



# PLAN COMMISSION

Wednesday, February 11, 2026 – 6:30 PM

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Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947

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## AGENDA

### CALL TO ORDER

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, January 14, 2026 Plan Commission Meeting

### OPEN FORUM – Public comments addressed to the Plan Commission

**Individuals properly signed in may speak directly to the Plan Commission on non-repetitive Planning and Zoning matters whether on or not on the agenda.** Commentators must wait to be called, must speak from the podium, directing their comments to the Commission. Comments must be orderly, and will be limited to a maximum of **2 minutes** per person. ***Public comment is not permitted outside of this public comment period. Note:*** The Commission's ability to act on or respond to the public comments is limited by Chapter 19, Wis. Stats. Please complete the "Request to Speak at Meeting" form located on the agenda/sign-in table and submit the form to the Town Clerk for in-person attendance.

### CORRESPONDENCE

- A. Distribution of the January 2026 Building Inspection Report

### DISCUSSION ITEMS (NO ACTION WILL BE TAKEN)

- A. Administrator's Report

### BUSINESS

- A. Review/Discussion: Plan Commission review & discussion of proposed zoning ordinance text amendments to revise for clarity and consistency, including but not limited to scrivener's/grammatical errors, and to ensure compliance with current state statutes.

### UPCOMING MEETING ATTENDANCE

- A. Plan Commission (6:30 pm start unless otherwise noted) - Mar 11; Apr 8; May 13
- B. Town Board (6:30 pm start unless otherwise noted) - Feb 18; Mar 4 & 18; Apr 1 & 15

### ADJOURNMENT

Respectfully submitted,

Dick Knapinski  
Plan Commission Chair

*Pursuant to Wisconsin Statute 19.84 (2) and (3) notice is hereby given to the public and the media that two or more members of any or all Boards, Commissions, and Committees of the Town of Clayton, may attend the meeting of the Plan Commission in order to gather information. For purposes of the Open Meetings Law only; attendance at a meeting by a quorum of members of the Town Boards, Commissions, and Committees constitutes a meeting of the Board, Commission, or Committee, pursuant to Badke Vs. Village Board of Village of Greendale, 173 Wis2d 553, 494 NW2d 408 (1993), and must be noticed as such, although it is not contemplated that any formal action by those bodies will be taken. The only business to be conducted is for Plan Commission action.*

*Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please call the Town Office at 920.836.2007.*

**This agenda has been posted at the following locations in the Town of Clayton:**

1. The Town Hall Posting Board – 8348 Hickory Ave, Larsen, WI 54947
2. The Town's Web Page: --



# PLAN COMMISSION

Wednesday, January 14, 2026 – 6:30 PM

Item A.

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**Town Hall Meeting Room, 8348 Hickory Ave, Larsen, WI 54947**

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## MINUTES

**CALL TO ORDER** – Chair Knapinski called the meeting to order at 6:30 pm

- A. Pledge of Allegiance
- B. Verification of Notice
- C. Meeting Roll

### PRESENT

Chair Knapinski  
Commissioner Haskell  
Commissioner Nemecek  
Commissioner Haase  
Commissioner Ketter  
Town Board Rep. Christianson

### STAFF

Administrator Wisnefske  
Clerk Faust-Kubale  
Planner Jaworski  
Code Administrator Kamke  
Attorney LaFrombois

### PUBLIC HEARING(S) AND/OR PUBLIC INFORMATION MEETINGS

- A. Plan Commission Public Hearing on a Re-Zoning Application submitted by Chris Perreault on behalf of John Kulogo & David Hughes, requesting approval to re-zone approximately 1.51 acres of proposed Lot 1 (3442 County Rd II) from R-1 (Rural Residential District) to A-2 (General Agriculture District); and approximately 0.29 acres of proposed Lot 2 from A-2 (General Agriculture District) to R-1 (Rural Residential District).

**NO COMMENTS RECEIVED - PUBLIC HEARING CLOSED AT 6:31 PM**

- B. Plan Commission Public Hearing on amendments to the Town of Clayton Zoning Code of Ordinances and the Town of Clayton Comprehensive Plan 2040 to expand the Town's zoning authority to include shoreland areas.

**NO COMMENTS RECEIVED - PUBLIC HEARING CLOSED AT 6:32 PM**

### APPROVAL OF MINUTES

- A. Approval of the Minutes of the Wednesday, November 12, 2025, Plan Commission Meeting

**MOTION**

**Motion made** by Commissioner Nemecek, **Seconded** by Commissioner Haskell to approve the Minutes of the Wednesday, November 12, 2025, Plan Commission Meeting as presented.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

**OPEN FORUM – Public comments addressed to the Plan Commission**

Bill Kordus, 7376 Carden Dr, Neenah, WI, inquired about the status of a fence permit that was applied for.

**CORRESPONDENCE**

- A. Distribution of the November 2025 Building Inspection Report
- B. Distribution of the December 2025 Building Inspection Report

**DISCUSSION ITEMS (NO ACTION WILL BE TAKEN)**

- A. Administrator's Report

**BUSINESS**

- A. Discussion/Action: Plan Commission review & consideration of Resolution 2026-001 Making a Recommendation to the Town Board of Supervisors regarding a Re-Zoning Application submitted by Chris Perreault on behalf of John Kulogo & David Hughes, requesting approval to re-zone approximately 1.51 acres of proposed Lot 1 (3442 County Rd II) from R-1 (Rural Residential District) to A-2 (General Agriculture District); and approximately 0.29 acres of proposed Lot 2 from A-2 (General Agriculture District) to R-1 (Rural Residential District).

