contractors' and construction offices, shops and yards.
- j. Machinery sales.
- k. Machine shops and metal products manufacturing and tool and die shops, provided they do not include drop forges or riveting machines.
- l. Manufacturing and/or assembling products from substances such as wood, cork, glass, leather, fur, plastic, felt, and other textiles.
- m. Manufacturing of electronic products and components.
- n. Printing and binding plants.
- o. Radio and television broadcasting stations and electric equipment.
- p. Research laboratories.
- q. Warehouses and storage yards, not including scrap or junk yards.

- r. Wholesale outlets.
- s. Beverage and bottling works, canning or preserving factories, and food product plants, except those uses specified in Section 6.14 as Conditional Uses in I-2 Industrial District.

**6.15 Conditional Uses in I-2 Industrial District**

The following uses shall be conditional uses and may be permitted in I-2 Industrial District only:

- a. Refining or manufacturing of petroleum or petroleum products, fuel storage such as coal yards.
- b. Foundries, forge plants, or drop forges.
- c. Stockyards or commercial slaughter of animals or commercial rendering.
- d. Manufacture or storage of explosives or fireworks, manufacture of acids, or the manufacture of fertilizer.
- e. Amusement parks.
- f. Propagation, boarding or butchering of animals, processing of meat products, packing plants, tanning and curing or raw hides.
- g. All other uses not specifically indicated as permitted or conditional uses in other districts.

**6.16 Conditional Uses Multiple Industrial Districts**

Industrial and related uses:

Commercial service facilities such as restaurants and fueling stations in the I-1 and I-2 Districts, provided that all such services are physically and otherwise oriented toward industrial district users and employees and other users are only incidental customers.

**6.17 General Uses**

The following uses shall be conditional uses in all districts:

- a. Public utilities engaged in the sale and delivery of gas, water, and telephone service, including equipment and facilities required for their distribution, regulation and metering of such utilities in any district.
- b. Municipal earth landfill operations.
- c. Barber shops and beauty salons, except where specifically permitted.
- d. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, cemeteries, and museums, in all districts.

- e. Public, parochial, and private elementary and secondary schools and churches in all residential, business, and park districts, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than fifty feet (50') from any lot line.

## 6.18 Horses

The keeping of horses in all districts, except A-1 Agricultural District, is prohibited except as follows:

- a. Non-conforming Use. All areas or lands, except in Agricultural Districts, used for stabling, raising, breeding, or grazing of horses at the effective date of this Ordinance (8/1/68) shall be considered a non-conforming use and shall be governed as such under Chapter 10.
- b. Conditional Use. No horses shall be allowed in any district, except A-1 Agricultural District, without applying for and receiving a conditional use permit for the stabling and grazing only of horses kept for private recreational purposes.
- c. General Restrictions On Permit. Restrictions on the general use permit shall include the following:
  - (1) Buildings. All horses shall be stabled in a roomy, well-ventilated building equipped with stalls and suitable hygienic floor.
  - (2) Fly and Insect Control. Said building shall have screened doors and windows, necessary spraying or mechanical control of flies and insects shall be mandatory.
  - (3) Number of Horses Allowed. The number of horses kept under this permit shall not exceed four (4).
  - (4) Pasture Lands. No permit shall be issued unless there is available for paddocks or pasture use at least one (1) acre of land for each horse located thereon.
  - (5) Manure Handling. Suitable covered containers shall be provided for manure. Manure and cleanings shall be removed from the premises weekly and shall not be used as fertilizer on the paddock, pasture area, or owner's lot.
  - (6) Feed and Supplies. Grain shall be kept within covered metal containers and all hay and straw shall be kept within the building.
  - (7) Fences. Applicant, owner, or occupant of said land shall be responsible for the construction or proper fences so as to control horses and prevent said animals from reaching into a neighbor's yard or destroying plants, trees, shrubs, or other vegetation on the neighbor's property.
  - (8) Rat Control. The presence of rats on the premises shall be considered a violation of this permit.
  - (9) Breeding of Horses. The breeding of horses on premises is prohibited. Mares may foal if property facilities are present.
  - (10) Definition. Horses shall mean and include within its meaning ponies, foals, colts, mules, or donkeys.

