



COUNTY OF KENOSHA

Division of Planning & Development

19600 75th Street, Suite 185-3

Bristol, WI 53104-9772

Phone: (262) 857-1895

Fax: (262) 857-1920

KENOSHA COUNTY DEVELOPMENT APPLICATION

* If you would rather apply for your project online and pay fees online without having to travel to and from this office to submit hardcopy documentation and logging in under said credentials in order to apply for your project. If you submit via the portal, you still need to complete this application, and upload it to the portal.

<https://permitting.kenoshacounty.org/eTrakit/>

1. Select all application types that apply:

☐ Comprehensive Land Use Plan Map Amendment Application (COMP)

Land Division Applications

☐ Rezoning Application (REZO)

☐ Certified Survey Map (CSM)

☒ Conditional Use Permit Application (CUP)

☐ Preliminary Plat Application (PLAT)

☐ Affidavit of Correction (AFFC)

☐ Final Plat Application (PLAT)

2. Enter all contact information:

Property Owner Contact Information (1)

Company Name: Markquart Burlington LLC

Individual's Name: John Markquart

Mailing Address: 1844 Commercial Blvd, Chippewa Falls 546

Phone Number: 715-852-2424

Email Address: john@markquart.com

Property Owner Contact Information (2)

Company Name: _____

Individual's Name: Amy Dachel

Mailing Address: _____

Phone Number: 715-226-0248

Email Address: adachel@markquart.com

Property Owner Contact Information (3)

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Property Owner Contact Information (4)

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Architect Contact Information

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Engineer Contact Information

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Surveyor Contact Information

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

Master Plumber/Soil Tester Contact Information

Company Name: _____

Individual's Name: _____

Mailing Address: _____

Phone Number: _____

Email Address: _____

3. List all subject properties by property address and/or tax key parcel number. If a full property address is not available including a house number, provide the tax key parcel number:

Tax Key Parcel Number	Full Property Address
1. 95-4-219-314-0640	5712 392nd Ave
2.	
3.	
4.	

For Office Use Only: Applicants can track status on <https://permitting.kenoshacounty.org/eTrakit/>

Project Number(s):

4. Provide a written summary of your proposed project and reasons for pursuing said project:

The purpose of installing this propane dispenser is to better serve Markquart RV and enhance the ability of Markquart RV to service their customers and profitability of the business. Staff at Markquart RV will be trained on propane dispenser safe filling guidelines, proper PPE usage and general propane safety before they are allowed to use the dispenser to fill propane tanks. This dispenser will not be accessible to the public for self-service.

Tank is 1,000 water capacity - will be 80% propane, tank is approximately 3 feet wide by 13 feet long cylinder with 3' x 3' dispenser box on one end.

5. If you are submitting a Comprehensive Land Use Plan Map Amendment Application (COMP), work with Planning & Development staff to prepare and attach a map of the subject area showing current land use plan map designations and a map of the subject area showing proposed land use plan map designations.
6. If you are submitting a Rezoning Application (REZO), work with Planning & Development staff to prepare and attach a map of the subject area showing current zoning map classifications and a map of the subject area showing proposed zoning map classifications.

Note: Agricultural Use Conversion Charge

The use value assessment system values agricultural land based on the income that would be generated from its rental for agricultural use rather than its fair market value. When a person converts agricultural land to a non-agricultural use (e.g. residential or commercial development), that person may owe a conversion charge. To obtain more information about the use value law or conversion charge, contact the Wisconsin Department of Revenue's Equalization Section at 608-266-2149 or visit <https://www.revenue.wi.gov/Pages/FAQS/slf-usevalue.aspx> or <https://www.revenue.wi.gov/Pages/SLF/useval-uvindx.aspx>

Note that the act of rezoning property from an agricultural zoning district to a non-agricultural zoning district does not necessarily trigger the agricultural use conversion charge. It is when the use of the property changes from agricultural that the conversion charge is assessed.

