

**TOWN OF WRIGHTSTOWN
BROWN COUNTY WISCONSIN
ORDINANCE 2019- 02
AN ORDINANCE AMENDING ARTICLE XVIII OF THE
ZONING CODE ADMINISTRATION AND ENFORCEMENT BY
REPEALING AND RECREATING
SECTION K CONDITIONAL USES**

The Town Board of the Town of Wrightstown upon review and recommendation of the Town Plan Commission and having provided a Class 2 notice and having heard interested parties as required Article XXI Section 1.09 of the Town of Wrightstown zoning ordinance, ordains as follows:

Section 1. Article XVIII Administration and Enforcement, section K Conditional Uses, is hereby repealed and recreated to read as follows:

K. CONDITIONAL USES:

1. DEFINITIONS. For purposes of this Section the following words shall have the following meanings:

a. “Conditional use” means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a city, but does not include a variance.

b. “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.

2. INITIATION AND APPLICATION

a. Any person having a freehold interest in land, 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; may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

b. The application for a conditional use shall be filed with the Wrightstown Town Plan Commission on a form so prescribed by the Town of Wrightstown. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement, in writing, by the applicant setting forth the substantial evidence showing that

the proposed conditional use as proposed will conform, to the standards set forth in the respective zone districts. The Town Plan Commission shall review such application and require additional conditions be imposed to comply with the Town requirements or otherwise promote public peace, safety and repose consistent with purpose of this ordinance and supported by substantial evidence. A written recommendation shall be submitted thereon to the Town Board.

3. TOWN REQUIREMENTS

a. The plan commission shall address, to the extent applicable, whether substantial evidence exists in support or opposition to granting the conditional use with regard to each of the following considerations:

1. congestion and traffic flow;
2. safety from fire, panic and other dangers;
3. effect on the public health, safety, comfort, convenience and general welfare;
4. adequacy of standards of light, air and open space;
5. aesthetic appearances and scenic values of the town;
6. to prevent the overcrowding;
7. undue concentration of population;
8. adequacy of transportation, services
9. availability of and effect on municipal utilities
10. access and effect on schools, parks and other public assets and improvements;
11. fostering a more rational pattern of relationship among agricultural, residential, business,
12. commercial and manufacturing uses
13. dust or pollution created by the use

b. The Plan Commission or Town Board may impose reasonable conditions to address each of the foregoing requirements consistent with the public interest. When considering all requirements and conditions the Plan Commission shall, to the extent practicable, fashion them in measurable terms. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.

4. HEARING ON APPLICATION

a. Upon receipt in of the written recommendation referred to in Section K-2, the Town Board shall hold at least one (1) public hearing on the proposed conditional use. The Town Board shall public a a class 2 notice under ch. 985 to consider the application. The Town Board shall review the recommendation and consider each of the requirements of Section K-3, any conditions imposed by the Plan Commission and any conditions it deems necessary to reasonably address concerns raised by the application. All determinations shall be based on substantial evidence produced and not on conjecture and mere opinion.

b. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town Plan Commission or the Town Board, the town shall grant the conditional use permit.

c. The requirements and conditions considered in the granting of a conditional use. must be reasonable and, to the extent practicable, 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.

d. If granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed, but the town may impose conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the town zoning board.

5 APPEAL

Any person aggrieved by a decision on a conditional use permit application, may appeal the decision to the circuit court under the procedures described in s. 61.35 of the Wisconsin Statutes.

Section 2. That all ordinances in conflict herewith are hereby repealed

Section 3. That this ordinance shall take effect upon its passage and publication according to law.

This ordinance shall take upon its passage and publication according to the law.

Adopted this 12th day of June, 2019.

/s/

William Verbeten, Chairman

/s/

Ronald Diny, Supervisor

/s/

Jesse Juedes, Supervisor

Attest to:

/s/

Donna Martzahl, Clerk