

CHAPTER 5 CONDITIONAL USES

Sec. 13-5-1 Statement of Purpose-Conditional Uses.

The development and execution of this Article is based upon the division of the City 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.

Sec. 13-5-2 Authority of the Plan Commission; Requirements.

- (a) The Plan Commission may authorize a Conditional Use Permit after review and public hearing, provided that such conditional use and involved structure(s) are found to be in accordance with the purpose and intent of this Zoning Code. 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) 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 Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (c) 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 all conditional uses.

Sec. 13-5-3 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 (1) or more of the conditional uses in the zoning district in which such land is located.

Sec. 13-5-4 Application for Conditional Use.

- (a) **Required Application Materials.** An application for a conditional use shall be filed in duplicate on a form prescribed by the City. Such applications shall be forwarded to the Plan Commission on receipt by the Plan Commission. Such applications shall include where applicable:
 - (1) A statement, in writing, by applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in Section 13-5-7 hereinafter;
 - (2) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within two hundred fifty (250) feet;
 - (3) Description of the subject site by lot, block and recorded subdivision or by metes and bounds, address of the subject site, type of structure, proposed operation or use of the structure or site, number of employees and the zoning district within which the subject site lies;
 - (4) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping;
 - (5) Fee receipt in the amount of One Hundred Fifty Dollars (\$150.00).
- (b) **Plans.** In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:
 - (1) A plan of the area showing contours, soil types, high water mark, ground water conditions, bedrock, slope and vegetation cover;
 - (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
 - (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

Sec. 13-5-5 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 Common Council, 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 13-5-4 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.

Sec. 13-5-6 Notice of Hearing on Application.

Notice of the time, place and purpose of such hearing shall be given by publication of a Class 2 Notice under the Wis. Stats. in the official City newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Land Use and Development Director, members of the Common Council and Plan Commission, and the owners of record as listed in the office of the City Assessor who are owners of property in whole or in part situated within two hundred fifty (250) feet of the boundaries of the properties affected, said notice to be sent at least five (5) days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

Sec. 13-5-7 Standards-Conditional Uses.

No application for a conditional use shall be granted by the Plan Commission or granted by the Common Council on appeal unless 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 Council 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 Council 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.

Sec. 13-5-8 Denial of Application for Conditional Use Permit.

When a decision 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.

Sec. 13-5-9 Appeals.

Any action of the Plan Commission in granting or denying a Conditional Use Permit may be appealed to the Common Council, if a written request for an appeal is filed within ten (10) days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least twenty percent (20%) of the land area immediately adjacent extending one hundred (100) feet therefrom or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land. The request shall be filed with the Land Use and Development Director who shall submit it to the Common Council at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Common Council may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Common Council elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a Class 1 Notice in the official newspaper at least ten (10) days before the date of the hearing. The Common Council may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a Conditional Use Permit.

Sec. 13-5-10 Conditions and Guarantees.

The following provisions shall apply to all conditional uses:

- (a) **Conditions.** Prior to the granting of any conditional use, the Plan Commission, or the Common Council on appeal, 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 13-5-7 above. In all cases in which conditional uses are granted, the Plan Commission and Common Council 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) Any other requirements necessary to fulfill the purpose and intent of this Chapter.
- (b) **Site Review.** In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source that can provide technical assistance. The owner/applicant shall be responsible for the cost of such technical assistance. The Commission may 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 including expansions of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) **Architectural Treatment.** Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission 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 (6%) 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. No Conditional Use Permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibility of accident.

Sec. 13-5-11 Validity of Conditional Use Permit.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Commission'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 (6) months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately forty-five (45) days prior to the automatic revocation of such permit, the Land Use and Development Director shall notify the holder by certified mail of such revocation. The Plan Commission may extend such permit for a period of ninety (90) days for justifiable cause, if application is made to the City at least thirty (30) days before the expiration of said permit.

Sec. 13-5-12 Complaints Regarding Conditional Uses.

The Plan Commission 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 Land Use and Development Director 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, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one (1) or more of the standards set forth in Section 13-5-7 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 13-5-6 above. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 13-5-7 or conditions previously imposed by the Plan Commission, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to forfeiture as set forth in this Chapter and Section 1-1-7. 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 13-5-7 will be met, the Plan Commission may revoke the subject conditional approval and direct the Land Use and Development Director and the City Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefore. An appeal from a decision of the Plan Commission under this Section may be taken to the Common Council.

