

Town of Hudson, WI  
Thursday, February 2, 2023

## Chapter 105. Zoning

[HISTORY: Adopted by the Town Board of the Town of Hudson 11-2-2021 by Ord. No. 2021-2.<sup>[1]</sup> Amendments noted where applicable.]

[1] *Editor's Note: This ordinance also repealed former Ch. 105, Zoning, adopted 4-18-1977, as amended through 10-30-2000 and subsequently amended.*

### Article I. General Provisions

#### § 105-1. Compliance required.

The Town Board of the Town of Hudson has the specific authority, powers, and duties pursuant to §§ 60.61, 60.62, 61.35 and 62.23, Wis. Stats., pursuant to the specific statutory sections noted in this chapter, and by its adoption of village powers under § 60.10, Wis. Stats., to zone certain areas in the Town of Hudson and to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town and to regulate and control certain uses, activities, businesses and operations in the Town of Hudson. The use of any land or water and the use, size and locations of structures on lots shall be in full compliance with the terms of this chapter.

#### § 105-2. Interpretation and construal of provisions.

The provisions of this chapter are minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Town of Hudson, St. Croix County, Wisconsin. This chapter shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.

#### § 105-3. Severability.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid, the remainder of this chapter shall not be affected thereby. However, if the provisions of Articles I through VI are held invalid for improper procedure in enactment or for failure of the County Board to properly approve, the provisions for deleting Articles I through XVI of the original Town ordinance and amendments thereto shall also be invalid, and the original Town Zoning Ordinance and amendments shall continue in full force and effect.

#### § 105-4. Determination of district boundaries.

The boundaries of the districts established by this chapter for zoning purposes are shown on the map entitled "Zoning Map of the Town of Hudson, St. Croix County," dated March 24, 1977, which map accompanies and is made a part of this chapter. The above map is on file in the office of the Town Clerk, and additional copies have been furnished to the Town Building Inspector/Zoning Administrator and to the St. Croix County Clerk and the St. Croix County Zoning Administrator. The map on file in the office of the Town Clerk shall be the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district map are as much a part

of this chapter as though especially described therein. The Town Clerk shall periodically update the map to reflect any adopted amendments thereof. For unsubdivided property, unless otherwise indicated, the district boundaries are property lines or section lines, or quarter-section lines, or quarter-quarter section lines. In unplatted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the district map.

## § 105-5. Abrogation.

- A. General supersession. This chapter supersedes all inconsistent provisions of the Town Zoning Ordinance in effect prior to the effective date of this amendment.
- B. Nonimpairment of deed restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing deed restrictions, easements, covenants or permits already issued, or ordinances other than zoning to the extent specified in § 105-5A of this chapter; however, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- C. Buildings under construction. Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started, or a particular use has been commenced, or for the construction of a building or structure or part thereof upon which a bona fide construction contract has been entered into before the effective date of this chapter, provided such construction was started or use commenced or contract entered into after issuance of a valid building permit allowing such construction or use.

## Article II. Zoning District Regulations

### § 105-6. Enumeration of districts.

For the purpose of general zoning, there are created eight types of districts. All land zoned under Article II, Zoning District Regulations, of this chapter shall be designated as one of these types. The district types are:

- A. Residence District.
- B. Agricultural District.
- C. Agricultural/Residential District.
- D. Conservancy District.
- E. Commercial District.
- F. Industrial District.
- G. Commercial/Light Industrial District.
- H. Planned Unit Development (PUD) District.

### § 105-7. General provisions on height, area and setbacks.

- A. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
- B. Every dwelling hereafter erected in the Town of Hudson shall provide for not less than 720 square feet of floor area for a one-story building for each family dwelling therein, nor less than 1,000 square

feet of floor area for a two-story building for each family dwelling therein.

- C. Every part of a required yard shall be open to the sky unobstructed, except for trees, shrubs and accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches.
- D. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be more than 25 feet in height.
- E. The regulations contained throughout this chapter relating to the height of buildings or structures and the size of yard and other open spaces shall be subject to the following exceptions:
  - (1) Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side and rear yards required in the district in which such a building or structure is to be located are each increased at least one foot for each additional foot of height above the height limit otherwise established for the district in which such building or structure is to be located.
  - (2) Chimneys, cooling towers, church steeples or spires, tanks, water towers, radio or television antennas, microwave radio relay or broadcasting towers, mast or aerials, farm silos, barns and other farm structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the Town of Hudson, St. Croix County, Wisconsin, or of other jurisdictions, such as the Federal Aviation Administration.
  - (3) Facilities subject to Subsections **E(1)** and **(2)** of this section require a zoning permit to be issued by the Town Building Inspector/Zoning Administrator after approval by the Town Board. Before granting approval, the Town Board shall investigate and determine whether any such facility which is to exceed 35 feet in height above ground level will create or may create fire protection problems. In considering a request for a permit, the Town Board may invite appropriate officials of fire or other public safety agencies to appear and offer recommendations. The Board may attach such conditions as it deems reasonable and necessary, based upon advice of fire and public safety officials, to the granting of the permit.
  - (4) Planned unit developments as approved through the provisions of this chapter.
- F. Setbacks from private roads. All setback requirements of this chapter shall also be applicable to private roads and easement access rights-of-way.

## § 105-8. Residence District.

- A. Statement of purpose. The residence district is created to establish and protect the essential characteristics of areas within which predominantly low-density residential use should occur, along with certain community and recreational uses to serve the residents of the district. Multiple-family residential uses shall be allowed as special exception uses where permitted by the Town Board upon application of standards intended to protect the public interest.
- B. Permitted uses.
  - (1) Single-family, two-family dwellings.
  - (2) Churches, public and parochial schools.
  - (3) Lodging or boardinghouse restricted to not over five boarders or lodgers not members of the resident family.
  - (4) Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance equipment.

- (5) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit.
  - (6) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
  - (7) Gardening and nurseries for propagation of plants only.
  - (8) Nonprofit public and private parks and playgrounds, including swimming pools, golf courses, tennis courts and picnic grounds. Such uses shall provide sufficient yard area to provide a buffer space and adequate parking facilities according to the following guidelines:
    - (a) No yard shall be less than 25 feet wide, except that no such yards need be provided adjacent to the fairways and greens of golf courses.
    - (b) Each such yard shall be increased for the following:
      - [1] For swimming pools larger than 40 feet by 60 feet, one foot additional of yard for each additional two feet of width or length of the pool, in the direction of such additional width or length.
      - [2] For picnic grounds having seating arrangements for more than 40 persons, 10 feet of additional width on every yard for each additional 10 persons or fraction thereof which such picnic ground is designed for or equipped to accommodate.
    - (c) Any such yard which abuts on a public street or highway may be reduced by 1/2 the width of such street or highway, but in no case to less than 15 feet.
    - (d) Each yard shall be left in its natural condition, and the natural vegetation of the area, including grasses, flowers, shrubs and trees, except noxious plants, trees and weeds, shall be allowed to grow and develop, or other vegetation of equivalent density shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas, so that such yards are, so far as possible, unused and unusable for the general purposes of such parks and playgrounds.
    - (e) The above regulations shall be mandatory as applied to any park or playground established by any agency within the Town of Hudson.
  - (9) Telephone, telegraph and power distribution poles and lines and necessary appurtenant equipment and structures, such as transformers, unit substations and equipment housing relative thereto, and provided that there is no service garage or storage yard.
  - (10) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building or neighborhood, provided that no person other than a member of the resident family is employed on the premises.
  - (11) Professional office, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises, provided further that there shall be no external alterations that would effect a substantial change in the residential character of the building, that no more than 50% of only one floor of the dwelling shall be devoted to such offices and that not more than two persons not members of the resident family may be employed in nonprofessional capacities in any such office, and that only one unlighted nameplate, not exceeding one square foot in area, containing the name and profession of the occupant shall be exhibited.
- C. Minimum lot area. Building or parts of buildings hereafter erected or structurally altered shall provide a lot area conforming to the minimum lot size standard specified in § 90-6C of Chapter 90, the Town of Hudson Subdivision Ordinance, as adopted August 2, 1976, or as hereafter amended;

provided, however, that a building in existence on August 2, 1976, on a lot smaller than therein specified may be rebuilt in the event of its substantial destruction by fire or other casualty.

- D. Height. No building shall be more than 35 feet in height, with height measurements commencing at the level of the lowest usable floor (basement or ground story); provided, however, that residential buildings may be increased in height by not more than 10 feet or one story when all yards and other required open spaces are increased in width by one foot for each foot in height by which such building exceeds the normal height limit of the district.
- E. Side yard. There shall be a side yard on each side of a building.
- (1) The aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide, provided further that the highway setback regulations shall apply to all corner lots.
  - (2) For lots less than 80 feet wide and of record as such at the date of the passage of this chapter, the aggregate width of the side yard shall be equivalent to three inches for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width, provided further that the buildable width of any lot shall not be reduced to less than 24 feet.
  - (3) The minimum permitted side yard for an accessory building in a residence district shall be three feet, provided it is detached from the main building. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions set forth in Subsection **E(1)** above shall rule.
- F. Rear yard. There shall be a rear yard of not less than 25 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than three feet.
- G. Special exceptions. The following uses may be allowed as a special exception upon approval by the Town Board as provided in § **105-33**.
- (1) Microwave relay structures.
  - (2) Multiple-family dwellings in excess of two units. Developments approved shall be subject to the provisions of § **105-8C, D, E** and **F** above. In order to grant a special exception for multiple-family uses, the Town Board shall find that the following conditions are present:
    - (a) The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    - (b) The uses, values and enjoyment of other property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the establishment of the use.
    - (c) The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
    - (d) Adequate utilities, access roads so designed as to minimize traffic congestion on public streets or highways and other hazards, drainage and other necessary site improvements have been provided. The Board may require a bond or other security to assure completion of agreed improvements.
  - (3) Farming and raising or maintaining farm animals (except chickens). In order to grant a special exception for farming or raising or maintaining farm animals (except chickens), the Town Board shall find that all of the following conditions are present:
    - (a) Conditions listed under special exceptions in Subsection **G(2)(a), (b)** and **(c)** above;
    - (b) No farm shall be operated for disposal of sewage, rubbish or offal, or for commercial raising of stock or poultry;
    - (c) Raising or maintaining of farm animals (except chickens) on nonfarm parcels shall be allowed only on lots of 1.5 acres or larger, and the total population of such animals shall

not exceed one per acre;

- (d) Animal shelters, barns, corrals, feedlots and other farm or animal structures shall be located more than 50 feet from any lot line.
- (4) Wells, water storage tanks and water distribution systems for central water systems, and central septic servicing more than one property.
- (5) Medical or dental institutions and clinics, when buildings are devoted wholly or partly to such uses, and when they front on Class A, B or C highways.
- (6) Day-care centers.
  - (a) Residential day-care center.
- (7) Raising or maintaining chickens with the following conditions:
  - (a) No more than 12 female chickens (hens) are allowed.
  - (b) Roosters are not allowed.
  - (c) Guinea hens are not allowed.
  - (d) Housing facility for the chickens must be located at least 50 feet from any property line.
  - (e) Chickens must be kept in the housing shelter or fenced in rear and/or side yard area at all times.
  - (f) Conditions apply to property owner or a tenant with written consent of the property owner to be available upon request.
  - (g) Any other conditions as determined by the Town Board.
  - (h) Any violation to this section is subject to § **105-34** and Chapter **32**, Citations.

