



COUNTY OF KENOSHA

Department of Planning and Development

CONDITIONAL USE PERMIT PROCEDURES



KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT



COUNTY OF KENOSHA

Department of Planning and Development

CONDITIONAL USE PERMIT PROCEDURES

- ☐ 1. Contact the Department of Planning and Development and check with staff to determine if your proposed use is a permitted use, an accessory use or a conditional use. If it is a conditional use, then a conditional use permit must be applied for and received prior to occupying or using the site for that use. Note: If the proposed conditional use is part of a proposed land division see the Certified Survey Map Information and Procedures. If the proposed conditional use is part of a proposed rezoning petition see the Rezoning Application Form.
- ☐ 2. Contact the Department of Planning and Development and schedule a pre-conference meeting, which is required for all conditional use permit requests.
Meeting Date: NA
- ☐ 3. Complete and submit the Kenosha County Conditional Use Permit Application by the filing deadline (see Planning, Development & Extension Education Committee Schedule handout).
- ☐ 4. Submit a copy of the date-stamped application to your local township for placement on the agenda of the Town Planning Commission and Town Board, which recommends action to the County Planning, Development & Extension Education Committee. Keep a copy for your records.
- ☐ 5. Attend the Town Planning Commission and the Town Board meetings. **NOTE:** You must attend or the Town will not be able to act on your request.
Town Planning Commission meeting date (tentative): _____
Town Board meeting date (tentative): _____
- ☐ 6. Attend the Planning, Development & Extension Education Committee public hearing. **NOTE:** You must attend or the Planning, Development & Extension Education Committee will not be able to act on your request. At this meeting you will be asked to brief the Committee on your request.
Kenosha County Planning, Development & Extension Education Committee meeting date: _____
(tentative)
- ☐ 7. If denied by the Kenosha County Planning, Development & Extension Education Committee you have thirty (30) days to file an appeal with circuit court.
- ☐ 8. If approved you may proceed with obtaining site plan approval (site plan layout, stormwater, landscaping, lighting, parking/paving etc...).
- ☐ 9. Apply for and obtain any necessary zoning permit(s) for construction (i.e. new buildings, building additions, signage, fencing, etc...) with the Kenosha County Department of Planning and Development.
- ☐ 10. Apply for any obtain any necessary building permit(s) for construction (i.e. new buildings, building additions, signage, fencing, etc...) with you respective township.
- ☐ 11. Complete any obligations for foundation survey, waiver of liability of foundation survey, stormwater as-built requirement and/or certificate of occupancy.

CONDITIONAL USE PERMIT PROCEDURES

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center

Department of Planning & Development
19600 - 75th Street, Post Office Box 520
Bristol, Wisconsin 53104-0520

Division of County Development (including Sanitation & Land Conservation) **887-1895**
Facsimile # **857-1020**

Public Works Division of Highways **857-1870**

Administration Building

Division of Land Information **653-2622**

Brighton, Town of **878-2218**

Paris, Town of **859-3008**

Randall, Town of **877-2165**

Salem, Town of **843-2313**

Utility District **862-2371**

Somers Town of **859-2822**

Wheatland, Town of **537-4340**

Wisconsin Department of Natural Resources - Sturtevant Office **884-2300**

Wisconsin Department of Transportation - Waukesha Office **548-8722**

Conditional Use Permit Timeline



For Reference Purposes



December 2012

COUNTY OF KENOSHA

Department of Planning and Development

RECEIVED

MAY 27 2018

CONDITIONAL USE PERMIT APPLICATION

RECEIVED

MAY 27 2019

Kenosha County
Deputy County Clerk
(a) Property Owner's Name:

Kenosha County
Planning and Development

Print Name: Woodrow Edgell Signature: Woodrow Edgell
Mailing Address: 8020 328th ave
City: Burlington State: WI Zip: 53105
Phone Number: 262-537-4473 E-mail (optional): CP 847-489 5215

Note: Unless the property owner's signature can be obtained in the above space, a letter of agent status signed by the legal property owner must be submitted if you are a tenant, leaseholder, or authorized agent representing the legal owner, allowing you to act on their behalf.

(b) Agent's Name (if applicable):

Print Name: _____ Signature: _____
Business Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ E-mail (optional): _____

(c) Architect's Name (if applicable):

Print Name: _____ Signature: _____
Business Name: _____
Mailing Address: _____
City: _____ State: _____ Zip: _____
Phone Number: _____ E-mail (optional): _____

(d) Engineer's Name (if applicable):

Print Name: Lynch & Associates Signature: _____
Business Name: Lynch & Associates
Mailing Address: 440 Milwaukee st
City: Burlington State: WI Zip: 53105
Phone Number: 262-402-5040 E-mail (optional): _____

CONDITIONAL USE PERMIT APPLICATION

(e) Tax key number(s) of subject site:

Parcel NO 119-014-0101

Address of the subject site:

31902 Geneva - Solems WI

(f) Plan of Operation (or attach separate plan of operation)

Type of structure:

poll Barn

Proposed operation or use of the structure or site:

Pull through trailer
storage area also Personal items Etc

Number of employees (by shift):

0

Hours of Operation:

0

Any outdoor entertainment? If so, please explain:

0 NA

Any outdoor storage? If so, please explain:

NO

Zoning district of the property:

B-3

(g) Attach a plat of survey prepared by a land surveyor registered by the State of Wisconsin or site plan drawn to scale and approved by the Department of Planning and Development showing all of the information required under section 12.05-1(h)3 for a zoning permit. In addition, the plat of survey or site plan layout shall show the location, elevation and use of any abutting lands and the location and foundation elevations of structures within 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 50 feet of the subject premises, and existing and proposed landscaping.

CONDITIONAL USE PERMIT APPLICATION

For conditional use permit applications that are made within shoreland and floodland areas, such description shall also include information that is necessary for the County Planning, Development & Extension Education Committee 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 either the Planning, Development & Extension Education Committee or the Office of Planning and Zoning Administration:

(h) The Kenosha County Department of Planning and Development may ask for additional information.

(i) The fee specified in Section 12.05-8 of this ordinance.
Request for Conditional Use Permit..... \$750.00

(For other fees see the Fee Schedule)

