

STATE OF WISCONSIN
TOWN OF STOCKHOLM
Pepin County, Wisconsin

ARTICLE 1: GENERAL ZONING ORDINANCE

SECTION 1. Findings, Purpose, and Intent

Subd. 1. Findings. The Town of Stockholm's numerous natural areas, sensitive bluffs, karst features, shoreland, wetland, and historic and cultural areas require special land use protection. The Town of Stockholm ("Town") intends to proactively prevent potential adverse impacts causing significant reduction of water resources, unhealthy air emissions, substantial damage to township and county roads, erosion of hillsides, contamination of aquifers related to karst susceptibility, and damage to bluffs, water, and wetlands.

Protecting groundwater and surface waters in the Town is particularly important since the majority of the hill tops in the Town and surrounding area have limestone within 10 feet of the surface, therefore the karst potential is very likely. Because karst features can act as direct conduits for pollutants to enter groundwater, wells, springs, and streams; and because bedrock in these landscapes, especially around sinkholes, may be weak and prone to collapse, there are safety and liability issues if this potential is not recognized and if care is not taken to minimize negative impacts, for example from intensive animal feeding operations.

In addition, unregulated frac sand operations, because of their size and scope (unlike other nonmetallic mining operations), have the potential to adversely affect the environment, health, safety and general welfare of Town residents, land owners, and members of the general public who come to the Town, including their use and enjoyment of the many resources of the Town, for example its groundwater, surface water, landscape, natural beauty, public roads and non-mining businesses. The hundreds of heavy trucks typically transporting industrial silica sand and frac sand to and from mining sites, off-site processing facilities, and rail and barge loading facilities on a daily basis would also cause a substantial decrease in property values in the Town. **For these reasons, applicants for frac sand operations are referred to Article 1A for specific frac sand operations requirements; note that all other requirements of this Ordinance also apply.**

Subd. 2. Purpose. In 2009, the Town developed and adopted a comprehensive plan as required by the State of Wisconsin. The purpose of this ordinance is to promote the health, safety, prosperity, aesthetics, and general welfare of this community consistent with the Town's goals for future land use:

- a. Preserve and protect natural beauty, farmland, and natural resources

- b. Protect cultural and historic resources
- c. Maintain a vibrant, rural farm-oriented community
- d. Encourage and support a viable economic climate
- e. Attract and keep younger families and support older residents
- f. Promote desirable development including separating incompatible uses
- g. Protect public and private investments including property values
- h. Maintain community character and aesthetics

Subd. 3. Intent. With this “General Zoning Ordinance,” the Town intends to maintain its rural agricultural and residential character and carry out the purposes of its comprehensive plan by adopting regulations and standards that:

- a. Support continued use of working lands (agricultural and forest lands), including agricultural type businesses such as orchards, vineyards, and agri-tourism, while providing opportunities for low-density new single family residential development that is compatible with the rural environment.
- b. Provide for other types of living arrangements that are compatible with the rural environment and support both younger families and older residents, also limiting subdivisions to conservation cluster developments which protect natural features and sensitive areas while allowing for compact residential lots with common open space.
- c. Encourage and support home-based non-farm occupations and other kinds of small scale, low impact commercial activities that contribute to a viable economic climate and provide employment opportunities.
- d. Prevent impacts of a variety of activities that adversely affect the environment, the health, safety and welfare of residents and landowners, and the community as a whole.
- e. While the Town is responsible for doing whatever it can to protect its residents and landowners, property owners are also encouraged to do their part by, for example, locating new residences and accessory structures in a manner that results in the least amount of modification to existing natural vegetation including woodlands and topography and that takes advantage of existing driveways and access roads to improve safety and efficiency.

SECTION 2. Authority, Application, Interpretation, Severability

Subd. 1. Authority. This Article is adopted pursuant to the village and police powers granted to the Town under Article XI, Section 3(1) of the Wisconsin State Constitution, Wis. Stats. §§ 60.10, 60.22, 60.61, 60.62, 61.34, 62.23 and 66.0415, and other zoning authority provided to towns under state statutes. Any amendment, repeal or recreation of the statutes referenced in this Article made after the effective date of this ordinance is incorporated by reference on the effective date of the amendment, repeal or recreation.

Subd. 2. Application. The provisions of this ordinance shall apply to all uses proposed for any location or site in the Town. **Applicants for frac sand operations are referred to Article 1A of this ordinance for specific frac sand operations requirements.** This ordinance

also incorporates all provisions of Pepin County's "Great River Road Preservation Zoning Ordinance" and the "Mississippi River Bluffland Zoning Ordinance."

Subd. 3. Interpretation. The provisions of this ordinance are minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted to the Town by Wisconsin Statutes.

Subd. 4. Severability. If any provision of this ordinance is found unlawful or unenforceable by any court, such judgment shall not be applicable to any other part of this ordinance, which parts shall remain in full force and effect.

SECTION 3. Definitions, Jurisdiction, Compliance

Subd. 1. Definitions. For the purposes of this ordinance certain terms used herein are defined as set forth in this section. Words and phrases not defined in this section shall be construed by reference to the following, in order of preference: Wisconsin Statutes and Administrative Codes; Wisconsin zoning case law; the dictionary; and common usage.

a. Accessory Building: A subordinate or supplemental building or buildings, the use of which is incidental to the main building on the same lot or the use of the premises on which it is located.

b. Agricultural Use: Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod or Christmas tree production; floriculture; aquaculture; fur farming; forest management; or enrolling land in a federal or state agricultural land conservation payment program.

c. Agricultural Accessory Use: Any of the following land uses on a farm: a building, structure, or improvement that is an integral part of, or incidental to, an agricultural use; an activity or business operation that is an integral part of, or incidental to, an agricultural use; a farm residence; a business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm.

d. Animal Unit: An animal unit is defined in Wisconsin Administrative Code, NR 243.03(5) as a unit of measure to determine the total number of single animal types, as specified in NR 243(11), that are at an animal feeding operation.

e. Bed and Breakfast: A private residence that has rooms set aside for overnight guests whose paid accommodations include breakfast but not other meals, as defined in Wisconsin Statutes sec. 254.61.

f. Building: Any structure having a roof supported by posts, columns or walls and its appendages including, but not limited to balconies, porches, decks, stoops, swimming pools, fireplaces and chimneys. The area covered by a building as defined herein is referred to as the building's footprint.

g. Building Height: The vertical distance measured from the mean elevation of the finished grade along the front of the building to the highest point of any roof on the building.

h. Campground: A parcel or tract of land maintained, intended or used for the

purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of trailers, tents, buses, automobiles or sleeping bags, and may include buildings to provide services to the patrons such as restrooms, bathing, laundry and commissary facilities. A primitive campground shall be any area designated for camping purposes which is accessible only by hiking or boating.

i. Clean Fill: Uncontaminated soil, rock, sand, gravel, concrete, asphaltic concrete, cinder blocks, brick, minimum amounts of wood and metal, and inert solids as approved as exempt from licensing and the requirements of chapters NR 500-518, Wis. Admin. Code.