## § 105-9. Agricultural District.

- A. Statement of purpose. The Agricultural District is created to establish and protect areas within which agricultural uses may exist and prosper free from future intrusion from residential developments and other urban land uses. It is intended to avoid the operational conflicts which occur when farm and nonfarm residential uses become interspersed and to reduce the adverse pressures upon farm livelihood caused by speculative land values and consequent increases in property tax levies upon farmlands.
- B. Permitted uses.
  - (1) General farming, including dairying, livestock and poultry raising (except chickens), nurseries, greenhouses and other similar enterprises or uses except for farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no commercial greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
  - (2) Single-family residential dwelling or structures accessory to such use, provided that not more than two such dwelling units may be established upon a tract of land which existed as a single tract or parcel on the effective date of this chapter, and provided further that such dwelling is built to be occupied by a farm operator or employee.
  - (3) Roadside stands.
- C. Minimum lot area. Building or parts of buildings hereafter erected or structurally altered shall provide a lot area conforming to the minimum lot size standard specified in § **90-6C** of Chapter **90**,

the Town of Hudson Subdivision Ordinance, as adopted August 2, 1976, or as hereafter amended; provided, however, that a building in existence on August 2, 1976, on a lot smaller than therein specified may be rebuilt in the event of its substantial destruction by fire or other casualty.

- D. Height. No building used for human habitation shall be more than 35 feet in height, with height measurements commencing at the level of the lowest usable floor (basement or ground story); provided, however, that residential buildings may be increased in height by not more than 10 feet or one story when all yards and other required open spaces are increased in width by one foot for each foot in height by which such building exceeds the normal height limit of the district.
- E. Side yard. There shall be a side yard on each side of a building.
- (1) The aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide, provided further that the highway setback regulations shall apply to all corner lots.
  - (2) For lots less than 80 feet wide and of record as such at the date of the passage of this chapter, the aggregate width of the side yard shall be equivalent to three inches for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width, provided further that the buildable width of any lot shall not be reduced to less than 24 feet.
  - (3) The minimum permitted side yard for an accessory building in a residence district shall be three feet, provided it is detached from the main building. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions set forth in Subsection **E(1)** above shall rule.
- F. Rear yard. There shall be a rear yard of not less than 25 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than three feet.
- G. Special exceptions. The following uses may be allowable within the Agricultural District as a special exception upon approval by the Town Board:
- (1) Quarrying or gravel pits, when located not less than 200 feet from any abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stockpiles be located closer than 100 feet to the setback line, and provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guaranty, for the restoration, within one year after discontinuing operations, of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and the grading and side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2 to 1 slope, whichever is the lesser. A quarry or gravel pit where operations have been discontinued for one year shall not be opened or operated again without a new special exception permit.
  - (2) Licensed game management or fur farms governed by Chapter 29 of the Wisconsin Statutes.
  - (3) Telephone, telegraph and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities; natural gas substations; radio and television stations and transmission towers and microwave radio relay towers, provided that such facilities are found to be necessary and to be located so as to avoid unreasonable interference with agricultural operations.
  - (4) Limited commercial recreational activities which are found to be subordinate to the primary agricultural use of the property, which are compatible with the agricultural use on that and surrounding properties, and which are not likely to attract other related uses.
  - (5) Temporary uses not exceeding six months in duration which uses are found by the Town Board to be compatible with the applicable zoning requirements of this district. Not more than one six-month extension of a temporary use granted under this subsection shall be allowed.
  - (6) Raising or maintaining chickens for lots less than 20 acres with the following conditions:

- (a) No more than 12 female chickens (hens) are allowed.
  - (b) Roosters are not allowed.
  - (c) Guinea hens are not allowed.
  - (d) Housing facility for the chickens must be located at least 50 feet from any property line.
  - (e) Chickens must be kept in the housing shelter or fenced in rear and/or side yard area at all times.
  - (f) Conditions apply to property owner or a tenant with written consent of the property owner.
  - (g) Any other conditions as determined by the Town Board.
  - (h) Any violation to this section is subject to § **105-34** and Chapter **32**, Citations.
- (7) Raising or maintaining chickens for lots 20 acres or more with the following conditions:
- (a) Roosters are not allowed.
  - (b) Guinea hens are not allowed.
  - (c) Housing facility for the chickens must be located at least 50 feet from any property line.
  - (d) Chickens must be kept in the housing shelter or fenced in rear and/or side yard area at all times.
  - (e) Conditions apply to property owner or a tenant with written consent of the property owner.
  - (f) Any other conditions as determined by the Town Board.
  - (g) Any violation to this section is subject to § **105-34** and Chapter **32**, Citations.
- H. Agricultural warehouses, agricultural shops and agricultural storage yards, provided that any such use shall be located not less than 100 feet from the nearest boundary of any lot used for the same purpose.

## § 105-10. Agricultural/Residential District.

- A. Statement of purpose. The Agricultural/Residential District is created to establish areas within which agricultural uses, commercial uses serving agriculture, limited commercial and institutional uses, and limited residential uses may be located. This district is intended to include areas in which exclusivity of agricultural use on an area-wide basis is not warranted because of such factors as the existence of mixed uses prior to the date the district was established and located, demonstrated or expected ability of farm and selected nonfarm uses to exist in close proximity without undue conflict or a determination that the area is in a state of transition to urban-residential character.
- B. Permitted uses.
- (1) General farming including dairying, livestock and poultry raising (except chickens), nurseries, greenhouses and other similar enterprises or uses except for farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that no commercial greenhouses or buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential lot other than that of the owner or lessee of such greenhouse or building containing such livestock or poultry.
  - (2) Single-family residential dwelling or structures accessory to such use, provided that not more than two such dwelling units may be established upon a tract of land which exists as a single tract or parcel on the effective date of this chapter, and provided further that such dwelling is built to be occupied by a farm operator or employee.



- (3) Roadside stands.
  - (4) Raising or maintaining farm animals (except chickens) in connection with a single-family or two-family dwelling under § **105-10G(3)(a)**. The standards of § **105-8G(3)(c)** and **(d)** shall apply to the raising or maintaining of such animals on nonfarm parcels in the district.
  - (5) Single-family residential dwellings and structures ancillary to such use when located on parcels of land not less than 20 acres in size.
  - (6) Residential day-care facility.
- C. Minimum lot area. Building or parts of buildings hereafter erected or structurally altered shall provide a lot area conforming to the minimum lot size standard specified in § **90-6C** of Chapter **90**, the Town of Hudson Subdivision Ordinance, as adopted August 2, 1976, or as hereafter amended; provided, however, that a building in existence on August 2, 1976, on a lot smaller than therein specified may be rebuilt in the event of its substantial destruction by fire or other casualty.
- D. Height. No building used for human habitation shall be more than 35 feet in height, with height measurements commencing at the level of the lowest usable floor (basement or ground story); provided, however, that residential buildings may be increased in height by not more than 10 feet or one story when all yards and other required open spaces are increased in width by one foot for each foot in height by which such building exceeds the normal height limit of the district.
- E. Side yard. There shall be a side yard on each side of a building.
- (1) The aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide, provided further that the highway setback regulations shall apply to all corner lots.
  - (2) For lots less than 80 feet wide and of record as such at the date of the passage of this chapter, the aggregate width of the side yard shall be equivalent to three inches for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width, provided further that the buildable width of any lot shall not be reduced to less than 24 feet.
  - (3) The minimum permitted side yard for an accessory building in a residence district shall be three feet, provided it is detached from the main building. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions set forth in Subsection **E(1)** above shall rule.
- F. Rear yard. There shall be a rear yard of not less than 25 feet in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than three feet.
- G. Special exceptions.
- (1) An application for approval of a major subdivision, minor subdivision or agricultural parcel in the Agricultural/Residential District may include a request for issuance of a special exception for single-family or two-family dwellings upon the lot or lots to be created; and the Town Board at the time of approving the application for the subdivision or agricultural parcel may also grant a special exception permit allowing a single-family or two-family dwelling upon some or all of the lots created.
  - (2) A special exception permit for one single-family dwelling is hereby allowed without further Town Board action for each lot or parcel created by a previously approved and recorded certified survey map or conveyance not requiring approval at the time it was recorded, or prior survey approved in writing by the St. Croix County Zoning Authority as a land division existing before October 22, 1974; provided, however, that application for a building permit must be made to the Building Inspector/Zoning Administrator. In the area zoned residence by the amendment passed April 18, 1977, and subsequently rezoned agricultural/residential, a special exception permit is hereby allowed for a single-family dwelling and accessory building, including private garages and building clearly incidental to the residential use of the property.

- (3) The following uses may also be allowed within the Agricultural/Residential District as a special exception upon approval of the Town Board, as provided in § **105-33**:
- (a) Single-family and two-family dwellings. In order to grant a special exception for such dwellings, the Town Board shall find the following conditions present. Allowance of such a special exception under this subsection or the preceding subsections of this § **105-10G** shall include the right to carry on a home occupation and maintain a professional office subject to all the limitations contained in § **105-8B(10)** and **(11)** relating to permitted uses in the residential district.
    - [1] The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare, nor jeopardize existing adjoining agricultural uses.
    - [2] The land for which the building is proposed meets all the suitability standards of § **90-6** of Chapter **90**, Subdivision of Land.
    - [3] Adequate facilities, access roads so designed as to minimize traffic congestion on public streets or highways and other hazards, drainage and other necessary site improvements have been provided. The Board may require a bond or other security to assure completion of the agreed improvements.
  - (b) Wells, water storage tanks and water distribution systems for central water systems, and central septic systems servicing more than one property.
  - (c) Medical, correctional or charitable institutions, when buildings devoted wholly or partly to such uses or accessory thereto shall be distant not less than 50 feet from any lot line shared with premises used for residential purposes.
  - (d) Kennels, when located not less than 700 feet from any lot line shared with premises devoted to residential uses, by persons other than that of the owner of such kennels, his family, agents, employees or tenants.
  - (e) Quarrying or gravel pits, when located not less than 200 feet from any abutting highway right-of-way line, nor shall any of its operational facilities such as buildings, parking lots, storage yards or stockpiles be located closer than 100 feet to the setback line, provided that the owner of the premises and the operator shall file an agreement, accompanied by a surety bond or other financial guaranty, for the restoration, within one year after discontinuing operations, of the site to a condition of practical usefulness and physical attractiveness. Minimum requirements for restoration shall be the elimination of all water holes by filling and grading and side sloping of any area disturbed by the quarrying operation to the minimum angle of repose of the slope material or a 1 1/2 to 1 slope, whichever is lesser. A quarry or pit where operations are discontinued for one year shall not be opened or operated again without a new special exception permit.
  - (f) Licensed game management or fur farms as set forth in Chapter 29 of the Wisconsin Statutes.
  - (g) Mobile home parks, subject to the provisions of the Town Mobile Home Ordinance adopted February 7, 1972, which is adopted herein by reference.
  - (h) Dams, power plants, flowage areas, telephone, telegraphs and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housings and other similar necessary appurtenant facilities, radio relay towers, provided that such facilities are found to be necessary and to be located so as to avoid unreasonable interference with other uses permitted or existing in the district.
  - (i) Winter sports areas for skiing, skating, sliding, snowmobiling, snow shoeing, snow tubing, and other like activities, including the operation of tows, clubhouses and related facilities, but not including the promotion of racing as a spectator sport.

