

# VILLAGE OF MINONG

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## RE-ZONING NOTICE PUBLIC HEARING VILLAGE OF MINONG

The Village of Minong Village Board will hold a regular board meeting on Monday, June 6th, 2016 at 6:00 p.m. At this meeting they will also hold a public hearing to review and re-zone properties located at: 529 Richards Ave ID: 29981 S26 T42N R12W Hohl's Add Lots 8-12 Block 2; 511 Business 53 ID: 29991 S26 T42N R12W Hohl's Add lots 17-24 Block 3; 520 Business 53 ID: 29983 S26 T42N R12W Hohl's Add Lots 13-16 Block 2; 628 Ann Street ID: 29990 S26 T42N R12W Hohl's Add Lots 13-16 Block 3; 632 Business 53 ID: 29999 S26 T42N R12W Hohl's Add Lots 6-12 Block 5 in Minong, Wisconsin for the purpose of re-zoning these properties from Commercial (C-1) to reflect the correct zoning status of Residential (R-2).

Denise Waggoner  
Clerk-Treasurer

# **VILLAGE OF MINONG**

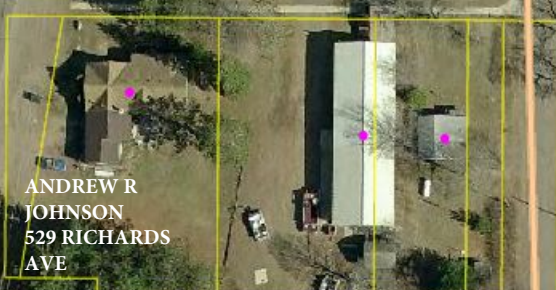
Public Hearing Agenda  
Monday June 6<sup>th</sup>, 2016  
Minong Village Hall  
6:00 P.M.

1. Call to Order
2. Roll Call
3. Agenda
4. Public Comment/Correction/Re-zoning of Village Properties
5. Adjourn

It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.

Village requests persons requiring assistance to enable attendance and participation to provide at least 24 hour notice.

RICHARDS AVE



ANDREW R  
JOHNSON  
529 RICHARDS  
AVE



THOMAS J  
NICHOLS  
628 ANN ST

CHARLES J  
NELSON  
511 BUSINESS 53



TERI  
GRENIER  
520 BUSINESS  
53

MINONG

26

BUSINESS 53

ANN ST



DAVID A  
SWANSON  
632 BUSINESS  
53

GRACE ST

1 : 1000

ft

**Sec. 13-1-23. - R-1 Residential district.**



- (a) *Purpose.* This district provides for one family and two family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development in those areas which can be economically and readily served by utilities and municipal facilities.
- (b) *Permitted uses.*
- (1) One family and two family year-round dwellings.
  - (2) Private garages and carports.
  - (3) Signs subject to the provisions of this chapter.
  - (4) Essential services and utilities intended to serve the principal permitted use.
  - (5) Horticulture and gardening.
  - (6) Customary accessory uses provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public or private nuisance.
- (c) *Conditional uses.*
- (1) Multi-family [three or more] dwelling units.
  - (2) Rooming or boarding houses.
  - (3) Mobile home parks subject to the provisions of this chapter.
  - (4) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites. Sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings shall not be permitted.
  - (5) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
  - (6) Home occupations or professional offices provided no such uses occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding residential area.
- (d) *Area requirements.*
- (1) Maximum building height—35 feet.
  - (2) Side yard: principal building—Ten feet on each side.
  - (3) Side yard: accessory building—Five feet.
  - (4) Front yard setback—15 feet from existing easement or property line.
  - (5) Rear yard—15 feet from existing easement or property line.
  - (6) Lot area per family.
    - a. Ten thousand square feet for one family.
    - b. Eight thousand square feet [each] for two family [(16,000 sq. ft. total)].
    - c. Four thousand square feet [each] for multi-family [16,000 sq. ft. total].

- (7) Minimum lot width—100 feet.
- (8) Parking: off-street residential—One per family and one per two boarders or guests.
- (9) Minimum floor area per family.
  - a. One thousand square feet for three bedroom [dwelling].
  - b. Eight hundred square feet for two bedroom [dwelling].
  - c. Five hundred seventy-five square feet for one bedroom [dwelling].