j. Club: An association of persons for a common purpose but not including groups organized primarily as a business.

k. Community Living Arrangement: Any facility licensed or operated, or permitted under state statute, including a "community-based residential facility," a "group home," or a "residential care center for children and youth." Any such facility with a capacity of eight or fewer persons, may locate in any residential zone without permission. Those with a capacity of over eight persons are entitled to seek special zoning permission from the town.

l. Comprehensive Plan: The Town of Stockholm's Comprehensive Plan adopted in 2009.

m. Conforming Use: Any lawful use of a building or lot that complies with the provisions of this Ordinance.

n. Dwelling: (a) **Single-family:** A building designed for and occupied exclusively as a residence by one family; (b) **Two-family:** A building designed for and occupied exclusively by two families or households living independently of each other.

o. Family: A group of people who are related by blood or marriage, or not to exceed five persons if not so related, living together on the premises as a single housekeeping unit.

p. Farm: All land under common ownership that is primarily devoted to agricultural usage.

q. "Floating Zone:" A floating zone is created when the Town Board approves a conditional use permit for a light industrial/manufacturing/telecommunications proposal that meets the purposes, impact standards, and conditional uses of this Article and is deemed by the Board to serve the public interest. Because this ordinance has only a single agricultural/residential zoning district, this approval will result in an amendment of the Town's zoning map.

r. Frac Sand: Hydraulic fracture grade silica sand used in the exploration, drilling, production and recovery of oil and gas. **See Zoning Ordinance Article 1A for a definition of frac sand operations. The term "frac sand operations" does not apply to stone or gravel quarries engaged in the extraction or mining from the earth of nonmetallic mineral products used in construction, such as stone, gravel or other aggregates, or their storage, processing or transportation when the products are not intended to be sold or used as frac sand.**

s. Garage: (a) **Private:** A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor

vehicles with no facilities for mechanical service or repair of a commercial or public nature; **(b) Public:** Any building or premises, other than a private garage, where motor vehicles are equipped, repaired, serviced, hired, sold or stored.

t. Greenhouse: A structure used primarily for the cultivation of plants in which natural sunlight is allowed to enter through transparent material and temperature and humidity are controlled.

u. Greenhouse, Commercial: A greenhouse from which plants, seedlings, seeds, trees and those items related to cultivation are sold, traded or bartered to the public.

v. Home Occupation: A gainful occupation customarily conducted within a dwelling or accessory building by the residents thereof, which is clearly secondary to the residential use and does not change the character of the structure as a residence.

w. Kennel: A kennel is any premise, or portion thereof, where dogs, cats or other household pets are maintained, boarded, bred or cared for, in return for remuneration, or are kept for the purposes of sale.

x. Livestock Facility: A structure or system constructed or established on a livestock operation or animal feeding operation, including a runoff control system associated with an outside feedlot, manure storage facility or feed bunker.

y. Lot: A parcel of land described in a recorded plat or deed: **(a) Lot Area** is the total area of a particular piece of real property; **(b) Lot Lines** are the peripheral boundaries of a lot; **(c) Lot Depth** is the mean horizontal distance between the front and rear lot lines; and **(d) Lot Width** is the width of a parcel of land measured at the front setback line.

z. Manufactured Home: A home built entirely in a factory under a federal building code. It may be single- or multi-section and is transported to the site and installed. It is designed for use with a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle".

aa. Mobile home: A mobile home (also trailer, trailer home) is a prefabricated structure built in a factory on a permanently attached chassis before being transported to a site and used as a permanent home or for temporary accommodation. It may be permanently or semi-permanently in one place, but can be moved.

bb. Mobile Homes Park: Any plot or plots of ground upon which two or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for an accommodation. A Mobile Homes Park is subject to the requirements of Wisconsin Statutes section 66.058.

cc. Non-conforming Use: A lawful use that existed prior to the adoption of this ordinance which now restricts or prohibits said use.

dd. Non-Metallic Mining: See Article 1A, Frac Sand Operations and definition r, above. Non-Metallic Mining includes stone and gravel quarries, but does not include off-site stockpiling, blending, crushing, processing, screening, scalping or dewatering of nonmetallic materials. Also See Wis. Stat. section 295.11.

ee. Ordinary High Water Mark: The point on the bank or shore up to which the

presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognizable characteristic.

ff. Principal Building or Structure: The building of primary importance or permitted use on a parcel of land.

gg. Principal Use: The main use of land or structures, as distinguished from a secondary or accessory use.

hh. Recreational Vehicle: A “recreational vehicle” means a vehicle that is designed to be towed upon a highway by a motor vehicle, which is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction, and that does not exceed 45 feet in length. For purposes of this ordinance, a motor home shall be deemed a “recreational vehicle.”

ii. Right-of-way: A right of way is an easement granted or reserved over the land for transportation purposes.

jj. Rooming House: A private home providing furnished rooms for rent.

kk. Setback Lines: Lines established parallel to rights-of-way, lot lines, or water bodies for the purpose of defining limits within which buildings or structures or uses shall be constructed, maintained or confined.

ll. Shoreland: Lands within the following distances from the ordinary high water mark of navigable waters: one thousand feet from a lake, pond or flowage; three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

mm. Sludge: The residual, semi-solid material left from industrial wastewater or sewage treatment processes.

nn. Solar Energy System: Energy system that captures radiant light and heat from the sun, using a range of technologies.

oo. Structural or Building Alteration: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

pp. Subdivision: A division of a lot, parcel or tract of land by the owner or the owner’s agent, for the purpose of developing multiple residential lots.

qq. Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas and used for wireless service telecommunication.

rr. Temporary Structure: A removable structure not designed for human occupancy.

ss. Use: The purpose for which land or structures, or portions thereof, are occupied or maintained; **(a) Use, Principal:** The primary or main use of land or structures as distinguished from an accessory use; **(b) Use, Accessory:** A use that is clearly and customarily incidental to and located on the same lot as a principal use.

tt. Use, Conditional: A use requiring a permit issued by the Town board and subject

to conditions established by the Town, for uses not appropriate without restrictions.

uu. Use, Permitted: A use that may be lawfully provided if it conforms with all requirements and regulations applicable in the Town.

vv. Variance: An authorization by the Town Board for an area or dimensional deviation from the ordinance, based on a finding of unnecessary hardship due to conditions unique to the property and causing no harm to the public interest and consistent with the purpose of the ordinance. The granting of such a variance must follow the guidelines set forth in zoning law and case law interpreting zoning law.

ww. Wind Energy System: Energy system that uses wind turbines to make electrical power, or windmills to make mechanical power or for water pumping or drainage.

xx. Yard: An open space on the same lot with a building, whether on the front, side or rear of the building, that is unoccupied and unobstructed from the ground upward.

Subd. 2. Jurisdiction. The jurisdiction of this Ordinance shall include all lands and waters in the Town and under the zoning authority of the Town Board.