- (j) Rodeos, rodeo-type sports and riding stables and arenas, including all buildings, structures and facilities incidental thereto.
- (k) Limited commercial recreational activities which are found to be subordinate to the primary agricultural use of the property which are compatible with the agricultural use on that and surrounding properties, and which are not likely to attract other related commercial uses.
- (l) Agricultural supply business such as farm machinery dealers and seed, fertilizer and chemical dealers, and industries which process agricultural products largely produced on nearby farms, also nursery which includes landscape supply business whose property has frontage on a state or county highway.
- (m) Veterinary medical facilities.
- (n) Temporary uses not exceeding six months in duration, which uses are found by the Town Board to be compatible with the applicable zoning requirements of this district. Not more than one six-month extension of a temporary use granted under this subsection will be allowed.
- (o) Churches; public and parochial schools when the Town Board determines road infrastructure is adequate.
- (p) Wind energy systems.
  - [1] The Town adopts by reference § PSC 128.10-19, Wis. Adm. Code, as the minimum standards and requirements for any wind energy system within the Town.
  - [2] Small wind energy systems, as defined by § PSC 128.01(2), Wis. Adm. Code, shall be regulated pursuant to § PSC 128.10(5), Wis. Adm. Code.
  - [3] The Town adopts by reference the application procedures pursuant to § PSC 128.30-34, Wis. Adm. Code.
  - [4] Any modifications to an existing wind energy system must comply with § PSC 128.35, Wis. Adm. Code.
  - [5] The Town adopts by reference the monitoring procedures pursuant to § PSC 128.36, Wis. Adm. Code.
  - [6] Fees. An initial application fee as set forth from time to time by resolution of the Town Board is required upon submittal of an application. In addition, all costs incurred by the Town for reviewing and processing the application, including the costs of any outside consultants required by the Town, shall be reimbursed by the applicant.
- (q) Youth-oriented recreational facilities owned and operated by nonprofit organizations or governmental entities.
  - [1] No significant opposition from surrounding property owners.
  - [2] Frontage on federal, state or county highways.
  - [3] Operations during daylight hours only.
  - [4] No stadium lighting.
  - [5] Schedule of events be provided to Town Board yearly.
  - [6] No amplified sound systems.
  - [7] Not including motorized activities.
  - [8] Site plan approval required for all improvements.

(4) Raising or maintaining chickens for lots less than 20 acres with the following conditions:

- (a) No more than 12 female chickens (hens) are allowed.
  - (b) Roosters are not allowed.
  - (c) Guinea hens are not allowed.
  - (d) Housing facility for the chickens must be located at least 50 feet from any property line.
  - (e) Chickens must be kept in the housing shelter or fenced in rear and/or side yard area at all times.
  - (f) Conditions apply to property owner or a tenant with written consent of the property owner.
  - (g) Any other conditions as determined by the Town Board.
  - (h) Any violation to this section is subject to § **105-34** and Chapter **32**, Citations.
- (5) Raising or maintaining chickens for lots 20 acres or more with the following conditions:
- (a) Roosters are not allowed.
  - (b) Guinea hens are not allowed.
  - (c) Housing facility for the chickens must be located at least 50 feet from any property line.
  - (d) Chickens must be kept in the housing shelter or fenced in rear and/or side yard area at all times.
  - (e) Conditions apply to property owner or a tenant with written consent of the property owner.
  - (f) Any other conditions as determined by the Town Board.
  - (g) Any violation to this section is subject to § **105-34** and Chapter **32**, Citations.

## § 105-11. Conservancy District.

- A. Statement of purpose. The Conservancy District is established to preserve and perpetuate in an open state certain areas such as lowland swamps, marshes and wetlands, floodplains and streambeds, slopes, bluffs, wooded areas and other areas of aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The regulations of the Conservancy District are intended not only to preserve and perpetuate open space land and water areas consistent with the intent and purpose of this chapter, but also to protect the community and the county from costs and consequences which may be incurred when unsuitable development occurs in such areas.
- B. Permitted uses.
- (1) The harvesting of any wild crop such as marsh hay, ferns, wild rice, berries, tree fruits and tree seeds;
  - (2) Sustained yield forestry;
  - (3) Hunting, fishing, trapping, preservation of scenic, historic and scientific areas, wildlife preserves;
  - (4) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish;
  - (5) Hiking trails or bridle paths;
  - (6) Accessory uses;
  - (7) Public and private parks, picnic areas, golf courses and similar uses.

- C. Special exceptions. The following uses may be allowed upon issuance of a special exception permit as provided in § 105-33 of this chapter and the prior issuance of any state required permit:
- (1) General farming, providing farm animals shall be kept at least 100 feet away from any nonfarm residence.
  - (2) Dams, power plants, flowages, ponds, utility uses such as, but not restricted to, telephone, telegraph and power transmission lines.
  - (3) Relocation of any watercourse.
  - (4) Filling, drainage or dredging of wetlands.
  - (5) Removal of topsoil or peat.
  - (6) Cranberry bogs.
  - (7) Piers, docks, boathouses.
  - (8) Temporary uses not exceeding six months in duration which uses are found by the Town Board to be compatible with the applicable zoning requirements of this district. Not more than one six-month extension of a temporary use granted under this subsection shall be allowed.

## § 105-12. Commercial District.

- A. Statement of purpose. The Commercial District for the Town of Hudson is created for the following reasons:
- (1) To establish and protect locations in which compatible commercial uses may be located. Within this district, residential development, manufacturing and industrial uses and nonretail commercial enterprises are not permitted.
  - (2) To provide commercial and professional services to meet the needs of the community.
  - (3) To promote a high quality of commercial design and development that produces a positive visual image and minimizes the effects of traffic congestion, noise, odor, glare and other similar safety problems to the residents of the Town of Hudson.
  - (4) To provide economic and job opportunities to residents of the community.
  - (5) To provide opportunities for retail stores, offices and service establishments to concentrate in convenient locations for benefit of the general public and in mutually beneficial and supportive locations to each commercial use.
- B. The following are uses permitted in the Commercial District. Any use not listed as a permitted use shall be deemed to be a prohibited use.
- (1) Bakeries.
  - (2) Barbershops or beauty shops.
  - (3) Banks and financial institutions.
  - (4) Book and stationery stores.
  - (5) Automotive accessory stores, including service, tires and automotive parts.
    - (a) Used vehicle sales as a permitted use in the Commercial District, provided this is ancillary to a primary use relating to an automotive repair facility located on the same site, owned by the same entity, with the building size a minimum of 5,000 square feet and a minimum of 1,000 square feet inside the showroom, state licensed and the number of vehicles limited to 10.

- (6) Camera and photographic shops.
- (7) Clothing and dry good stores.
- (8) Drugstores and pharmacies.
- (9) Dry-cleaning and laundry establishments.
- (10) Electrical, household appliance, radio, television and computer sales and service.
- (11) Fabric stores.
- (12) Florist shops.
- (13) Food and convenience shops.
- (14) Furniture and flooring stores.
- (15) Gift, variety stores and antique shops.
- (16) Gasoline stations primarily used by residents and the traveling public operating automobiles as defined in § 340.01(4), Wis. Stats.
- (17) Greenhouse when the primary use is the direct selling of retail goods and items to the public.
- (18) Hardware and paint stores.
- (19) Hotels and motels.
- (20) Interior decorating stores and shops.
- (21) Grocery stores and supermarkets.
- (22) Jewelry stores.
- (23) Health and athletic clubs, including such uses as tennis, racquetball, basketball, swimming, running tracks and exercise rooms.
- (24) Art and photo galleries.
- (25) Liquor stores which are for off-sale only.
- (26) Medical and dental facilities and stores which are related to the medical industry.
- (27) Mortuaries and funeral homes.
- (28) Music stores.
- (29) Office equipment and office supply stores.
- (30) Offices, including both business and professional.
- (31) Optical and eyewear stores.
- (32) Pet shops.
- (33) Photography stores and studios.
- (34) Picture framing and picture stores.
- (35) Restaurants, drive-in restaurants and eating establishments and those having a liquor license.
- (36) Shoe stores and shoe repair shops.
- (37) Shopping centers. (The total development plan for a shopping center to be approved by the Town Board must contain at least five contiguous acres to be considered for development as a

shopping center.)

- (38) Sporting goods and athletic shops.
- (39) Skating rinks and bowling alleys.
- (40) Theaters, excluding outdoor or drive-in facilities.
- (41) Travel agencies.
- (42) Veterinarian clinics.
- (43) Fiber optic regeneration plant.
- (44) Campground.
- (45) Cabinet/fixtures assembly shop with retail showroom.
- (46) (Reserved)
- (47) Nonresidential day-care facility.
- (48) Self-contained, automatic automobile and light truck vehicle wash.
- (49) Car dealerships whose primary purpose is the sale of new cars, provided the dealership is located on a minimum of five acres with a showroom and offices, with a minimum building size of 5,000 square feet and providing at a minimum warranty service.
- (50) Licensed and accredited private/public vocational school.
- (51) Sales, service, and rental of compact construction equipment under 20,000 pounds, such as skid loaders, and lawn care accessory equipment.

C. Special limitations and conditions on permitted uses. In addition to other general requirements described within this section, other special limitations or requirements shall apply within the Commercial District.

- (1) A commercial use or service not listed in § **105-12B**, Permitted uses, above, will have to be approved by the Town Board. Such approval will first require a recommendation of the commercial use or service by the Town Plan Commission and subsequent approval by the Town Board. Any negative recommendation by the Town Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be granted. A public hearing held according to § **105-40**, Hearings, and the subsequent Zoning Code amendment of § **105-12B** will be required to include the use as a permitted use. In addition, the same amendment process must be utilized to delete any uses from § **105-12B**.
- (2) Temporary uses are permitted but shall not exceed six months in duration after being found by the Town Plan Commission and the Town Board to be compatible with the permitted uses and requirements of the Commercial District.
- (3) Outside storage. All materials, supplies, merchandise and other similar materials not on display for direct sale, rental or lease to the consumer shall be stored within the principal structure, a freestanding building, or be located or screened with an adequate buffer (fence, wall or earth-berm) so as not to be visible from any adjoining properties or public streets. In addition, no materials or goods for retail sale to the public shall be allowed to block sight lines of vision of individuals driving cars on public roads. The storage or display of materials for retail sale to the public shall be prohibited within any required front, side or rear yards. At service stations and gas stations, no vehicles shall be parked on the premises other than those utilized by employees or those awaiting service. No vehicle shall be parked or be awaiting service longer than 21 days. No exterior maintenance or working on vehicles (changing engines, oil changes and engine maintenance) shall occur. All such activities shall occur within the principal structure on the premises.

- (4) Refuse containers and garbage dumpsters. All on-site refuse containers and garbage dumpsters shall be located totally within the principal building on the lot or shall be located and stored within an accessory structure or screened fence located in the rear yard of the property. Said accessory structure shall have the same exterior finish, materials and colors as the main structure on the property or at a minimum painted decorative concrete block construction. Under no circumstances shall the walls of the accessory structure or screened fence be less than five feet in height.
- (5) Minimum building size. The minimum building size for any structure housing one or more principal uses in the Commercial District shall be at least 1,000 square feet of gross floor area within the first, or ground, floor. For the purposes of this chapter, the principal use shall be defined as the main, or principal, use to which the premises are devoted and the principal purpose for which the premises exist.
- (6) Building design and construction. In addition to any other restrictions of this chapter and of the Building Code in effect in the Town of Hudson, the use, construction, alteration or addition to any building or structure within the Commercial District shall meet the following standards:
  - (a) Each exterior wall finish on any building shall be one or any combination of the following:
    - [1] Face brick.
    - [2] Natural stone.
    - [3] Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative or textured treatment.
    - [4] Glass.
    - [5] Wood.
    - [6] Architectural masonry block.
    - [7] Factory fabricated and finished metal framed panel construction is permitted. If the panel materials on the exterior surface are combined with any of the surface materials mentioned above to provide a wainscoting appearance, the minimum usage shall be walls facing street(s) and/or the principal building entrance. In addition, a sufficient number of windows shall be present to present a street view that is consistent and harmonious with neighboring properties.
  - (b) All subsequent additions, exterior alterations on the principal structure and any accessory buildings which are constructed after the erection of the original building, or buildings, are subject to the provisions in this chapter and will be subject to review of a site plan and approval of said site plan by the Town Board.
- (7) Specific standards for automobile service and gas stations. Automobile service centers and gas stations are permitted uses within the Commercial District; however, other conditions shall apply:
  - (a) All hydraulic hoists, pits, lubrication, washing, car repair and diagnostic equipment shall be used, stored and located within the principal structure.
  - (b) No buildings, driveway surfaces, parking areas or other improvements shall be located within 150 feet of any portion of a lot in a residential district if not separated by a Town road, or within 100 feet if separated by a Town road.
- (8) Interior concrete curbs of not less than six inches in height shall be constructed to separate driving surfaces from any sidewalk. This standard shall apply to all development within the Commercial District.
- (9) All driveways, driving surfaces and parking areas within any development in the Commercial District shall be constructed with asphalt or concrete. The Town Board may designate, at the



applicant's expense, a professional engineer to review all plans and make recommendations to the Town Board prior to final approval.