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to recommend approval of the re-zoning application submitted by Chris Perreault on behalf of John Kulogo & David Hughes with Resolution 2026-001.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

- B. Review/Recommendation: Plan Commission review & recommendation on a Certified Survey Map (CSM) submitted by Chris Perreault on behalf of John Kulogo & David Hughes to reconfigure portions of Tax ID #006-0420-02; Tax ID #006-0420-03; and Tax ID #006-0420-05 (3464 & 3442 County Rd II).

**MOTION**

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the CSM application submitted by Chris Perreault on behalf of John Kulogo & David Hughes with the following conditions:

1. Information about the septic system location (drain fields, vents, tank covers, etc.) must be included on the CSM.

2. Adjacent property owners must be listed over their respective parcels on the survey as required in the subdivision ordinance.

3. Ownership of the Proposed Lot 1 be clarified if it will be only in Mr. Kulogo's ownership, solely by the LLC, or by both together.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

- C. Discussion/Action: Plan Commission review & consideration of Resolution 2026-002 on proposed changes to the Town of Clayton Zoning Code of Ordinances and the Town of Clayton Comprehensive Plan 2040 to expand the Town's authority over shoreland zoning areas.

#### **MOTION**

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to approve Resolution 2026-002 Recommending the Adoption of the Amendments to the Town of Clayton Comprehensive Plan 2040 & Zoning Code of Ordinances.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

- D. Review/Recommendation: Plan Commission review & recommendation on a Final Plat Review Application submitted by McMahon Associates on behalf of Clayton Development Group, LLC for the 2nd Addition of Scholar Ridge Estates.

#### **MOTION**

**Motion made** by Commissioner Ketter, **Seconded** by Commissioner Nemecek to recommend approval of the Final Plat Application submitted by McMahon Associates on behalf of Clayton Development Group, LLC for the 2nd Addition of Scholar Ridge Estates with the following conditions:

1. The subdivider shall provide copies of all submitted applications and their approvals once received. This includes, but is not limited to, all DOA approvals and comments, WDNR permits, County permits, and letters of approval from local and regional jurisdictions as applicable.

2. If state agencies require changes to the final plat, the Town Board may require new review of the final plat. Determination of necessity of this additional review to be made by the Town, their Counsel, or other assignee.

3. A copy of restrictive covenants shall be provided to the Town for their review prior to the Town signing the final plat for recording.

4. The subdivider is required to install and construct all public improvements.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

#### **UPCOMING MEETING ATTENDANCE**

- A. Plan Commission (6:30 pm start unless otherwise noted) - Feb 11; Mar 11; Apr 8

- B. Town Board (6:30 pm start unless otherwise noted) - Jan 21; Feb 4 & 18; Mar 4 & 18

**ADJOURNMENT**

**MOTION**

**Motion made** by Commissioner Haskell, **Seconded** by Commissioner Nemecek to adjourn at 7:02 pm.

**Voting Yea:** Chair Knapinski, Commissioner Haskell, Commissioner Nemecek, Commissioner Haase, Commissioner Ketter, Town Board Rep. Christianson

**Motion carried 6-0.**

Respectfully submitted,

Kelsey Faust-Kubale  
Town Clerk

**INTERMUNICIPAL REPORT JANUARY PERMITTING**

Item A.