Subd. 3. Compliance. No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable Town of Stockholm, Pepin County and State of Wisconsin regulations.

SECTION 4. Scope of Ordinance and Map

Subd. 1. Scope. To accomplish the purpose and intent purpose of this zoning ordinance, a mixture of agricultural and low-density residential land uses, conditional uses, and prohibitions are adopted. Rather than divide the Town into different zoning districts, the entire Town is considered as a single agriculture/residential district, based on the current uses in the Town and the intent for the Town to retain and continue this rural, agricultural character, with compatible rural residential uses, in the future. Therefore, all regulations in this Ordinance relate to all uses regardless of location in the Town.

Subd. 2. Zoning Map. The Town's future land use zoning map is the same as the current land use map produced by Pepin County, including the County's Great River Road Preservation and Mississippi River Bluffland zoning districts. The entire Town is treated as a single agriculture/residential district as it exists currently (see Appendix A).

SECTION 5. Permitted Uses

Only those principal and accessory uses listed below shall be permitted in the Town. Note that if site development requirements and impact requirements are met, no action by the Town Board is required, other than a building permit and any other permits required by the Town or Pepin County. However, if any changes occur that are not permitted uses, Town Board approval will be required following the conditional use approval process.

Subd. 1. Residential.

- a. new single-family or two-family (e.g., duplex) dwelling unit on minimum lot size of 2 acres
- b. single mobile home on residential lot, minimum lot size of 2 acres
- c. private garage, building, or barn for motor vehicles, farm equipment, agricultural supplies, farm animals, stables, and other agricultural purposes
- d. private recreational uses and facilities including but not limited to, swimming pools, tennis courts, playgrounds, parks and recreational trails
- e. garden in yard
- f. occasional personal/social events on owner's property

Subd. 2. Agriculture/Farming.

- a. livestock operation (including but not limited to dairy, grazing, and manure spreading), not exceeding 500 animal units at a single location
- b. poultry operation, not exceeding 200 birds per acre to a maximum of 10,000 birds at a single location
- c. crop production operations, including but not limited to grains, beans, other row crops, grass, hay, seed crops, herbs
- d. fish farming on 10 acres or less
- e. bee keeping
- f. farming of vegetables, grapes, berries, fruit/nut trees/orchards, maple syrup gathering/ processing
- g. gardens/plots/storage for flowers, garden plants, trees
- h. greenhouses up to 3,000 square feet, with no night-time artificial grow lights
- i. sod farming
- j. non-commercial, non-metallic mining for land owner's personal use, not to exceed 1 acre in size
- k. farm drainage systems, grade stabilization ponds and watershed structures and erosion control devices complying with all appropriate county, state and federal regulations
- l. family farm-based sales of agricultural related products primarily produced on the premises such as, but not limited to, meat, eggs, milk, wine, vegetables/fruit, prepared food products, in compliance with all appropriate county, state and federal regulations
- m. storage and/or sales of feed, seed, fertilizer, herbicides and pesticides by a farmer and customarily carried on as part of the farm operations, in compliance with all appropriate county, state and federal regulations
- n. forest management or game management operations complying with all appropriate county, state and federal regulations
- o. agricultural/farming accessory buildings

Subd. 3. Home-Based Businesses.

- a. home-based professional office, consulting, contracting, educational, artistic, skilled craft, or repair business that does not involve outside storage or operations, in compliance with all appropriate county, state and federal regulations
- b. home-based child or adult day-care of 10 or fewer children or adults, in compliance with all appropriate county, state and federal regulations.

Subd. 4. Other.

- a. events or sales carried out in private non-residential settings, or for agri-tourism (e.g., winery, antique shop, art gallery), and open to the public
- b. man-made pond not exceeding one acre in size

SECTION 6. Conditional Uses. Conditional uses and their accessory uses are considered as special uses requiring an application, review by the Town Board, a public hearing, and approval of the Town Board.

Subd. 1. Residential.

- a. new three-family (triplex) or four-family (fourplex) dwelling unit on minimum lot size of 2 acres
- b. one additional new site-constructed, manufactured or mobile home on the same 2 acre minimum lot, when this home is occupied by family members providing health care to or needing health care from one or more residents of the permitted dwelling and/or for part-time farm help when located on land used as a farm
- c. residential subdivision meeting conservation cluster design standards

Subd. 2. Agriculture/Farming.

- a. large-scale livestock facility, defined as larger than 500 animal units or 10,000 birds at a single location
- b. expansion of existing livestock-based agricultural operation if expanded operation would be more than 500 animal units or 10,000 birds at a single location
- c. livestock or poultry sales facilities
- d. greenhouse exceeding 3,000 square feet or with night-time artificial grow lights
- e. farm machinery dealers and repair services
- f. commercial seed, fertilizer and chemical dealers
- g. commercial meat processing facility
- h. other light industry processing agricultural products largely produced on nearby farms
- i. winery, brewery, distillery and/or tasting room for products

- j. commercial nursery selling products on a wholesale basis

Subd. 4. Home-Based Businesses.

- a. bed and breakfast establishment in compliance with state and any federal regulations
- b. home based businesses other than those specified as “permitted”

Subd. 5. Other Conditional Uses.

- a. community living arrangement with a capacity for nine or more persons, in compliance with state and any federal regulations
- b. hunting or other recreational cabin without a well or septic system
- c. hotel, motel, or rooming house, in compliance with state regulations
- d. seasonal recreational vehicle park
- e. public or private campground
- f. restaurant/supper club/tavern in compliance with state regulations
- g. music festival/concert site
- h. public or private club or organization which may include, but is not limited to, tennis courts, golf course, archery and/or rifle range, skeet and trap shooting, hunting and/or fishing clubs
- i. indoor roller-skating or ice-skating rink, swimming pool, or health fitness center for public use or conducted as a business
- j. veterinary services and/or animal hospital
- k. commercial kennel up to 25 animals
- l. commercial game farm
- m. shooting range
- n. commercial horse boarding facility and/or riding club
- o. sawmill; commercial sawmill when on location for more than 90 days
- p. light industries/manufacturing (e.g., clothes, shoes, furniture, souvenirs) with minimal environmental impact
- q. construction/contracting, painting, excavation, concrete/cement work, sawing, welding, electrical larger than home-based business
- r. contractor storage yard no larger than 2 acres in size
- s. outdoor repair and maintenance services
- t. motor vehicle and general machinery repair services and fabrication
- u. building for the repair/storage of road maintenance equipment
- v. public or private recycling center up to 1 acre in size

- w. warehouse, mini-warehouse for public storage up to 1 acre in size
- x. clean fill site
- y. sludge disposal
- z. non-metallic mining site larger than 1 acre and no larger than 20 acres, and/or being used by more than the property owner
 - aa. frac sand operations conditional uses, see Zoning Ordinance Article 1A
 - bb. commercial solar energy system
 - cc. church, school, chapel, temple, synagogue, seminary, cemetery, hermitage, or monastery with accessory buildings for education & living quarters
 - dd. medical and charitable institutions
 - ee. communication/transmission tower
 - ff. commercial open sales lot (e.g., autos, statuary, lawn ornaments)
 - gg. airport or aircraft landing strip
 - hh. telecommunications/data processing center with minimal environmental impact

SECTION 7. Prohibited Uses

Subd. 1. Residential.

