

**TOWN OF MONROE CONDITIONAL USE ZONING ORDINANCE**

**THE TOWN BOARD OF THE TOWN OF MONROE** does hereby ordain as follows:

**SECTION 1. INTRODUCTION AND PURPOSE.**

- A. Title. The title of this ordinance shall be known as the “Town of Monroe Conditional Use Zoning Ordinance.”
- B. Purpose. There are certain conditional uses of real property that currently only require approval from Green County without input or approval from the Town of Monroe. The purpose of this ordinance is to promote the public health, safety, convenience and general welfare of Town of Monroe residents by giving the Town of Monroe a voice in these and other uses of real property by requiring approval from the Town of Monroe in addition to obtaining Green County approval. This two step process is intended to protect the character of the Township and the negative influences certain uses can have on Town of Monroe residents.
- C. Severability. The provisions of the ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the applicability thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
- D. Effective date. This ordinance shall take effect and be in force on MAY 1, 2012, after its passage by the Town Board on APRIL 19, 2012 and publication or posting on APRIL 23, 2012

**SECTION 2: DEFINITIONS.** In this Ordinance, unless the context otherwise requires, the following terms are defined as follows:

- Adult Oriented Entertainment Business: means an adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult health or sport club, adult steam room or bathhouse facility, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse.
- Conditional Use Permit: means that an applicant has received approval to operate a specified use on his/her real property, subject to additional conditions or requirements, from the Town Board.
- Farming: means general farming, including dairying, livestock and poultry raising, animal feedlots, nurseries, greenhouses, (limited to the raising of plants and produce with no retail sales on the premises) vegetable warehouses and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal.
- Kennels: means the use of land, with related buildings or structures, for the commercial breeding, rearing or boarding of dogs.
- Livestock: means cattle, swine, poultry, sheep, goats, equine, donkeys, llamas, bison, farm-raised deer or elk, fish, captive game birds, ratites, camelids and mink.

- Livestock facility: means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.”
- Nude Exhibitionism: means a live act, demonstration, dance or exhibition, or any combination thereof, that:
1. Shows a person’s genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; or
  2. Shows any portion of the female breast below a point immediately above the top of the areola; or
  3. Shows the covered male genitals in a discernibly turgid state.
- Planning Commission: means the Town of Monroe Planning Commission.
- Sign: means a publically displayed board, placard, billboard, plaque, or like structure bearing information, advertising, warnings or other like information.
- Town Board: means the Town Board of Supervisors for the Town of Monroe.

**SECTION 3: CONDITIONAL USES FOR WHICH A PERMIT IS REQUIRED**

A. Approval Required.

- 1) It shall be unlawful for any landowner to operate any of the uses specified in this Section without first obtaining a Conditional Use Permit issued by the Town Board.
- 2) The Town Board shall consider all applications for conditional uses as specified in Section 5, paragraph D of this ordinance.

B. Conditional Uses. The following uses are permitted as conditional uses within the Township of Monroe:

- 1) Aircraft landing fields, basins and hangars.
- 2) Contractors' storage yards.
- 3) Drive-in theaters or outdoor movie theaters.
- 4) Fur farms, charcoal kilns, pea viners or sawmills or other like uses.
- 5) A building or separate structure for the housing of 5 dogs or more, animal kennels or animal shelters, but not including farm animals, that is located within 1,000 feet from any residential building not on the same premises.

- 6) A building or structure the size of 100 square feet or more for the housing of Livestock that is located within 500 feet from any residential building not on the same premises. A conditional use permit is not required for any existing building or structure that has at any time in the past been used for the housing of Livestock.
- 7) A new or expanded Livestock Facility that will have 500 or more animal units which is regulated by Chapter ATCP 51 of the Wisconsin Administrative Code.
- 8) Medical, correctional or charitable institutions, when any building devoted wholly or partly to such uses or accessory thereto shall be distant not less than 1,000 feet from any residential building not on the same premises.
- 9) Manufactured home parks.
- 10) Camp grounds and camping resorts.
- 11) Public dumping ground, solid waste disposal sites, or solid waste transfer stations, except for such sites owned or operated by the Town of Monroe.
- 12) Shooting ranges, when meeting all normal safety regulations.
- 13) Slaughterhouses.
- 14) Automobile wrecking yards or junk yards.
- 15) Establishment of a new or re-opening of an abandoned premises for the mining, storage, processing or transportation of non-metallic materials, including the quarrying, blasting, crushing, or extraction of limestone, gravel, sand, fill or other similar materials or activities, by other than a municipality.
- 16) Placement of a temporary or permanent blacktop, asphalt, cement, or concrete plant, or other like facility.
- 17) Lodging house, boarding house, or bed-and-breakfast establishment, exceeding 3 boarders or lodgers not members of the resident family, and also in which the boarders or lodgers are housed in the main residence on the premises.
- 18) Day care centers, whether or not located within a private residential building, in which care and supervision is provided for 5 or more children or persons, by pre-arrangement for definite periods of time for compensation, who are not full-time residents of the home.
- 19) Residential care facilities, whether or not located within a private residential building, in which care and supervision is provided for 3 or more children or persons, other than family members of the residents, who temporarily become full-time residents of the home.
- 20) Wired services and utilities, including metal, glass fiber or other conductors, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, wind generators and other such tower structures of heights over 100 feet.
- 21) Greenhouses, in which retail sales are conducted on the premises.
- 22) Rental storage units or areas of buildings rented for the storage of motor vehicles, recreational units, or any miscellaneous items.