7. If you are submitting a Conditional use Permit Application (CUP), work with Planning & Development staff to prepare and attach a code excerpt from [Section 12.29-8](#) of the Kenosha County General Zoning & Shoreland/Floodplain Zoning Ordinance regarding applicable standards to your proposed use. Any conditional use permit application is subject to formal site plan review pursuant to [Section 12.08-2](#) of the Kenosha County General Zoning & Shoreland/Floodplain Ordinance.
- Proposed Use:
 - Hours of Operation:
 - Number of employees currently onsite during the largest work shift:
 - Number of employees that will be onsite during the largest work shift:
 - Will there be outside entertainment? _____ If so, draw and label total horizontal and vertical extent of proposed outside entertainment on site plan.
 - Will there be outside storage? _____ If so, draw and label total horizontal and vertical extend of proposed outside storage on site plan.
 - Attach professionally drawn to-scale plan sheets for each of the following as applicable:
 - Building Plan (include floor plans and elevation drawings)
 - Site Plan ([Section 12.05-1\(h\)3](#) of zoning ordinance)
 - Traffic, Parking and Access Plan ([Section 12.13](#) of zoning ordinance)
 - Landscape Plan ([Section 12.16](#) of zoning ordinance)
 - Lighting Plan (including photometrics) ([Section 12.15](#) of zoning ordinance)
 - Storm Water Management Plan ([Division II](#) of stormwater ordinance)
 - Utility Plan
 - Traffic Impact Analysis (TIA) Plan
 - Natural Resources Protection Plan
 - Signage Plan ([Section 12.14](#) of zoning ordinance)
8. If you are submitting an Affidavit of Correction (AFFC), attach the draft affidavit of correction document prepared by your hired professional surveyor.
9. If you are submitting a Certified Survey Map Application, Preliminary Plat Application or Final Plat Application, submit the draft certified survey map document, draft preliminary plat document or draft final plat document prepared by your hired professional surveyor. Draft certified survey map, preliminary plat and/or final plat should be prepared compliant with applicable requirements stated in the [Kenosha County Land Division Ordinance](#).
10. If you are submitting a Comprehensive Land Use Plan Map Amendment (COMP), Rezoning Application (REZO), Land Division Application (CSM or PLAT) or a Conditional Use Permit Application (CUP) your project may be subject to sections of the Kenosha County Sanitary Code and Private Sewage System Ordinance that require a professional evaluation of existing private on-site wastewater treatment system(s) (POWTS) by a hired master plumber and/or professional soil borings by a hired professional soil tester in order to confirm site suitability for a future planned POWTS. Depending on the results of these required hired professional evaluations, existing non-compliant POWTS on the subject property may be required to be replaced or proposed lots may be deemed unbuildable and therefore not be able to be created as part of your land division application.

Any required POWTS evaluations or required soil borings must be submitted to this office prior to or with the formal submittal of this application document. If an existing non-compliant POWTS must be replaced, then this application document will not be accepted until the required sanitary permit and associated application fees for said sanitary permit are submitted to this office.

- a. Number of lots/parcels being created (Do not include outlots or the remnant parcel unless it is 35 acres or less)

0

- b. Review Fee = Number from above x \$75

0 x 75 = 0-dollars

- c. Does the original parcel have any existing dwellings or buildings served by private on-site wastewater treatment (septic) systems?
Yes, SANT17-00029 - 2017-installed in-ground septic system servicing primary building on site.
- d. Are these systems older than July 1, 1980?
No.
- e. If you answered yes to questions 3 and 4, this existing septic system must go through an evaluation to determine compliance with SPS 383.32 of the Wisconsin Administrative Code or may need to replace the existing system with a code compliant one as part of this land division procedure. The Sanitary Permit for the replacement system must be issued prior to applying for approval of the land division with the Division of Planning & Development.
- f. Certified Survey Maps (CSMs) must have complete soil and site evaluations for all proposed lots including any remnant parcel 35 acres or less. For CSMs involving structures served by private sewage systems the existing system and all treatment tanks shall be located and shown on the survey and must be evaluated for compliance with SPS 383.32, Wisconsin Administrative Code. Existing systems older than July 1, 1980 and in suitable soils shall be required to have a soil and site evaluation conducted to establish a replacement area for a future private sewage system. This area designated for a future system shall be shown on the survey and must meet all setback requirements and be within the boundaries of the newly proposed parcel.
- g. Preliminary plats must follow the soil and site evaluation requirements as stated in Chapter 15.07 of the Kenosha County Sanitary Code and Private Sewage System Ordinance. Final plats on clayey glacial till soils will be required to have complete soil tests conducted and have the soil boring locations on the plat. 8. For further information and details of these procedures you may contact a sanitarian in the Division of Health Services or at 262/857-1910.

11. Application fees will be assessed at time of submittal. See [Fee Schedule](#).

Development Disclosure

It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Wisconsin State Building Codes, Wisconsin State Department of Natural Resources, FEMA, U.S. Army Corps of Engineers, Wisconsin State Department of Transportation and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.

