



COUNTY OF KENOSHA

Division of Planning and Development

CONDITIONAL USE PERMIT PROCEDURES



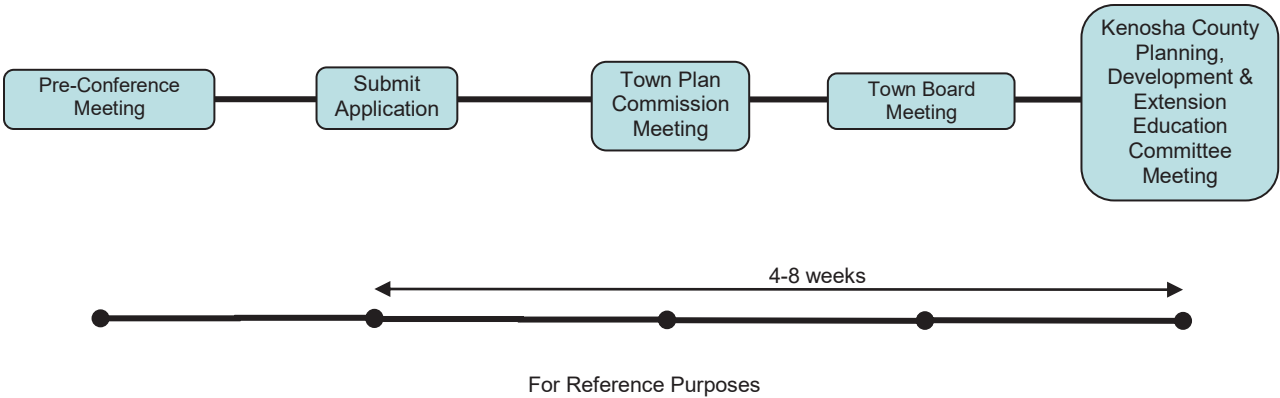
KENOSHA COUNTY

DEPARTMENT OF PLANNING
AND DEVELOPMENT

IMPORTANT TELEPHONE NUMBERS

Kenosha County Center	
Department of Public Works & Development Services	
19600 - 75 th Street, Suite 185-3	
Bristol, Wisconsin 53104-9772	
Division of Planning & Development (including Sanitation & Land Conservation).....	857-1895
Facsimile #.....	857-1920
Public Works Division of Highways	857-1870
Administration Building	
Division of Land Information.....	653-2622
Brighton, Town of	878-2218
Paris, Town of	859-3006
Randall, Town of.....	877-2165
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



June 2017



COUNTY OF KENOSHA

Division of Planning and Development

RECEIVED

JUL 16 2021

Kenosha County
Deputy County Clerk

JUL 16 2021

CONDITIONAL USE PERMIT APPLICATION

Kenosha County
Planning and Development

(a) Property Owner's Name:

Wisconsin Electric Power Co.

Print Name: William Burki

Signature: *William Burki*

Mailing Address: 333 W. Everett Street

City: Milwaukee

State: WI

Zip: 53203-0001

Phone Number: 414-940-3583

E-mail (optional): William.burki@we-energies.com

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: Bobby Anderson

Signature: *Bobby Anderson*

Business Name: American Transmission Company

Mailing Address: P.O. Box 47

City: Waukesha

State: WI

Zip: 53187

Phone Number: 262-391-3406

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: Ben Nelson

Signature: *Benjamin Nelson*

Business Name: Emmons & Olivier Resources Inc.

Mailing Address: 119 South Main Street

City: Cottage Grove

State: WI

Zip: 53527

Phone Number: 608-839-6202

E-mail (optional): bnelson@eorinc.com

Digitally signed by Benjamin Nelson
DN: cn=Benjamin Nelson, c=US, o=Emmons &
Olivier Resources, email=bnelson@eorinc.com
Reason: I agree to the terms defined by the
placement of my signature on this document
Date: 2021.07.16 10:46:20 -0500

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

45-4-221-041-0225

Address of the subject site:

335 172nd Avenue

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

Type of structure:

Substation equipment and control house

Proposed operation or use of the structure or site:

Site will connect ATC's 138kV and 345kV systems by constructing a new 345kV substation site adjacent to the existing We Energies Paris Station yard. A new 345kV to 138kV transformer will be installed to reduce overloads on the 138kV system. A three position bus, expandable to six positions, will serve to connect the equipment in the yard. Two positions will be occupied by line breakers and the third is for the transformer. The yard expansion will be surrounded by 24-foot walls with a gate. Stormwater facilities will be installed to manage draining.

Number of employees (by shift): 0

Hours of Operation: 24 hours

Any outdoor entertainment? If so, please explain: No

Any outdoor storage? If so, please explain: Yes, possible equipment for Substation Site

Zoning district of the property: A-2 General Agricultural District (Rezoning requested)

(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 & 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 & Development may ask for additional information.

(i) The fee specified in Section 12.05-8 of this ordinance.

Request for Conditional Use Permit \$780.00

(For other fees see the Fee Schedule)



Kenosha County



SUBJECT
PROPERTY



1 inch = 400 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 COMPILED OF RECORDS, DATA AND INFORMATION LOCATED IN VARIOUS STATE, COUNTY AND MUNICIPAL OFFICE IS AND OTHER SOURCES AFFECTING THE AREA SHOWN AND IS TO BE USED FOR REFERENCE PURPOSES ONLY. KENOSHA COUNTY IS NOT RESPONSIBLE FOR ANY INACCURACIES HEREIN CONTAINED. IF DISCREPANCIES ARE FOUND, PLEASE CONTACT KENOSHA COUNTY.