Kenosha County

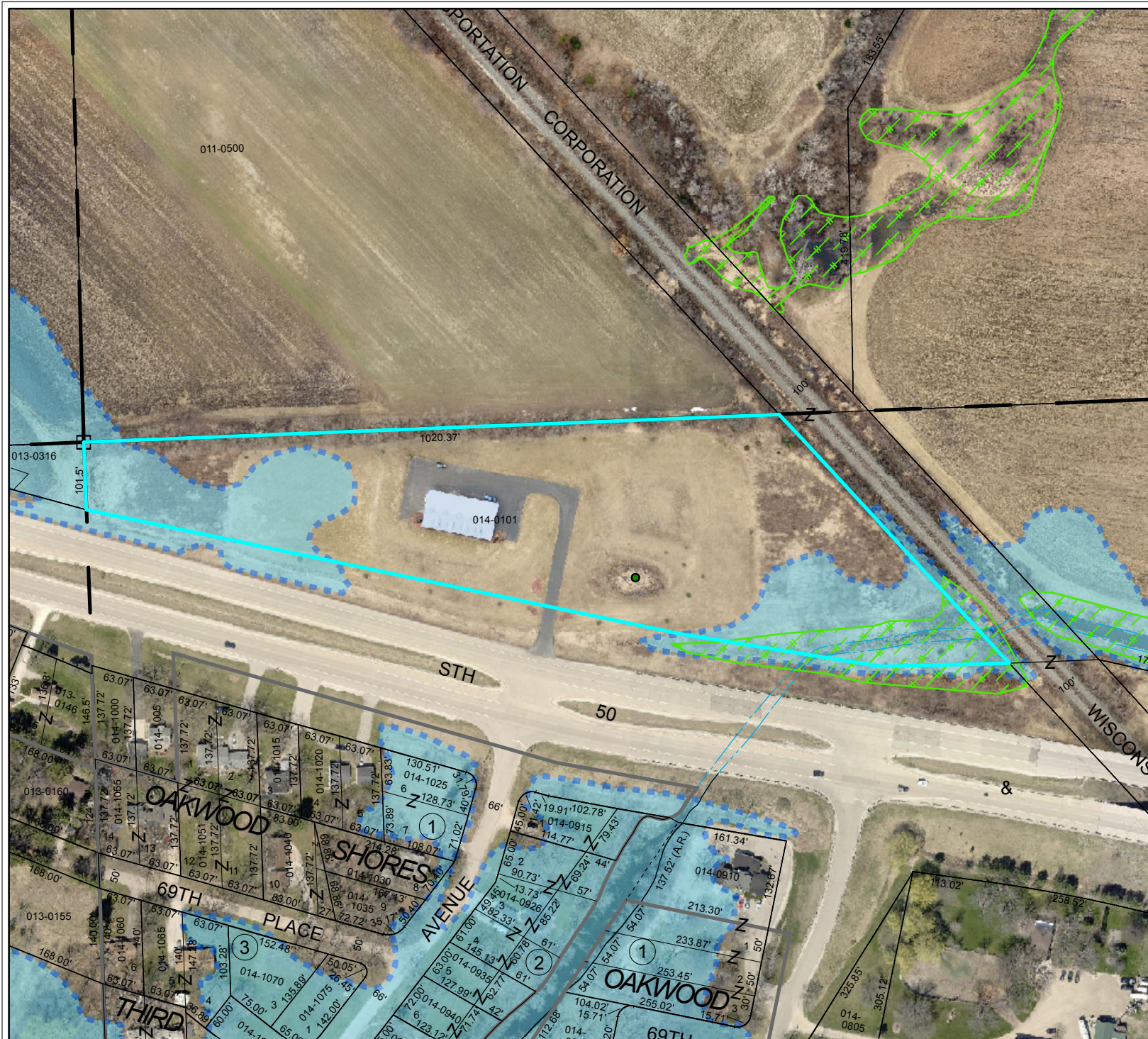


**SUBJECT
PROPERTY**



1 inch = 200 feet

THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INNACURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.





COUNTY OF KENOSHA

Department of Planning and Development

George E. Melcher, Director

Department of Planning and Development

Larry B. Brumback, Director

Division of County Development

Department of Planning and Development

19600 - 75th Street, Post Office Box 520

Bristol, Wisconsin 53104-0520

Telephone: (262) 857-1895

Facsimile: (262) 857-6508

June 29, 2005

Olga Wisz et al.
8300 W. Summerdale Avenue
Chicago, IL 60656-1449

Woodrow Edgell
8020 328th Avenue
Burlington, WI 53105

Ladies and Gentlemen:

On Wednesday, June 8, 2005 the Land Use Committee of the Kenosha County Board of Supervisors approved and recommended to the County Board your zoning request for rezoning from A-2 General Agricultural District to B-5 Wholesale Trade and Warehousing District on Tax Parcel #95-4-119-014-0101 located in the southeast quarter of Section 1, Township 1 North, Range 19 East, Town of Wheatland.

The rezoning request was submitted to the County Board on June 21, 2005 and was approved when Ordinance No. 7 was adopted. The Kenosha County Executive subsequently approved the request on June 22, 2005.

The Land Use Committee also approved the Conditional Use Permit to allow a construction contractor's warehouse on Tax Parcel #95-4-119-014-0101 located in the southeast quarter of Section 1, Township 1 North, Range 19 East, Town of Wheatland. A copy of these conditions are enclosed, and it is your responsibility to see that they are complied with.

Should you have any questions or comments, please contact Mr. John F. Roth of this office.

Sincerely,

A handwritten signature in black ink, appearing to read "George E. Melcher", is written over a printed name and title.

GEORGE E. MELCHER, Director
Planning and Development

GEM:LBB:tk
Enclosure
cc: Wheatland Town Clerk



COUNTY OF KENOSHA

George E. Melcher, Director
Department of Planning and Development

Larry B. Brumback, Director
Division of County Development
Department of Planning and Development

CONDITIONS OF APPROVAL

OLGA WISZ ET AL. (OWNERS), WOODROW EDGELL (AGENT)
REQUEST FOR A CONDITIONAL USE PERMIT
FOR A DRYWALL CONTRACTOR'S WAREHOUSE
ON TAX PARCEL #95-4-119-014-0101
TOWN OF WHEATLAND

1. Subject to the application dated February 14, 2005 and all corresponding plans submitted in conjunction with the application process.
2. The hours of operation shall be from (7:00 a.m. to 6:00 p.m.).
3. Subject to the Town of Wheatland conditions outlined in a June 7, 2005 letter from the Clerk, Sheila Siegler (copy attached).
4. Subject to compliance with the Kenosha County Sanitary Code.
5. Subject to review and approval of the following plans by the Department of Planning and Development.
 - a. Site Plan Review including design review of building
 - b. Stormwater Management Plan (completed by an engineer licensed in the State of Wisconsin)
 - c. Landscaping plan
 - d. Lighting plan
 - e. Parking plan (paving required)
6. Subject to receiving an access permit from the Kenosha County Highway Department.
7. There shall be no outside storage of materials or trucks.
8. Any change of the submitted plan of operation, change in use, and/or a proposed addition(s) to any existing principal building(s) or proposed new principal building(s), shall require the petitioner to reapply for a Conditional Use Permit to the Kenosha County Land Use Committee for its review and approval.
9. It is the total responsibility of the petitioner to assure and guarantee that the above stated conditions are fully complied with. Any deviation from the approved plans and conditions shall result in the issuance of a citation and associated stop work order until such time as the project is brought back into compliance. Continuance of the project shall result in a recommendation for revocation of the Conditional Use Permit.

I have read and understand the above conditions and hereby agree that I am willing to comply with them.

PRINT NAME: Woodrow W Edgell DATE: 6/8/05
SIGNATURE: Woodrow Edgell

TOWN OF WHEATLAND

34315 Geneva Road · P.O. Box 797 · New Munster, Wisconsin 53152-0797 · Phone: (262) 537-4340 · Fax (262) 537-4261

VIA FACSIMILE MAIL

- Chairman - Wayne H. Kaddatz
- Supervisor - Jeffrey J. Butler
- Supervisor - Robert E. Herda
- Clerk - Sheila M. Siegler
- Treasurer - Deborah K. Vos

June 7, 2005

Kenosha County Board of Supervisors
Land Use Committee
c/o Office of Planning & Development
19600 75th Street
Bristol, WI 53104-0520

Dear Committee Members:

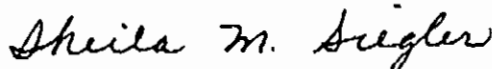
Re: Olga Wisz, (Owner), Woodrow Edgell (Agent)
Tax Parcel #95-4-119-014-0101
Requesting Rezoning from A-2 General Agricultural District to
B-5 Wholesale Trade & Warehousing District and a
Conditional Use Permit for a construction contractor warehouse

The Wheatland Town Board, at a Special Town Board Meeting on June 6, 2005, approved a favorable recommendation to your committee for the above rezoning and Conditional Use Permit, subject to the attached conditions and stipulations.