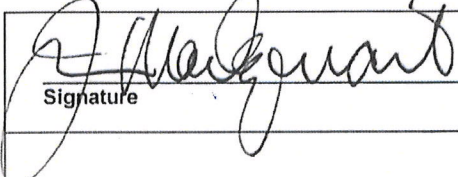
The applicant acknowledges that the County of Kenosha could incur substantial costs throughout the review process and that it is appropriate for the applicant to be financially responsible for costs related to the development process rather than the County residents. Thus the applicant agrees to pay to the County of Kenosha all reasonable costs for engineering, planning, legal and administrative expenses incurred by the County of Kenosha as a result of this application.

Both parties acknowledge that the payment of funds and executing this application does not imply any particular outcome or decision by the staff of the County of Kenosha, the Planning, Development & Extension Education Committee and/or the County Board.

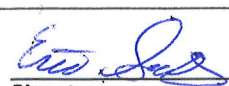
It is the property owner/applicant's responsibility to provide the County of Kenosha all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, surveys, deed restrictions, vacation records, easement records, etc.

I acknowledge, understand, and agree, that all relevant documentation will be provided to Kenosha County, and that all required permits and consent will be obtained prior to the start of construction, with all conditions of approval adhered to.

SIGNATURE OF ALL SUBJECT PROPERTY OWNERS (attach separate agent letter if necessary)

 Signature	John Markquart Print Name
_____ Signature	_____ Print Name
_____ Signature	_____ Print Name

SIGNATURE OF APPLICANT

 Signature	Eric Dennis 262-745-8532 Print Name
	Mike Conley, Territory Sales Representative Milwaukee, Madison and surrounding areas Amerigas Propane L.P. (608) 981-0091 Print Name

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center

Department of Public Works & Development Services
19600 - 75th Street, Suite 185-3
Bristol, Wisconsin 53104

Division of Planning and Development (including Sanitation & Land Conservation) (262) 857-1895

Facsimile # (262) 857-1920

Public Works Division of Highways (262) 857-1870

Kenosha County Administration Building

Register of Deeds (262) 653-2444

Division of Land Information (262) 653-2622

Wisconsin Department of Transportation, Southeast Region (262) 548-5902

141 NW Barstow St.
Waukesha WI 53187-0798

Wisconsin Department of Natural Resources - Sturtevant Office (262) 884-2300

9531 Rayne Rd., Suite 4
Sturtevant WI 53177

Brighton, Town of (262) 878-2218

Paris, Town of (262) 859-3006

Randall, Town of (262) 877-2165

Somers Village/Town of (262) 859-2822

Wheatland, Town of (262) 537-4340

City of Kenosha Planning & Zoning (262) 653-4030

City of Kenosha Water Utility (262) 653-4300

City of Kenosha Airport (262) 653-4160



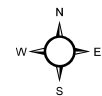
THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS ONE. THIS DRAWING IS A COMPILATION OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICES AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY.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



Kenosha County



**SUBJECT
PROPERTY
(1-FOOT
CONTOURS)**



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.



Benjamin Fiebelkorn

From: Alex Priesgen
Sent: Monday, December 11, 2023 4:16 PM
To: Benjamin Fiebelkorn
Subject: RE: Markquart Burlington RV...

If he is just adding a propane tank and dispensing from it and not really doing anything to the building then I do not see a need for an eval.

From: Benjamin Fiebelkorn <Ben.Fiebelkorn@kenoshacountywi.gov>
Sent: Monday, December 11, 2023 3:56 PM
To: Alex Priesgen <Alex.Priesgen@kenoshacountywi.gov>
Subject: Markquart Burlington RV...

Alex:

Tax Key Parcel Number: [95-4-219-314-0640](#)
Property Address: 5712 392ND AVE

I can't remember if we talked about this proposal or not.

Current owner wants to apply for a CUP to install a propane dispenser....

The purpose of installing this propane dispenser is to better serve Markquart RV and enhance the ability of Markquart RV to service their customers and profitability of the business. Staff at Markquart RV will be trained on propane dispenser safe filling guidelines, proper PPE usage and general propane safety before they are allowed to use the dispenser to fill propane tanks. This dispenser will not be accessible to the public for self-service. Tank is 1,000 water capacity - will be 80% propane, tank is approximately 3 feet wide by 13 feet long cylinder with 3' x 3' dispenser box on one end.

Will you require a septic system evaluation?