- a. dwelling with more than four living units
- b. residential subdivision that does not meet conservation cluster design standards

Subd. 2. Agriculture/Farming.

- a. non-farm based (i.e., not part of a livestock feeding and containment operation) livestock or poultry processing facility

Subd. 3. Other Prohibited Uses.

- a. contractor storage yard larger than 2 acres
- b. nuclear waste storage or processing facility
- c. hazardous/biological/solid waste storage or incineration facility
- d. municipal or private landfill including used tire collection site
- e. public or private correctional facility
- f. motor vehicle racetrack
- g. casino gambling facility
- h. "adult" entertainment facility or adult book store
- i. papermill
- j. private militia training facility

- k. year-round permanent trailer/mobile home/RV park
- l. for prohibited frac sand operations, see Zoning Ordinance Article 1A
- m. nonmetallic mining site larger than 20 acres
- n. ethanol production facility
- o. coal-fired electric power plant
- p. motor vehicle salvage yard
- q. wind energy system other than for use of landowner
- r. rail loading facility
- s. barge loading facility

Subd. 4. Use Variances.

- a. use variances are prohibited.

SECTION 8. Other Uses and Requirements

Subd. 1. Temporary uses, such as real estate sales offices, shelters for materials, and equipment being used in the construction of a permanent structure, may be permitted upon written approval of the Town Board.

Subd. 2. Site Development Requirements as listed below apply to both permitted and conditional uses in the Town. In addition, whenever possible, property owners are encouraged to place new residences and accessory structures in a manner that is in keeping with the rural character of the Town, that results in the least amount of modifications to existing topography and perennial natural vegetation, and that is respectful of the historic preservation goal of the Town.

Property owners must also comply with floodplain, wetland, steep slope, bluff land and other county and state land use requirements, and should also take advantage of existing driveways and access roads as a means to improve safety and efficiency of town and county thoroughfares.

- a. Minimum Lot Area:.....2 acres
- b. Maximum Building Height:
 - i. Residential (Measured from the 1st floor) 35 ft.
 - ii. Agricultural including commodity storage structures.....70 ft.
- c. Minimum Side Yard:
 - i. Principal Buildings..... 40 ft.
 - ii. Accessory Buildings 30 ft.
- d. Minimum Front Yard Setback:
 - i. From Centerline of Town Roads..... 75 ft.

- ii. From Centerline of County Roads..... 100 ft.
- e. Minimum Rear Yard Setback:..... 50 ft.
- f. Minimum Lot Width at Building Line:..... 200 ft.
- g. If an accessory structure is attached to the principal structure, they are considered as one.
- h. Exceptions to height regulations: The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, wind generators, ventilators, chimneys, satellite or other telecommunications receiver, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.
- i. Structures to have access: Every residential building hereafter erected or moved shall be on a lot with access to a public street and all structures shall be so located on lots as to provide safe access for servicing, fire protection, and required off-street parking. All driveways must be in compliance with, and owners' have received, a Town of Stockholm Driveway Permit.
- j. Sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any use so that the highway shall at all times are free and unobstructed to the passage of traffic.

SECTION 9. Impact Regulations

Subd. 1. Impact Regulations. The impact regulations established in this Section, which apply to all uses, are designed to provide assurance that neighboring land uses will be compatible and that significant or unique natural features whose loss would diminish the scenic, ecological or economic benefits to the Town are protected. These impact regulations are designed to limit, restrict, and prohibit adverse effects of both permitted or conditional uses outside landowners' premises.

The Town Board shall determine whether a proposed use will conform to these impact regulations. A developer or landowner shall supply data necessary to demonstrate such conformance as requested. Such data may include, but is not limited to, description of equipment to be used, hours of operation, method of refuse disposal, type and location of exterior storage, and other applicable factors. No structure, land, or water shall hereafter be used except in compliance with these regulations and standards:

- a. **Particulate Matter and Air Contaminants:** Particulate matter (smoke, sulfur compounds, dust, soot, carbon, noxious acids, gases, mist, odors, or other particulate matter) shall not be discharged into the atmosphere in excess of the standards of the Federal Clean Air Act and the State of Wisconsin DNR.
- b. **Fire and Explosive Hazards:** All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire

extinguishing system.

c. Liquid or Solid Wastes: No activity shall discharge at any point onto any land or into any water any materials of such nature, quantity, noxiousness, toxicity, or temperature that can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous elements, or can injure or damage persons or property without first making separate arrangements with the Town and any other regulatory agency with jurisdiction, to mitigate the risk of harm to air, soil, water, and vegetation.

d. Noise: No activity shall produce a sound level that is a nuisance for neighboring property owners.

e. Odors: No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be Wis. admin. Code chapter NR 429, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

f. Radioactivity and Electrical Disturbances: No activity shall emit outside its premises any radioactivity or electrical disturbances that are dangerous or adversely affect the use of neighboring properties.

g. Vibration: No activity shall emit vibrations that are discernible without instruments outside its premises.

h. Water Quality Protection: No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall discharge any liquid, gaseous or solid materials so as to exceed or contribute toward the exceeding of the minimum standards set forth in the Wis Admin. Code NR 102 and NR 103.

i. Soil Erosion & Sediment Control: To minimize soil erosion and sedimentation caused by agricultural production, timber harvesting, mining, and the development of land, and to protect water and soil resources and to prevent or minimize non-point source pollution, no landowner or other person may cause or conduct any activity on the land that causes accelerated soil erosion or sediment damage. Each landowner or developer engaged in agricultural, timber harvesting, construction, or other land disturbing activity, shall work with the Pepin County Land Conservation Department in adopting "Best Management Practices" and adopt a conservation plan to minimize soil erosion. The owner of any land developed for any use, including agriculture, shall provide for adequate drainage and sediment control, whenever possible, using the existing natural surface drainage. If necessary, the property owner shall provide the parcel with an adequate surface drainage system that is consistent and integrated with the drainage pattern of adjacent properties. On-site detention may be necessary to prevent harm to adjoining properties. No land shall be developed and no use shall be permitted that results in water runoff causing flooding, significant erosion, or deposit of significant sediment on adjacent properties.

j. Signs: Off-premises ground signs (signs located in a place other than the owner's

property) larger than 10 square feet are not permitted. No signs shall be located within the existing or proposed right-of-way of any county highway or any town road measured horizontally along a line perpendicular to the center of the highway; nor be located within one thousand (1,000) feet of any other off-premise ground sign located on the same side of the road. Existing Signs: Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued as a nonconforming use or structure even if they do not conform with the requirements of the ordinance. Lighting of Signs: Illuminated signs are not permitted.