DATE	PERMIT #	OWNER	ADDRESS	DESCRIPTION	CONTRACTOR	EST. PROJECT COST	PERMIT FEE	BLDING INSPECTOR FEE
<b>TOWN OF CLAYTON PERMITS:</b>								
1/6/2026	1-26-1B	AMOS IHDE	7834 HWY 76	REMOD	SELF	\$ 15,000.00	\$ 224.20	\$ 179.36
1/6/2026	2-26-1E	AMOS IHDE	7834 HWY 76	REMOD ELECT	SELF	\$ 1,000.00	\$ 112.10	\$ 89.68
1/6/2026	3-26-1P	AMOS IHDE	7834 HWY 76	REMOD PLUMB	SELF	\$ 1,500.00	\$ 112.10	\$ 89.68
1/8/2026	4-26-1P	SPARK DEVELOPMENT	9111 EAGLE HEIGHTS	NEW APARTMENTS PLUMB	JT SCHMIDT	\$ 150,000.00	\$ 1,837.30	\$ 1,469.84
1/8/2026	5-26-1P	SPARK DEVELOPMENT	9113 EAGLE HEIGHTS	NEW APARTMENTS PLUMB	JT SCHMIDT	\$ 150,000.00	\$ 1,837.30	\$ 1,469.84
1/8/2026	6-26-1P	SPARK DEVELOPMENT	9121 EAGLE HEIGHTS	NEW APARTMENTS PLUMB	JT SCHMIDT	\$ 150,000.00	\$ 1,837.30	\$ 1,469.84
1/8/2026	7-26-1H	DESI NOONAN	8133 OAKWOOD	FURNACE REPLACEMENT	BLACK-HAAK	\$ 5,000.00	\$ 100.00	\$ 80.00
1/12/2026	8-26-1B	JACOB HUNTINGTON	8479 WHISPERING MEADOWS	NSFD	SELF	\$ 430,000.00	\$ 1,184.00	\$ 947.20
1/12/2026	9-26-1H	TONY SEELow	3431 WINNEGAMIE	FURNACE REPLACEMENT	BLACK-HAAK	\$ 4,000.00	\$ 100.00	\$ 80.00
1/12/2026	10-26-1E	JEFF VIRLEE	9140 CENTER	ADDN ELECT	DOWN TO EARTH ELECT	\$ 8,000.00	\$ 180.00	\$ 144.00
1/12/2026	11-26-1E	CASSIE PIPKORN	2546 BREEZEWOOD	SERVICE	BLACK-HAAK	\$ 1,800.00	\$ 150.00	\$ 120.00
1/13/2026	12-26-1B	MARCUS MCGUIRE	8318 XAVIER DR	NSFD	MARCUS MCGUIRE	\$ 300,000.00	\$ 1,100.00	\$ 880.00
1/14/2026	13-26-1B	MARCUS MCGUIRE	8309 XAVIER DR	NSFD	MARCUS MCGUIRE	\$ 300,000.00	\$ 1,100.00	\$ 880.00
1/14/2026	14-26-1B	JOHN LORBIECKI	8372 MARLO	NSFD	LORBIECKI HOMES	\$ 320,000.00	\$ 1,100.00	\$ 880.00
1/19/2026	15-26-1H	SPARK DEVELOPMENT	9111 EAGLE HEIGHTS	NEW APARTMENTS HVAC	K.KELLY	\$ 77,000.00	\$ 1,837.30	\$ 1,469.84
1/19/2026	16-26-1H	SPARK DEVELOPMENT	9113 EAGLE HEIGHTS	NEW APARTMENTS HVAC	K.KELLY	\$ 77,000.00	\$ 1,837.30	\$ 1,469.84
1/19/2026	17-26-1H	SPARK DEVELOPMENT	9121 EAGLE HEIGHTS	NEW APARTMENTS HVAC	K.KELLY	\$ 77,000.00	\$ 1,837.30	\$ 1,469.84
1/20/2026	18-26-1E	JOHN IMOBERSTEG	3270 FONDOTTO	SERVICE CHANGE	WITZKE	\$ 3,500.00	\$ 150.00	\$ 120.00
1/20/2026	19-26-1E	NATE WARZALA	3261 FONDOTTO	WIRER DETACHED GARAGE	LUXURY ELECT	\$ 3,000.00	\$ 212.00	\$ 169.60
1/20/2026	20-26-1E	DAN SCHIERL	7529 SUNBURST	3 SEASONS ROOM ELECT	CUMINGS ELECT	\$ 2,500.00	\$ 150.00	\$ 120.00
1/26/2026	21-26-1B	JOHN LORBIECKI	8322 MARLO	NSFD	LORBIECKI HOMES	\$ 320,000.00	\$ 1,100.00	\$ 880.00
1/27/2026	22-26-1H	MATT KRAUSE	2940 OAKRIDGE	FURNACE REPLACEMENT	VANS HVAC	\$ 4,676.00	\$ 100.00	\$ 80.00
1/27/2026	23-26-1E	JEFF HOGENSON	7945 ASHWOOD	REPLACE TRANSFER SWITCH	CR FOCHS	\$ 1,500.00	\$ 150.00	\$ 120.00
1/27/2026	24-26-1E	PAT TIEDT	3075 RIDGEWAY	SERVICE	CUMINGS ELECT	\$ 1,000.00	\$ 150.00	\$ 120.00
1/27/2026	25-26-1E	TRIDENT HOLDINGS	9063 CLAYTON #2	SOLAR INSTALL	APPLETON SOLAR	\$ 7,985.00	\$ 150.00	\$ 120.00
1/27/2026	26-26-1E	TRIDENT HOLDINGS	9063 CLAYTON #1	SOLAR INSTALL	APPLETON SOLAR	\$ 7,985.00	\$ 150.00	\$ 120.00
1/27/2026	27-26-1E	TERRI REINKE	8351 MOESER	GENERATOR INSTALL	ZARDA ELECT	\$ 15,000.00	\$ 150.00	\$ 120.00
1/29/2026	28-26-1B	JOHN LORBIECKI	8375 MARLO	NSFD	LORBIECKI HOMES	\$ 320,000.00	\$ 1,100.00	\$ 880.00
1/29/2026	29-26-1B	JOHN LORBIECKI	8367 MARLO	NSFD	LORBIECKI HOMES	\$ 320,000.00	\$ 1,100.00	\$ 880.00
1/29/2026	30-26-1E	JACOB HUNTINGTON	8479 WHISPERING MEADOWS	NSFD ELECT	A&W ELECT	\$ 12,000.00	\$ 642.00	\$ 513.60
1/29/2026	31-26--1P	JACOB HUNTINGTON	8479 WHISPERING MEADOWS	NSFD PLUMB	DENNEE PLUMB	\$ 20,100.00	\$ 642.00	\$ 513.60
<b>TOTALS</b>						<b>\$ 3,106,546.00</b>	<b>\$ 22,432.20</b>	<b>\$ 17,945.76</b>
<b>TOWN OF WINNECONNE PERMITS:</b>								
1/12/2026	1-26-1P	MARK THOMAS	5019 RIVERMOOR	REMOD PLUMB	SELF	\$ 10,000.00	\$ 69.00	\$ 55.20
1/13/2026	2-25-1E	TOM DOWLING	6274 DOWLING	GENERATOR INSTALL	BLACK-HAAK	\$ 19,700.00	\$ 60.00	\$ 48.00
1/13/2026	3-26-1P	DENNIS SCHAFFER	5025 WASHINGTON	NSFD PLUMB	SBS PLUMB	\$ 35,000.00	\$ 258.90	\$ 207.12
1/13/2026	4-26-1E	DENNIS SCHAFFER	5052 WASHINGTON	NSFD - BOAT HOUSE ELECT	SEC INC	\$ 33,150.00	\$ 273.90	\$ 219.12
1/27/2026	5-26-1B	LORI LEVENHAGEN	6537 LASLEY SHORE	BOAT HOUSE	AT BUILDERS	\$ 39,250.00	\$ 94.45	\$ 75.56
1/27/2026	6-26-1E	LORI LEVENHAGEN	6537 LASLEY SHORE	BOAT HOUSE ELECT	ZARDA ELECT	\$ 2,000.00	\$ 59.84	\$ 47.87
1/27/2026	7-26-1P	LEVEHAGEN TRUST	6537 LASLEY SHORE	NSFD PLUMB	SBS PLUMB	\$ 20,000.00	\$ 158.88	\$ 127.10
<b>TOTALS</b>						<b>\$ 159,100.00</b>	<b>\$ 974.97</b>	<b>\$ 779.98</b>