The Plan Commission had recommended approval at the February 28, 2005 meeting.

Please call if there is a comment or question.

Yours truly,



Sheila M. Siegler, Clerk

SMS:

copy: Woodrow Edgell
Olga Wisz

FAX MEMO	
# PAGES <u>2</u>	DATE <u>6/7/05</u> FAX # _____
TO <u>John</u>	
FROM <u>Sheila</u>	
CC _____	
PH # _____	FAX # _____

**Conditions for Approval
Woodrow Edgell Conditional Use Permit
Tax Parcel #95-4-119-014-0101
June 6, 2005 Town of Wheatland
Special Town Board Meeting**

1. Hours of operation - 7 a.m. to 6 p.m.
2. No outside storage.
3. No trucks stored on the property including inside the building.
4. No employees in the building and no office in the building unless bathroom facilities are constructed.
5. Parking lot and driveway must be paved.
6. Property must be landscaped according to the plan.
7. Height and size of landscaping plants, including the pine trees which are to be planted every 100 feet on the perimeter of the property, must be provided to the Town and County.
8. Outdoor lighting must be provided and cannot exceed two foot candles at property line with full cut-off fixtures.
9. A copy of the WisDOT approval letter for the driveway/street location must be furnished to the Town and County.
10. A dumpster must be provided, inside the building, so that no garbage/refuse is brought to the town transfer station from this property.
11. Subject to all plans submitted including:
 - a. building plan received February 21, 2005, Attachment #1
 - b. building layout on plat of survey received February 21, 2005, Attachment #2
 - c. revised building elevation and floor plan received February 28, 2005, Attachment #3
 - d. landscape plan received February 28, 2005, Attachment #4
 - e. landscape plan received February 28, 2005, Attachment #5
12. Grass is planted and maintained on the balance of the parcel.
13. A sign along Hwy "50" constructed to Kenosha County Zoning and Shoreland Zoning Ordinance standards and WisDOT permits.

Items numbered "7" and "9" on the list above have been satisfactorily fulfilled. At the June 6, 2005 Town Board Meeting, Mr. Edgell did furnish a copy of the WisDOT approval letter. He also supplied a landscaping list of the names and sizes of the plants, trees, and shrubs that will be planted according to his landscaping plan. This list is attached.

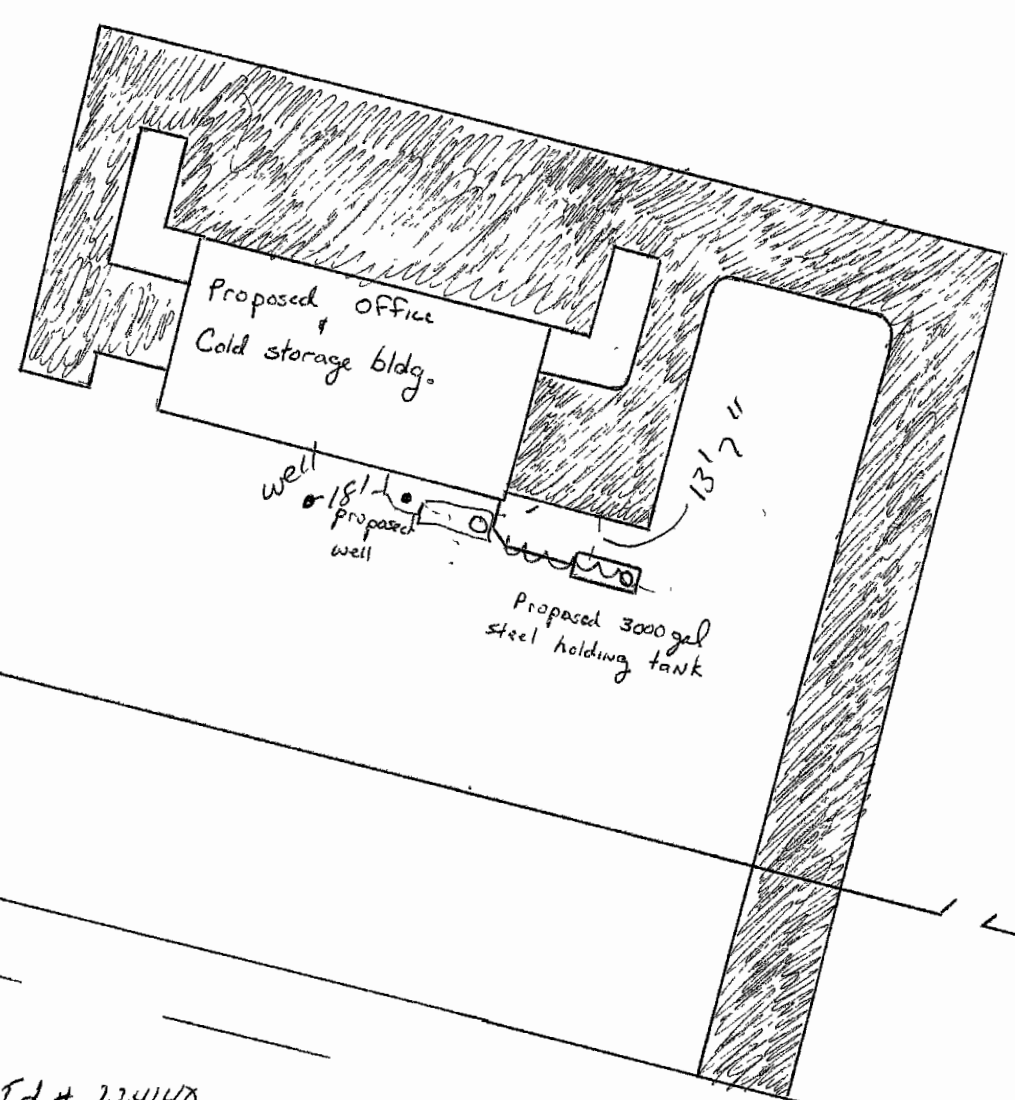
ANK PERMIT

Woodrow Edgell
8020 328th Ave
Burlington WI 53105
SE 1/4 51 T19 R19E
Town of Wheatland
Kenosha County
5/12/06

6 employees x 13 gpd = 78 gpd

Approx 100 yr Floodplain

Scale 1" = 50'



CONDITIONALLY
APPROVED
KENOSHA COUNTY DEPARTMENT
OF PLANNING AND DEVELOPMENT
POWTS REVIEW AGENT FOR THE
DEPARTMENT OF COMMERCE
AGENT: *Mark Stueger*
REFER TO CORRESPONDING APPROVAL
LETTER FOR CONDITIONS