SECTION 10. Conditional Use Standards, Permit Application, Changes, Revocation. For all conditional use applications except for frac sand operations, general standards are described below. For conditional use requirements for frac sand operations, see Article 1A of this ordinance.

Subd. 1. Conditional Use Standards. Supporting Positive Uses: The Town will give positive weight to conditional uses that:

a. Support continued use of working lands (agricultural and forest lands), including agricultural type businesses such as orchards, vineyards, and agri-tourism, while providing opportunities for low-density new single family residential development that is compatible with the rural environment.

b. Provide for other types of living arrangements that are compatible with the rural environment and support both younger families and older residents, for example triplex or fourplex housing, and limiting subdivisions to conservation cluster developments which protect natural features and sensitive areas while allowing for compact residential lots with common open space.

c. Encourage and support home-based non-farm occupations and other kinds of small scale, low impact commercial activities that contribute to a viable economic climate and provide employment opportunities. In considering conditional uses, the Town will also focus on preventing impacts of a variety of activities that could adversely affect the environment, the health, safety and welfare of residents, neighbors, and landowners, and the community as a whole. Areas of concern for preventing adverse impacts include:

i. Protecting the Town's numerous natural areas, sensitive bluffs, shoreland, wetland, and historic and cultural areas, due to the greater possibility of negative impacts.

ii. Preventing significant reduction of water resources, unhealthy air emissions, substantial damage to township and county roads, contamination of streams, erosion of hillsides, contamination of aquifers related to karst susceptibility, and damage to bluffs, streams, and wetlands so as to protect groundwater and surface waters in the Town.

iii. Because the majority of the hilltops in the Stockholm area have limestone within 10 feet of the surface, the karst potential, and related risks, are very likely. For these reasons, special attention will be given to more intensive activities and uses such as, but not limited to, large concentrated animal feeding operations.

iv. In addition, unregulated frac sand operations, because of their size and scope

(unlike other nonmetallic mining operations), have the potential to adversely affect the environment, health, safety and general welfare of Town residents, land owners, and members of the general public who come to the Town, including their use and enjoyment of the many resources of the Town, for example its groundwater, surface water, landscape, natural beauty, public roads and non-mining businesses. Heavy trucks typically transporting industrial silica sand and frac sand to and from mining sites, off site processing facilities, and rail and barge loading facilities on a daily basis would also cause a substantial decrease in property values in the Town. For these reasons, applicants for a conditional use permit for frac sand operations are referred to Article 1A of this ordinance for standards and conditions that apply; note that all other requirements of this ordinance also apply.

Additional Standards For All Conditional Uses

- a. location, nature, and size of the proposed use, including: compatibility with existing or permitted uses on adjacent lands including the potential for conflict with large or small-scale agricultural uses; need of the proposed use for a location in an agricultural area, keeping the amount of productive agricultural land converted to a minimum, also the availability of alternative locations, if applicable; suitability of the use related to existing topography, drainage, soils types, percolation characteristics of the soil, and vegetative cover; and effect of the proposed use on water or air quantity and quality, soil erosion, and rare or irreplaceable natural resources;
- b. location of the use with respect to existing or future roads giving access to it, including roads of the proper classification to service the proposed land use; the expected amount and composition of site-generated traffic by vehicle types and the effect of site-generated traffic on the operation of the area, including possible damage to public roads; and the adequacy of the proposed internal traffic circulation system, including safety considerations;
- c. ability to function in an area with no public services;
- d. immediate and long-range effect on jobs and the local tax base and on public financing of municipal services that would have to be enhanced or added;
- e. relation to scenic or recreation values of the area and preservation of natural amenities such as bluffs, steep slopes or scenic views;
- f. compatibility with the Town's Comprehensive Plan;
- g. relationship to the public interest, the purpose and intent of this ordinance and fairness to all parties concerned.

Other factors that will be considered for conditional uses are listed above in the Site Development Requirements and Impact Regulations sections of this ordinance.

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance.

Subd. 2. Conditional Use Permit Application and Review. The conditional uses set forth in this ordinance require a conditional use permit. **Applicants for a conditional use permit for frac sand operations are referred to the application form attached to Article 1A.** No person shall undertake or commence any conditional use without first obtaining a conditional use permit from the Town Board. The application and review process is as follows:

a. **Application Submission.** All applicants for a conditional use permit shall submit the information requested in Appendix B. This includes ownership information, site information and maps, plan of requested use, and information demonstrating compliance with minimum standards described in this ordinance, as well as with any applicable county, state, or federal laws and regulations.

b. **Application Fee.** The applicant for a conditional use permit under this article shall submit six (6) copies of the application together with the application fee of \$100 to the Town Clerk.

c. **Town Board Review of Application.** Upon receipt of a conditional use permit application, the Town Board may, at its discretion, refer the application to its plan commission for review and comment. The Town Board may also undertake further investigation of the conditional use permit application and the applicant, and meet with the applicant to discuss the requested use.

d. **Public Hearing.** A public hearing regarding the completed conditional use permit application will be held after the required notice, including a class 2 notice to the media, neighboring property owners if appropriate, and Pepin County if there is county zoning (e.g., shoreland, wetland, and floodplain zoning) in effect in the area of the conditional use. Members of the public and the applicant will be permitted to testify. Failure of the applicant or its designee to attend the hearing and/or to provide a complete conditional use application is grounds for recommending denial of the application. Landowners or operators issued a conditional use permit under this ordinance must agree in writing to fully comply with all provisions in this ordinance, with any conditions imposed by the Town Board, and with all county, state and federal laws and regulations that apply to the conditional use.

e. **The Board's Determination.** The Town Board's written decision will state the reasons for its determination. The determination shall be based upon the Town Board's consideration as to whether the proposed conditional use described in the application is in the best interests of the Town and its citizens with regard to the health, safety and general welfare of its citizens; whether it meets the general and minimum standards set forth in this article; and whether, in the Town Board's judgment, the applicant has the experience, ability, financial stability and resources, and the commitment to comply with the provisions of this ordinance.

f. **Request for Review of the Board's Determination.** A person aggrieved by the Board's determination may request a review of the determination. This request must be made in writing within 30 days of the Board's notice to the person of its decision, and must state the ground or grounds upon which the person contends the decision should be modified or reversed.

g. **Review of the Determination.** **Under the authority set forth in Wis. Stat. section 68.16, the Town Board hereby elects not to be governed by any requirement of Wis. Stat. chapter 68 that requires the Board to appoint a Board of Appeals, Board of Adjustment or any other administrative body to conduct an administrative appeal of the Town Board's final determination of its decision on a conditional use permit.** The 2010

census found the Town's population to be 197 persons. Being a very small town, the Board does not have the resources to employ staff to conduct an administrative review or to support an appointed board for an administrative review of the Town Board's determination. Accordingly, the Board will conduct any review requested by an aggrieved person in a manner that is consistent with the due process standards and procedures outlined in Wis. Stat. section 68.11.

h. Appeal of Town Board Decision on a Conditional Use Permit. Final determinations of the Town Board on conditional use permits may be appealed directly to circuit court.