**MEMORANDUM****Business Item A**

From: Administrator/Staff

To: Plan Commission

Re: Plan Commission review & discussion of proposed zoning ordinance text amendments to revise for clarity and consistency, including but not limited to scrivener's/grammatical errors, and to ensure compliance with current state statutes.

Staff is working toward creating a single, complete zoning ordinance document. Included are some proposed changes that would clarify scrivener's & grammatical errors, as well as possibly remove some references to the County that were missed in previous updates.

Alongside these changes, outdated statute references and previously enacted updates (e.g., backyard chickens, short-term rentals, etc.) will be incorporated into the document. Those are not included in your packets, but are available for review on the Town website.

**DISCUSSION ITEM ONLY – NO ACTION TO BE TAKEN**

Respectfully Submitted,  
Kelsey

- (3) **Staff review.** Within 10 days of submittal, the zoning administrator shall either schedule a date for the public hearing with the Plan Commission if the application is deemed complete or make a determination that the application is incomplete and notify the applicant of any deficiencies. If the application is incomplete, the applicant has 3 months after the date of such determination to resubmit the application or forfeit the application fee. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.
- (4) **General notice.** Consistent with division 2 of article 6, the zoning administrator shall provide for class 2 public notice, an on-site sign, property owner notice, agency notice, and meeting agenda notice.
- (5) **Staff report preparation and distribution.** The administrator shall prepare a written staff report as described in this division and provide a copy of it to each member of the Plan Commission, the Town Board of Supervisors, and the applicant. The administrator shall also provide a copy to interested people upon request.
- (6) **Public hearing.** Allowing for proper notice, the Plan Commission shall conduct a public hearing to review the application consistent with division 3 of article 6. Prior to the close of the public hearing, the applicant or the Plan Commission may request a continuance consistent with division 3 of article 6.
- (7) **Plan Commission recommendation.** The Plan Commission shall make a written recommendation to the Town Board of Supervisors to approve or deny the proposed amendment.
- (8) **Town Board of Supervisors action.** After reviewing the Plan Commission’s recommendation, the Town Board of Supervisors shall make a decision based on the decision criteria contained in this division to (1) approve the creation of the district, (2) approve the creation of the district with conditions, or (3) deny the creation of the district. Action to approve the planned development district shall be done by ordinance.
- ~~(9) **Required vote with a protest by qualified property owners.** If a written protest signed and acknowledged by the owners of 20% or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by the affirmative vote of three-fourths of the members of the Town Board of Supervisors voting on the proposed amendment.~~
- (10) **Notification of decision.** Within a reasonable time following the Town Board of Supervisor’s decision, the zoning administrator shall mail the decision notice to the applicant by regular mail.
- (11) **Acceptance by property owner required.** If an approval includes one or more condition of approval, the property owner shall sign the decision notice to acknowledge the imposition of such condition or conditions and return the same to the zoning administrator. Failure to sign and return the decision notice within 45 days of the Town Board of Supervisors’ decision shall void the approval. The decision notice shall become effective upon the property owner’s signature.
- (12) **Preparation of new zoning map.** If the district is approved, the zoning administrator shall within 60 days of the date of adoption cause a new zoning map to be prepared consistent with division 2 of article 8.
- (13) **Public records.** If the district is approved, the administrator shall keep a duplicate copy of the approved project plan and development agreement, if any, as a permanent record.

**9.07-38 Basis of decision**

The Plan Commission in making its recommendation and the Town Board of Supervisors in making its decision shall consider the following factors:

- (1) whether development in the proposed district is in keeping with the spirit and intent of this chapter;
- (2) whether development in the proposed district is consistent with the Town’s comprehensive plan;
- (3) the effects of development in the proposed district on traffic safety and efficiency and pedestrian circulation, both within and outside of the district;

## ATTACHEMENT A TO ORDINANCE 2018-006

### ARTICLE 7 SPECIFIC REVIEW PROCEDURES AND REQUIREMENTS

**Divisions**

1. Code amendment (text and zoning map)	8. Reserved
2. Planned development overlay district	9. Variance
3. Reserved	10. Administrative appeal
4. Conditional use	11. Zoning permit
5. Special use permit for specified livestock operations	12. Reserved
6. Determination of unsafe conditions	13. Site plan
7. Termination of approval	14. Rural accessory building determination
	15. Code interpretation

#### DIVISION 4 CONDITIONAL USE

**Sections**

9.07-51 Generally	9.07-58 Staff report content
9.07-52 Initiation	9.07-59 Content of decision notice
9.07-53 Application and review procedure	9.07-60 Effect of approval
9.07-54 Basis of decision	9.07-61 Amendment of an approved conditional use
9.07-55 Special requirements for certain land uses in a A-1 district	9.07-62 Violation of a condition of approval
9.07-56 Imposition of conditions	9.07-63 Appeal
9.07-57 Application form and content	

**9.07-51 Generally**

Although each zoning district is primarily intended for a predominant type of land use, there are a number of uses that may be appropriate under certain conditions. These are referred to as "conditional uses" and are listed in division 3 of article 8. This division describes the requirements and procedures for reviewing a conditional use, including an amendment of an approved conditional use. In this sub-section, the following terms apply:

"Conditional Use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the town but does not include a variance.