(Code 1990, § 13-1-23; Ord. of 8-5-1996)

#### **Sec. 13-1-24. - R-2 Residential district.**



- (a) *Purpose.* This district provides for one family and two family year-round residential development protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development in those areas which can be economically and readily served by utilities and municipal facilities.
- (b) *Permitted uses.* All uses permitted in the R-1 residential district.
- (c) *Conditional uses.* All uses permitted by conditional permits in the R-1 residential district, plus:
  - (1) One family mobile homes.
  - (2) Neighborhood convenience outlets offering goods and services, provided that no such uses employ more than one nonresident on the premises and such uses will not include an operational activity that would create a nuisance to, or be otherwise incompatible with the surrounding residential area. Any expansion of such businesses operating in the R-2 district at the time of adoption of this chapter shall also be required to comply with the provisions of article D.
- (d) *Area requirements.* Same as the R-1 residential district provisions.

(Code 1990, § 13-1-24)

#### **Sec. 13-1-25. - C-1 Commercial district.**



- (a) *Purpose.* This district is intended to provide for the orderly and attractive grouping, at appropriate locations, of retail stores, shops, offices, and similar commercial establishments.
- (b) *Permitted uses.* Facilities such as, but not limited to, the following:
  - (1) Retail stores and shops offering convenience goods and services.
  - (2) Business and professional offices and studios.
  - (3) Banks and savings and loan offices.
  - (4) Public and semi-public buildings and institutions.
  - (5) Commercial entertainment facilities.
  - (6) Laundromats.
  - (7) Restaurants.
  - (8) Taverns.
  - (9) Medical and dental clinics.
  - (10) Recreation service-oriented facilities.

(11) Motels and tourist homes.

(12) Essential services.

(c) *Conditional uses.*

(1) Public and semi-public conditional uses as stated in the R-1 district.

(2) New and used car sales establishments.

(3) Wholesaling establishments.

(4) Transportation terminals.

(5) Farm implement sales firms.

(6) Outdoor theaters.

(7) Miniature golf, go-carts, and amusement parks.

(8) Drive-in establishments offering in-car service to customers.

(9) Auto service stations and maintenance facilities.

(10) Rooming and boarding houses, with adequate off-street parking.

(11) One family residences subject to the R-1 district provisions.

(d) *Area requirements.*

(1) Maximum building height—35 feet.

(2) Side yard: principal building\*—Ten feet on each side.

(3) Side yard: accessory building\*—Five feet on each side.

(4) Front yard setback\*—15 feet.

(5) Rear yard setback\*—25 feet.

(6) Minimum lot width\*—50 feet.

(7) Truck unloading area\*—Sufficient space so that no streets or alley need be blocked.

\*In the blocks in the commercial district which are already developed, setbacks, minimum lot widths, commercial parking and truck unloading areas for new or renovated buildings may correspond with the existing setbacks, minimum lot widths, commercial parking and truck unloading areas, provided the plan commission determines such action will be in keeping with the purposes of the chapter and issues a conditional use permit in connection therewith.

(Code 1990, § 13-1-25)

## ARTICLE D. - CONDITIONAL USES

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### Sec. 13-1-40. - Statement of purpose—conditional uses.

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The development and execution of this article is based upon the division of the village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

*(Code 1990, § 13-1-40)*

### Sec. 13-1-41. - Authority of the plan commission and village board; requirements.

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- (a) The village board may, by resolution, authorize the zoning administrator to issue a conditional use permit for either regular or limited conditional use after review, public hearing and advisory recommendation from the plan commission, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this zoning code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of limited conditional use, the village board in its findings shall further specify the delimiting reason(s) or factors which resulted in issuing limited rather than regular conditional use. Such board resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The plan commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.
- (c) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the village board upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
- (d) Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of

allconditional uses.

(Code 1990, § 13-1-41)

**Sec. 13-1-42. - Initiation of conditional use.**

Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for in this article in the zoning district in which such land is located.

(Code 1990, § 13-1-42)

**Sec. 13-1-43. - Application for conditional use.**

An application for a conditional use shall be filed on a form prescribed by the village. The application shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, the existing and proposed use of each structure and lot, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in section 13-1-46 hereinafter. The plan commission may require such other information as may be necessary to determine and provide for an enforcement of this chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations. A non-refundable fee of \$125.00, plus publication and report costs, shall be paid at the time of application.

