

§ 240-37. Industrial uses.

A. Nonmetallic mining, including washing, crushing or other processing, provided that:

- (1) Application for such operation shall include a description of the operation; a list of equipment, machinery and structures to be used; a listing of all chemicals to be used in blasting, manufacturing or processing operations, and dust suppression; the source, quantity (estimated daily use), and disposition of water to be used; a topographic map of the site showing existing contours with minimum vertical contour interval of five feet; trees; proposed and existing access roads; the depth of all existing and proposed excavations; and a reclamation plan, in addition to other information which may be required in § 240-76 which may include a WisDOT Transportation Impact Analysis, Fugitive Dust Plan or Blasting Plan.
- (2) Screening regulations shall comply with the regulations of § 240-31.
- (3) The conditional use permit shall be in effect for a period not to exceed two years and may be renewed upon application for a period not to exceed two years. Modifications or additional conditions may be imposed upon application for renewal.
- (4) The Land Management Committee shall particularly consider the effects of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character and land value of the locality and shall also consider the anticipated final vertical contours as they relate to health and safety of adjacent existing and planned land uses.
- (5) Such other requirements as specified in § 240-76 shall also apply.
- (6) Nonmetallic mining in the Exclusive Agriculture District shall comply with restrictions specified in § 91.75(9), Wis. Stats. **[Added by Ord. No. 99-11]**

B. Asphalt plants and accessory uses to nonmetallic mining. **[Added 3-27-2001 by Ord. No. 00-14]**

- (1) Such uses shall be located a minimum distance of 1,000 feet from dwellings and 100 feet from all property lines.
- (2) Hot mix asphalt plants shall be licensed for air emissions by WI DNR.
- (3) Reclamation of sites and bonds required.

C. Salvage yards.

- (1) Salvage materials shall not be located within 500 feet of any residence other than that owned by the owner of the premises or any residential or business district or 1,000 feet from a lake, river or stream. No junk or salvage operation shall be carried on within 1,000 feet of any highway right-of-way, and all establishments of this kind shall have minimum side and rear yards of 100 feet.
- (2) Salvage material shall not be located in a wetland or floodplain.
- (3) Salvage materials shall be enclosed by a suitable fence or vegetative screening as approved by the Department of Land Management so that the materials are not visible from other property in the vicinity of the salvage yard nor from a public road nor from navigable water. The fence or vegetative screen shall be a minimum of eight feet in height and shall be properly maintained to satisfy the obscuring objective.
- (4) Salvage materials shall not be piled higher than the height of the fence or vegetative screen.

- (5) Such operation shall comply with any other conditions specified by the Land Management Committee pursuant to § 240-76.
- (6) For fire protection, an unobstructed fire break shall be maintained, 15 feet in width and completely surrounding the salvage yard.
- (7) At the site, appropriate measures shall be taken to prevent water and soil contamination from oils, gasoline, grease or other contaminants. At a minimum, there shall be five feet of soil between the water table or bedrock. If wells are located within 1,000 feet of the site, the Land Management Committee may require a liner and bonds for removal of contaminated topsoil.

D. Sawmills and planing mills.

- (1) Such uses shall be located a minimum distance of 500 feet from any dwelling unit other than that of the owner or operator of the establishment.
- (2) No sawmill or planing mill shall produce a sound level at its property boundary that exceeds 55 decibels.
- (3) Areas used for stockpiling and maneuvering shall be a minimum distance of 200 feet from any dwelling unit other than that of the owner or operator of the establishment.

E. Heavy Industrial Uses.

F. Hydraulic Dredge Material Storage.

- (1) Description of project shall include:
 - (a) Soil properties of dredge materials.
 - (b) The amount of dredge material.
 - (c) The amount of water to be added.
 - (d) Chemical analysis of dredge material.
 - (e) Surrounding land-uses.
 - (f) Depth to Water-table.
 - (g) Groundwater levels, flow and direction, and potential impact on groundwater discharge and recharge.
 - (h) Proposed runoff patterns and adjacent drainage.
 - (i) Potential for effluent, leachate, and surface runoff impacting adjacent ground and surface water resources.
 - (j) Potential for dust, noise or odor problems.
 - (k) Proximity to sensitive ecological environments.
 - (l) Inventory of wells, private and municipal, which will likely be affected.
 - (m) Mitigation plan for affected properties.
 - (n) Soil properties of storage site.
 - (o) The possible migration pathways of contaminants from the storage site.
 - (p) Proposed use of material.
 - (q) Project timeline.
- (2) Analysis shall be provided for a minimum of two sites along with a narrative discussing the feasibility of each site.
- (3) All attempts shall be made to eliminate or reduce any potential negative impacts on residential districts or neighborhoods.

§ 240-37.1. Light industrial use requirements. [Added 3-27-2001 by Ord. No. 00-14]

A. Light industry, as defined in § 240-88, provided that:

- (1) All operations take place within buildings.
- (2) Screening with natural vegetation or fencing shall be provided along property lines bordering agricultural, rural and residential districts.

B. Warehouse and Storage

- (1) All structures shall be on concrete slabs except seasonal boat and vehicle storage buildings which may be on a concrete slab.
- (2) All truck parking and loading areas shall be paved.
- (3) The number of trucks parked outside on the site shall not exceed the number of loading bays and all such trucks that shall be engaged in transshipment shall be inside.