"Substantial evidence" means 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.

**9.07-52 Initiation**

The owner of the subject property may submit an application for the establishment of a conditional use.

**9.07-53 Application and review procedure**

The general steps outlined below shall be used in the review of an application for a conditional use.

- (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent shall meet with the zoning administrator to review (1) applicable regulations and procedures, (2) applicable sections of the Town's comprehensive plan, and (3) the proposal. The zoning administrator may waive the requirement to hold a pre-submittal meeting when he or she determines such meeting is not necessary.

- (6) effects of the proposed use on the natural environment;
- (7) effects of the proposed use on surrounding properties, including operational considerations relating to hours of operation and creation of potential nuisances;
- (8) effects of the proposed use on the normal and orderly development and improvement of the surrounding property for uses permitted in the zoning district and adjoining districts; and
- (9) any other factor that relates to the purposes of this chapter as set forth in s. 9.01-5 and other sections as may apply that can be supported by substantial evidence.

The requirements and conditions described must be reasonable and, to the extent practical, 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 Town relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The Town's decision to approve or deny the permit must be supported by substantial evidence.

In the event the conditional use being proposed is an adult-oriented establishment, the above-named decision-making bodies shall not consider the nature of expressive conduct protected by the U.S. Constitution with regard to any of the above-mentioned criteria.

#### 9.07-55 Special requirements for certain land uses in a A-1 district

(a) **Agriculture-related uses.** Subject to the general requirements under this division, the Town Board of Supervisors may approve agriculture-related uses in a A-1 district as a conditional use only if all of the following apply:

- (1) The use supports agricultural uses in the A-1 zoning district in direct and significant ways, and is more suited to the A-1 zoning district than to an industrial or commercial zoning district.
- (2) The use and its location in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (3) The use and its location in the A-1 zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (4) The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use or open space use.
- (5) The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- (6) Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

(b) **Nonmetallic mine.** Subject to the general requirements under this division, the Town Board of Supervisors may approve a nonmetallic mine in the A-1 district as a conditional use only if all of the following apply:

- (1) The operation complies with (1) subchapter I of ch. 295, Wis. Stats., and administrative rules promulgated under that subchapter; (2) applicable provisions of chapter 20 of the general code; and (3) any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.
- (2) The use and the location of such use in the A-1 zoning district are consistent with the purposes of the A-1 zoning district.
- (3) The use and the location of such use in the A-1 zoning district are reasonable and appropriate, considering alternative locations outside the A-1 zoning district, or are specifically approved under state or federal law.
- (4) The use is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(b) **Limitation on imposing conditions.** A condition of approval shall not lessen a development standard or other requirement contained in this chapter.

(c) **Effect on contracts with another party.** The Town Board of Supervisors shall not condition or withhold approval based upon the property owner entering into a contract or discontinuing, modifying, extending, or renewing any contract with a third party under which the third party is engaging in a lawful use of the property.

(d) **Special condition for business as property owner.** As a condition of approval of a conditional use, the property owner if it is a business entity, such as a limited liability company or a corporation, shall for the life of the conditional use continuously maintain a registered office in the state of Wisconsin as evidenced by registration with the Wisconsin Department of Financial Institutions.

#### 9.07-57 Application form and content

The application submittal shall include an application form as may be used by the county and a project map prepared at an appropriate scale depicting the information listed in appendix A. In addition, the applicant shall also provide a building, site plan, and plan of operation along with the application materials.

#### 9.07-58 Staff report content

The staff report shall contain the following:

- (1) a summary of the comments received from the interdepartmental/agency review;
- (2) preliminary findings based upon the decision criteria listed in this division;
- (3) a recommendation to approve the application, approve the application with conditions, or deny the application;
- (4) a preliminary list of conditions regardless of whether the staff recommendation is for approval or denial; and
- (5) other information deemed necessary by the staff.

#### 9.07-59 Content of decision notice

- (a) **Approval.** If an application for a conditional use is approved, the decision notice shall include the following:
- (1) a statement that the application is approved;
  - (2) a description of the conditional use;
  - (3) a description of where the conditional use will occur on the property;
  - (4) findings based upon the decision criteria listed in this division;
  - (5) a list of conditions of approval imposed by the Town (which may include a date by which time the conditional use must be established) that must be satisfied prior to the establishment of the conditional use or complied with during the life of the conditional use, or both;
  - (6) if one or more conditions of approval are imposed, a statement indicating that the property owner must sign the decision notice and return it to the zoning administrator within 45 days of such decision to acknowledge acceptance of the same;
  - (7) a statement that the applicant may appeal the decision to a court of competent jurisdiction;
  - (8) a statement that an aggrieved person, other than the applicant, may appeal the decision to a court of competent jurisdiction and that any work done by the applicant as authorized by the approval is done at the applicant's risk;
  - (9) other information the Town Board of Supervisors or zoning administrator deems appropriate;
  - (10) the signature of the zoning administrator on behalf of the Town Board of Supervisors; and
  - (11) the date of the decision.

considered a part of the mobile home. The basic unit shall not occupy in excess of one fourth of the area of the lot and the complete unit including all accessory structures shall not occupy more than one-half of the area of the lot.