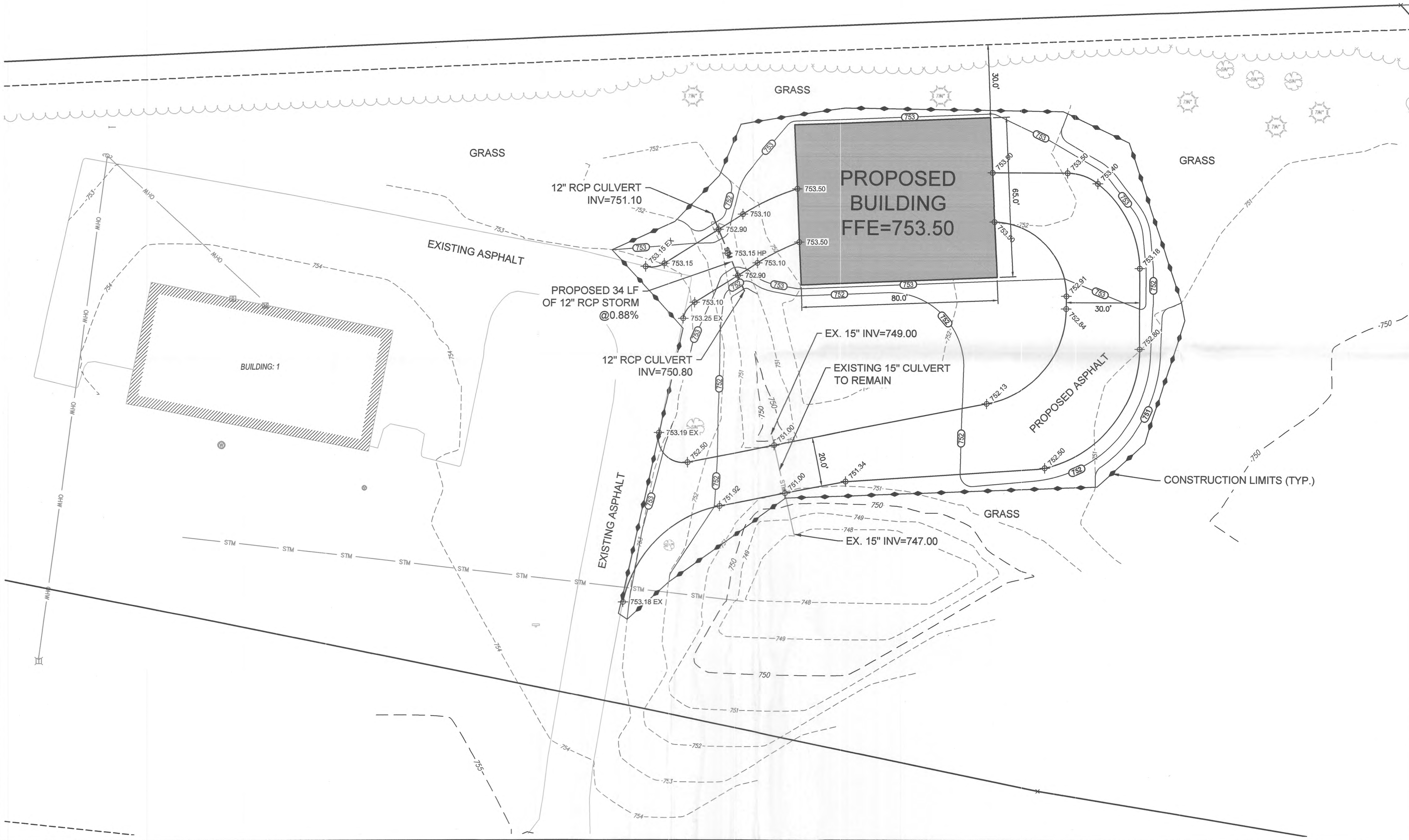
ST Hwy 50

Id # 224140
Kenneth P. Ketchum

DATA TABLE

TOTAL DISTURBANCE: 0.73 AC (31,773 SF)
PROPOSED IMPERVIOUS: 0.37 AC (16,287 SF)

PROPOSED NEW BUILDING



SITE IMPROVEMENT PLANS FOR
DRYWALL PLUS

BURLINGTON, WI

LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC

GRADING & EROSION CONTROL PLAN

NO. BY DATE

REVISIONS

ISSUED FOR
REVIEW

PLAN DATE 11.06.18
DESIGNED BY MRA

0 20'
SCALE

PROJECT NO.
18-0027

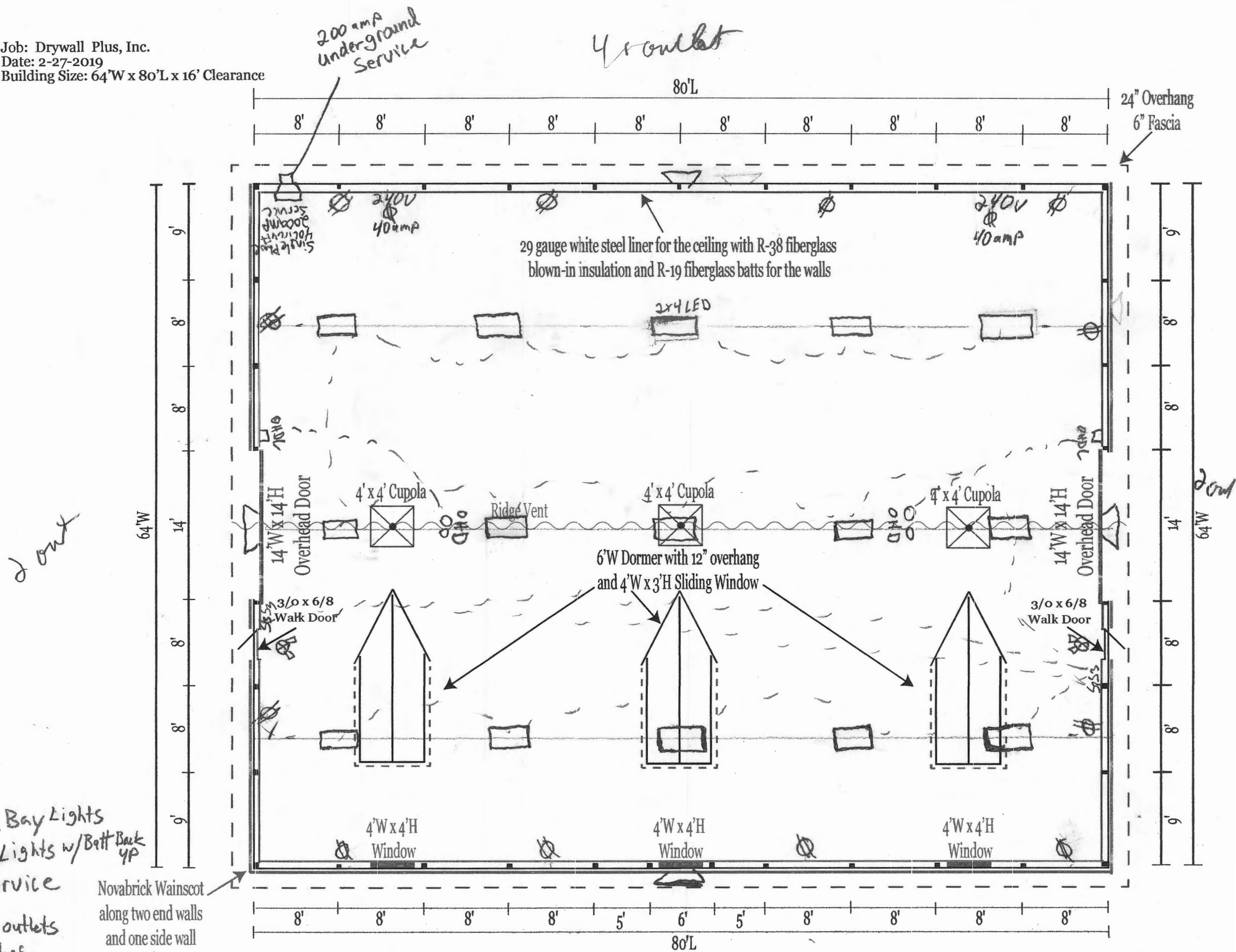
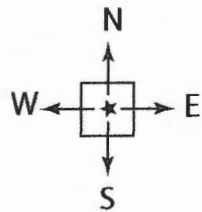
SHEET NO.