(10) Off-street parking areas. Any change of use, tenancy or occupancy of an existing development, including an addition to an existing building, is subject to requirements of this section.

- (a) All required off-street parking spaces shall be located on the same lot of the principal development.
- (b) Each off-street parking space shall be at least nine feet in width, at least 20 feet in length, and at least vertical clearance of 6 1/2 feet. Handicapped parking spaces shall be provided in accordance with the current applicable Wisconsin Statutes and Wisconsin Administrative Code sections.
- (c) Parking lot aisle minimum width shall be as follows:

<b>Angle of Parking (degrees)</b>	<b>Width of Two-Way Drive Aisle (feet-inches)</b>	<b>Width of One-Way Drive Aisle (feet-inches)</b>
0	22-0	12-0
45	22-0	12-10
60	22-0	14-6
75	24-0	17-10
90	24-0	24-0

- (d) All off-street parking and loading spaces shall have access from driving lanes and not directly from the public street.
- (e) Fire access lanes shall be provided as required by the building or fire code.
- (f) No parking space shall be closer than five feet to any building.
- (g) All open off-street parking areas designed to have parking along the property line shall be at least five feet from the property line. Any open off-street parking area adjacent to the principal building shall provide a permanent bumper curb/barrier not less than five feet from the building.
- (h) No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- (i) No required parking space may be used for storage, display, sales, rental, repair or snow. Spaces may be used for vehicles awaiting service at repair facilities. There shall be no parking spaces in any vision clearance triangle.
- (j) All parking spaces shall be graded and surfaced with a dust-free, bituminous or concrete surface to prevent the accumulation of surface water. Required and proper drainage shall be provided.
- (k) Signage and striping shall be provided for direction of traffic movement.
- (l) Space for loading and unloading cargo shall be provided on the site and shall not interfere with the vehicle circulation for the facility.
- (m) Facilities not addressed specifically in this chapter shall provide at least one off-street parking space for each 200 square feet ground floor area plus at least one additional parking space for each 500 square feet of upper floor area, exclusive of adequate ingress and egress driveways to connect with a public road.

- (n) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each seven seats.
  - (o) Motels, hotels and lodging houses shall provide at least one parking space for each guest room.
  - (p) Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments, shall provide at least one parking space for each 50 square feet of floor space devoted to the use of the patrons in addition to the facility requirements.
  - (q) Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of space devoted to parlors.
  - (r) Service stations shall provide parking for all vehicles used directly in the conduct of the business, plus two spaces for each gas pump, plus three spaces for each grease rack.
  - (s) Public parks and playgrounds shall provide one space for each four persons designed to be accommodated.
  - (t) Any use not specifically named shall be assigned to the most appropriate classification by the Building/Zoning Administrator.
- (11) Lighting. Lighting shall be energy efficient and appropriate to avoid undesirable side effects including glare, sky glow and light trespass onto adjacent properties. Lighting fixtures shall add to the character of the building and provide safety and security. Fixtures and their illumination shall complement and enhance the architectural character of buildings and surrounding area. All developments are required to have a lighting plan.
- (a) All lighting must be the minimal subjective amount needed for safety and security and downward directed and shielded away from neighboring properties to prevent glare or illumination of adjoining properties.
  - (b) All wiring shall be underground.
  - (c) Floodlights and spotlights are not permitted for general lighting purposes.
  - (d) All perimeter lighting shall be shielded and aimed so that illumination is directed only to the intended area and not cast on other areas or adjacent properties or roads.
  - (e) If building facades are illuminated then they must be full cutoff luminaries attached to the building or in the roof overhang.
  - (f) Parking lots shall be uniformly lighted and not shed light on adjacent properties. In no case shall such lighting exceed three footcandles measured at the lot line.
  - (g) Bare light bulbs shall not be permitted in view of adjacent property or public rights-of-way. No light or combination of lights which cast light on a public street shall exceed one footcandle meter reading as measured from the center line of said street, nor shall any light or combination of lights which cast light on residential property exceed 0.4 footcandle.
  - (h) Lighting standards shall not exceed 30 feet or the height of the principal building on the lot, whichever is less.
  - (i) All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type. The only exception to this shall be signs of a public service nature, such as time and temperature and those providing recurring public service messages.
  - (j) Landscape lighting shall use minimum power lamps to achieve architectural objectives, and shall neither cause glare, light trespass, or excessive sky glow.
- (12) Landscaping. All developments are required to have a landscape plan.

- (a) The development should retain existing trees, shrubbery and grasses not located in rights-of-way, drainageways and vision triangles and are to be shown on the landscape plan.
- (b) A minimum of at least 20% of the area within the property lines of each lot shall be devoted to landscape purposes.
- (c) Invasive species are not allowed.
- (d) Buffer area or screening is required as designated elsewhere in this chapter. Berms may be used as per any applicable regulations.
- (e) Any lot that abuts or is across from a residential area shall have perimeter landscape screening that will substantially screen parking areas and headlights from vehicles.
- (f) Landscaped islands are preferred for larger parking lots.
- (g) Any existing area within the road right-of-way that is not constructed to Town standards and adjacent to the development site shall be included in the landscape plan to include seeding or sodding of grass.
- (h) Evergreen trees and/or shrubs should be placed to screen service delivery areas, loading docks and outside building service equipment.
- (i) Requirements.
  - [1] Developments are required to have a minimum of one overstory deciduous or coniferous tree for every 75 feet of site perimeter. Overstory deciduous trees shall be a minimum of 2 1/2 inches in caliper. Coniferous trees shall be a minimum of six feet in height.
  - [2] Developments are required to have one coniferous tree a minimum of six feet high or one deciduous tree of 2 1/2 inches caliper or a combination of deciduous and coniferous shrubs for every 100 feet of frontage along all public or private streets. These trees or shrubs must be planted within 20 feet of the property line (exclusive of rights-of-way) abutting the public or private street.
  - [3] All plantings shall be appropriately spaced according to growth requirements of the species.
  - [4] Credits will be given for existing trees or shrubs within the property line meeting the minimum standards for new plantings.
  - [5] The property owner shall be responsible for maintenance and replacement of items as necessary that are part of the approved landscape plan.

#### D. Access.

- (1) Access to commercial activities shall be allowed only from major collector and minor collector streets, or a street specifically designed for such development. Applicants are encouraged to review the Town of Hudson Comprehensive Plan to determine the functional and jurisdictional road system within the Town of Hudson.
- (2) Curb cuts within a single proposed commercial site shall not be spaced closer than 100 feet of each other. Commercial sites of a small scale shall be encouraged to develop common access drives and parking facilities.
- (3) Turning lanes and appropriate right-of-way must be provided if the Town Board determines that a turning lane is needed to prevent traffic congestion and to expedite an orderly flow of traffic. The cost of such improvements required by the Town Board shall be incurred by the applicant, developer or landowner.

#### E. Lot coverage.

- (1) To calculate lot coverage, the following areas shall be added together: the area of the building as determined by the foundation plan; parking areas and driveways; loading, storage, trash/garbage areas and all other areas covered with impervious materials not specifically used for landscaping purposes.
  - (2) The maximum allowable lot coverage shall be 90% of the lot area minus the minimum required landscaping area.
  - (3) All sites shall be designed to contain and accommodate all drainage on-site and shall be engineered to accommodate a 100-year rainfall. Drainage calculations shall include all impervious surfaces such as parking lots, roof surfaces, roads and any other paved surfaces.
  - (4) All calculations for site drainage and design for on-site holding of rainfall shall be calculated and completed by a professional registered engineer.
- F. Minimum lot size. For a building, or parts of buildings, hereafter erected, moved or structurally altered for commercial purposes the minimum lot size shall be one acre (43,560 square feet).
- G. Building height. No building erected, moved or structurally altered within the Commercial District shall exceed a height of 45 feet or three stories. In no case, however, shall the height of any building exceed 45 feet. Measurement of the height shall commence at the top of the footings.
- H. Requirements on setbacks and yards. The minimum building setback from any Commercial District boundary or public street right-of-way shall be 50 feet from the right-of-way.
- (1) Building setbacks.
    - (a) Interior lot line: 50 feet.
    - (b) Agricultural/Residential and residential boundary: 100 feet.
  - (2) Parking lot or circulation drive setbacks:
    - (a) Minor arterial street (Class B): 50 feet.
    - (b) Major collector street (Class C): 25 feet.
    - (c) Minor collector street (Class D): 25 feet.
    - (d) Local interior street (Class E): 25 feet.
    - (e) Interior lot line: 10 feet. Town Board may approve zero foot setback at site plan approval with proper justification and local Fire Department positive recommendation.
    - (f) Agricultural/Residential and residential boundary: 50 feet.
- I. Screening of yards visible from residence districts. Yard areas established under this chapter for commercial property shall be screened from view of residence and agricultural/residential districts by plantings, earth berms, fencing or combinations thereof. Any means used to screen commercial properties shall be aesthetically compatible with surrounding residential properties and allow for reasonable use and enjoyment of the residential property by the occupants. All plans for screening of the commercial properties shall first be reviewed by the Town Plan Commission with a recommendation forwarded to the Town Board. The Town Board shall have final approval of the screening methods. The applicant/property owner shall have responsibility for ongoing maintenance, repair and necessary replacement of the screening methods utilized to assure ongoing compliance with the original approval granted by the Town of Hudson.
- J. Procedure for site plan approval.
- (1) The Town Board for the Town of Hudson declares that it is necessary and appropriate to require site plan approval of any development in the Commercial District to preserve and promote attractive, well-planned and consistent conditions for all applicants and property owners. Site plan approval must be first granted by the Town Plan Commission and then the

Town Board prior to any permit being issued and construction commencing. Any negative recommendation by the Town Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be granted. Upon approval of the Town Board, a commercial and industrial land use permit shall be issued to the applicant.

(a) Copies of the site plan must be submitted to the Town Clerk at least 15 days in advance of the Town Plan Commission or Town Board's meeting at which the applicant is seeking approval. In all cases the site plan must be to scale and contain the minimum:

- [1] Name of the project and development.
- [2] Location of the project/development.
- [3] Location map, including areas within 1/4 mile of the site.
- [4] North arrow.
- [5] Name and mailing address of the owner(s) and applicant.
- [6] Date the plan was prepared.
- [7] Boundary line of the property with dimensions.
- [8] Existing and proposed topographic contours at a minimum interval of two feet.
- [9] Date of the survey utilized for the boundary description and topography.
- [10] Total acreage within the proposed development.
- [11] Existing zoning classifications if any rezoning is requested.
- [12] Lot numbers and dimensions of lots to the nearest foot.
- [13] Any public land or parks that are proposed or in existence.
- [14] On-site street and street rights-of-way.
- [15] Adjacent streets and street rights-of-way.
- [16] Utilities and utility rights-of-way or easements.
- [17] Location of all buildings and structures either existing or proposed.
- [18] Parking facilities and layout of parking spaces.
- [19] Traffic flow indicating ingress and egress from site.
- [20] Sidewalks, walkways, driveways, loading areas and docks.
- [21] Exterior refuse and garbage storage areas.
- [22] Site drainage.
- [23] Surface water holding ponds, drainage ditches and drainage patterns.
- [24] Culverts, including invert elevations and description as to type and location.
- [25] Landscaping (detailed plans showing plantings, equipment, berming, materials, walls, etc.).
- [26] Exterior lighting indicating type, locations and height.
- [27] Exterior signage showing type, locations and size.
- [28] Location and size of existing water bodies on the property.