Ben Fiebelkorn

Senior Land Use Planner (T. of Brighton, T. of Paris)

Kenosha County Public Works & Development Services
Division of Planning & Development
19600 75th Street, Suite 185-3
Bristol, WI 53104

262.857.1895 (office)
262.857.1901 (direct)
262.857.1920 (fax)
Office Hours: 8-noon, 1- 5pm (Mon. through Fri.)

Ben.Fiebelkorn@kenoshacountywi.gov
<http://www.kenoshacounty.org/656>
Online Permit & Information Portal - <https://permitting.kenoshacounty.org/eTrakit/>
Trying to schedule a meeting? Check my availability [here](#).



Note that my email address format has changed from "@KenoshaCounty.org" to "@KenoshaCountyWI.gov". Please update your records.

12.33.030 B-3 highway business district.

(a) *Primary Purpose and Characteristics.* The B-3 Highway Business District is intended to provide for the orderly and attractive grouping and appropriate business location along principal highway routes as defined in this ordinance of those businesses and customer services which are logically related to and dependent upon highway traffic and which are specifically designed to serve the needs of such traffic and businesses which generate a high volume of vehicle traffic with a corresponding demand for large parking areas. The uses intended for this District typically do not rely upon an interchange of customers with each other as do uses in the B-4 District and furthermore tend to locate in strip fashion along the highway thereby impeding traffic flow thereon with numerous access points and therefore requiring review of plans and specifications to regulate highway access and to encourage properly planned site layout and development for such individual businesses. 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 [12.08.020](#)). (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 Department of Planning and Development pursuant to section [12.55](#) 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 (3/16/04).*

1. Any principal use permitted in the B-1 Neighborhood Business District, B-2 Community Business District or B-4 Planned Business District
2. Adult establishments, as provided in section [12.33.060](#)
3. Appliance and furniture stores with related warehousing
4. Garden supply stores
5. Gunsmith shop

(c) *Accessory Uses.*

1. Garages for the storage of vehicles used in conjunction with the operation of the business
2. Off-street parking and loading
3. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker located in the same building as the business.
4. Small wind energy system

5. Solar energy systems

(d) *Conditional Uses (see also section 12.40.080) (8/6/02).*

1. Arenas and stadiums
2. Automotive body repair
3. Automotive and marine sales, service and repairs including related towing
4. Car washes
5. Concrete and asphalt batch plants temporarily located on a parcel
6. Convenient Cash Businesses
7. Drive-in theater
8. Flea markets
9. **Fueling stations**
10. Indoor Shooting Ranges
11. Self-storage Facilities
12. Pawnshops
13. Recreational vehicle, motor home, farm implement or similar large size vehicle or equipment sales involving extensive outdoor display and storage
14. Restaurants, bars or taverns with outdoor dining, entertainment or recreation (i.e., volleyball, horseshoes, etc.)
15. Tattoo and body piercing establishments
16. Truck stops, sales and service
17. Utility substations
18. Large wind energy system

(e) *Lot Area and Width (3/16/04).*

1. Individual businesses served by either public sanitary sewage facilities or 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 lot frontage of 150 feet in width.

(f) *Building Height and Area.*

1. No building or parts of a building shall exceed 35 feet in height.
2. No maximum or minimum building area shall be required in the B-3 District due to the variety of uses within the District and the diverse building demands on each user.

(g) *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. (11/5/86)
3. Side yard - not less than 15 feet in width on each side of all structures.
4. Rear yard - not less than 25 feet.

(h) *Authorized Sanitary Sewer Systems.*

1. Public sanitary sewer
2. On-site sewage disposal absorption system
3. Holding tank on lots of record created prior to July 1, 1980 [Code § 12.22-3.]

The Municipal Code of Kenosha County is current through Ordinance 7 (2022), passed December 6, 2022.

Disclaimer: The clerk of the board's office has the official version of the Municipal Code of Kenosha County. Users should contact the clerk of the board's office for ordinances passed subsequent to the ordinance cited above.

[County Website: www.kenoshacounty.org](http://www.kenoshacounty.org)

[Hosted by Code Publishing Company, A General Code Company.](#)

Section 12.40

CONDITIONAL USES

Sections:

- 12.40.010 Purpose.**
- 12.40.020 Intent.**
- 12.40.030 Permits.**
- 12.40.040 Application (8/6/02).**
- 12.40.050 Review and approval.**
- 12.40.060 Existing uses.**
- 12.40.070 Revocation of conditional use permit.**
- 12.40.080 Standards for conditional uses.**

12.40.010 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 [Code § 12.29-1.]

12.40.020 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 [12.40.050\(g\)](#) 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. [Code § 12.29-2.]

12.40.030 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) [Code § 12.29-3.]