C100

PROPOSED NEW BUILDING



Job: Drywall Plus, Inc.
Date: 2-27-2019
Building Size: 64'W x 80'L x 16' Clearance



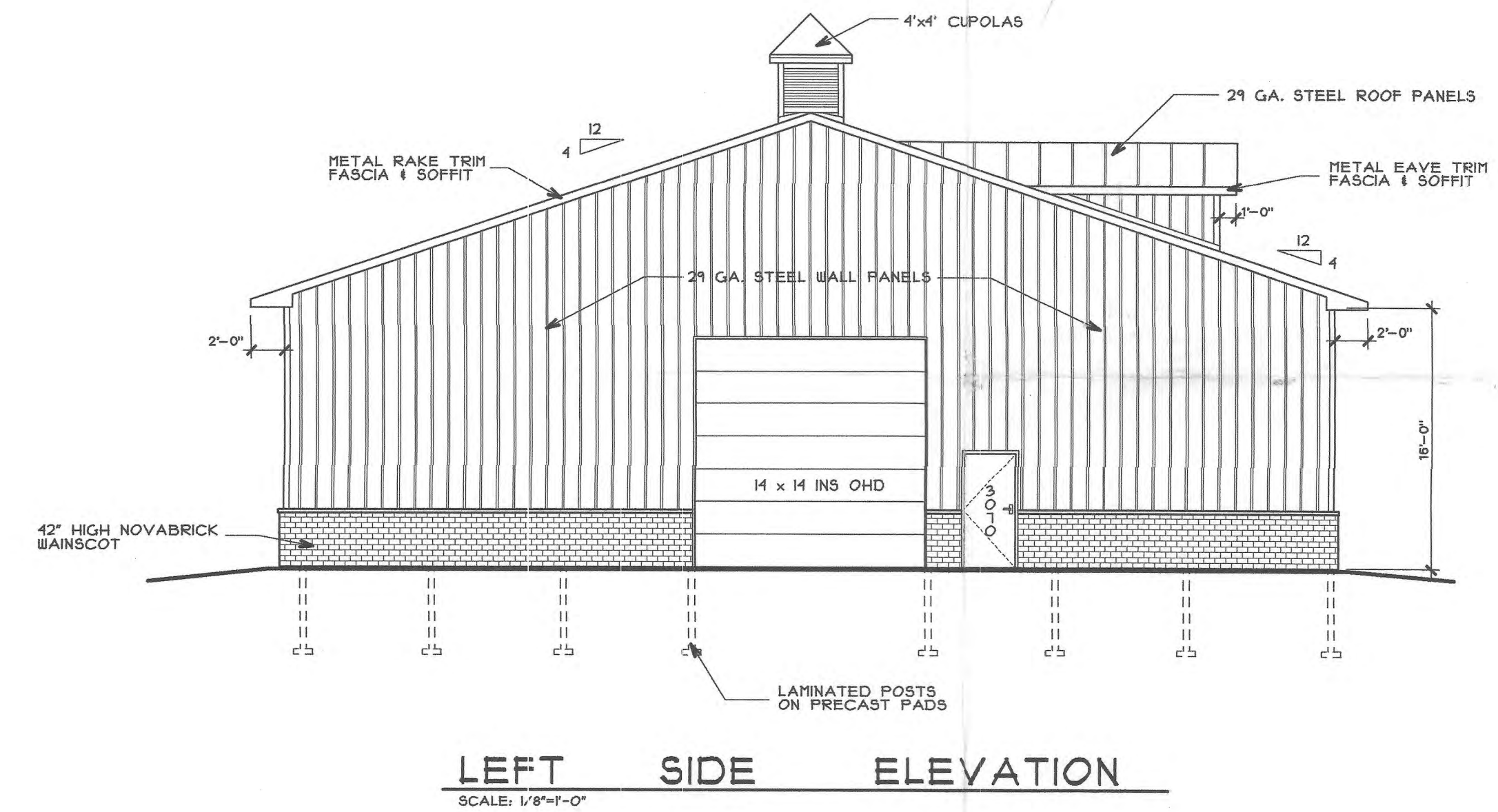
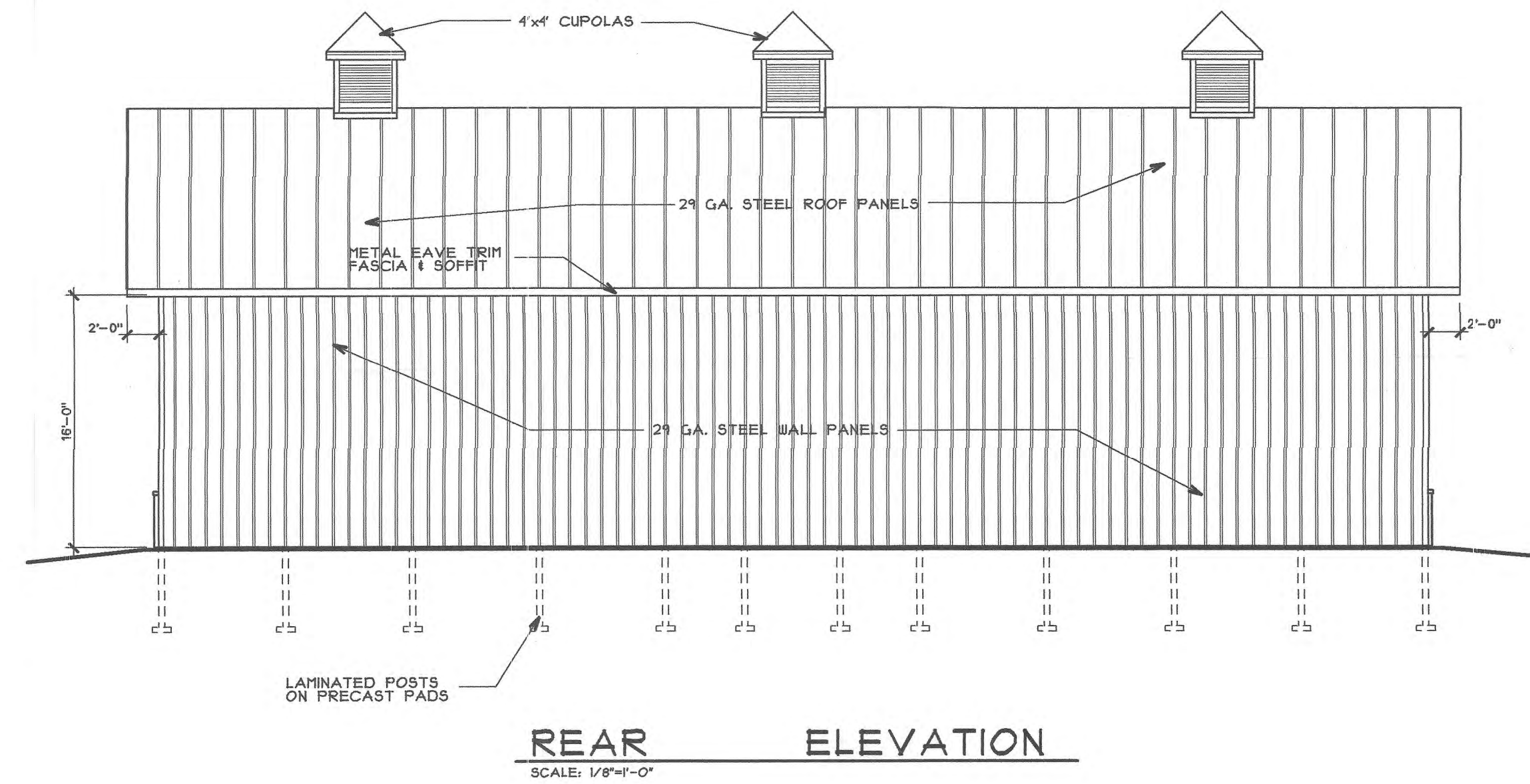
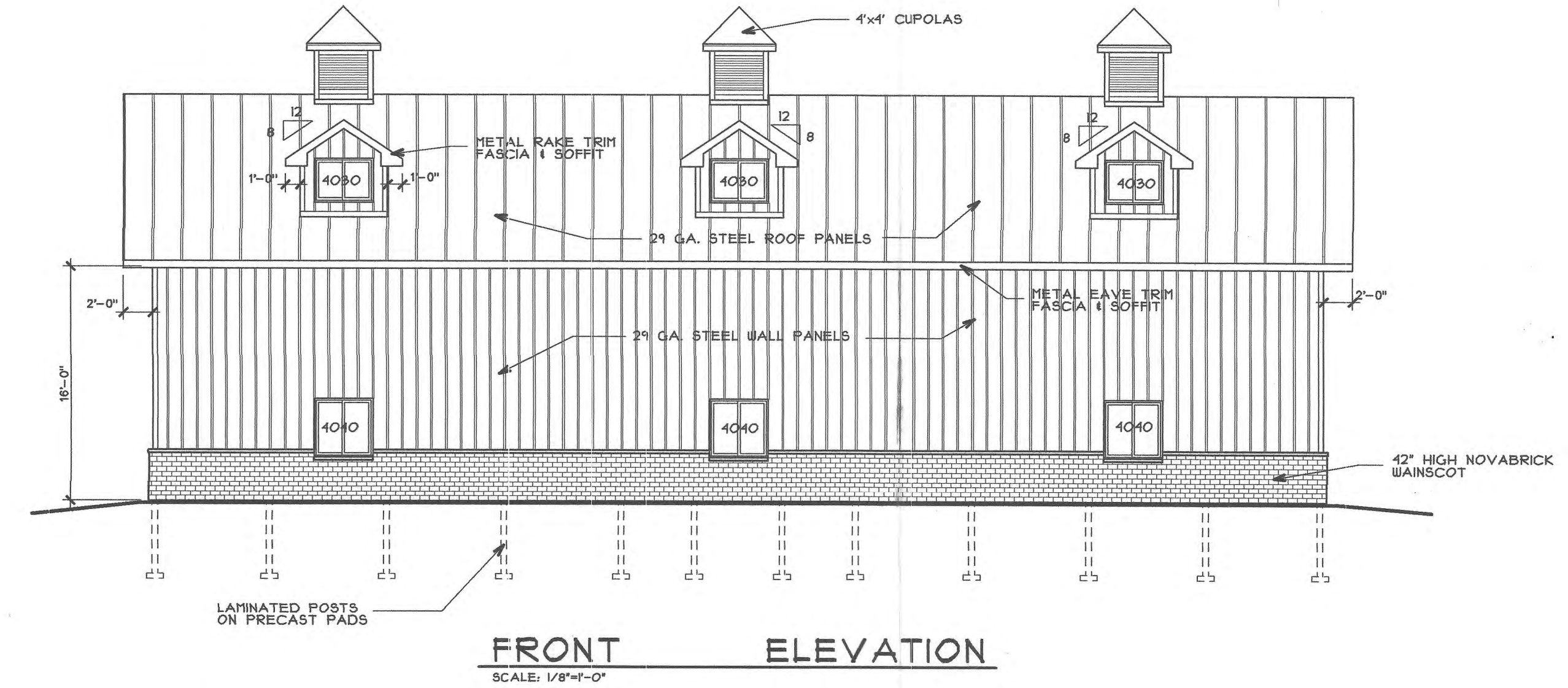
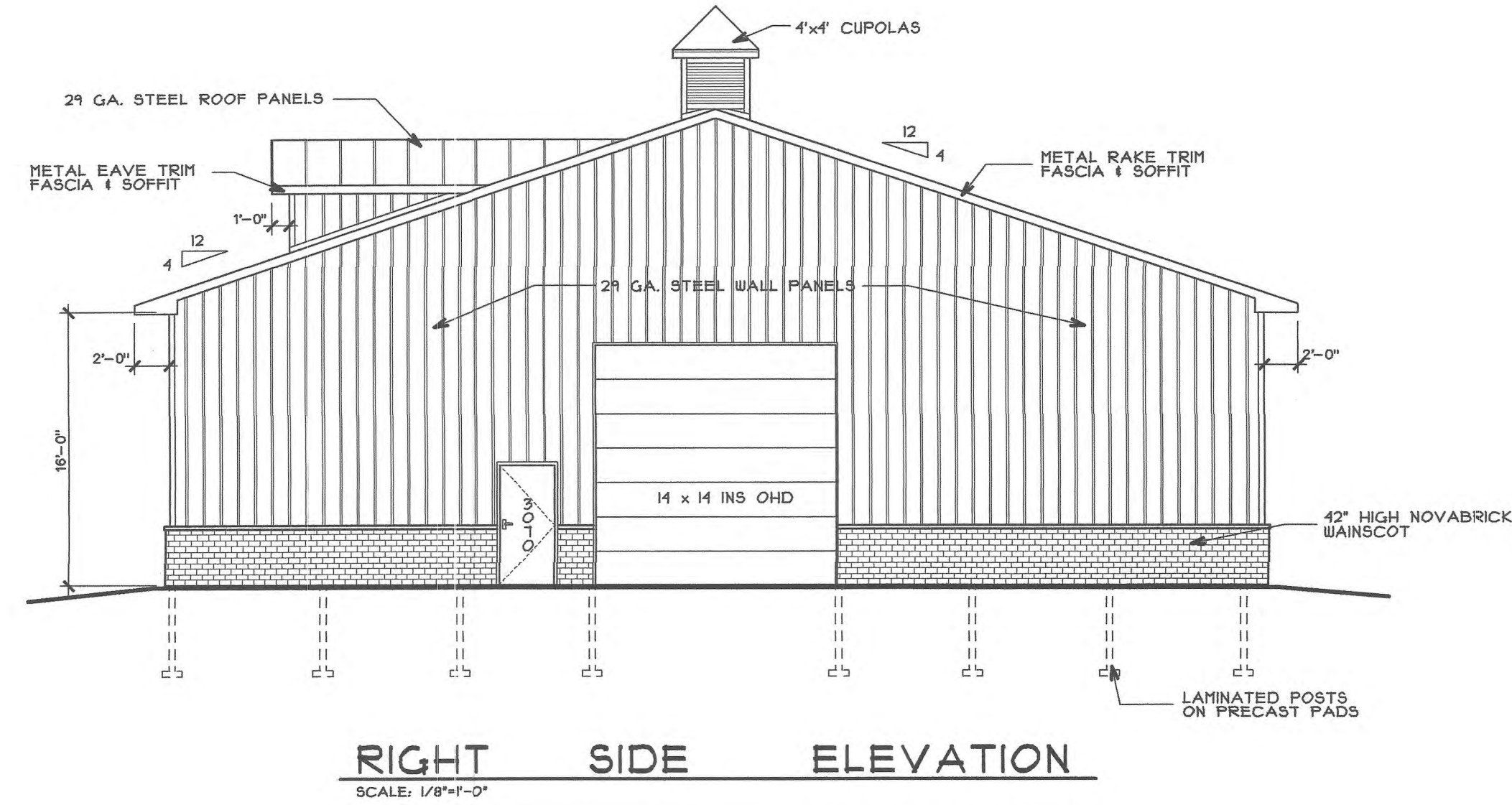
- 15-  LED High Bay Lights
2-  Exit/EM Lights w/Batt Back 4P
1-  200 amp Service
Underground
12-  20 amp GFCI outlets
4- S3 3ways switches
2-  Overhead Door w/Control "OH"
4-  LED Exterior Wall Pack
2- 240v  40 amp

Novabrick Wainscot
along two end walls
and one side wall

4 outlet

1/8 slab

PROPOSED NEW BUILDING



PROPOSED STORAGE BUILDING FOR
DRYWALL PLUS INC.