- [29] Number of employees anticipated once the property is fully developed for commercial use.
- [30] Location of proposed septic system well for water.
- (b) The Town Plan Commission and Town Board shall require plans and statistics indicating the phasing of the project, and statistics of the site development relating to site square footage, percent of site coverage and setbacks. In addition, the number of parking spaces and the ratio of parking spaces to square footage of the principal structure must be provided by the applicant.
- (c) Exterior finish materials must be provided as part of the site plan approval process. The type of materials must be either in writing from the applicant or on the cross-sections of the architectural building plans submitted in conjunction with the site plan.
- (d) Prior to final approval the Town Board shall be provided a phasing schedule of the development and also be provided the estimated commencement date of construction of the site improvements and the principal structure.
- (e) Any restrictive covenants that the owner or applicant is proposing for the property must be provided prior to any approval being granted by the Town Board.
- (f) The Town Board shall require the posting of an irrevocable letter of credit or financial assurance by the applicant or developer as a guaranty of site improvements as approved on the site plan. The letter of credit or financial assurance must be provided to the Town Board prior to issuance of any commercial and industrial land use permit. The amount of the letter of credit or financial assurance shall be equal to 10% of the estimated valuation of the property improvements as estimated by the applicant or developer, reviewed by the town engineer and approved by the Town Board.
- (g) Other information considered by the Town Plan Commission and/or the Town Board to be pertinent to the proposed project may be requested from the applicant. Such costs incurred by the Town of Hudson shall be the responsibility of the applicant.
- (2) Site plan approval. Prior to granting of a commercial and industrial land use permit, the site plan submitted by the applicant must receive approval from the Town Board. The Town Board has the authority to require the applicant to assure that particular elements of the site plan, either proposed by the applicant or imposed by the Town Board, are constructed as part of the approved site plan for development of the property.
- (3) Review and recommendation by the Town Plan Commission.
- (a) In considering site plans submitted by the applicant for site plan approval under this chapter, the Town Plan Commission shall consider the following: interrelationship with the site plan elements to conditions both on and off the property; conformance with the township's Comprehensive Plan; the impact of the site plan and development on the existing and anticipated traffic and parking conditions; the adequacy of the site plan with respect to surrounding land uses; pedestrian and vehicular ingress and egress from and to the site; landscaping; lighting; provisions for utilities; architectural and engineering features; site drainage; site grading; signage; setbacks; screening and other related matters as determined by the Town of Hudson to be appropriate for review and approval.
- (b) The Town Plan Commission may question the applicant for specific items pertaining to the site plan. After discussion and consideration by the Commission, the site plan may by motion be approved, disapproved or tabled because additional information is requested to be provided by the applicant. In addition, the Commission may disapprove the proposal for failure of the applicant to conform to standards and requirements as listed in this chapter. If the applicant through no action or failure to appear before the Plan Commission allows 75 days to elapse, then the applicant must reapply to the Town Plan Commission for any further consideration of the proposal. The Plan Commission may also impose necessary

conditions and safeguards prior to taking any actions and making any recommendation to the Town Board.

- (c) During review of plans from any applicant the Town Plan Commission shall consider the oral and written statements from the applicant, the public, staff members or its own Commission members.
- (4) Review and decision by the Town Board. The Town Board shall review the site plan submitted by the applicant after the Town Plan Commission has made its recommendation to the Town Board. In its review of the site plan the Town Board shall consider the same impacts and features as the Town Plan Commission. The Town Board requires a simple majority of voting members present for the Town Board to approve or reject the site plan. In the event of an adverse or negative recommendation from the Town Plan Commission, a 2/3 majority vote of the Town Board is necessary for approval to be granted to the site plan and development.
- (5) Road standards within the Commercial District. The Town of Hudson shall require all roads constructed within the Commercial District to meet minimum road standards as determined by the Town of Hudson and St. Croix County. Standards to be utilized by the Town of Hudson when site plans and developments are reviewed will be those standards in effect at the time the applicant submits plans for approval by the Town Board. Road standards that are adopted by the Town of Hudson shall consider such items as the amount of traffic, type of traffic, proposed and existing land uses, density of the development and drainage patterns.

## § 105-13. Industrial District.

- A. Statement of purpose. The Industrial District for the Town of Hudson is created for the following reasons:
  - (1) The provisions of this section shall be administered and enforced by the Town of Hudson in a manner to clearly support and locate industrial development in the districts appropriately zoned for industrial uses.
  - (2) To reserve appropriately located areas within the Town of Hudson for industrial development and related activities.
  - (3) To protect areas appropriate for industrial development from intrusion by inappropriate uses.
  - (4) To protect residential and commercial properties from intrusion by industrial uses.
  - (5) To protect nuisance-free, nonhazardous industrial uses from inappropriate noise, odor, dust, dirt, smoke, vibration, glare and other objectionable influences, and from fire, explosion, noxious fumes, radiation and other hazards that are incidental to certain industrial uses.
  - (6) To provide opportunities for certain types of industrial activities to concentrate in mutually beneficial relationships to each other.
  - (7) To provide adequate space to meet the needs of modern industrial development, including areas for off-street parking, truck loading areas and site landscaping.
  - (8) To minimize traffic congestion within the Town of Hudson and to assure that necessary public services are available and that industrial development projects do not exceed the capability of the Town of Hudson to provide appropriate and environmentally sound services to industrial development.
  - (9) To provide sufficient open space around industrial structures to protect them from the hazard of fire due to the lack of public water utilities within the Town of Hudson.
  - (10) To establish and maintain high standards of site planning, architecture and landscape design that will create an environment that is attractive to industrial, research and development activities within the Town of Hudson.

**B. Permitted uses in the Industrial District.**

- (1) Athletic and health clubs.
- (2) Electrical, plumbing, water, gas or steam fitting shops.
- (3) Manufacturing, compounding, processing, packaging and assembly of products and materials.
- (4) Offices.
- (5) Restaurants, including those offering liquor if such liquor license is available from the Town of Hudson and has been approved by the Town Board (including convenience-food-type establishments).
- (6) Scientific research, investigation, nonhazardous testing or experimentation.
- (7) Warehousing of perishable or nonperishable products, provided that the products are owned by or consigned to the owner of the principal use or a lessee, and further provided that said owner or lessee does not establish such principal use in the capacity of a carrier for the purpose of a freight operation or terminal for trucking operations.
- (8) On-site storage of production equipment, materials and trucks and trailers is permissible when such uses are a direct support to the principal use of the site improvements and structures for the manufacturing, compounding, processing, packaging, repackaging and/or assembly of products and materials.
- (9) School bus garage facility serving the Hudson School District exclusively.
- (10) County Highway Department maintenance facility.
- (11) Fiber-optic regeneration plant.
- (12) Emergency railroad service center.
- (13) Nonresidential day-care facility.
- (14) Automotive maintenance and mechanical repair facility, excluding collision repair.
- (15) Distribution centers for the central storage and warehousing of goods and materials intended for distribution to retail outlets where all the goods and materials are owned by the same entity as the distribution center.
  - (a) Light maintenance may be permitted on site on company-owned equipment.
  - (b) Developer's agreement. Prior to commencing any grading or construction of the development site of any kind, the developer shall enter into a developer's agreement with respect to the planned development which shall detail the responsibilities assumed by the developer, including, but not limited to, costs such as professional fees incurred by the Town and an irrevocable letter of credit or financial assurance in an amount necessary to pay the costs of the roads and other infrastructure requirements of the development.
- (16) Bus sales and maintenance of new school buses and new commercial buses. Example of commercial buses include: assisted living healthcare buses, church buses, municipal transit buses, airport and hotel shuttle busses, and similar such buses.

**C. Accessory uses in the Industrial District. In addition to those subordinate uses which are clearly and customarily incidental to principal uses, such as parking lots and off-street loading facilities, the following additional accessory uses will be permitted on the industrial lot occupied by the principal use:**

- (1) Personnel service facilities providing personnel services, education, recreation, entertainment, food and convenience goods primarily used by those individuals employed for the principal use of the property.



- (2) Warehousing of products manufactured by the principal use.
  - (3) Signs as permitted by sign provisions within this chapter.
  - (4) Offices and administrative facilities that support the principal industrial use.
  - (5) On-site retail sales or will-call wholesale sales, but only after application by the owner and determination by the Town Board that such retail sale or will-call wholesale sales are incidental to the owner's main source of business and are not incompatible with surrounding land uses and upon such conditions as shall be established by the Town Board.
- D. Special limitations and conditions on permitted uses. In addition to other general requirements described within this section, other special limitations or requirements shall apply within the Industrial District:
- (1) An industrial use or service not listed in § **105-13B**, Permitted uses, above, will have to be approved by the Town Board. Such approval will first require a recommendation of the industrial use or service by the Town Plan Commission and subsequent approval by the Town Board. Any negative recommendation by the Town Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be granted for the proposed use. A public hearing held according to § **105-40**, Hearings, and the subsequent Zoning Code amendment of § **105-13B** will be required to include the use as a permitted use. In addition, the same amendment process must be utilized to delete any uses from § **105-13B**.
  - (2) Temporary uses are permitted but shall not exceed six months in duration after being found by the Town Plan Commission and Town Board to be compatible with the permitted use and requirements of the Industrial District.
  - (3) Refuse containers and garbage dumpsters. All on-site refuse containers and garbage dumpsters shall be located totally within the principal building on the lot, or shall be located and stored within an accessory structure or screened fence located in the rear yard of the property. Said accessory structure shall have the same exterior finish, materials and colors as the main structure on the property, or at a minimum a structure shall be constructed of decorative concrete block. Under no circumstances shall the walls of the accessory structure or screened fence be less than five feet in height.
  - (4) Increased front street and side street setbacks. The required front street or side street setbacks shall be increased to 150 feet from the edge of the right-of-way if the industrial lot is located across the street from property located in an agricultural/residential district or residence district.
  - (5) Increased side yard and rear yard setbacks. The required interior side yard or rear yard setback shall be increased to 100 feet from the edge of the right-of-way if the tract of industrial land abuts property in an agricultural/residential district or a residence district.
  - (6) Off-street parking. Any change of use, tenancy or occupancy of an existing development, including an addition to an existing building, is subject to requirements of this section.
    - (a) All required off-street parking spaces shall be located on the same lot of the principal development.
    - (b) Each off-street parking space shall be at least nine feet in width, at least 20 feet in length, and at least vertical clearance of 6 1/2 feet. Handicapped parking spaces shall be provided in accordance with the current applicable Wisconsin Statutes and Wisconsin Administrative Code sections.
    - (c) Parking lot aisle minimum width shall be as follows:

<b>Angle of Parking (degrees)</b>	<b>Width of Two-Way Drive Aisle (feet-inches)</b>	<b>Width of One-Way Drive Aisle (feet-inches)</b>
0	22-0	12-0
45	22-0	12-10
60	22-0	14-6
75	24-0	17-10
90	24-0	24-0

- (d) All off-street parking and loading spaces shall have access from driving lanes and not directly from the public street.
- (e) Fire access lanes shall be provided as required by the building or fire code.
- (f) No parking space shall be closer than five feet to any building.
- (g) All open off-street parking areas designed to have parking along the property line shall be at least five feet from the property line. Any open off-street parking area adjacent to the principal building shall provide a permanent bumper curb/barrier not less than five feet from the building.
- (h) No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
- (i) No required parking space may be used for storage, display, sales, rental, repair or snow. Spaces may be used for vehicles awaiting service at repair facilities. There shall be no parking spaces in any vision clearance triangle.
- (j) All parking spaces shall be graded and surfaced with a dust-free, bituminous or concrete surface to prevent the accumulation of surface water. Required and proper drainage shall be provided.
- (k) Signage and striping shall be provided for direction of traffic movement.
- (l) Space for loading and unloading cargo shall be provided on the site and shall not interfere with the vehicle circulation for the facility.
- (m) Facilities not addressed specifically in this chapter shall provide at least one off-street parking space for each 200 square feet ground floor area plus at least one additional parking space for each 500 square feet of upper floor area, exclusive of adequate ingress and egress driveways to connect with a public road.
- (n) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each seven seats.
- (o) Motels, hotels and lodging houses shall provide at least one parking space for each guest room.
- (p) Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments, shall provide at least one parking space for each 50 square feet of floor space devoted to the use of the patrons in addition to the facility requirements.
- (q) Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of space devoted to parlors.
- (r) Service stations shall provide parking for all vehicles used directly in the conduct of the business, plus two spaces for each gas pump, plus three spaces for each grease rack.