12.40.040 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 12.05.010(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 con-tours 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](#) 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 [12.05.080](#) of this Ordinance. [Code § 12.29-4.]

12.40.050 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 12.06.040 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 [12.56.110](#) 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 [12.56.110](#) 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 neighborhoods.

(h) Unless specifically altered by section [12.40.080](#) 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 [12.56](#) 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 [12.55](#) 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. [Code § 12.29-5.]

12.40.060 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 nonconforming use and shall be subject to the requirements of section [12.39.010](#) through [12.39.110](#) of this ordinance. [Code § 12.29-6.]

12.40.070 Revocation of conditional use permit.

Upon a complaint filed alleging noncompliance 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 [12.40.050](#). 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 [12.53](#) of this ordinance. The action of the Committee may be appealed pursuant to section [12.55](#) 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) [Code § 12.29-7.]

12.40.080 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 [12.05.030](#) 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, in-creased 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 [12.40.050\(g\)](#) 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.

51. Fuel oil, bottled gas, and ice dealers in the B-5 District. (8/9/94)

- a. A detailed site plan and environmental impact study shall be submitted with the application for a conditional use permit.
- b. The plan for the storage of fuels and the security to be provided on the site along with a fire protection plan shall be submitted to the Planning, Development & Extension Education Committee for review, consideration, and approval. Such plans shall also designate the type of fencing that will surround the storage of such materials and the lighting of the premises.
- c. All federal and state guidelines shall be complied with.
- d. All federal, state and local permits shall be filed with the Planning, Development & Extension Education Committee.
- e. Storage of fuel oil and bottled gas shall not be permitted closer than 500 feet to any residential, institutional or park district.

52. Garbage Incinerators in the M-4 District. (8/20/91)

- a. A site plan and plan of operation together with an environmental impact statement (EIS) assessing the effect the operation will have on the environment shall be submitted to the Planning, Development & Extension Education Committee. No hazardous wastes shall be disposed of in a garbage incinerator.
 - 1) The County may hire an independent expert to evaluate the EIS. The cost of the EIS shall be borne by the permit applicant. A surety in the form of an irrevocable letter of credit of not less than \$25,000 shall be provided to guarantee payment for the review.
- b. All federal and/or state licenses shall be presented to the Planning, Development & Extension Education Committee. (11/5/84)
- c. A performance bond guaranteeing compliance with all federal and state pollution guidelines and the performance standards set forth in this ordinance shall be required.
- d. There shall be no outside storage of refuse unless it is contained within vermin-proof containers.
- e. Scrap yard operations shall not be permitted on the premises.
- f. A security plan shall be presented to the Planning, Development & Extension Education Committee for approval. (11/5/84)
- g. Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.

53. Gas and electric utility uses not requiring authorization under Wisconsin Statutes section [196.491](#) in the A-1 and A-4 Districts.

- a. All such uses shall be properly fenced and secured for protection against vandalism.
54. Gasohol and fuel related alcohol plants in the A-3 and M-2 Districts.
- a. Those requirements set forth for the granting of a conditional use permit for the manufacture and production of chemicals in the M-2 District shall be complied with.
55. Gasoline service stations in the B-1, B-2, B-3, B-4 and B-5 Districts. (8/9/94)
- a. A detailed site plan shall be submitted showing all structures and their distances including canopies, pump islands, light poles, tower signs, storage tank locations, etc.
 - b. All canopy posts shall be at least 30 feet from any property line. No canopy shall exceed 20 feet in height.
 - c. Canopies shall not be permitted to overhang past the property line.
 - d. All pumps shall be set back at least 30 feet from any property line.
 - e. Gasoline service stations for semi-trailers shall have their ingress and egress located in such a fashion as to give due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance.
56. Golf courses in the PR-1 District.
- a. A detailed site plan and plan of operation shall be submitted to the Planning, Development & Extension Education Committee. (11/5/84)
 - b. Adequate sanitary facilities shall be provided.
 - c. A storm drainage plan prepared by certified engineers shall be presented to the Planning, Development & Extension Education Committee for approval. (11/5/84)
 - d. Fairways shall be located in such a fashion as to avoid golf balls being driven outside of the property boundary lines.
 - e. Those courses to be located in primary environmental corridors shall not be granted a conditional use permit unless a conservation plan has been presented to the Planning, Development & Extension Education Committee for review and approval. (11/5/84)
 - f. The following accessory uses may be permitted:
 - 1) Country club
 - 2) Restaurant
 - 3) Pro shop facility