EXTERIOR ELEVATIONS

STAPLES ARCHITECTURAL SERVICES

BRIAN J. STAPLES - ARCHITECT

W7898 CREEK ROAD
DELAWARE, WI. 53115
PHONE: (262) 949-0522 E-MAIL: staplesarch@charter.net

Proj. # 18-0101
Date 12/01/18
Designed by
Drawn by BJS
Checked by BJS
Revised

Sheet No.
A-1
1 of 1 Sheets

3 pages

II. STORMWATER MANAGEMENT

A. Applicability and Exemptions

17.06-1

Stormwater Management Applicability

Unless otherwise exempted in this ordinance, a stormwater permit under Sec II. shall be required and all stormwater management and other provisions of this ordinance shall apply to all proposed land development activity that meet any of the following:

- (a) Is a subdivision plat
- (b) Any land development activity that may ultimately result in the addition of 0.5 acres or greater of impervious surfaces or that may result in land disturbing activity of one acre or greater.
- (c) Involves the construction of any new public or private road
- (d) Is a land development activity, regardless of size, that P&D determines is likely to cause an adverse impact to an environmentally sensitive area or other property. For purposes of this section, adverse impacts shall include causing chronic wetness on other property due to reoccurring discharges of stormwater, or violating any other stormwater management standard set forth in this ordinance.

17.06-2

Applicability Exemptions

The following activities shall be exempt from all of the stormwater requirements of this ordinance:

- (a) Land disturbing activities directly involved in the planting, growing and harvesting of any plant grown for human or livestock consumption and pasturing or yarding of livestock, including sod farms and tree nurseries.
- (b) Land development and land disturbing activities exempted by state or federal law, including highway construction and other projects conducted by a state agency, as defined under s. 227.01 (1), Wisconsin Statutes, or under a memorandum of understanding entered into under s. 281.33 (2), Wisconsin Statutes. To recognize an exemption under this paragraph, P&D may require documentation of the person(s) and regulatory agency charged with enforcing stormwater management for the project.
- (c) Land disturbing activity directly involved in the installation and maintenance of private on-site waste treatment systems (POWTS), as regulated under Chapter 15 of the County Code of Ordinances.
- (d) Land disturbing activities conducted for a project designed, funded or implemented under the supervision of the County Land and Water Conservation Division, the USDA Natural Resource Conservation Service, or the Wisconsin Department of Agriculture Trade, and Consumer Protection, if conducted according to County Conservation Standards.
- (e) Land disturbing activities required for the construction of individual one and two family residential buildings under COMM 21.125 Wisconsin Administrative Code or any accessory structures which are not regulated under COMM 21.125 or COMM 20.25 Wisconsin

12.22-5 B-5 WHOLESALE TRADE AND WAREHOUSING DISTRICT (8/9/94)

(a) Primary Purpose and Characteristics

The B-5 Wholesale Trade and Warehousing District is intended to provide for the orderly and attractive grouping at appropriate locations of commercial activities of a wholesale nature, bulk sales, and for the storage of goods and wares. The size and location of such districts shall be based upon relationships to the total community need and economy. All new structures and uses and changes or additions to existing structures and uses shall be in compliance with the site plan review requirements of this ordinance (See Section 12.08-2). (8/6/02)

It is recognized that it is neither possible nor practicable to list all of the principal and accessory uses that are compatible with those listed below and therefore it is intended that the following list of principal and accessory uses only be illustrative. Any individual aggrieved by a failure to list a particular principal or accessory use in this subsection shall have the right to file a petition with the Kenosha County Office of Planning and Zoning Administration pursuant to section 12.35 of this ordinance for a determination as to the similarity of the intended use with the principal and accessory uses listed below.

(b) Principal Uses

- 1 Wholesale and bulk sales, and warehousing of the following products, provided that no outdoor storage is permitted:
 - a. Air conditioning, refrigerated equipment, and supplies.
 - b. Apparel, footwear and accessories.
 - c. Appliances, furniture and home furnishings.
 - d. Automobile equipment.
 - e. Beer, wine, and distilled alcoholic beverages.
 - f. Commercial and industrial machinery, equipment, and supplies.
 - g. Confectionery.
 - h. Drugs and pharmaceuticals
 - i. Electronics
 - j. Food and Groceries (dairy products, fish and seafood, fruit and vegetables, meat and meat products not including slaughtering and outdoor confinement)
 - k. Hardware.
 - l. Household goods.
 - m. Lumber and construction materials.
 - n. Metals and minerals.
 - o. Paint and varnishes.
 - p. Paper and paper products.
 - q. Plumbing and heating equipment and supplies.
 - r. Professional equipment and supplies.
 - s. Service establishment equipment and supplies
 - t. Textiles and fabrics
 - u. Tires and tubes.
 - v. Tobacco and tobacco products.
 - w. Transportation equipment and supplies.
- 2 Mail order distribution centers
- 3 Printing and publishing houses.
- 4 Refrigerated warehousing.

- (c) Accessory Uses
- 1 Garages for storage of vehicles used in conjunction with the operation of a business.
 - 2 Off-street parking and loading.
 - 3 Office areas customary to the operation of the business.
 - 4 Small wind energy system
 - 5 Solar energy system
- (d) Conditional Uses (See also Section 12.29-8) (8/6/02)
- 1 Animal hospitals, shelters, veterinary services, and kennels accessory to a veterinarian or animal hospital.
 - 2 Automotive sales, service and repairs including related towing.
 - 3 Construction services including building contractors; carpentering; wood flooring; concrete services; landscaping, lawn care, tree trimming and plowing services; masonry, stonework, tile setting, and plastering services; roofing, siding and sheet metal services; septic tank installers; window installers; and water well drilling services.
 - 4 Freight terminals, yards, freight forwarding services, packing and crating services and related equipment storage and maintenance facilities.
 - 5 Fuel oil, bottled gas, and ice dealers.
 - 6 Fueling stations, automobile servicing and repair.
 - 7 Indoor shooting ranges
 - 8 Laboratories for testing, research, and experimental purposes.
 - 9 Large wind energy system
 - 10 Millwork, lumber yards, saw mills, and planing mills.
 - 11 Petroleum stations and terminals
 - 12 Self-storage facilities.
 - 13 Water storage tanks and towers, radio and television transmitting and receiving towers, and microwave relay stations.
- (e) Lot Area and Width
- 1 Individual wholesale and warehousing establishments served by public sanitary sewer facilities shall provide a minimum lot area of 10,000 square feet and a minimum frontage of 75 feet in width.
 - 2 Individual wholesale and warehousing establishments served by on-site soil absorption sewage disposal systems or other approved private means of sewage disposal shall provide a minimum lot area of 40,000 square feet and a minimum frontage of 150 feet in width.
- (f) Building Height and Area
- 1 No building and parts of a building shall exceed 35 feet in height.
 - 2 No maximum or minimum building area shall be required in the B-5 District due to the variety of uses within the District and the diverse building demands of each user.
- (g) Reserved for future use
- (h) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State Trunk, or County Trunk highways; and not less than 30 feet from the right-of-way of all other roads. (8/6/02)
- 2 Shore yard - not less than 75 feet from the ordinary high water mark of any navigable water.
- 3 Side yard - not closer than 25 feet to any other lot line.
- 4 Rear yard - not closer than 25 feet to any other lot line.

