

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 Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- (b) Conditions including but not limited to 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 upon receipt by the Planning Department. 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;

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- (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) A non-refundable application fee as set forth on the City of Onalaska Fee Schedule shall be due at time of application.
- (b) **Plans.** In order to secure information upon which to base its determination, the Planning Department or 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;
 - (1) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
 - (2) Plans for buildings, sewage disposal facilities, water supply systems, utilities, stormwater and arrangements of operations;
 - (3) Specifications for areas of proposed filling, grading, lagooning or dredging;
 - (4) 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 Planning Department, 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.

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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 the reasons the Plan Commission used in determining that each standard was not met.

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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 Planning Department 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 but are not limited to:
- (1) Limiting the manner in which the use is conducted, including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.
 - (2) Establishing a special yard or other open space or lot area or dimension.
 - (3) Limiting the height, size, setback or location of a building or other structure.
 - (4) Designating the size, number and location or nature of vehicle access points and traffic circulation.
 - (5) Increasing the amount of street dedication, roadway width or improvements within the street or public right-of-way.
 - (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or truck loading area.
 - (7) Limiting or otherwise designating the number, size, location, height, or lighting of signs.
 - (8) Limiting the location and intensity of outdoor lighting or requiring its shielding.

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- (9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for installation or maintenance of the facility.
 - (10) Designating the size, height, location or materials for a fence or other similar screening.
 - (11) Protecting existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
 - (12) Requiring deed restrictions to be recorded on the deed.
 - (13) Specifying other conditions to permit development of the City in conformity with the intent and purpose of the City's comprehensive plan.
 - (14) 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.
- (g) **Recording of Conditional Use Requirements.** Except for conditional use approvals for temporary uses or when determined by the Plan Commission, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City of Onalaska with the Register of Deeds for La Crosse County for the subject property.

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Sec. 13-5-11 Amending a Conditional Use Permit.

Amendments, modifications, alterations or expansions of a previously approved conditional use permit shall require application and a public hearing, review and approval by the Plan Commission. The application for an amendment to a Conditional Use Permit shall be on a form provided by the Planning Department. A fee equal to the amount of the Conditional Use Permit application fee as set forth on the City fee schedule shall be required. An application for an amendment, modification or alteration of an existing Conditional Use Permit shall be reviewed in the same manner as a new application under the standards set forth in 13-5-5 through 13-5-10 above. The following shall be exempt from the requirements to amend a Conditional Use Permit under this section:

- (a) A modification, alteration or expansion which has already been approved as part of a valid conditional use does not require a new Conditional Use Permit at the time of modification, alteration or expansion.
- (b) Minor amendments to the site plans, such as small additions to structures and parking areas that are 1,200 square feet or less, new accessory structures that are 1,200 square feet or less, moving the location of structures or parking areas a short distance that is acceptable to the Land Use and Development Director or their designee and changes to outdoor display area, outdoor storage areas and uses and landscape or lighting plans, regulations for design and performance standards provided the majority of regulations for the underlying zoning district are met and the Land Use and Development Director or their designee has approved the minor changes. If the changes are determined to be significant or have the potential to adversely impact adjacent properties or the safety, health or welfare of the residents of the City of Onalaska, the Land Use and Development Director or their designee may require the application for amendment completed and that the applicant complete the full amendment process as set forth above.

Sec. 13-5-12 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.

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Sec. 13-5-13 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 or their designee 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 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. 13-5-14 Bed and Breakfast Establishments.

- (a) **As Conditional Use.** Bed and Breakfast establishments shall be considered conditional uses and may be permitted in R-1, R-160, R-2, B-1 and B-2 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 or their designee 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 DHS 197, Wis. Adm. Code, relating to bed and breakfast establishments or Wis. Adm. Code DHS 195 relating to hotels, motels and tourist rooming houses.

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- (2) **Registry.** Each Bed and Breakfast establishment shall provide a register and require all guests to register their true names and addresses before assigning 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 DHS 195 or HSS 197, Wis. Adm. Code, before opening for business every Bed and Breakfast establishments shall obtain a permit from the Planning Department 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 Planning Department 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 or their designee for violation of the provisions of this Section, or of State of Wisconsin regulations as set forth in Chapter DHS 195 or Chapter DHS 197, Wis. Adm. Code, or as above provided.

Sec. 13-5-15 Public and Semi-Public Conditional Uses.

The following Public and Semi-Public 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 Districts, A-1 District, F-2 Regional Floodplain District, and P-1 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 districts excluding the A-1 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 shall be a conditional use in all districts.

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- (d) Public passenger transportation terminals, such as heliports, bus and rail depots, except airports, airstrips and landing fields, in all commercial and 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 and R-4 Districts and P-1 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, preschools, penal and correctional institutions; cemeteries and crematories in the A-1 District and P-1 District, provided all principal structures and uses are not less than forty (40) feet from any lot line.
- (g) Parking lots, daycares, and 500ated businesses in the P-1 District.

Sec. 13-5-16 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 District, independent living senior housing in the R-2, R-4 and T-C Districts. 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 non-commercial nature in the R-2 or R-4 Residential Districts, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.