- (s) Public parks and playgrounds shall provide one space for each four persons designed to be accommodated.
  - (t) Industrial use shall provide at least one parking space for each employee on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.
  - (u) Any use not specifically named shall be assigned to the most appropriate classification by the Building/Zoning Administrator.
- (7) Lighting. Lighting shall be energy-efficient and appropriate to avoid undesirable side effects including glare, sky glow and light trespass onto adjacent properties. Lighting fixtures shall add to the character of the building and provide safety and security. Fixtures and their illumination shall complement and enhance the architectural character of buildings and surrounding area. All developments are required to have a lighting plan.
- (a) All lighting must be the minimal subjective amount needed for safety and security and downward directed and shielded away from neighboring properties to prevent glare or illumination of adjoining properties.
  - (b) All wiring shall be underground.
  - (c) Floodlights and spotlights are not permitted for general lighting purposes.
  - (d) All perimeter lighting shall be shielded and aimed so that illumination is directed only to the intended area and not cast on other areas or adjacent properties or roads.
  - (e) If building facades are illuminated then they must be full cutoff luminaires attached to the building or in the roof overhang.
  - (f) Parking lots shall be uniformly lighted and not shed light on adjacent properties. In no case shall such lighting exceed three footcandles measured at the lot line.
  - (g) Bare light bulbs shall not be permitted in view of adjacent property or public rights-of-way. No light or combination of lights which cast light on a public street shall exceed one footcandle meter reading as measured from the center line of said street, nor shall any light or combination of lights which cast light on residential property exceed 0.4 footcandle.
  - (h) Lighting standards shall not exceed 30 feet or the height of the principal building on the lot, whichever is less.
  - (i) All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type. The only exception to this shall be signs of a public service nature, such as time and temperature and those providing recurring public service messages.
  - (j) Landscape lighting shall use minimum power lamps to achieve architectural objectives, and shall neither cause glare, light trespass, or excessive sky glow.
- (8) Landscaping. All developments are required to have a landscape plan.
- (a) The development should retain existing trees, shrubbery and grasses not located in rights-of-way, drainageways and vision triangles and are to be shown on the landscape plan.
  - (b) A minimum of at least 20% of the area within the property lines of each lot shall be devoted to landscape purposes.
  - (c) Invasive species are not allowed.
  - (d) Buffer area or screening is required as designated elsewhere in this chapter. Berms may be used as per any applicable regulations.
  - (e) Any lot that abuts or is across from a residential area shall have perimeter landscape screening that will substantially screen parking areas and headlights from vehicles.

- (f) Landscaped islands are preferred for larger parking lots.
  - (g) Any existing area within the road right-of-way that is not constructed to town standards and adjacent to the development site shall be included in the landscape plan to include seeding or sodding of grass.
  - (h) Evergreen trees and/or shrubs should be placed to screen service delivery areas, loading docks and outside building service equipment.
  - (i) Requirements.
    - [1] Developments are required to have a minimum of one overstory deciduous or coniferous tree for every 75 feet of site perimeter. Overstory deciduous trees shall be a minimum of 2 1/2 inches in caliper. Coniferous trees shall be a minimum of six feet in height.
    - [2] Developments are required to have one coniferous tree a minimum of six feet high or one deciduous tree of 2 1/2 inches caliper for every 60 feet of frontage along all public or private streets. These trees must be planted within 20 feet of the property line abutting the public or private street. Coniferous trees shall not be located within 50 feet of a driveway.
    - [3] Tree plantings must be a minimum of 15 lineal feet apart.
    - [4] Credits will be given for existing trees within the property line meeting the minimum standards for new plantings.
    - [5] One shrub for every 50 feet of site perimeter is required.
    - [6] The property owner shall be responsible for maintenance and replacement of any items as necessary that are part of the approved landscape plan.
- E. Building design and construction. In addition to other restrictions of this chapter and of the Building Code in force in the Town of Hudson, St. Croix County and the State of Wisconsin, the use, construction, alteration or enlargement of any building or structure within the Industrial District shall meet the following standards:
- (1) Each exterior wall finish on any building shall be one or any combination of the following materials:
    - (a) Face brick.
    - (b) Natural stone.
    - (c) Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative or textured treatment.
    - (d) Glass.
    - (e) Wood.
    - (f) Architectural masonry block.
    - (g) Factory fabricated and finished metal framed panel construction is permitted. If the panel materials on the exterior surface are combined with any of the surface materials mentioned above to provide a wainscoting appearance, the minimum usage shall be walls facing street(s) and/or the principal building entrance. In addition, a sufficient number of windows shall be present to present a street view that is consistent and harmonious with neighboring properties.
  - (2) All subsequent additions, exterior alterations on the principal structure and any accessory structures which are constructed after the erection of the original building, or buildings, are

subject to the provisions in this chapter and will be subject to review during review of the site plan and eventual approval of the site plan by the Town Plan Commission and the Town Board.

F. Requirements for building coverage, setbacks and height.

- (1) Minimum land area. No tract of land shall be transferred to the Industrial District unless done so in accordance with Article VIII, Changes and Amendments, of this chapter. No tract of land shall be transferred to the Industrial District unless the lot or tract of land measures at least 10 acres in total area or is immediately contiguous to other land already zoned Industrial District.
- (2) Minimum lot size. All lots located within the Industrial District shall have a minimum lot area of two acres.
- (3) Minimum building square footage. Each building within the Industrial District shall have a gross floor area of not less than 5,000 square feet. The only exceptions to this will be buildings utilized for restaurants.
- (4) Maximum building lot coverage.
  - (a) Industrial lots of less than three acres shall have a maximum building coverage on the lot of 30%.
  - (b) Industrial lots of three acres or more shall have a maximum building coverage on the lot of 45%. That figure may be increased to 60% if the total gross floor area on the lot is contained within a single building and all portions of loading docks and berths are completely enclosed within the same single building.
- (5) Setbacks. The minimum building setback from any Industrial District boundary or public street right-of-way shall be 50 feet from the right-of-way.
  - (a) Interior side yard: 50 feet.
  - (b) Rear yard: 50 feet.
  - (c) Agricultural/residential and residential boundary: 100 feet.
- (6) Maximum building height. Maximum building height for any structure within the Industrial District shall be 70 feet. Measurement of the height shall commence at the top of the footings.

G. Access.

- (1) Access to industrial activities shall be allowed only from major collector and/or minor collector streets, or a street specifically designed for such development. Applicants are encouraged to review the town's Comprehensive Plan to determine the functional and jurisdictional road system within the Town of Hudson.
- (2) Curb cuts or road access points within a single industrial site shall not be placed closer than 100 feet to each one. Industrial sites of a small scale shall be encouraged to develop common access drives and access points onto public roads and shall also attempt to share parking facilities.
- (3) Turning lanes and appropriate right-of-way must be provided if the Town Board determines that a turning lane is needed to prevent traffic congestion and to expedite an orderly flow of traffic. Such improvements required by the Town of Hudson shall be built at the expense of the applicant or landowner.

H. Restrictions, controls and design standards.

- (1) Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. These residual features shall be considered excessive when they either exceed or deviate from the limitations set forth in the following performance standards in this chapter. Such limitations shall not exceed State of Wisconsin standards as set by the Department of Natural Resources or the

Department of Commerce or any other appropriate governmental agency that has review or permit authority.

- (a) Noise. Noise shall be measured on any property line of the industrial tract on which the use is located. All measurements of noise in the Town of Hudson located within the Industrial District shall be in accordance with the standards set forth in § **64-6C** of Chapter **64**, the Town of Hudson Noise Ordinance.
  - (b) Vibration. No use shall at any time cause earth vibrations perceptible beyond the limits of the industrial lot on which the use is located.
  - (c) Dust and dirt. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
  - (d) Smoke. Measurement shall be at the point of emission. The most recent Ringelmann Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on the chart may be emitted, provided that smoke not darker or more opaque than No. 2 on the chart may be emitted for periods not longer than four minutes in any thirty-minute period. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an apparent opacity.
  - (e) Odor. The use shall not, at any time, cause the discharge of toxic, noxious or odorous matter beyond the confines of the principal building in such concentrations as to be detrimental to or endanger the public health, welfare or safety and comfort.
  - (f) Glare. Glare, whether directed or reflected, such as from lights, spotlights, parking lot lights or high temperature processes, and as differentiated from general illumination on the site, shall not be a public nuisance and prevent adjacent property owners the reasonable use of their property.
  - (g) Liquid wastes. All liquid wastes containing any toxic matter shall be treated in a manner prescribed by the Wisconsin Department of Natural Resources.
- (2) In order to assure compliance with the performance standards as set forth above, the Town Board may require the owner or operator of any industrial use to make, without cost to the Town of Hudson, such investigations and tests as may be necessary, in the town's determination, to show adherence to the above performance standards. Such investigations and tests shall be done by an independent testing organization approved by the Town of Hudson prior to the tests taking place.
- I. Procedure for site plan approval. The Town Board for the Town of Hudson declares that it is necessary and appropriate to require site plan approval of any development in the Industrial District in order to preserve and promote well planned, compatible uses and consistent conditions for all developers, applicants and property owners of industrial property within the Town of Hudson. Site plan approval must first be granted by the Town Plan Commission and then the Town Board prior to a commercial and industrial land use permit being issued and construction commencing.
- (1) Copies of the site plan must be submitted to the Town Clerk at least 15 days in advance of the Town Plan Commission's meeting at which the applicant is seeking consideration and/or approval. In all cases, the site plan must be to scale and contain the same information as is required in § **105-12J**, Procedure for site plan approval, in the Commercial District.
  - (2) The same procedures, requirements and standards required in § **105-12J** of this chapter, Procedure for site plan approval, in the Commercial District, shall also apply within the Industrial District.

## § 105-14. Commercial/Light Industrial District.

- A. The Commercial/Light Industrial District is created for the following purpose:
- (1) To establish a zoning district that because of its location does not lend itself to retail commercial development and likewise, because of its proximity to residential property, also does not lend itself to some uses allowed in the Industrial District. Retail, commercial, nonretail commercial and light industrial uses are allowed in this district.
  - (2) To establish and protect locations in which compatible commercial/light industrial uses may be located.
  - (3) To protect nuisance-free, nonhazardous commercial/light industrial uses from inappropriate noise, odor, dust, dirt, smoke, vibration, glare and other objectionable influences and from fire, explosion, noxious fumes, radiation and other hazards that are incidental to some industrial uses.
  - (4) To provide economic and job opportunities to community residents.
  - (5) To establish and maintain high standards of site planning, architecture and landscape design that will create an environment that is attractive to industrial research and development activities within the Town of Hudson.
- B. The following are uses permitted in the Commercial/Light Industrial District. Any use not listed as a permitted use shall be deemed to be a prohibited use.
- (1) Bakeries.
  - (2) Barbershops or beauty shops.
  - (3) Banks and financial institutions.
  - (4) Book and stationery stores.
  - (5) Automotive accessory stores, including service, tires and automotive parts.
    - (a) Used vehicle sales as a permitted use in the Commercial District, provided this is ancillary to a primary use relating to an automotive repair facility located on the same site, owned by the same entity, with the building size a minimum of 5,000 square feet and a minimum of 1,000 square feet inside the showroom, state licensed and the number of vehicles limited to 10.
  - (6) Camera and photographic shops.
  - (7) Clothing and dry good stores.
  - (8) Drugstores and pharmacies.
  - (9) Dry-cleaning and laundry establishments.
  - (10) Electrical, household appliance, radio, television and computer sales and service.
  - (11) Fabric stores.
  - (12) Florist shops.
  - (13) Food and convenience shops.
  - (14) Furniture and flooring stores.
  - (15) Gift, variety stores and antique shops.
  - (16) Gasoline stations primarily used by residents and the traveling public operating automobiles as defined in § 340.01(4), Wis. Stats.
  - (17) Greenhouse when the primary use is the direct selling of retail goods and items to the public.