C. CONDITIONAL USES

12.29-1 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 county 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 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

12.29-2 INTENT

It is the intent of the Kenosha County Board of Supervisors to allow the hereinafter designated conditional uses within the areas designated by this ordinance in accordance with section 12.29-5(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.

12.29-3 PERMITS

The Kenosha County Planning, Development & Extension Education Committee may authorize the 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 12.20 to 12.26 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. (11/5/84)

12.29-4 APPLICATION (8/6/02)

- (a) Prior to application, the petitioner shall set up a pre-application conference with 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 Department of Planning and Development on forms furnished by the 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 12.05-1(h)3 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 50 feet of the subject site; soil mapping unit lines; ordinary high water mark, historic high water marks and floodlands on or within 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. (11/5/86)
- 4 For shoreland and floodland conditional uses, such description shall also include information that is necessary for the County Planning, Development & Extension Education Committee 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 either the Planning, Development & Extension Education Committee or the Department of Planning and Development. (11/5/84)
- 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 Planning, Development & Extension Education Committee or 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 effects on flood flows. (11/5/84)
- 6 A list of property owners and parties of interest and their addresses certified by the Kenosha County Assessor's Office as required by section 12.05(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 12.05-8 of this Ordinance.

12.29-5 REVIEW AND APPROVAL

- (a) After receipt of a petition for a conditional use permit, the Department of Planning and Development shall place the matter on the agenda for a public hearing before the Kenosha County Planning, Development & Extension Education Committee provided, however, that the requirements of 12.06-4 of this ordinance are complied with. (11/5/84)
- (b) Notice of the aforementioned public hearing shall be published as a class 2 notice in a newspaper of general circulation within Kenosha County pursuant to Chapter 985 of the Wisconsin Statutes and the Wisconsin Open Meeting Law, section 19.81 to 19.98 of the Wisconsin Statutes. In addition, notice of said public hearing shall be mailed to the last known address of all property owners certified by the Kenosha County Assessor as being owners of property within 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 Planning, Development & Extension Education Committee for a one-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 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 section NR115.05(6)(h) of the Wisconsin Administrative Code. In the event the subject property lies within a floodland district, notice of the public hearing and a copy of the application shall be mailed to the Southeast District Office of the Department of Natural Resources in accordance with section NR116.20(2)(c) of the Wisconsin Administrative Code. In the event the subject property is zoned A-1, notice shall be given as required by Wisconsin Statute, section 91.48(2) to the State Department of Agriculture, Trade and Consumer Protection. (3/1/94)
- (c) Upon receiving a petition for a conditional use permit, the Department of Planning and Development shall forward a copy of the petition to the town board and/or town planning commission of the town wherein the parcel is located and of any other town that may be immediately adjacent or opposite of such parcel and shall allow such board or planning commission 45 days to comment on said application. Within said period of 45 days, the town board and/or planning commission shall forward their recommendation to the county Planning, Development & Extension Education Committee along with standards or conditions which are found by them to be necessary for the issuance of a conditional use permit. Said standards or conditions shall be considered by the Planning, Development & Extension Education Committee. In the event that the town board or town planning commission recommends denial of the conditional use permit, said denial shall be considered by the Planning, Development & Extension Education Committee in rendering its decision. (11/5/84)
- (d) In hearing a petition requesting the issuance of a conditional use permit, the Planning, Development & Extension Education Committee shall call the petition at the public hearing. Upon the call of the petition, the petition shall be read by the Chairman of the Committee, 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. (11/5/84)

- (e) Upon receiving the recommendation of the Department of Planning and Development, the Committee may table the petition for a period of up to three months from the date of public hearing so as to allow the petitioner an opportunity to provide any further information deemed pertinent by the Committee or so as to allow the committee members an opportunity to view the site in accordance with the guidelines set forth in section 12.36-11 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 12.36-11 if a comparison is warranted. All deliberations and decisions of the committee 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 Planning, Development & Extension Education Committee 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 committee 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 committee chairman shall entertain a motion that the committee either grant or deny the petition based upon specific findings and conclusions. (11/5/84)
- (g) In making its determination, the committee 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 effect 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 neighbor-hoods.
- (h) Unless specifically altered by section 12.29-8 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 12.36 of this ordinance.

- (i) The decision of the committee shall be final unless a motion to review the decision of the committee is made and seconded at the County Board Meeting immediately following the decision of the Committee. All evidence or sworn testimony presented at said public hearing shall be preserved by the Kenosha County 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 10 days following the decision. Notice of conditional uses granted in a floodland district or in any other area where the shoreland jurisdiction is applicable shall be given to the Southeast District office of the State Department of Natural Resources within 10 days following the decision. (3/1/94)
- (j) Any decision of the Kenosha County Planning, Development & Extension Education Committee or the Kenosha County Board of Supervisors related to the granting or denial of a conditional use permit may be appealed as provided for in section 12.35 of this ordinance. (11/5/84)
- (k) Any conditional use permit granted by the committee shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within 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.

12.29-6 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 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 12.28-1 through 12.28-11 of this ordinance.

12.29-7 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 Development, the Planning, Development & Extension Education Committee shall schedule an open hearing within 45 days of the filing of the complaint and shall conduct a hearing pursuant to the general outline set forth in section 12.29-5. Upon a finding that the standards, regulations and conditions set forth in granting the conditional use permit have been violated, the Planning, Development & Extension Education Committee 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 Committee 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 12.33 of this ordinance. The action of the Committee may be appealed pursuant to section 12.35 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. (11/5/84)

12.29-8 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 12.05-3 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 Planning, Development & Extension Education Committee 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 committee can address problems called to its attention by the imposition of certain conditions aimed at eliminating, alleviating or controlling the problems. (11/5/84)
- (b) The following uses are deemed by the Kenosha County Board of Supervisors 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 Planning, Development & Extension Education Committee in accordance with section 12.29-5(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: (11/5/84)

- 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 Planning, Development & Extension Education Committee. (11/5/84)
- 2 Reserved for future use (3/16/04)
- 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 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 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.

- 35 Conversion of a resort into a residential condominium in the PR-1 District, provided that: (8/15/89)
- a All structures shall comply with local building codes. (8/15/89)
 - b The condominium declaration shall be submitted with the conditional use permit application and shall be made part of the permanent review file. (8/15/89)
 - 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 County Register of Deeds and a copy of the plat shall be made part of the permanent review file for the conditional use. (8/15/89)
 - d The Kenosha County Planning, Development & Extension Education Committee 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. (8/15/89)
 - 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. (8/15/89)
- 36 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. (8/9/94)
- a All outside storage and work areas that are within 300 feet from residential, institutional or park districts shall be enclosed by a solid fence with a minimum height of six 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. (8/9/94)
 - 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. (8/9/94)
 - 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. (8/9/94)
- 37 Repealed 8/20/91
- 38 Drive-in theaters in the B-3 District.
- a The site shall contain at least ten (10) acres.