Sec. 13-5-13 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and breakfast establishments shall be considered conditional uses and may be permitted in residence districts pursuant to the requirements of this Chapter.
- (b) **Definitions.**
 - (1) "Bed and Breakfast Establishment" means any place of lodging that provides six (6) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental and in which the only meal served to guests is breakfast.
 - (2) "Agent" shall mean the person designated by the owner as the person in charge of such establishment and whose identity shall be filed in writing with the Land Use and Development Director upon issuance of the permit and updated five (5) days prior to a designated agent taking charge.
- (c) **Regulations.**
 - (1) **Compliance with State Standards.** All bed and breakfast establishments and licensees shall be subject to and comply with Chapter HSS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wis. Adm. Code HSS 195 relating to hotels, motels and tourist rooming houses.
 - (2) **Registry.** Each bed and breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigned quarters. The register shall be kept intact and available for inspection by a City representative for a period of not less than one (1) year.
- (d) **Permit Required.**
 - (1) **City Permit Required.** In addition to the permit required by Chapters HSS 195 or HSS 197, Wis. Adm. Code, before opening for business every bed and breakfast establishment shall obtain a permit from the Land Use and Development Director by application made upon a form furnished by said officer and shall obtain a Conditional Use Permit.
 - (2) **Application Requirements.** The following is required to be furnished at the time an application is filed for a Conditional Use Permit in addition to the other application requirements of this Article:
 - a. Site plan showing location and size of buildings, parking areas and signs.
 - b. Number, surfacing and size of parking stalls.
 - c. Number, size and lighting of signs.
- (e) **Display of Permit.** The permit issued by the Land Use and Development Director shall be conspicuously displayed in the bed and breakfast establishment.
- (f) **Off-Street Parking Required.** Permits shall be issued only to those establishments that provide a minimum of one (1) improved off-street parking space for each room offered for occupancy. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the other requirements of the Zoning Code with respect to traffic, parking and access.
- (g) **On-site Signs.** Total signage shall be limited to a total of twelve (12) square feet and may be lighted in such manner and nature as to not alter or

deteriorate the nature of the surrounding neighborhood. Establishments otherwise qualifying under this Section regulating bed and breakfast establishments shall not be subject to the requirements of this Zoning Code with respect to signs.

- (h) **Termination of Permit.** A Bed and Breakfast Use Permit shall be void upon the sale or transfer of the property ownership. The Plan Commission shall review and conditionally approve or disapprove an application submitted by a person anticipating the purchase of premises for such use. A permit issued in accordance with Subsection (c) above shall be valid until terminated by action of the Land Use and Development Director for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter HSS 195 or Chapter HSS 197, Wis. Adm. Code, or as above provided.

Sec. 13-5-14 Public and Semipublic Conditional Uses.

The following public and semipublic conditional uses shall be conditional uses and may be permitted as specified:

- (a) Airports, airstrips and landing fields in the M-1, M-2 and M-3 Industrial Districts, A-1 Agricultural District, F-2 Regional Floodplain District, and P-1 Public and Semipublic District, provided the site area is not less than twenty (20) acres.
- (b) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters and museums, in all residential and business districts, M-1, M-2 and M-3 Industrial Districts and P-1 Public and Semipublic District.
- (c) Utilities in all districts, provided all principal structures and uses are not less than forty (40) feet from any residential district lot line. Telecommunications structures and towers are permitted only in the B-1, B-2, B-3, M-1, M-2, and M-3 Districts and must be a minimum of one thousand (1,000) feet from a Residential District.
- (d) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all business districts and the M-1, M-2 and M-3 Industrial Districts, provided all principal structures and uses are not less than one hundred (100) feet from any Residential District boundary.
- (e) Public, parochial and private elementary and secondary schools and churches in the R-1, R-2-3 and R-4 Residential Districts and P-1 Public and Semipublic District, provided the lot area is not less than two (2) acres and all principal structures and uses are not less than forty (40) feet from any lot line.
- (f) Colleges; universities; hospitals; sanitariums, religious, charitable, penal and correctional institutions; cemeteries and crematories in the A-1 Agricultural District and P-1 Public and Semipublic District, provided all principal structures and uses are not less than forty (40) feet from any lot line.
- (g) Parking lots may be permitted as a conditional use.

Sec. 13-5-15 Residential Conditional Uses.

The following residential and quasi-residential uses shall be conditional uses and may be permitted as specified:

- (a) **Planned Residential Developments**, such as cluster developments, garden apartments and group housing in the R-4 Multi-Family Residential District and independent living senior housing in the R-2-3 Single Family/Duplex Residential District and R-4 Multi-Family Residential District and independent living senior housing and garden apartments in the TC Transitional Commercial District. The district regulations may be varied, provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design, including all common structures, facilities, utilities, access and open spaces shall be assured by deed restrictions and/or by contract, enforceable by the City. The following provisions shall be complied with:
 - (1) **Development.**
 - (2) **Lot.**
 - a. Area. Minimum of two-thirds (2/3) [six thousand seven hundred (6,700) square feet] of the minimum lot area for the R-4 District.
 - b. Width. Minimum of two-thirds (2/3) of the minimum lot width for the R-4 District.
 - (3) **Building.**
 - a. Area. Minimum building area for the R-4 District.
 - b. Height. Maximum forty-five (45) feet.
 - c. Rooms. All living rooms shall have windows opening onto a yard.
 - (4) **Yards.**
 - a. Street. Minimum twenty-five (25) feet.
 - b. Rear. Minimum thirty (30) feet.
 - c. Side. Minimum ten (10) feet from street rights-of-way, exterior property lines of the development and other buildings.
- (b) **Clubs**, fraternities, lodges and meeting places of a noncommercial nature in the R-2-3 or R-4 Residential Districts, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (c) **Rest Homes**, nursing homes, homes for the aged and clinics in the R-2-3 or R-4 Residential District provided all principal structures and uses are not less than forty (40) feet from any lot line. Children's nurseries and/or daycare centers in the R-2-3, R-4, B-1, B-2, and M-1 Residential Districts provided all principal structures and uses have at least a six (6) foot side yard setback.

(d) **Home Occupations** and professional offices in the R-1, R-2-3 or R-4 Residential Districts. The intent of home occupation conditional uses is to provide a means to accommodate a small family business without the necessity of a rezone into a Commercial District. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. If the home occupation is a dance school, photographic studio or real estate brokerage, no conditional use will be considered or allowed unless the premises on any side of the premises for which a Conditional Use Permit is sought is Zoned B-1 or B-2 (any Business District). Home occupations occupying less than twenty-five percent (25%) of the floor area in a Residential District, being primarily telephone or internet based and completely invisible from the exterior except for occasional deliveries may be permitted without a Conditional Use Permit as a 'permitted accessory home occupation'. Home occupations are a conditional use in all Residential Districts and are subject to the requirements of the district in which the use is located, in addition to the following:

- (1) The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage, and shall not exceed twenty-five percent (25%) of the area of any floor.
- (2) There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- (3) No storage or display of materials, goods, supplies or equipment related to the operation of the home occupation shall be visible outside any structure located on the premises.
- (4) No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- (5) No sign may be used to indicate the type of occupation or business.
- (6) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
- (7) The Plan Commission may determine the percentage of the property that may be devoted to the occupation.
- (8) The home occupation may be restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. A home occupation includes, but is not limited to, uses such as; baby-sitting, millinery, dressmaking, canning, laundering or crafts, but does not include the display of any goods.
- (9) The types and number of equipment, machinery or employees may be restricted by the Plan Commission.
- (10) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.

(e) **Parking Lots.** Parking lots may be permitted as a conditional use.

Sec. 13-5-16 Highway-Oriented Conditional Uses.

The following commercial conditional uses shall be conditional uses and may be permitted as specified:

- (a) **Drive-in Theaters** in the B-2 Business District, provided that a planting screen at least twenty-five (25) feet wide is created along any side abutting a Residential District and no access is permitted to or within one thousand (1,000) feet of an arterial street.
- (b) **Drive-in Establishments** serving food or beverages for consumption outside the structure in the B-2 Business District.
- (c) **Motels** in the B-1 and B-2 Business Districts.
- (d) **Funeral Homes** in the B-2 Business District, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (e) **Drive-in Banks** or credit unions in the B-2 Business District.
- (f) **Tourist Homes** in the B-2 Business District provided such district is located on a state, trunk or U.S. numbered highway.
- (g) **Vehicle Sales**, service, washing and repair stations, garages, taxi stands and public parking lots in all business districts, provided all gas pumps and tanks are not less than thirty (30) feet from any side or rear lot line and twenty (20) feet from any existing or proposed street line.
- (h) **Any Development** within five hundred (500) feet of the existing or proposed rights-of-way of freeways, expressways, interstate and controlled access traffic ways and within one thousand five hundred (1,500) feet of their existing or proposed interchange or turning lane rights-of-way may be permitted as a conditional use.

Sec. 13-5-17 Industrial and Agricultural Conditional Uses.

The following industrial and agricultural conditional uses shall be conditional uses and may be permitted as specified:

- (a) **Animal Hospitals** in the A-1 Agricultural, M-1, M-2 and M-3 Industrial Districts, provided the lot area is not less than three (3) acres and all principal structures and uses are not less than one hundred (100) feet from any Residential District. The aforesaid minimum lot area and minimum distance from any Residential District shall not be required for animal hospitals which do not provide outside boarding for animals.
- (b) **Dumps, Disposal Areas, Incinerators** and sewage disposal plants in the A-1 Agricultural and the M-1, M-2 and M-3 Industrial Districts. Municipal earth and sanitary landfill operations may be permitted in any district.
- (c) **Commercial Raising**, propagation, boarding or butchering of animals, such as dogs, mink, rabbits, foxes, goats and pigs; the commercial production of eggs; and the hatching, raising, fattening or butchering of fowl in the A-1 Agricultural District; pea vineries, creameries and condenseries in the A-1 Agricultural or M-1, M-2 and M-3 Industrial Districts.