- 23) Outdoor recreational facilities including, but not limited to, commercial horseback riding, paint ball, commercial ATV/bike trails, golf courses, driving range, or regularly held outdoor events which involve temporary or permanent modification of the land or erection of temporary or permanent structures. A conditional use permit shall not be needed for activities or uses of the land which are exclusively done by or involve the landowner or their immediate family members.
- 24) Cemeteries, whether private or public.
- 25) Any commercial use as permitted in Section 4-3-1-4 of the Green County Code regarding Commercial District, or as thereafter renumbered or amended.
- 26) Permanent signs that meet any of the following:
  - i. Any sign greater than 75 square feet located within 50 feet of the road right-of-way or lot line with an adjoining neighbor; or
  - ii. Any sign greater than 40 square feet that is illuminated (including neon signs).
- 27) Any parcel of land with more than one residence, whether permanent or temporary.
- 28) Adult Orientated Entertainment Businesses or those permitted businesses or uses that include Nude Exhibitionism.
- 29) Moving of a building or structure from one foundation to another foundation not on the same premises.
- 30) Other uses similar in character to those specifically set forth in this section, giving due consideration to any anticipated effects of noise, odor, pollution, traffic, parking, safety and hours of operation associated with such use.

**SECTION 4: APPLICATION FOR CONDITIONAL USE PERMIT**

- A. Application. Any landowner, or potential landowner with an accepted written offer to purchase subject to a contingency for a use which requires a Conditional Use Permit, may file an application with the Town Board for a Conditional Use Permit by submitting the following:
  - 1) An original and three copies of a written application provided to the Town Clerk describing the location and nature of the proposed use.
  - 2) The names and addresses of all adjoining landowners.
  - 3) An aerial photograph showing the location of the proposed use and showing all roads and property owners within one mile of such proposed use.
  - 4) Any additional information requested by the Planning Commission or Town Board.
  - 5) A nonrefundable fee of \$50.00 to be paid to the Town Clerk. The amount of the fee for the Conditional Use Permit may change from time to time by a future resolution of the Town Board.

## SECTION 5: APPROVAL PROCESS

- A. Receipt of Application. Upon the complete submission of the application and required documents required in Section 4, the Town Board may refer the application to the Planning Commission for its review.
- B. Planning Commission. The Planning Commission shall review applications and materials that are referred, and shall make a recommendation to the Town Board to approve, reject or modify the application for the Conditional Use Permit. The Planning Commission may view the location of the proposed use, may hold any public hearings it deems necessary or require further information to be provided by the applicant before making a decision.
- C. Public Hearing. Prior to the Town Board taking final action on the application, a minimum of one public hearing shall be held by the Town Board or Planning Commission. Written notice of the public hearing and proposed use shall be mailed to all Township of Monroe landowners within a distance, to be determined by the Town Board on a case by case basis, of the proposed use. The Town Board shall determine the amount of landowners to receive notice after taking into consideration the size and potential impact of the proposed use on surrounding landowners. All such costs for obtaining and mailing such notices shall be the responsibility of the applicant.
- D. Decision by Town Board. Approval or denial of the application for a Conditional Use Permit shall be made at the discretion of the Town Board. The Town Board may require specific conditions, to be born at the cost of the landowner as a condition of approval of the Conditional Use Permit, including but not limited to negating or minimizing anticipated effects of noise, odor, pollution, traffic, parking, safety and hours of operation associated with such use. The Town Board shall consider the following factors in making its final decision:
- 1) Whether the proposed use fits with the other existing uses surrounding the location of the proposed use.
  - 2) Whether the proposed use fits with the characteristics and nature of the Township of Monroe.
  - 3) The anticipated effects of noise, odor, pollution, traffic, parking, safety and hours of operation associated with such use or public nuisance.
  - 4) The effect of the proposed use on property values for property owners surrounding the location of the proposed use.
  - 5) Any other factor or consideration deemed important by the Town Board.
- E. Approval on Non-Action of Town Board. If the Town Board fails to approve or deny the application within 180 days of receipt of the complete submission of the application and required documents required in Section 4, then the application shall be deemed approved unless the Town Board and the applicant agree in writing, to an extension(s) which shall not exceed 90 days.
- F. Effect of Approval. Approval of the Conditional Use Permit by the Town Board does not relieve the applicant from obtaining other required approvals from Green County or the State of Wisconsin, if any.
- G. Reimbursement of Costs to Town of Monroe. Regardless of the outcome, the applicant shall reimburse the Town of Monroe for all out of pocket costs deemed necessary and incurred by the Town Board in reviewing such application. Costs includes, but is not limited to, expenditures to plan commission members, legal fees, engineer fees, consultant fees, fees to maintain peace and security or other like fees.