Subd. 3. Changes.

a. Transfer of Conditional Use Permit. Any proposed transfer will require an application for an amended conditional use permit and following the same process as required for the original conditional use permit. The Town Board shall determine, on a case-by-case basis, whether any fee, and the amount thereof, shall be paid by the landowner or operator for the transfer of a conditional use permit. In all cases, a conditional use permit may not be transferred without prior written approval of the Town Board.

b. Conditional Use Permit Amendment. A conditional use permit may be amended using the same process as required for the original conditional use permit. The Town Board shall determine, on a case-by-case basis, whether any fee, and the amount thereof, shall be paid by the landowner or operator for the processing of the proposed amendment.

c. Effect of Zoning Ordinance Changes. If a zoning amendment removes the conditional use that was the basis for a permit, the permit is voided, but the use may qualify to continue as a nonconforming use.

Subd. 4. Revocation of a Conditional Use Permit.

a. Notice of Intent to Revoke a Conditional Use Permit. The Town Board may revoke a conditional use permit issued under this ordinance based on its reasonable belief and factual finding that a violation of any provision of this Ordinance, and/or a violation of county, state and federal laws and regulations that apply to the conditional use has occurred. Upon such belief and finding, the Town Board shall issue a Notice of Intent to Revoke the conditional use permit setting forth the factual basis for the violation alleged to have occurred.

b. Landowner or operator's Right to Public Hearing. Upon receipt of any Notice of Intent to Revoke the landowner or operator's conditional use permit, the landowner or operator shall cease any and all uses permitted by its conditional use permit. A landowner or operator receiving a Notice of Intent to Revoke a conditional use permit may request a public hearing before the Town Board. Said request shall be in writing and shall describe with particularity the factual basis for contesting the allegation of the Town Board that a violation has occurred. Within ten (10) days following the public hearing, the Town Board shall issue a decision either sustaining or withdrawing the Notice of Intent to Revoke the landowner or operator's conditional use permit with appropriate factual findings supporting its decision.

c. Rights and Duties after Revocation. When a landowner or operator's conditional use permit is revoked, all rights granted by this ordinance to the landowner or operator under said conditional use permit shall terminate immediately. Following revocation and any subsequent proceedings related to the revocation, the operator shall be obligated to pay to the

Town all costs, including expert and consultant fees, and attorneys' fees incurred by the Town Board in the revocation process, including any court proceedings.

SECTION 11. Nonconforming Uses and Structures

Subd. 1. Existing Uses and Structures.

a. Existing Nonconforming Uses. The use of a dwelling, land, or building existing lawfully before the current zoning ordinance was enacted or amended and which does not now conform to the use restrictions in the current ordinance may be continued. However: only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or if the changes do not make the non-conformance worse.

b. Existing Nonconforming Structures. A lawful nonconforming structure existing at the time of the adoption or amendment of this ordinance may be continued even though its size or location does not conform with the regulations of this ordinance.

c. Licenses. This ordinance is not intended to negate licenses (or their respective uses) that are issued by governmental agencies and are current as of the effective date of this ordinance.

Subd. 2. Changes

a. Abolishment or Replacement. If a nonconforming use is discontinued or terminated for a period of twenty-four (24) consecutive months, any future use of the land, or water shall conform to the provisions of this ordinance. If a nonconforming use or structure is damaged by fire, explosion, flood, tornado, high winds or other calamity, the use or structure may be restored to original use or condition with every reasonable attempt being made to meet existing zoning regulations.

b. Changes and Substitutions. Substitution of new equipment may be permitted if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses. If a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. If substitution of a more restrictive but still nonconforming use has been permitted by the Town for an existing nonconforming use, the previous use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the this ordinance.

SECTION 12. Zoning Amendment Authority and Process

Subd. 1. Authority. This section is adopted pursuant to the authority granted the Town under Wis. Stat. section 62.23(7). A zoning ordinance amendment typically results from changing social, economic or environmental conditions, lack of political support for current land use policies, preparation of a new comprehensive plan, or a landowner request to do something other than what is permitted in the zoning district. Whenever the public necessity, general welfare or good zoning practice require, the Town Board may, by ordinance, change or supplement the regulations established by this ordinance when the amendment is consistent with the Town's Comprehensive Plan.

Subd. 2. Process.

a. Initiation. A change or amendment may be proposed by the Town Board, the Plan Commission, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

b. Petition. A petition for a proposed amendment to the ordinance shall be filed with the Town Clerk, listing the names and addresses of the petitioner (s), the proposed changes in the use of land, the reasons justifying the petition and the compatibility of the changes with the Town's Comprehensive Plan, and any other information and material requested by the Town (e.g., topography, geographical and geological features, traffic flow patterns, soils analysis, soil percolation tests, water table, floodplain, any proposed development plan and other relevant materials).

c. Hearing. The Town Clerk shall notify all property owners within one thousand (1000) feet of any specified land in question and after publishing a Class 2 notice listing the time, place, and the changes or amendments proposed. The Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

d. Town Board Consideration. When considering a landowner request or other request for an ordinance amendment, the Town Board will ask the following questions:

Is the request consistent with the Town's comprehensive plan?

Will the request have an adverse impact on traffic circulation, parking, environmental or historical and cultural concerns?

Will the request have an adverse impact on property values in the vicinity?

Will the request result in lessening the enjoyment or use of adjacent properties?

Will the request cause serious noise, odors, light, activity or other unusual disturbances?

Will the request result in illegal spot zoning (i.e. use inconsistent with surrounding properties and serving only private, rather than public interests)?

e. Decision. The Town Board can approve, modify, or deny the proposed change, and will provide notice to any petitioners and other affected parties of their decision.

SECTION 13. Administration and Enforcement, Violations and Penalties, Effective Date

Subd. 1. Town Board Administration and Enforcement Role and Decisions

a. The Town of Stockholm Board shall have the responsibility of administering and enforcing this ordinance, including to review and act on approval, conditional approval, or denial of requests for conditional use permits, and to review and act on approval, conditional approval or denial of requests for zoning changes.

b. For permitted uses, if site development and impact requirements are met, no action by the Town Board is required, other than a building permit and any other permits

required by the Town or Pepin County. Building permits will be issued according to the requirements of this ordinance. However, if any changes occur that are not permitted uses, Town Board approval will be required following the conditional use approval process. If there is a question concerning the requirements of this ordinance, it will be brought to the Town Board Chairman.

c. Technical Specialists. The Town Board may at its discretion hire a technical specialist, paid by the conditional use applicant, to review and advise on a conditional use application.

d. Access and Observation. Town Board members, their designated representatives, and experts retained to monitor and inspect operations issued conditional use permits by this ordinance, upon producing proper identification, shall have the right to enter and inspect any such use or operation at any time for the purpose of determining compliance with the minimum standards set forth in this ordinance.

