

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 315 ENTITLED “ZONING” OF THE GRANT COUNTY CODE.**

NOW, THEREFORE, the Board of Supervisors of Grant County, Wisconsin, does ordain as follows:

**Section I:** Chapter 315 Subsection 3.27(5)(c) of the Grant County Code shall be and hereby is amended to read as follows:

(c) **Purpose:** The development and administration of this Chapter is based upon the division of the County into zoning districts, within which districts the use of land and buildings and the bulk and location of buildings and structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration in each case of the impact of those uses upon neighboring land and of the public need for the particular use at the particular locations. Such conditional uses fall into two (2) categories:

- (1) Uses publicly operated or traditionally affected with a public interest; and
- (2) Uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or private facilities.

**Section II:** Chapter 315 Subsection 3.27(5)(d) of the Grant County Code shall be and hereby is amended to read as follows:

(d) **Standards:** No conditional use shall be granted by the Planning and Zoning Committee unless such Commission shall find:

- (1) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- (2) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (3) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;

- (4) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- (5) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- (6) That adequate prevention and control of water pollution including sedimentation are being provided;
- (7) That adequate measures will be taken to sustain existing topographic and drainage features and vegetation cover on the site;
- (8) That adequate location of the site with respect to flood plains and floodways of bodies of water;
- (9) That adequate consideration of erosion potential of the site based upon degree and direction of slope, soil type and vegetation cover;
- (10) That location factors are considered which address:
  - (a) Domestic uses shall be generally preferred;
  - (b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
  - (c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
- (11) That requirements of this ordinance have been met by the applicant which apply to the particular district in which the subject property is located;
- (12) That the conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Planning and Zoning Committee; and
- (13) The Planning and Zoning Committee shall also consider any reclamation plan submitted for the property and the reclamation plan's provisions for maintaining lateral support and for depth of the quarry pursuant to the standards set forth in Wisconsin Administration code Chapter NR 136.

**Section III:** Chapter 315 Subsection 3.27(5)(e) of the Grant County Code shall be and hereby is created to read as follows:

(e) **Conditions:** The Planning and Zoning Committee or the Board of Adjustment may attach conditions, in addition to those required elsewhere in this ordinance, that it deems necessary in furthering the purpose of this ordinance. Violation of any of these conditions shall be deemed violations of this ordinance. Such conditions may include but are not limited to conditions as to type of shore cover, increases setback and yards, specified sewage disposal and water supply facilities, landscaping and planting screens, hours of operation, operational control, sureties, deed restrictions, locations of piers, docks, parking, and signs, type of construction or any other requirement necessary to fulfill the purpose and intent of this ordinance. The Planning and Zoning Committee may still impose conditions as long as they are reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence. Substantial evidence being facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

In order to secure information upon which to base a determination, the applicant may be required to furnish additional information, including, but not limited to, the following:

- (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetable cover.
- (2) Location of buildings, parking area, traffic access, driveways, walkways, open spaces, landscaping, and lighting.
- (3) Plans for buildings, sewages disposal facilities, water supply systems and arrangements of operations.
- (4) Specifications for areas of proposed filling, grading, lagoons or dredging.
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

**Section IV:** This ordinance shall take effect upon its passage and publication or posting as required by law. All other sections of Chapter 315 of the Grant County Code not specifically amended under this ordinance shall remain in full effect as drafted.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by the Grant County Board of Supervisors.

BOARD OF SUPERVISERS BY:

\_\_\_\_\_  
Robert C. Keeney, County Board Chair

**ATTEST:** I, Linda K. Gebhard, Grant County Clerk, do certify that the amendment to Chapter 315 of the Grant County Ordinances has been approved by the Grant County Board of Supervisors at a meeting held on \_\_\_\_\_, 2018.

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Linda K. Gebhard, County Clerk