(k) **Setback and buffer strips.** Each manufactured home shall be located at least 5 feet from any manufactured home lot line. There shall be a minimum setback of the manufactured home of 20 feet from the front, or main street side of the lot and of at least 10 feet from the rear of the lot. All mobile homes shall be located at least 25 feet from the perimeter of the site. Accessory buildings shall be located at least 10 feet from the perimeter of the site.

(l) **Drainage and landscaping.** The ground surface shall be graded and equipped to drain all surface water in a safe, efficient manner away from the manufactured home pad. Except for the manufactured home pad and other hard-surfaced areas, manufactured home spaces shall be sodded or seeded or otherwise landscaped.

(m) **Skirting.** Each manufactured home shall be skirted within 30 days of placement on the pad.

(n) **Mail delivery.** An off-street area for central mail delivery shall be provided.

(o) **Solid waste collection.** If the solid waste service provider does not provide individual pickup, a dumpster enclosure of sufficient size shall be provided.

(p) **Common storage area for residents.** An open, well-drained, dust-free storage area for the parking of boats, trailers, and outside vehicles owned by those living in the manufactured housing community shall be provided. The minimum size of such area shall be 100 square feet per manufactured home space. The storage area shall be fenced to prevent access from outside the park.

(q) **Recreation area.** A manufactured housing community shall contain a recreation area consisting of one-half acre for each 100 manufactured home spaces. The minimum area in a park shall be 0.2 acres. Such area shall be located in a central area of the manufactured housing community.

(r) **Utilities.** Utilities, including electrical, television, and telephone services, shall be placed underground.

(s) **Lighting.** Street lights shall be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night and shall be effectively related to buildings, trees, walks, steps, and ramps.

(t) **Fire hydrants.** Fire hydrants shall be installed as required by the fire department serving the subject property.

(u) **Sanitation.** All appropriate state, county, and county sanitation regulations shall be strictly observed. Manufactured housing communities established after December 17, 2013, shall be served by a public sanitary district. An expansion of a manufactured housing community existing prior to December 17, 2013, may be served by an on-site system.

(v) **Continuing maintenance.** The owner of the manufactured housing community shall maintain the park in a clean and sanitary manner and may adopt and enforce community rules.

(w) **Community safe room.** A new manufactured housing community that contains 20 or more manufactured home spaces and existing manufactured housing communities that expand the number of spaces to 20 or more spaces shall provide and maintain an on-site community safe room for the use of park residents during wind-related storm events. The shelter shall meet applicable building codes and shall comply with the design and construction guidance as contained in *Design and Construction Guidance for Community Safe Rooms* (FEMA 361, second edition), or later edition, as published by the Federal Emergency Management Agency, U.S. Department of Homeland Security.

(x) **Local license.** Prior to the establishment of a manufactured housing community, the operator shall obtain a license from the town and maintain such license for the life of the use or until the town no longer requires such license.

#### 9.08-253 Multifamily building, 3 or more units

(a) **Number of principal buildings per parcel.** More than one multifamily building with 3 or more dwelling units may be located on a parcel of land, provided the overall density is maintained.

(b) **Design and construction.** A multifamily building with 3 or more dwelling units shall meet the design and construction standards for a single-family dwelling under s. ~~9.08-255(c)~~ **9.08-254**

**9.08-378 to 9.08-380 Reserved****Series 13. Transportation Facilities****9.08-381 Airport**

All buildings, outdoor airplane or helicopter storage areas, and other activity areas shall be located at least 100 feet from the perimeter of the airport property.

**9.08-382 Bus storage facility**

Outdoor storage areas and other activity areas shall be located at least 50 feet from a property in a residential zoning district and 25 feet from a property in a commercial or mixed-use zoning district.

**9.08-383 Mass transit terminal**

The primary access to a mass transit terminal shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**9.08-384 Off-site parking lot**

(a) **Access requirements.** The primary access to an off-site parking lot shall be off of a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

(b) **Out-through traffic.** Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

**9.08-385 Parking structure**

Snow chutes shall be placed in a location causing the least amount of impact on surrounding properties.

**9.08-386 Park-and-ride lot**

The primary access to a park-and-ride lot shall be located in close proximity to a road classified as a collector or a higher classification as depicted on the zoning map or a supplemental map.

**9.08-387 Railroad line**

No special standards apply to railroad lines.

**9.08-388 Street**

No special standards apply to streets.

**9.08-390 to 9.08-400 Reserved****Series 14. General Storage****9.08-401 Bulk fuel storage**

No special standards apply to bulk fuel storage.

**~~9.08-402 Personal storage facility~~**

~~(a) **Minimum lot area.** The lot on which a personal storage facility is located shall be at least one acre in size.~~

~~(b) **Access.** The access to a cubicle shall not open directly onto a public road right-of-way.~~

(c) ~~**Surfacing of travelways.** Driveways, interior aisles, and walkways shall be concrete or asphaltic concrete, except as may be allowed in this subsection. Consistent with the procedures and requirements of article 7 of this chapter, the Plan Commission may allow gravel surfaces as a special exception and require, as a condition of approval, additional buffer yard and landscaping requirements deemed necessary to provide adequate screening between this use and adjoining properties.~~

(d) ~~**Storage of prohibited substances.** No cubicle shall be used to store explosives, toxic substances, hazardous materials, or radioactive materials.~~

(e) ~~**Uses.** Only uses that are accessory to storage shall occur. No portion of the site shall be used for fabrication, repair, or any similar use or for human habitation.~~