## SECTION 6: EXPIRATION OF CONDITIONAL USE PERMITS FOR NON-USE

### A. Expiration of Conditional Use Permits for Non-Use.

- 1) Non-Use. An approved conditional use shall expire after 3 consecutive years of non-use. This includes the initial 3 year period after the conditional use is first granted by the Town Board as well as any existing conditional use that does not meet the minimum operation each year for 3 consecutive years.
- 2) Minimum Operation. Any conditional use that is not used for at least 30 total days in a 365 day consecutive period shall be considered as not being used for the entire year, unless such conditional use permit specifies a shorter period.

### B. Approved Extensions for Non-Use of Conditional Use Permits. The Town Board may grant an extension so the conditional use does not expire after not meeting the minimum operation for 3 consecutive years for any of the following reasons:

- 1) Substantial damage or destruction of the premises by fire, wind or other calamity.
- 2) Death of the landowner or a principal officer of the business or use.
- 3) Physical or mental disability of the landowner or a principal officer of the business or use.
- 4) Substantial remodeling or rebuilding of the premises.
- 5) For any other reason where in the judgment of the Town Board the grant of an extension advances a public interest.

## SECTION 7: REMEDIES FOR VIOLATIONS OF THIS ORDINANCE.

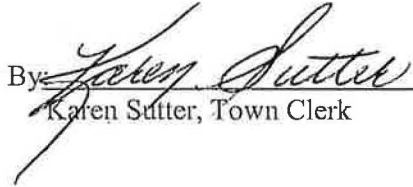
- A. Forfeiture action. A landowner who violates any provision of this Ordinance or fails to comply with any of its requirements shall be subject to a forfeiture of not less than \$50.00 nor more than \$500.00, plus costs of the action. A separate offense exists each calendar day during which a violation occurs or continues.
- B. Injunctive Relief. The Town of Monroe shall be entitled to obtain injunctive relief to enjoin a landowner from operating his/her property in violation of this Ordinance or failing to comply with any of its requirements.
- C. Costs / Special Assessment. All costs, including legal fees, to the Town of Monroe in enforcing this Ordinance shall be the sole responsibility of the landowner. The Town of Monroe shall send an itemized statement of costs to the landowner and such amount shall be paid within 30 days. All costs that remain unpaid more than 30 days from the date of the itemized statement shall accrue interest at the rate of 1.5% per month commencing from the date of the itemized statement until paid in full. At the discretion of the Town Board, after providing reasonable notice and the opportunity for a hearing, the Town Board may make a special assessment for the amount of unpaid costs and interest against the landowner. The Town Board shall provide a date specific for payment of the assessment, and if not made by such date, the assessment shall be levied against the landowner's property as provided by law. The special assessment becomes a lien against the landowner's property from the date of the levy.
- D. The remedies listed in this Section are mutually exclusive, meaning that the Town of Monroe may use any combination of the remedies at its discretion to bring the landowner into compliance or a sanction for violation of this Ordinance.

EXECUTION

This ordinance was adopted by the Town Board on APRIL 19, 2012, after its passage by the Town Board by a vote of 3 ayes and 0 nays. Motion carried.

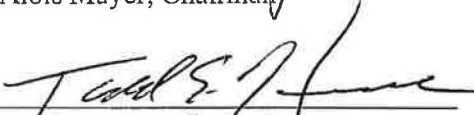
Dated this 19<sup>th</sup> day of APRIL, 2012.

Town of Monroe

By:   
Karen Sutter, Town Clerk

Town of Monroe, Town Board

By:   
Alois Mayer, Chairman

By:   
Todd E. Hasse, Supervisor #1

By:   
Chad Spotts, Supervisor #2