Subd. 2. Violations and Penalties

a. Violations include the following: Other than the permitted uses specified in this ordinance, engaging in any other uses without a conditional use permit as described in this ordinance; noncompliance with the minimum standards or any other provision of this ordinance; providing false or misleading information to the Town Board during the conditional use permit application process or in response to any request or inquiry by the Town Board or its representatives concerning any matter related to the uses or operations that are issued conditional use permits under this ordinance; and a failure to comply with, or take prompt and appropriate remedial action in response to, a notice of violation of this ordinance, or of any violation of federal, state, or local law or regulations applicable to any use or operation issued a conditional use permit under this ordinance.

Anyone issued a conditional use permit under this ordinance who receives a notice of violation may request a public hearing before the Town Board. The request must be submitted to the Town Board within 30 days of the notice of violation and must state and describe the grounds for requesting the hearing, any factual evidence supporting those grounds, and any outcome of the hearing the landowner deems justified by the evidence. After the public hearing, the Town Board shall vote to sustain, modify, or withdraw the notice of violation.

After giving notice of a violation, the Town Board may suspend the conditional use permit issued under this ordinance pending the Town Board's disposition of the notice of violation.

b. Penalties: Any person or operator issued a conditional use permit under this ordinance found by the Town Board to have violated this ordinance shall pay a forfeiture of not less than \$100 nor more than \$5,000 per violation and shall not recommence the use or operation until it has demonstrated to the Town Board that it has fully remedied any part of its use or operation or conduct found to be in violation of this ordinance. The amount of the forfeiture imposed by the Town Board shall be reasonably related to the Town Board's assessment of the injury caused by the violation, or by the risk of injury posed by the violation. Any violation found by the Town Board to be a willful violation shall subject the person or operator to a penalty of three times the amount of the forfeiture that would otherwise be ordered by the Town Board.

If an appeal is taken to circuit court and/or other higher court by the person or operator found liable under this section, the operator shall pay the Town Board's attorneys' fees and all costs, including expert fees, incurred by the Town Board in defending the appeal.

Subd. 3. Effective Date. Following passage by the Town Board, this ordinance takes effect the day after the date of publication as provided by Wis. Stat. para 60.80(2) and (3).

Dated this 21 day of April, 2014

ATTEST:

By: Kathy Scharr, Clerk

TOWN OF STOCKHOLM

By: Joe Edlin, Chairman
Joe Edlin

Lindsay Bergquist, 1st Supervisor
Lindsay Bergquist

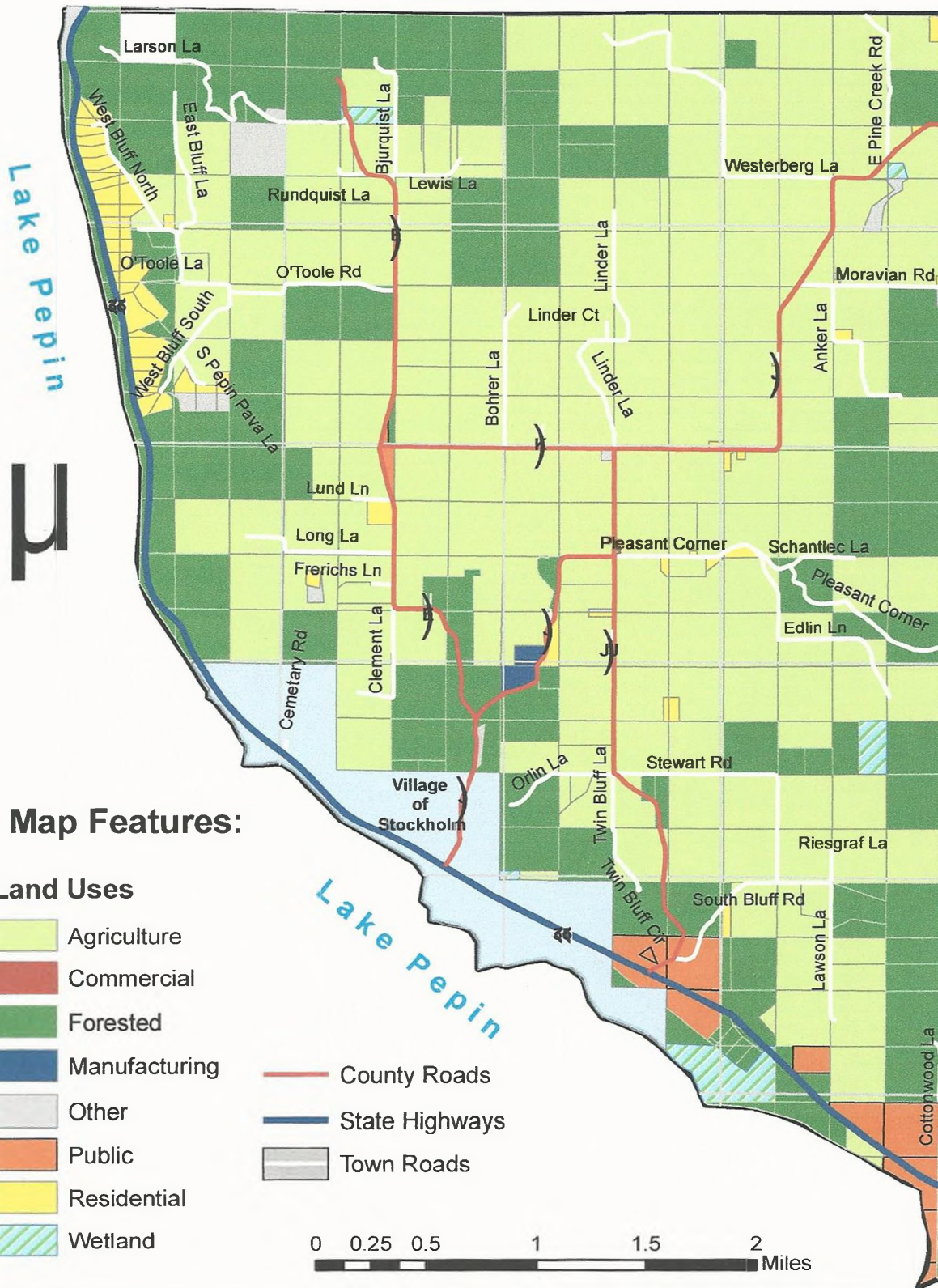
Steve Anderson, 2nd Supervisor
Steve Anderson