(f) ~~**Design.** The personal storage facility shall be designed so as to minimize adverse visual impacts on nearby properties. The color, exterior materials, and orientation of proposed buildings and structures shall complement existing and anticipated development in the surrounding area. A personal storage facility in a commercial zoning district shall meet the special architectural requirements in division 8 of this article.~~

(g) ~~**Fencing of outdoor storage area.** An area used for outdoor storage of operational vehicles, watercraft, and the like shall be enclosed by a security fence.~~

(h) ~~**Setback of outdoor storage area.** Outdoor storage areas shall comply with the building setback standards for the zoning district in which the use is located.~~

#### 9.08-403 Truck terminal

(a) ~~**Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.~~

(b) ~~**Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use shall be addressed.~~

#### 9.08-404 Warehouse

(a) ~~**Setback of outdoor storage area.** Outdoor storage areas and other activity areas shall be located at least 100 feet from a property in a residential zoning district.~~

(b) ~~**Control of fugitive dust.** As part of the building, site, and operation plan review process, the control of fugitive dust generated by this use, if any, shall be addressed.~~

#### 9.08-406 to 9.08-410 Reserved

### Series 15. Industrial Uses

#### 9.08-411 Artisan shop

When an artisan shop is located in a commercial or mixed-use zoning district, all materials and activities, except loading and unloading, shall be conducted entirely within the confines of a building.

#### 9.08-412 Batching plant associated with a nonmetallic mine

(a) ~~**Prerequisite use.** A batching plant in this instance shall only be allowed as an ancillary use to a nonmetallic mine that was previously approved under this chapter.~~

(b) ~~**Setback requirements.** A batching plant shall be located at least 300 feet from a property in a residential zoning district and 200 feet from a property in a commercial or mixed-use zoning district.~~

(c) ~~**Termination of approval.** If the zoning administrator determines that the nonmetallic mine with which the batching plant is associated is permanently closed, the administrator shall follow the procedure outlined in article 7 of this chapter relating to termination of the approval.~~

(b) **Curbs.** All off-street parking spaces shall have curbs so as to prevent vehicles from overhanging into pedestrian ways.

(c) **Drainage.** Parking areas shall meet the drainage requirements set forth in Section 23.15 of the Winnebago County Zoning Ordinance.

(d) **Location and Arrangement.** Subject to required landscaping areas, all required yards in commercial and industrial districts may be used for off street parking. Off-street parking shall be arranged for convenient access and safety of pedestrians and vehicles. Off-street parking shall be arranged so that no vehicle shall be required to back from such facilities directly onto public streets. Except for driveways, no part of the right-of way shall be used for vehicle maneuvering or parking.

(e) **Service drive, when required.** Groups of 3 or more parking spaces, except those in conjunction with a single-family or two-family dwelling on a single lot, shall be served by a service drive so that motor vehicles can enter and exit the parking area without backing onto a public right-of-way.

(f) **Service drive standards.** Service drives shall be designated and constructed to facilitate the flow of traffic, provide maximum safety in traffic ingress and egress and maximum safety of pedestrian and vehicular traffic on the site, and meet the dimensional standards in Exhibit 11-2.

Exhibit 11-2. Dimensional standards for parking spaces

Angle	Stall Width	Curb Length	1-Way Aisle	2-Way Aisle	Stall Depth
			Width	Width	
0°	9 ft.	22 ft. 6 in. [1]	12 ft.	24 ft.	8 ft. [1]
30°	9 ft.	18 ft. [1]	12 ft.	19 ft.	17 ft. [1]
45°	9 ft.	12 ft. 6 in. [1]	12 ft.	19 ft.	19 ft. [1]
60°	9 ft.	10 ft. 6 in. [1]	16 ft.	20 ft.	20 ft. [1]
90°	9 ft.	9 ft.	24 ft.	24 ft.	18 ft.

#### 9.11-08 Shared parking

(a) **Generally.** There may be instances where two or more land uses could share the same parking facilities as shown in Exhibit 11-3. The zoning administrator may, upon written petition, authorize the joint use of parking facilities required by such uses, provided:

- (1) the applicant shows that there is no substantial conflict or overlap in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- (2) the parking facility for which joint use is proposed shall be located within 400 feet of the building or use required to provide parking;
- (3) directional signage is provided where appropriate;
- (4) pedestrian links are direct, clear, and safe; and
- (5) parking lots are located within the same zoning district as the use they serve.

(b) **Written agreement required.** The parties involved in the joint use of off-street parking facilities shall evidence their agreement for such joint use by a legal instrument approved by the town corporation counsel as to form and content. Such instrument, when approved as conforming to the provisions of this part, shall be recorded in the office of the Winnebago County register of deeds and a copy filed with the zoning administrator.

(b) Roofing Materials. Any of the listed acceptable roofing materials as defined in this section.

**(4) Tier 3 Architectural Design Zone.**

(a) Exterior Materials.

- 1) Acceptable Exterior Building Materials shall cover 33 percent or more of wall surfaces facing a street yard and side yard. Windows and doors, including overhead doors, shall not be included in the total wall surfaces area calculation.
- 2) Those areas deemed to be of limited exposure to the general public percentages may be decreased so long as the intent of this provision is maintained. Additional limitation to public view may be achieved by building location, orientation, additional landscaping or additional screening.
- 3) For those uses that require the location of exposed overhead or coiling doors, and not allow for the aggregate percentages to be achieved, acceptable building materials may be decreased to accommodate their necessity for the building use, so long as the intent of this provision is maintained. The Town Board has the authority to approve additional landscaping, acceptable material in other areas, screening, environmental and energy efficiency provisions, a reduction in the number of doors and building location within the parcel to maintain the aesthetic value of the area and maintain the intent of this provision.