- (11) Other Restrictions. The Town Park Commission may set forth other requirements for the issuance of said permit as it deems necessary from time to time to conform with the intent and purpose of this Ordinance.
- d. Violation. A violation of any permit restrictions as set forth herein and as determined by the Town Park Commission shall be deemed a revocation of said permit and said use as a stable shall be removed immediately. Nothing in this section shall be deemed to give the owner, applicant, or occupant of said lands a vested interest in the use established in said permit.

## 6.19 COMMUNICATION TOWERS AND ANTENNAS

- a. Applicability. This section applies to all “communication towers” and “antennas” as defined in Section 2 of this Zoning Ordinance, except for:
  - (1) Any device that does not exceed thirty-five feet (35') in height or such other height limitation that may apply to the zoning classification in which the device will be sited.
  - (2) Any device not exceeding seventy feet (70') in height for reception of television signals or owned and operated pursuant to a license granted by the FCC.
  - (3) Pre-existing towers and antennas.
- b. Purpose. The purpose of this section is to:
  - (1) **protect safety** by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions;
  - (2) **promote aesthetics** by minimizing the number of towers in the Town, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
  - (3) **encourage commerce** by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.
- c. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.
- d. Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information

about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or Conditional Use Permits under this article, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

e. Aesthetics and Lighting.

- (1) If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted to a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
- (2) At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
- (3) If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
- (5) Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than 6 feet above the ground on a placard no larger than 1-1/2 square feet, or as required by the FCC.

f. Federal and State Requirements. All communication towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

g. Building Codes and Safety Standards. The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the administrative agency of the State of Wisconsin with jurisdiction.

h. Setbacks. All alternative tower structures, communication towers, and antennas shall be set back from residential dwellings one foot for each foot of overall structure height including antennas, provided that this one-to-one setback requirement may be increased or decreased on a site-by-site basis by the governing authority in its sole discretion.

i. Conditional Use Permits. All antennas and communication towers subject to this section shall require a Conditional Use Permit. Applications for Conditional Use Permits shall be made in accordance with all other requirements of the Zoning Ordinance and with the following:

- (1) Factors. The governing authority shall consider the following factors in determining whether to issue a Conditional Use Permit, although the governing authority may waive or

reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this article are better served thereby.

- (a) Height of the proposed tower;
  - (b) Capacity of the tower structure for additional antenna equipment to accommodate expansion, or to allow for co-location of another provider's equipment.
  - (c) Proximity of the tower to residential structures and residential district boundaries within 1000 feet of the tower;
  - (d) List of nature of uses on all adjacent parcels and all other parcels within 1000 feet of the tower;
  - (e) Surrounding topography within 1000 feet of the tower;
  - (f) Surrounding tree coverage and foliage within 500 feet of the tower;
  - (g) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
  - (h) Proposed ingress and egress;
  - (i) Availability of suitable existing towers and other structures as discussed below.
- (2) Availability of Existing Towers or Structures. No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant's proposed antenna may consist of any of the following:
- (a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
  - (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
  - (d) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
  - (e) The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
  - (f) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- (3) Landscaping. The governing authority shall require towers and their appurtenant structures to be surrounded by appropriate landscaping designed to minimize the visual impact of the towers and structures. Appropriate landscaping plans shall be determined after consideration of the surrounding topography, existing trees and shrubs, and visibility of the tower and structures from nearby parcels. Standard minimum landscaping requirements shall consist of a buffer strip at least four feet (4') in width surrounding the tower and structures that is planted with a mixture of deciduous and evergreen trees and shrubs that effectively screens the view from nearby parcels. The governing authority may impose greater requirements or may reduce these requirements for a particular site.
- j. Removal of Abandoned Towers and Antennas. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.
- k. Special Assessments. Pursuant to the Town's police power and pursuant to authority granted by Wis. Stat. § 66.0703, any costs incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this Section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within thirty (30) days of billing shall accrue interest at one and one-half percent (1.5%) per month compounded monthly. Any amounts not paid within ninety (90) days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) upon which the tower and/or antenna are located.