- (18) Hardware and paint stores.
- (19) Hotels and motels.
- (20) Interior decorating stores and shops.
- (21) Grocery stores and supermarkets.
- (22) Jewelry stores.
- (23) Health and athletic clubs, including such uses as tennis, racquetball, basketball, swimming, running tracks and exercise rooms.
- (24) Art and photo galleries.
- (25) Liquor stores which are for off-sale only.
- (26) Medical and dental facilities and stores which are related to the medical industry.
- (27) Mortuaries and funeral homes.
- (28) Music stores.
- (29) Office equipment and office supply stores.
- (30) Offices, including both business and professional.
- (31) Optical and eyewear stores.
- (32) Pet shops.
- (33) Photography stores and studios.
- (34) Picture framing and picture stores.
- (35) Restaurants, drive-in restaurants and eating establishments and those having a liquor license.
- (36) Shoe stores and shoe repair shops.
- (37) (Reserved)
- (38) Sporting goods and athletic shops.
- (39) Skating rinks and bowling alleys.
- (40) Theaters, excluding outdoor or drive-in facilities.
- (41) Travel agencies.
- (42) Veterinarian clinics.
- (43) Fiber-optic regeneration plant.
- (44) Campground.
- (45) Cabinet/fixture assembly shop with retail showroom.
- (46) (Reserved)
- (47) Nonresidential day-care facility.
- (48) Self-contained, automatic automobile and light truck vehicle wash.
- (49) Car dealerships whose primary purpose is the sale of new cars, provided the dealership is located on a minimum of five acres with a showroom and offices, with a minimum building size of 5,000 square feet and providing at a minimum warranty service.



- (50) Licensed and accredited private/public vocational school.
- (51) Sales, service, and rental of compact construction equipment under 20,000 pounds, such as skid loaders, and lawn care accessory equipment.
- (52) The following uses, light industrial in nature, may be allowed by special use permit (special exception) as per § **105-33** of this chapter:
- (a) Electrical, plumbing, water, gas or steam fitting shops.
  - (b) Manufacturing, compounding, processing, packaging and assembly of products and materials.
  - (c) Scientific research, investigation, nonhazardous testing or experimentation.
  - (d) Warehousing of perishable or nonperishable products, provided that the products are owned by or consigned to the owner of the principal use or a lessee, and further provided that said owner or lessee does not establish such principal use in the capacity of a carrier for the purpose of a freight operation or terminal for trucking operations.
  - (e) On-site storage of production equipment, materials and trucks and trailers is permissible when such uses are a direct support to the principal use of the site for the manufacturing, compounding, processing, packaging and/or assembly of products and materials.
  - (f) On-site storage of product, equipment, materials, trucks, trailers, provided all equipment, materials, trucks, trailers are within a building.
  - (g) Shopping centers.
  - (h) Tower erection/tower construction business.
  - (i) Nonresidential day-care facility.
  - (j) Light truck rental.
  - (k) Rescue and towing service, excluding salvage yards, and providing that no towed vehicle shall remain on the premises in excess of 90 days, and provided that the number of towed vehicles present not exceed 50, except in cases of weather-related emergencies, which temporarily create a greater number.
  - (l) Adult entertainment establishments (per Article **X** of this chapter).
  - (m) Skid loader and accessories business.
  - (n) Lawn implement and accessories business.
  - (o) Boat sales, boat repair and boat canvas businesses, provided there is no boat storage, other than boats awaiting repair, on site. All boats shall be screened as to not be visible from adjacent lots.
  - (p) Sale of new utility, recreational, camper and agricultural trailers and pick-up truck accessories to accommodate fifth wheels.
- (53) Special use permits (special exception) under this section shall go to the parcel of land, not the person.
- C. Special limitations and conditions on permitted uses. In addition to other general requirements described within this section, other special limitations or requirements shall apply within the Commercial/Light Industrial District:
- (1) A commercial/light industrial use not listed in § **105-14B** must first be approved by the Town Board after review and recommendation by the Plan Commission. Any negative vote of the Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be

granted. A public hearing must be held prior to Board action to add or delete a use from the Commercial/Light Industrial District. Notice of a hearing for addition or deletion of a use or uses from the Commercial/Light Industrial District shall require a Class 1 notice.

- (2) Refuse containers and garbage dumpsters. All on-site refuse containers and garbage dumpsters shall be located and stored within an accessory structure or screened fence located in the rear yard of the property. Said accessory structure shall have the same exterior finish, materials and colors as the main structure on the property, or at a minimum a structure shall be constructed of decorative concrete block. Under no circumstances shall the walls of the accessory structure or screened fence be less than five feet in height.
- (3) Increased front street and side street setbacks. The required front street or side street setbacks shall be increased to 150 feet from the edge of the right-of-way if the commercial/light industrial lot is located across the street from property located in an Agricultural/Residential or Residence District.
- (4) Increased side yard and rear yard setbacks. The required interior side yard or rear yard setback shall be increased to 100 feet from the edge of the right-of-way if the tract of industrial land abuts property in an Agricultural/Residential or Residence District.
- (5) Outside storage. All materials, supplies, merchandise and other similar materials not on display for direct sale, rental or lease to the consumer shall be stored within the principal structure, a freestanding building, or be located or screened with an adequate buffer (fence, wall or earth berm) so as not to be visible from any adjoining properties or public streets. In addition, no materials or goods for retail sale to the public shall be allowed to block sight lines of vision of individuals driving cars on public roads. The storage or display of materials for retail sale to the public shall be prohibited within any required front, side or rear yards. At service stations and gas stations no vehicles shall be parked on the premises other than those utilized by employees or those awaiting service. No vehicle shall be parked or awaiting service longer than 21 days. No exterior maintenance or working on vehicles shall occur. All such activities shall occur within the principal structure on the premises.
- (6) Off-street parking. Any change of use, tenancy or occupancy of an existing development, including an addition to an existing building, is subject to requirements of this section.
  - (a) All required off-street parking spaces shall be located on the same lot of the principal development.
  - (b) Each off-street parking space shall be at least nine feet in width, at least 20 feet in length, and at least vertical clearance of 6 1/2 feet. Handicapped parking spaces shall be provided in accordance with the current applicable Wisconsin Statutes and Wisconsin Administrative Code sections.
  - (c) Parking lot aisle minimum width shall be as follows:

<b>Angle of Parking (degrees)</b>	<b>Width of Two-Way Drive Aisle (feet-inches)</b>	<b>Width of One-Way Drive Aisle (feet-inches)</b>
0	22-0	12-0
45	22-0	12-10
60	22-0	14-6
75	24-0	17-10
90	24-0	24-0

- (d) All off-street parking and loading spaces shall have access from driving lanes and not directly from the public street.
- (e) Fire access lanes shall be provided as required by the building or fire code.

- (f) No parking space shall be closer than five feet to any building.
  - (g) All open off-street parking areas designed to have parking along the property line shall be at least five feet from the property line. Any open off-street parking area adjacent to the principal building shall provide a permanent bumper curb/barrier not less than five feet from the building.
  - (h) No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
  - (i) No required parking space may be used for storage, display, sales, rental, repair, or for storage of inoperable vehicles or snow. Spaces may be used for vehicles awaiting service at repair facilities. There shall be no parking spaces in any vision clearance triangle.
  - (j) All parking spaces shall be graded and surfaced with a dust-free, bituminous or concrete surface to prevent the accumulation of surface water. Required and proper drainage shall be provided.
  - (k) Signage and striping shall be provided for direction of traffic movement.
  - (l) Space for loading and unloading cargo shall be provided on the site and shall not interfere with the vehicle circulation for the facility.
  - (m) Facilities not addressed specifically in this chapter shall provide at least one off-street parking space for each 200 square feet ground floor area plus at least one additional parking space for each 500 square feet of upper floor area, exclusive of adequate ingress and egress driveways to connect with a public road.
  - (n) Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage shall provide at least one parking space for each seven seats.
  - (o) Motels, hotels and lodging houses shall provide at least one parking space for each guest room.
  - (p) Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments, shall provide at least one parking space for each 50 square feet of floor space devoted to the use of the patrons in addition to the facility requirements.
  - (q) Funeral homes and mortuaries shall provide at least one parking space for each 50 square feet of space devoted to parlors.
  - (r) Service stations shall provide parking for all vehicles used directly in the conduct of the business, plus two spaces for each gas pump, plus three spaces for each grease rack.
  - (s) Public parks and playgrounds shall provide one space for each four persons designed to be accommodated.
  - (t) Industrial use shall provide at least one parking space for each employee on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premises is required.
  - (u) Any use not specifically named shall be assigned to the most appropriate classification by the Building/Zoning Administrator.
- (7) Lighting. Lighting shall be energy efficient and appropriate to avoid undesirable side effects including glare, sky glow and light trespass onto adjacent properties. Lighting fixtures shall add to the character of the building and provide safety and security. Fixtures and their illumination shall complement and enhance the architectural character of buildings and surrounding area. All developments are required to have a lighting plan.

- (a) All lighting must be the minimal subjective amount needed for safety and security and downward directed and shielded away from neighboring properties to prevent glare or illumination of adjoining properties.
  - (b) All wiring shall be underground.
  - (c) Floodlights and spotlights are not permitted for general lighting purposes.
  - (d) All perimeter lighting shall be shielded and aimed so that illumination is directed only to the intended area and not cast on other areas or adjacent properties or roads.
  - (e) If building facades are illuminated then they must be full cutoff luminaries attached to the building or in the roof overhang.
  - (f) Parking lots shall be uniformly lighted and not shed light on adjacent properties. In no case shall such lighting exceed three footcandles measured at the lot line.
  - (g) Bare light bulbs shall not be permitted in view of adjacent property or public rights-of-way. No light or combination of lights which cast light on a public street shall exceed one footcandle meter reading as measured from the center line of said street, nor shall any light or combination of lights which cast light on residential property exceed 0.4 footcandle.
  - (h) Lighting standards shall not exceed 30 feet or the height of the principal building on the lot, whichever is less.
  - (i) All illumination of signs and any other outdoor feature shall not be of a flashing, moving, or intermittent type. The only exception to this shall be signs of a public service nature, such as time and temperature and those providing recurring public service messages.
  - (j) Landscape lighting shall use minimum power lamps to achieve architectural objectives, and shall neither cause glare, light trespass, or excessive sky glow.
- (8) Landscaping. All developments are required to have a landscape plan.
- (a) The development should retain existing trees, shrubbery and grasses not located in rights-of-way, drainageways and vision triangles and are to be shown on the landscape plan.
  - (b) A minimum of at least 20% of the area within the property lines of each lot shall be devoted to landscape purposes.
  - (c) Invasive species are not allowed.
  - (d) Buffer area or screening is required as designated elsewhere in this chapter. Berms may be used as per any applicable regulations.
  - (e) Any lot that abuts or is across from a residential area shall have perimeter landscape screening that will substantially screen parking areas and headlights from vehicles.
  - (f) Landscaped islands are preferred for larger parking lots.
  - (g) Any existing area within the road right-of-way that is not constructed to town standards and adjacent to the development site shall be included in the landscape plan to include seeding or sodding of grass.
  - (h) Evergreen trees and/or shrubs should be placed to screen service delivery areas, loading docks and outside building service equipment.
  - (i) Requirements.
    - [1] Developments are required to have a minimum of one overstory deciduous or coniferous tree for every 75 feet of site perimeter. Overstory deciduous trees shall be a minimum of 2 1/2 inches in caliper. Coniferous trees shall be a minimum of six feet in height.