Helping to keep the lights on,
businesses running
and communities strong®

East Paris Business Summary

The Project will construct a new 345 kV yard adjacent to the existing Paris Substation yard in the Town of Paris, Kenosha County. A new 345 kV to 138 kV transformer will be installed to connect the 138 kV and 345 kV networks, reducing overloads on the 138 kV system. A three-position bus, expandable to six positions, will serve to connect the equipment in the yard. Two positions will be occupied by line breakers and the third is for the transformer. This yard expansion will be surrounded by 24-foot walls with a gate. Stormwater facilities will be installed to manage drainage. Permanent access to the new yard will be through the existing Paris Substation driveway and yard.

The new substation will divide the existing line 2222, a 345 kV transmission line between ATC's Arcadian Substation and ComEd's Zion Station in Illinois, into two segments. In the Project area, Line 2222 shares structures with PLPL81, a 345 kV transmission line between Arcadian and Pleasant Prairie Substations. Work is required on both lines and on common structures. To route line 2222 into the new 345 kV yard, two new steel pole structures with concrete foundations will be installed on new transmission ROW leading into the new yard.

The Project is necessary to address MISO Identified Network Resource Interconnection Service (NRIS) Steady State Injection Constraints and (2) ground grid deficiencies as a result of the interconnection of the 250 MW Darien and 200 MW Paris solar generating facilities to the ATC system. These deficiencies were identified in the MISO Definitive Planning Phase (DPP) 2017 August Wisconsin Area Phase 3 and Restudy System Impact Study and the J850/J878 Facility Study.

F. PUBLIC DISTRICTS

12.24-1 I-1 INSTITUTIONAL DISTRICT

(a) Primary Purpose and Characteristics

The I-1 Institutional District is intended to provide for areas which are under private or public ownership and where the uses in those areas for public purposes or institutional purposes, whether public or private, are anticipated to be permanent. 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 Department of Planning and Development 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 Churches
- 2 Hospitals, sanitariums, nursing homes and clinics
- 3 Libraries, museums and art galleries
- 4 Private youth development organizations such as YMCA, Junior Achievement, Boys Club of America and Campfire Girls
- 5 Public or private schools, colleges and universities
- 6 Public administrative offices and public service buildings including fire and police stations, community centers, public emergency shelters
- 7 Public utility offices

(c) Accessory Uses

- 1 Garages for storage of vehicles used in conjunction with the operation of the principal use.
- 2 Residential quarters for caretakers or clergy
- 3 Service buildings and facilities normally accessory to the principal uses
- 4 Solar energy system
- 5 Small wind energy system

(d) Conditional Uses (see also section 12.29-8) (8/6/02)

- 1 Airport, heliport pads, aircraft hangars for storage and equipment maintenance; aircraft sales and service.
- 2 Bus terminals
- 3 Cemeteries
- 4 Large wind energy system
- 5 Penal, reform, disciplinary and mental institutions
- 6 Power and heat generating plants
- 7 Railroad depots
- 8 School auditoriums, gymnasiums and stadiums

9 **Utility substations**

- 10 Water storage tanks and towers and radio and television transmitting and receiving towers, microwave relay stations

(e) Lot Area and Width

- 1 Institutional uses served by public sanitary sewage facilities shall provide a minimum lot area of 10,000 square feet and a minimum lot frontage of 75 feet in width, and
- 2 Institutional uses 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 lot frontage of 150 feet in width.

(f) Building Height and Area

- 1 No building or parts of a building shall exceed 60 feet in height.
- 2 No maximum or minimum building area shall be required in the I-1 Institutional District due to the variety of uses within this district and the diverse building demands of each use.

(g) Yards

- 1 Street yard - not less than 65 feet from the right-of-way of all Federal, State and 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 10 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 systems
- 2 On-site sewage disposal absorption system

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.

- 150 Utility substations, microwave relay stations, and cellular relay stations in the A-1, A-2, A-3, A-4, R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-9, R-10, R-11, R-12, B-1, B-2, B-3, B-4, M-1, M-2, I-1 and C-2 Districts. (8/9/94)
- a All utility substations, microwave relay stations, and cellular relay stations shall be securely fenced and marked with appropriate warning signs.
 - b The height of tower-mounted utility substations, microwave relay stations, and cellular relay stations shall not exceed three (3) times their distance from the nearest property line.
- 151 Washing, refining or processing of rock, slate, gravel, sand or minerals processed from the top soil in the M-3 District
- a A detailed site plan shall be presented to the Planning, Development & Extension Education Committee along with a storm water drainage plan prepared by a certified engineer. (11/5/84)
 - b Impact statements as deemed appropriate by the Planning, Development & Extension Education Committee may be required. (11/5/84)
 - c Ingress and egress to the premises shall be determined with due regard to topography and public road and pedestrian traffic taking into consideration hills, curves, speed limits and vision clearance. Roads shall be maintained in a dust-free condition.
- 152 Water storage tanks and towers and radio and television transmitting and receiving towers in the B-5 and I-1 Districts. (8/9/94)
- a Towers shall not be located closer than 50 feet to any structure.
 - b All towers shall be securely anchored and lit with warning lights as deemed appropriate.
 - c All federal and state licenses shall be filed with the Planning and Development Administrator's office.
 - d Water tanks and water towers are exempt from the height limitations of this Ordinance. The height of radio and television transmitting and receiving towers shall not exceed three (3) times their distance from the nearest property line.
- 153 Water withdrawal and diversion uses in shoreland areas. (See section 12.18-6 of this ordinance)
- 154 Wildlife ponds in the C-1 District, provided that: (6/2/92)
- a Any excavating, ditching, dredging, or draining that is to be done must be necessary for such construction and shall be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands. Any excavating,