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- (c) **Rest Homes**, nursing homes, homes for the aged and clinics, and such similar facilities as defined under Chapter 50 of the Wisconsin State Statutes, in the R-2 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, daycare centers, preschool centers and school-age daycare programs requiring licensing from the Department of Children and Families or under Wis. Stat. 48.65 in the R-2, R-4, B-1, B-2, and M-1 Districts provided all principal structures and uses have the greater of the applicable district side yard setback or a six (6) foot side yard setback. Addition of multi-family dwelling units in the B-1, B-2, T-C, & M-1 Districts and the Plan Commission may determine the minimum green space percentage required.
- (d) **Home Occupations** in the R-1, R-160, R-2 or R-4 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 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, B-2, or M-1 District. Home occupations 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, unless determined otherwise by the Plan Commission.
 - (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) The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (6) 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.
 - (7) The types and number of equipment, machinery or employees may be restricted by the Plan Commission.
 - (8) Sale or transfer of the property shall cause the Conditional Use Permit to be null and void.
- (e) **Tourist Homes**. Tourist homes in the R-1, R-160, R-2, R-4, and RMH districts. Tourist homes are defined as a place where the entire house or limited rooms in an individual's house are rented to travelers for one or more nights, and include renting of rooms or properties through internet sites such as or similar to craigslist, airbnb.com, vbro.com, homeaway.com, and flipkey.com.

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Sec. 13-5-17 Highway-Oriented Conditional Uses.

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

- (a) **Drive-in Theaters** in the B-2 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 District.
- (c) **Funeral Homes** in the B-2 District, provided all principal structures and uses are not less than twenty-five (25) feet from any lot line.
- (d) **Tourist Homes** defined as a place where the entire house or limited rooms in someone's house are rented to travelers for one or more nights in the B-1, B-2, T-C Districts.
- (e) **Vehicle Sales**, service, washing and repair stations, garages, taxi stands, refueling stations in B-1, B-2, and M-1 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.
- (f) **Brewpubs** in the B-1 District, wineries and microbreweries (produces less than 15,000 barrels of beer per year) in the B-2 and M-1 Districts.
- (g) **Conversion of Static Billboards into Digital Billboards in the B-2 , and M-1 and M-2 Commercial Districts fronting Federal Aid Primary (FAP) Highways. The following restrictions are intended to effectively restrict proliferation in other districts where signs may affect neighborhood character. See Sec. 13-6-18 Definitions. A legally nonconforming, illuminated Billboard may be converted to a Billboard with digital display if the following conditions are met:**
 - a. **Brightness.** No Digital Billboard shall exceed a brightness level of 5,000 nits (candelas per square meter) during daylight hours and 500 nits between Sunset and Sunrise but at no time shall a Digital Billboard exceed 0.3 footcandles above natural ambient light conditions. Footcandle measurements shall be taken using a Lux meter at a preset distance depending on sign area. Signs found to be too bright shall be adjusted to meet these standards after notification by the City of Onalaska.
 - b. **Maximum number.** Only 1 sign face on a Billboard structure may be converted per request.
 - c. **Time/duration.** The images and messages displayed on the Billboard must be static and each display must be maintained for a minimum of seven and one-half (7.5) seconds. The transition from one static display to another must be instantaneous and without special effects or videos.
 - d. **Size.** Digital Billboards shall not exceed 378 square feet of illuminated display face per side of the sign structure.
 - e. **Special Effects.** Animation, frame effects, flashing and the appearance of movement whatsoever, interactive signs, video display, sign tracking technology, Wi-Fi signs and signs that emit any visible matter other than light shall be explicitly prohibited. Each image and message shall be complete and self-contained.
 - f. **Notification.** Prior to issuance of a conditional use permit for conversion of a Static Billboard to a Digital Billboard, a public hearing shall be held before the Plan Commission. The notice of the hearing will be provided to all property owners within 1,000 feet of the sign.

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- g. Height. The height of the Digital Billboard shall not exceed 30 feet above the ground at the site of the sign and in no event shall the maximum height exceed 45 feet above the adjacent road centerline.
- h. Public Service Announcements. 1 hold (7.5 seconds) per message rotation will be reserved for advertising space for Charitable Causes or public service announcements. The hold will be provided to the City free of charge.
- i. Spacing. Digital Billboards must be at least five thousand two hundred eighty (5,280) feet from another Digital Billboard facing the same direction of travel.
- j. Removal. As part of the permit application, the applicant shall agree in writing to remove permanently other existing Billboards in the City: for each Digital Billboard erected, one (1) illuminated or non-illuminated face shall be removed. The removal shall take place within 60 days of permit approval. The converted Billboard shall not count towards the removal requirement. If the removed signs are ones for which a state permit is required, the applicant and owners shall surrender such permits to the state. The Billboard with a digital display may not be put into operation until proof is provided that such state permits have been surrendered.
- k. Such signs must meet all other city location and setback requirements.
- l. An existing Billboard located within 2,000 feet of a residential district lot line shall not be eligible for conversion.
- m. A Billboard existing prior to the date of adoption of this ordinance is eligible for conversion providing it meets the above requirements.