Jim Riesgraf, 3rd Supervisor
Jim Riesgraf

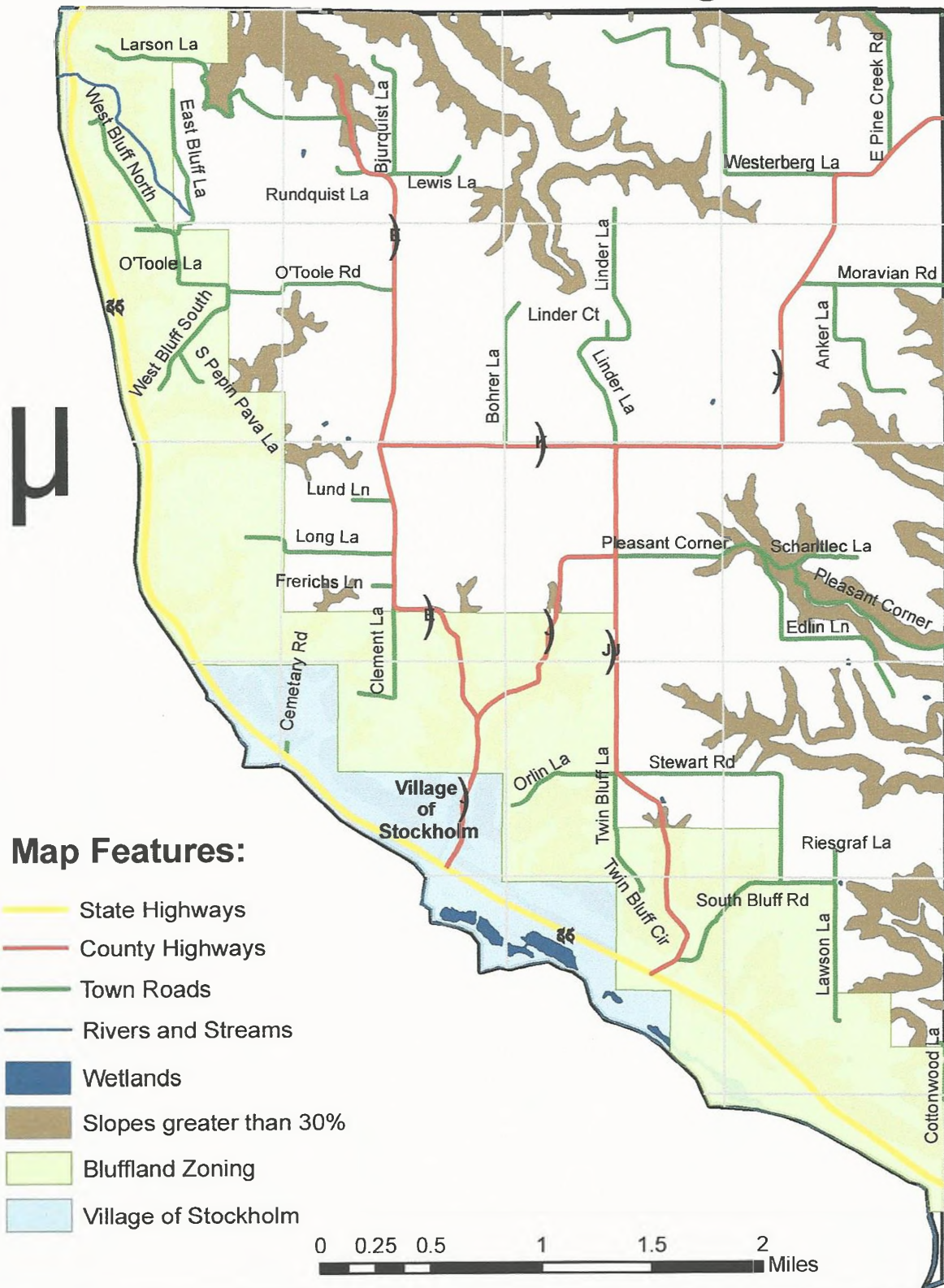
Mary Anne Collins-Svoboda 4th Supervisor
Mary Anne Collins-Svoboda

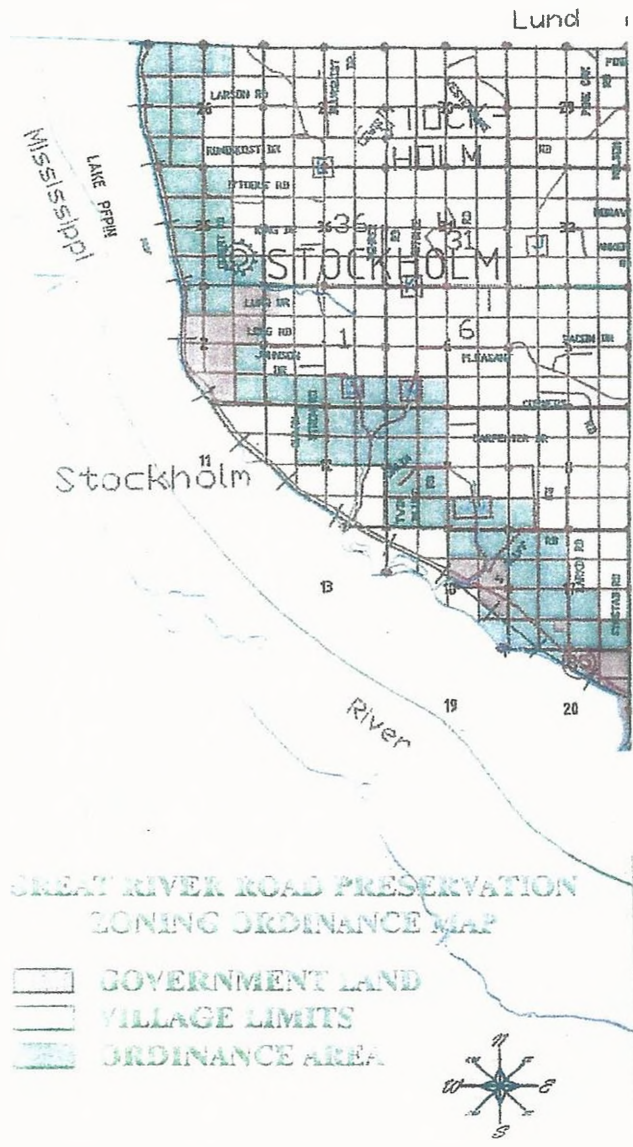
Appendix A - Zoning Map

Town of Stockholm Land Use



Town of Stockholm Slopes & Bluffland Zoning





GREAT RIVER ROAD PRESERVATION ZONING ORDINANCE

Appendix B - Conditional Use Application

The conditional use application must address and include:

- a. Name, address and contact information for owner of the property and any additional persons involved in the application.
- b. Site plan including location and size of property, present use of the land, type of land use being requested and specific intended use, aerial photo and sketch map, location of new and existing buildings, building setbacks, any changes in impervious services, drainage, and any parking or trash area, green area, and screenings if appropriate.
- c. Written statement and evidence showing that the site of the proposed conditional use is adequate in size and shape to accommodate the proposed use and conforms to both the standards set forth in this Ordinance, including not adversely affecting the environment, neighboring landowners, or the Town, and all county, state, and federal laws and regulations.
- d. Signature of landowner/applicant.

For copies of these ordinances you may contact Patty Schaar, Town Clerk, at stockholmtownclerk@yahoo.com, or 715 448-2146.