- (d) **Manufacture and Processing** of abrasives, acetylene, acid, alkalis, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrin, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose gypsum, hair products, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, radium, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, blue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast. Manufacturing and bottling of alcoholic beverages. Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, forges, foundries, garbage, incinerators, lacquering, lithographing, offal, rubbish or animal reduction, oil, coal and bone distillation, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries and weaving in the M-3 Heavy Industrial District and shall be at least six hundred (600) feet from residential and public and semipublic districts.
- (e) **Outside Storage and Manufacturing Areas** in the M-3 Heavy Industrial District. Wrecking, junk, demolition and scrap yards shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any other property or public right-of-way and shall be at least six hundred (600) feet from Residential, Public and Semipublic Districts.
- (f) **Commercial Service Facilities**, such as restaurants and fueling stations in the M-1, M-2 and M-3 Industrial Districts, provided all such services are physically and sales-wise oriented toward Industrial District users and employees, and other users are only incidental customers.
- (g) **Adult Oriented Uses.**
- (1) **Purpose.** The Common Council finds that adult oriented uses may have the effect of increasing crime in the community. The following standards are designed to protect the character and stability of Residential, Commercial, and Industrial Districts within the City, to prevent drive, to stabilize and protect existing and potential property values and to prohibit uses that adversely affect the character and stability of desirable development in each district.
 - (2) **Standards.** Adult oriented uses are a conditional use in the M-1 District subject to the following:
 - a. Such use shall not be located within one thousand (1,000) feet of any Residential District.
 - b. Such use shall not be located within one thousand (1,000) feet of any school, including private schools, daycare facility, adult care facility, or church.
 - c. Such use shall not be located within one thousand (1,000) feet of another adult oriented use.
 - d. Such use shall not be located within one thousand (1,000) feet of an establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
 - e. Such use shall not be operated between the hours of 2:00 a.m. and 8:00 a.m. Monday through Saturday or between the hours of 2:00 a.m. and 12:00 noon Sundays.
 - f. Such use shall not permit any public view of its stock in trade or adult entertainment from the exterior of the establishment.

- g. Such use shall not permit entry to any person under the age of eighteen (18) years.

Sec. 13-5-18 Recreational Conditional Uses.

The following public recreational facilities shall be conditional uses and may be permitted as specified:

- (a) **Archery Ranges**, amusement parks, bathhouses, beaches, boating, camps, conservatories, driving ranges, firearm ranges (enclosed or outdoor), golf courses, gymnasiums, hunting, ice boating, marinas, music halls, polo fields, pools, riding academies, skating rinks, sports fields, stadiums, swimming pools and zoological and botanical gardens in the P-1 Public and Semipublic District, provided that the lot area is not less than three (3) acres and all structures are not less than fifty (50) feet from any district boundary.
- (b) **Commercial Recreation Facilities**, such as arcades, amusement parks, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, race tracks, rifle ranges, Turkish baths, skating rinks and theaters are conditional uses and may be permitted in the B-2 Business District.

Sec. 13-5-19 Retail Conditional Uses.

The following commercial uses shall be conditional uses and may be permitted as specified:

- (a) The following uses provided that they shall be retail establishments; bakeries, barbershops, beauty shops, business offices, clinics, clothing stores, confectioneries, delicatessens, drug stores, fish markets, florists, fraternities, fruit stores, gift stores, grocery stores, hardware stores, household occupations, hobby shops, lodges, meat markets, motels, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pick laundry and dry cleaning establishments, soda fountains, sporting goods, supermarkets tobacco stores, tourist homes and vegetable stores. Apartment hotels, appliance and household item sales and repairs, small engine sales and repairs, caterers, churches, clothing repair shops, crockery stores, department stores, electrical repair and supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating and air conditioning repair and supply, music stores, newspaper offices and press rooms, office supplies, pawn shops, personal service establishments, photographic supplies, plumbing repair and supplies, printing, private clubs, private schools, publishing, radio broadcasting studios, trade and contractor's offices, and variety stores.

Sec. 13-5-20 Special Conditional Uses.

The following uses shall be conditional uses and may be permitted as specified;

- (a) Apartment hotels, appliance and household item sales and repairs, small engine sales and repairs, caterers, clothing repair shops, crockery stores, department stores, electrical repair and supply, financial institutions, food lockers, furniture stores, furniture upholstery shops, heating and air conditioning repair and supply, hotels, music stores, newspaper offices and press rooms, office supplies, pawn shops, personal service establishments, pet shops, photographic supplies, plumbing repair and supplies, printing, private contractor's offices, variety stores and parking lots.
- (b) Pet shops in TC, B-1 and B-2 Districts.

Sec. 13-5-21 through Sec. 13-5-29

Reserved for Future Use.