(b) Roofing Materials. Any of the listed acceptable roofing materials as defined in this section.

**(5) Existing Structures.** It is the intent to improve the architectural design of existing development governed by these standards.

- (a) Principal buildings or structures that have been erected or constructed prior to the effective date of adoption of these provisions are allowed to make minor improvements to these structures.
- (b) These improvements must make significant efforts to conform to the intent of the architectural design standards.
- (c) Any additional square footage added to these structures must be in full compliance to the architectural design standards.
- (d) Percentages of Acceptable Exterior Building Materials may be decreased to allow for consistency in architectural design with the existing structures.

**(6) Infill Development.** It is the intent to preserve the existing architectural image of the community. For that purpose, developments that will "infill" between adjoining developed properties shall be compatible in massing, scale, use of exterior materials and general aesthetic design in such a manner to enhance the overall appearance of the entire grouping of properties.

**(7) Accessory Buildings.**

- (a) Accessory buildings shall be located on the site per requirements of the zoning district, and shall maintain the same theme and material selections as the principal building.
- (b) The Town Board has the authority to direct additional landscaping and screening and building location and orientation within the parcel to maintain the aesthetic value of the area.

(m) Planting beds shall be mulched with bark, shredded mulch, wood chips, stone, or other similar natural quality landscaping materials.

(n) Easements.

- 1) Except as provided in sub. 3) below, landscaping, fencing, and walls shall not be located within any easement.
- 2) If an easement exists or is required and landscaping or screening is required in an easement location, landscaping and/or screening shall still be required but shall be designed/located to comply with applicable requirements outside of the easement.
- 3) The Town Board may allow landscaping, fencing, and/or walls within easements on a case-by-case basis so long as it will not conflict with the purpose of the easement.

### C. Design Standards

(1) Landscaping required shall be of the following five (5) types as specified below: Buffer Yard Landscaping, Parking Lot Landscaping, Screening Requirements, Building and Grounds Landscaping, and Ground Sign Landscaping.

(a) Buffer Yard Landscaping. Buffer yard landscaping shall be provided as required below to afford protection for existing and future residential uses from the glare of lights, visual encroachment, and the transmission of noise.

- 1) Buffer yard landscaping shall be provided along the full length of a common lot line of any commercial, institutional, industrial, or multi-family (3+ units) use that shares a common side or rear yard lot line with a property that:
  - a) Is located in the Rural Residential (R-1), Suburban Residential (R-2) or Two-Family Residential (R-3) District;
  - b) Contains a Single-Family Dwelling, Twin Home or Two-Family Building use; or
  - c) Is designated in the Town Comprehensive Plan for future single and/or two-family residential purposes
- 2) The required buffer yard shall be a landscaped green space where no building, parking area, driveway, loading area, storage area, utilities, or easement may be located.
- 3) Required buffer yards shall be landscaped as described below. Combinations of trees and shrubs (at maturity), berms and fences shall create a 100 percent screening of visual sight from the normal finished ground elevation to six feet (6') above the ground elevation.
  - a) Commercial, Institutional, and Multi-Family (3+ Units) Development. Buffer yards required for commercial, institutional, and multi-family (3+ units) developments shall be a minimum of 20 feet wide and shall be in accordance is sub. 1. or sub. 2. below:
    1. Planted with 350 landscape points per 100 linear feet. At minimum, the following landscaping plantings shall be incorporated into the buffer yard:
      - a. Three (3) tall or medium deciduous or evergreen trees with a minimum height of 25 feet at maturity;

2. For commercial, institutional, and multi-family (3+ units) development:
    - a. Low deciduous trees shall not make up more than 50 percent (50%) of the total number of trees.
    3. Evergreen trees shall make up at least 15 percent (15%) of the total number of trees
  - b) A minimum of three (3) landscape points consisting of deciduous and/or evergreen shrubs shall be provided on a prorated basis for every 1,000 square feet of impervious surface area.
- 2) Building Landscaping
- a) Tier 1 Building Landscaping
    1. 75% of all building sides must be landscaped with a variety of appropriate plant materials in a wood mulch or stone landscaping bed which is a minimum of 6' wide measured from building façade.
  - b) Tier 2 Building Landscaping
    1. 100% of the building side(s) facing public right-of-ways shall be landscaped with a variety of appropriate plant materials in a wood mulch or stone landscaping bed which is a minimum of 6' wide measured from building façade and continuing around the corners of adjacent sides for a minimum distance equal to 25% of the length of the entire side walls.
  - c) Tier 3 Building Landscaping
    1. 100% of the building side(s) facing all public right-of-ways shall be landscaped with a variety of appropriate plant materials in a wood mulch or stone landscaping bed which is a minimum of 6' wide measured from building façade.
- 3) Buildings shall be landscaped to achieve energy conservation by shading the sun and blocking winter winds.
  - 4) Buildings shall be landscaped to enhance the appearance of the building. Plant material shall be placed intermittently against long expanses of building walls, fences and other barriers to achieve a softening effect of hard building lines. The character of the landscaping shall complement the surrounding properties.
  - 5) Grounds shall be landscaped to enhance on-site stormwater management, provide wildlife habitat, and create visual interest.
  - 6) Earthen berms and existing topography shall be incorporated into the landscape treatment of a site, as appropriate. Berms shall conform to the following standards:
    - a) The maximum side slope of any berm shall be four horizontal to one vertical (4:1) and shall be designed to provide proper drainage and erosion prevention and control practices.
    - b) Berms shall be designed with physical variations in height and alignment throughout their length.
    - c) Adequate ground cover shall be used and maintained to prevent erosion of berms.