(Code 1990, § 13-1-43; Mtn. of 11-4-1996)

**Sec. 13-1-44. - Hearing on application.**

All requests for conditional uses shall be to the plan commission or the plan commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Nothing in this chapter shall prohibit the village board, on its own motion, from referring the request for conditional use to the plan commission. Upon receipt of the application and statement referred to in section 13-1-43 above, the plan commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the plan commission shall, by rule, prescribe from time to time.

(Code 1990, § 13-1-44)

**Sec. 13-1-45. - Notice of hearing on application.**

(a) *Hearing.* Notice of the time, place and purpose of such hearing shall be given by publication of

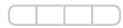


a Class 2 notice under the Wisconsin Statutes in the official village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the zoning administrator, members of the village board and plan commission, and the owners of record as listed in the office of the village assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least ten days prior to the date of such public hearing.

- (b) *Report of plan commission.* The plan commission shall report its advisory recommendations to the village board within 30 days after a matter has been referred to. If such action has not been reported by the plan commission within 30 days, the village board can act without such recommendation.

(Code 1990, § 13-1-45)

**Sec. 13-1-46. - Standards—conditional uses.**



No application for a conditional use shall be recommended for approval by the plan commission or granted by the village board unless such commission and board shall find all of the following conditions are present:

- (a) 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.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) 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.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) 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.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- (g) That the proposed use does not violate flood plain regulations governing the site.
- (h) That, when applying the above standards to any new construction of a building or an addition to an existing building, the plan commission and board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.
- (i) That, in addition to passing upon a conditional use permit, the plan commission and board shall also evaluate the effect of the proposed use upon:
  - (1) The maintenance of safe and healthful conditions.
  - (2) The prevention and control of water pollution including sedimentation.
  - (3) Existing topographic and drainage features and vegetative cover on the site.
  - (4) The location of the site with respect to floodplains and floodways of rivers and streams.
  - (5) The erosion potential of the site based upon degree and direction of slope, soil type

and vegetative cover.

- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Code 1990, § 13-1-46)

**Sec. 13-1-47. - Denial of application for conditional use permit.**

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When an advisory recommendation of denial of a conditional use application is made, the plan commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the commission has used in determining that each standard was not met.

(Code 1990, § 13-1-47)

**Sec. 13-1-48. - Conditions and guarantees.**

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The following conditions shall apply to all conditional uses:

- (a) *Conditions.* Prior to the granting of any conditional use, the village board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in section 13-1-46 above. In all cases in which conditional uses are granted, the board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
  - (1) Landscaping;
  - (2) Type of construction;
  - (3) Construction commencement and completion dates;
  - (4) Sureties;
  - (5) Lighting;
  - (6) Fencing;
  - (7) Operational control;
  - (8) Hours of operation;
  - (9) Traffic circulation;
  - (10) Deed restrictions;
  - (11) Access restrictions;
  - (12) Setbacks and yards;
  - (13) Type of shore cover;

- (14) Specified sewage disposal and water supply systems;
  - (15) Planting screens;
  - (16) Piers and docks;
  - (17) Increased parking;
  - (18) Duration of conditional use; or
  - (19) Any other requirements necessary to fulfill the purpose and intent of this chapter.
- (b) *Site review.* In making its recommendation, the plan commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the village board after recommendation from the plan commission.
- (d) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the village board may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) *Sloped sites; unsuitable soils.* Where slopes exceed six percent and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) *Conditional uses to comply with other requirements.* Conditional uses shall comply with all other provisions of this chapter such as lot width and area, yards, height, parking and loading.

(Code 1990, § 13-1-48)

**Sec. 13-1-49. - Validity of conditional use permit.**



Where the village board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the board's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the zoning administrator shall notify the holder by certified mail of such revocation. The board may extend such permit for a period of 90 days for justifiable cause, if application is made to the village board at least 30 days before the expiration of said permit.

(Code 1990, § 13-1-49)

**Sec. 13-1-50. - Complaints regarding conditional uses.**



The village board shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the zoning administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official and after seeking an advisory recommendation from the plan commission, the village board shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in section 13-1-46 above, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in section 13-1-45 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The village board may, in order to bring the subject conditional use into compliance with the standards set forth in section 13-1-46 or conditions previously imposed by the village board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made in order to assure that standards (a) and (b) in section 13-1-46 will be met, the village board may revoke the subject conditional approval and direct the zoning administrator and the village attorney to seek elimination of the subject use. Following any such hearing, the decision of the village board shall be furnished to the current owner of the conditional use in writing stating the reasons therefor.