C. Recycling Facilities

- (1) All activities shall be conducted indoors unless located in an Industrial District.

D. Recycling Collection Point

- (1) Processing of materials is limited to sorting and transferring.

§ 240-66. Nonconforming uses.

A. Nonconforming use of land.

- (1) For all nonstructural uses of land, except nonmetallic mining operations, expansions shall be authorized only by a conditional use permit.
- (2) Expansion of a nonconforming nonmetallic mining operation shall be permitted up to the lot lines existing on the effective date of this chapter, greater expansion may be authorized by a conditional use permit.

B. Nonconforming use of buildings or other structures. The following shall apply to all buildings or structures which house a nonconforming use:

- (1) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a land use permit.
- (2) Additions to an existing building or an existing structure which houses a nonconforming use shall be authorized only by a conditional use permit. Such additions shall comply with all applicable setbacks and other dimensional requirements of this chapter, unless variances are granted as provided in § 240-78.
- (3) If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage or other disaster, such structure may be restored and the nonconforming use may be restored therein upon issuance of a land use permit. Such restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in Subsection B(2). If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of § 240-67 shall also apply.

- C. Change of use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.
- D. Discontinuance. Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure or land shall conform to the regulations of the district in which it is located. Nonmetallic mining operations are discontinued when the activity complies with the definition of Abandonment of Nonmetallic Mining Operations.

§ 240-88. Definitions.

HYDRAULIC DREDGED MATERIAL STORAGE – The placement of dredged material which had large amounts of water added for transfer.

INDUSTRY, HEAVY - Uses such as manufacturing, assembling, fabrication, processing, bulk handling, storage, and trucking which are likely to generate significant levels of traffic, noise, pollution, vibration, dust, fumes, odors, pesticides, herbicides, or other hazardous materials, fire or explosion hazards, or other undesirable conditions which are unsuitable for any other district.

INDUSTRY, LIGHT - Nuisance, low-impact industrial uses compatible with surrounding commercial, residential or public uses which have a minimal impact on traffic, conducted indoors and without significant noise, odor, dust and glare which do not contribute to the degradation of the land, water and air.

MINING, ACCESSORY USE – Uses and activities which are customarily incidental, appropriate and subordinate to mining such as stockpiling, sorting, screening, washing and crushing when conducted on property that is not contiguous to the extraction site or batching, recycling of concrete, asphalt, and related construction materials, maintenance facilities, and contractor's service and storage yards, and concrete products manufacturing that make use of the products produced from the subject mining site, as well as asphalt plants. The stockpiling of materials by a public agency for construction, reconstruction, maintenance or repair of public transportation amenities at public-owned sites or within the property boundary of the transportation amenity is not considered an accessory use.

NONMETALLIC MINING or NONMETALLIC MINING OPERATION - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat and talc; topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as stockpiling, sorting, screening, crushing, screening, scalping, dewatering and blending. "Nonmetallic mining" or "nonmetallic mining operation" does not include or allow the following activities or uses, by way of illustration, which include, but are not limited to, manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready-mix concrete. Nonmetallic mining does not include the following activities:

- A. Excavations or grading by a person solely for domestic use at his or her residence.
- B. Excavations or grading conducted for highway construction purposes within the highway right-of-way.
- C. Grading conducted for farming, preparing a construction site or restoring land following a flood or natural disaster.
- D. Excavations for the foundation of structures, provided that such excavation does not exceed a volume of material 1.5 times the volume of the polyhedron bounded by the natural grade, the bottom of the footings and the exterior of the foundation walls.
- E. Minor land disturbances such as installation of utilities, walks and driveways, sanitary waste disposal systems or fuel storage tanks.

F. Any mining operation, the reclamation of which is required in a permit obtained under §§ 293.01 to 293.93, Wis. Stats.

G. Any activities conducted at a soil or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under §§ 289.05 to 289.33, Wis. Stats., or a hazardous waste disposal facility under §§ 291.001 to 291.97, Wis. Stats.; provided, however, that said section applies to activities related to solid or hazardous waste disposal which are conducted at a nonmetallic mining site separate from the solid or hazardous waste disposal facility, such as activities to obtain nonmetallic minerals to be used for lining, capping, covering or constructing berms, dikes or roads.

H. Any nonmetallic mining site or portion of a site which is subject to permit and reclamation requirements of the Department of Natural Resources under §§ 30.19, 30.195 and 30.20, Wis. Stats.

RECYCLING COLLECTION POINT – A site in which recyclable materials such as paper, cardboard, glass, metal, and plastic are collected and temporarily held until transferred.

RECYCLING FACILITY – A facility in which recyclable materials are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

SAWMILLS – A facility where wood is sawed, split, shaved, stripped, chipped, or otherwise processed to produce wood products to be sold.

WAREHOUSE AND STORAGE - The holding of packaged or wholly or partially finished materials, foods or products within enclosed buildings which will not create significant impacts to surrounding uses. Examples of such use includes wholesale establishments primarily engaged in selling and/or distributing merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers. The use does not include those uses which are consistent with the definition of “Mini-storage”.