Sec. 13-5-18 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 and Veterinary Clinics** in the A-1, M-1, M-2, and M-3 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, M-1, M-2 and M-3 Districts. Municipal earth and sanitary landfill operations may be permitted in A-1, M-1, M-2, and M-3 Districts.
- (c) **Commercial Raising**, propagation, 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 District, creameries and condenseries in the A-1, M-1, M-2, and M-3 Districts.

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- (d) **Manufacture and Processing** of the following in the M-2 and M-3 Districts: 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 lampblackening, size, starch, stove polish, textiles and varnish. Manufacturing, processing and storage of the following in the M-2 and M-3 Districts: 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 as a regional craft brewery (over 15,000 barrels of beer per year) and/or contract brewing company in the M-2 and M-3 Districts. Bag cleaning, bleacheries, canneries, 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 District and shall be at least six hundred (600) feet from Residential and Public and Semi-Public Districts.
- (e) **Outside Storage and Manufacturing Areas** in the M-3 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 Semi-Public Districts.
- (f) **Cold Storage Warehousing** in the M-1 District.

Sec. 13-5-19 Adult Oriented Uses.

- (1) **Purpose.** The Common Council finds that adult oriented uses may have a direct and detrimental effect on the character of the City's residential neighborhoods and commercial areas. The following standards are designed to protect the character and stability of Residential, Commercial, and Industrial Districts within the City, to prevent crime, 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. It shall not impose a limitation on the content of any communication materials, including sexually orientated materials as protected by the First Amendment.
- (2) **Definitions.**
 - a. **Adult Orientated Entertainment Business.** An adult bookstore, adult theater, adult massage parlor, adult sauna, adult entertainment center, adult cabaret, adult steam room/bathhouse facility or any other business whose primary business activity is characterized by emphasis on matters depicting, describing or relating to nudity, sexual conduct, sexual excitement or sadomasochistic abuse as defined herein.
 - b. **Nudity.** The showing of the human male or female genitals or pubic areas with less than a fully opaque covering or the depiction of covered male genitals in a discernibly erect state and/or the appearance of bare buttocks, anus or female breast.
 - c. **Sexual Conduct.** Acts of masturbation, sexual intercourse, or physical contact with a person's unclothed genitals, pubic areas, buttocks or if such person be a female, her breast.

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- d. Sexual Excitement. The condition of human male or female genitals when in a state of sexual stimulation or arousal.
- (3) **Applicability.** The provisions of this Section shall apply to all existing and future adult-entertainment orientated businesses.
- (4) **Standards.** Adult Orientated Entertainment Businesses are a conditional use in the M-2 and M-3 Districts 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 and preschools, public library, daycare facility, recreational facility, place of worship, church or senior/elderly housing facility.
 - c. Such use shall not be located within two thousand five hundred (2,500) feet of another adult oriented use as measured by the radius from each business.
 - 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.
 - h. No employees shall solicit business outside the building in which the Adult Orientated Entertainment Business is located.
 - i. No male or female person, while on the premises, shall impose to public view his or her genitals, pubic area, anus or anal cleft. Full nudity is prohibited.
 - j. No person on the premises shall engage in sexual conduct, sadomasochistic abuse or in any way fondle their genitals.
 - k. Nudity is prohibited for any employee of an adult orientated business where such person is in direct, personal contact with another person.
 - l. The building's exterior shall meet the following requirements:
 - i. Colors shall be earth or neutral tones with primary accents to be in the same color family;
 - ii. Stripes and geometric patterns are prohibited;
 - iii. A color scheme which is directly inherent to a unique recognized architectural style but not otherwise compliant with this section may be reviewed and approved by the Common Council;
 - iv. The exterior shall be adequately maintained in good condition.

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Sec. 13-5-20 Recreational Conditional Uses.

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

- (a) **Archery Ranges**, amusement parks, beaches, boating, camps, conservatories, driving ranges, firearm ranges (enclosed or outdoor), golf courses, gymnasiums, hunting, ice boating, marinas, polo fields, riding academies, skating rinks, sports fields, stadiums, swimming pools and zoological and botanical gardens, and related facilities in the P-1 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, indoor rock climbing facilities, indoor inflatable and trampoline parks, live action, real-life escape and live action role playing (LARP) games, driving ranges, gymnasiums, lodges, miniature golf, pool and billiard halls, race tracks, rifle ranges, skating rinks, theaters/theatres and related facilities in the B-2 and M-1 Districts.

Sec. 13-5-21 Special Conditional Uses.

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

- (a) Animal boarding and small engine sales and repairs in the B-1, B-2, and M-1 Districts.
- (b) Parking Lots in B-1 and B-2 Districts.
- (c) Caterers, department stores, fish / meat markets, hotels, printing/publishing, trade supplies, in the B-1 District.
- (d) Pet shops in B-1 District.
- (e) Churches in B-1 District.

Sec. 13-5-22 through Sec. 13-5-29

Reserved for Future Use.