- [2] Developments are required to have one coniferous tree a minimum of six feet high or one deciduous tree of 2 1/2 inches caliper or a combination of deciduous and coniferous shrubs for every 100 feet of frontage along all public or private streets. These trees or shrubs must be planted within 20 feet of the property line (exclusive of rights-of-way) abutting the public or private street.
  - [3] All plantings shall be appropriately spaced according to growth requirements of the species.
  - [4] Credits will be given for existing trees or shrubs within the property line meeting the minimum standards for new plantings.
  - [5] The property owner shall be responsible for maintenance and replacement of items as necessary that are part of the approved landscape plan.
- D. Building design and construction. In addition to any other restrictions of this chapter and of the Building Code in effect in the Town of Hudson, the use, construction, alteration or addition to any building or structure within the Commercial/Light Industrial District shall meet the following standards:
- (1) Each exterior wall finish on any building shall be one or any combination of the following:
    - (a) Face brick.
    - (b) Natural stone.
    - (c) Specifically designed precast concrete units if the surfaces have been integrally treated with an applied decorative or textured treatment.
    - (d) Glass.
    - (e) Wood.
    - (f) Architectural masonry block.
    - (g) Factory fabricated and finished metal framed panel construction is permitted. If the panel materials on the exterior surface are combined with any of the surface materials mentioned above to provide a wainscoting appearance, the minimum usage shall be walls facing street(s) and/or the principal building entrance. In addition, a sufficient number of windows shall be present to present a street view that is consistent and harmonious with neighboring properties.
  - (2) All subsequent additions, exterior alterations on the principal structure and any accessory buildings which are constructed after the erection of the original building, or buildings, are subject to the provisions in this chapter and will be subject to review of a site plan and approval of said site plan by the Town Board.
  - (3) Specific standards for automobile service and gas stations. Section **105-12C(7)(a)** and **(b)** of the Commercial District shall apply.
- E. Lot coverage and lot size.
- (1) To calculate lot coverage, the following areas shall be added together: the area of the building as determined by the foundation plan; parking areas and driveways; loading, storage, trash/garbage areas and all other areas covered with impervious materials not specifically used for landscaping purposes.
  - (2) The maximum allowable lot coverage shall be 90% of the lot area minus the minimum required landscaping area.
  - (3) All sites shall be designed to contain and accommodate all drainage on-site and shall be engineered to accommodate a 100-year rainfall. Drainage calculations shall include all impervious surfaces such as parking lots, roof surfaces, roads and any other paved surfaces.

- (4) All calculations for site drainage and design for on-site holding of rainfall shall be calculated and completed by a professional registered engineer.
  - (5) Commercial uses will have a minimum lot size of one acre and light industrial uses will have a minimum lot size of two acres.
- F. Building height. No building erected, moved or structurally altered within the Commercial/Light Industrial District shall exceed a height of 45 feet or three stories. Measurement of height shall commence at the top of the footings.
- G. Requirements on setbacks, yards and turn lanes. The minimum building setback from any Commercial/Light Industrial District boundary or public street right-of-way shall be 50 feet from the right-of-way.
- (1) Building setbacks.
    - (a) Interior lot line: 15 feet.
    - (b) Agricultural/Residential or residential boundary: 100 feet.
  - (2) Parking lot or circulation drive setbacks.
    - (a) Minor arterial street (Class B): 25 feet.
    - (b) Major collector street (Class C): 15 feet.
    - (c) Minor collector street (Class D): 15 feet.
    - (d) Local interior street (Class E): 15 feet.
    - (e) Interior lot line: 10 feet. Town Board may approve zero foot setback at site plan approval with proper justification and local Fire Department positive recommendation.
    - (f) Agricultural/Residential or residential boundary: 50 feet.
  - (3) Subsection **G(1)** and **(2)** above are minimum standards. The Town Board may, taking into consideration a specific circumstance, require larger setbacks.
  - (4) Lots located within Section 21 of Township 29 North, Range 19 West, St. Croix County, Wisconsin recorded as the St. Croix Industrial Park plat within the Town of Hudson and generally located west of CTH U, south of CTH A and adjacent to Schommer Drive shall be subject to the following building setbacks:
    - (a) Front yard: 50 feet.
    - (b) Side yard: 30 feet.
    - (c) Rear yard: 30 feet.
  - (5) Turning lanes and appropriate right-of-way must be provided if the Town Board determines that a turning lane is needed to prevent traffic congestion and to expedite an orderly flow of traffic. Such improvements required by the Town of Hudson shall be built at the expense of the applicant or landowner.
- H. Screening of yards visible from residence districts. Yard areas established under this chapter for commercial/light industrial property shall be screened from view of residence or agricultural/residential districts by plantings, earth berms, fencing, or combinations thereof. Any means used to screen commercial or light industrial properties shall be aesthetically compatible with surrounding residential properties and allow for reasonable use and enjoyment of the residential property by the occupants. All plans for screening of the commercial or light industrial properties shall first be reviewed by the Town Plan Commission with a recommendation forwarded to the Town Board. The Town Board shall have final approval of the screening for ongoing

maintenance, repair and necessary replacement of the screening methods utilized to assure ongoing compliance with the original approval granted by the Town of Hudson.

I. Procedure for site plan approval.

(1) The Town Board for the Town of Hudson declares that it is necessary and appropriate to require site plan approval of any development in the Commercial/Light Industrial District to preserve and promote attractive, well-planned and consistent conditions for all applicants and property owners. Site plan approval must be first granted by the Town Plan Commission and then the Town Board prior to any permit being issued and construction commencing. Any negative recommendation by the Town Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be granted. Upon approval of the Town Board, a commercial and industrial land use permit shall be issued to the applicant.

(a) Copies of the site plan must be submitted to the Town Clerk at least 15 days in advance of the Town Plan Commission or Town Board's meeting at which the applicant is seeking approval. In all cases the site plan must be to scale and contain the minimum:

- [1] Name of the project and development.
- [2] Location of the project/development.
- [3] Location map, including areas within 1/4 mile of the site.
- [4] North arrow.
- [5] Name and mailing address of the owner(s) and applicant.
- [6] Date the plan was prepared.
- [7] Boundary line of the property with dimensions.
- [8] Existing and proposed topographic contours at a minimum interval of two feet.
- [9] Date of the survey utilized for the boundary description and topography.
- [10] Total acreage within the proposed development.
- [11] Existing zoning classifications if any rezoning is requested.
- [12] Lot numbers and dimensions of lots to the nearest foot.
- [13] Any public land or parks that are proposed or in existence.
- [14] On-site street and street rights-of-way.
- [15] Adjacent streets and street rights-of-way.
- [16] Utilities and utility rights-of-way or easements.
- [17] Location of all buildings and structures either existing or proposed.
- [18] Parking facilities and layout of parking spaces.
- [19] Traffic flow indicating ingress and egress from site.
- [20] Sidewalks, walkways, driveways, loading areas and docks.
- [21] Exterior refuse and garbage storage areas.
- [22] Site drainage.
- [23] Surface water holding ponds, drainage ditches and drainage patterns.
- [24] Culverts, including invert elevations and description as to type and location.

- [25] Landscaping (detailed plans showing plantings, equipment, berming, materials, walls, etc.).
  - [26] Exterior lighting indicating type, locations and height.
  - [27] Exterior signage showing type, locations and size.
  - [28] Location and size of existing water bodies on the property.
  - [29] Number of employees anticipated once the property is fully developed for commercial use.
  - [30] Location of proposed septic system well for water.
- (b) The Town Plan Commission and Town Board shall require plans and statistics indicating the phasing of the project, and statistics of the site development relating to site square footage, percent of site coverage and setbacks. In addition, the number of parking spaces and the ratio of parking spaces to square footage of the principal structure must be provided by the applicant.
  - (c) Exterior finish materials must be provided as part of the site plan approval process. The type of materials must be either in writing from the applicant or on the cross-sections of the architectural building plans submitted in conjunction with the site plan.
  - (d) Prior to final approval the Town Board shall be provided a phasing schedule of the development and also be provided the estimated commencement date of construction of the site improvements and the principal structure.
  - (e) Any restrictive covenants that the owner or applicant is proposing for the property must be provided prior to any approval being granted by the Town Board.
  - (f) The Town Board shall require the posting of an irrevocable letter of credit or financial assurance by the applicant or developer as a guaranty of site improvements as approved on the site plan. The letter of credit or financial assurance must be provided to the Town Board prior to issuance of any commercial and industrial land use permit. The amount of the letter of credit or financial assurance shall be equal to 10% of the estimated valuation of the property improvements as estimated by the applicant or developer, reviewed by the town engineer and approved by the Town Board.
  - (g) Other information considered by the Town Plan Commission and/or the Town Board to be pertinent to the proposed project may be requested from the applicant. Such costs incurred by the Town of Hudson shall be the responsibility of the applicant.
- (2) Site plan approval. Prior to granting of a commercial and industrial land use permit, the site plan submitted by the applicant must receive approval from the Town Board. The Town Board has the authority to require the applicant to assure that particular elements of the site plan, either proposed by the applicant or imposed by the Town Board, are constructed as part of the approved site plan for development of the property.
  - (3) Review and recommendation by the Town Plan Commission.
    - (a) In considering site plans submitted by the applicant for site plan approval under this Zoning Code, the Town Plan Commission shall consider the following: interrelationship with the site plan elements to conditions both on and off the property; conformance with the township's Comprehensive Plan; the impact of the site plan and development on the existing and anticipated traffic and parking conditions; the adequacy of the site plan with respect to surrounding land uses; pedestrian and vehicular ingress and egress from and to the site; landscaping; lighting; provisions for utilities; architectural and engineering features; site drainage; site grading; signage; setbacks; screening and other related matters as determined by the Town of Hudson to be appropriate for review and approval.



- (b) The Town Plan Commission may question the applicant for specific items pertaining to the site plan. After discussion and consideration by the Commission, the site plan may by motion be approved, disapproved or tabled because additional information is requested to be provided by the applicant. In addition, the Commission may disapprove the proposal for failure of the applicant to conform to standards and requirements as listed in this chapter. If the applicant through no action or failure to appear before the Plan Commission allows 75 days to elapse, then the applicant must reapply to the Town Plan Commission for any further consideration of the proposal. The Plan Commission may also impose necessary conditions and safeguards prior to taking any actions and making any recommendation to the Town Board.
  - (c) During review of plans from any applicant the Town Plan Commission shall consider the oral and written statements from the applicant, the public, staff members or its own Commission members.
- (4) Review and decision by the Town Board. The Town Board shall review the site plan submitted by the applicant after the Town Plan Commission has made its recommendation to the Town Board. In its review of the site plan the Town Board shall consider the same impacts and features as the Town Plan Commission. The Town Board requires a simple majority of voting members present for the Town Board to approve or reject the site plan. In the event of an adverse or negative recommendation from the Town Plan Commission, a 2/3 majority vote of the Town Board is necessary for approval to be granted to the site plan and development.
- (5) Road standards within the Commercial/Light Industrial District. The Town of Hudson shall require all roads constructed within the Commercial/Light Industrial District to meet minimum road standards as determined by the Town of Hudson and St. Croix County. Standards to be utilized by the Town of Hudson when site plans and developments are reviewed will be those standards in effect at the time the applicant submits plans for approval by the Town Board. Road standards that are adopted by the Town of Hudson shall consider such items as the amount of traffic, type of traffic, proposed and existing land uses, density of the development and drainage patterns.
- (6) Restrictions, controls and design standards.
- (a) Uses which because of the nature of their operation are accompanied by an excess of noise, vibration, dust, dirt, smoke, odor, noxious gases, glare or wastes shall not be permitted. These residual features shall be considered excessive when they either exceed or deviate from the limitations set forth in the following performance standards in this chapter. Such limitations shall not exceed State of Wisconsin standards as set by the Department of Natural Resources or the Department of Commerce or any other appropriate governmental agency that has review or permit authority.
    - [1] Noise. Noise shall be measured on any property line of the industrial tract on which the use is located. All measurements of noise in the Town of Hudson located within the Industrial District shall be in accordance with the standards set forth in § 64-6C of Chapter 64, the Town of Hudson Noise Ordinance.
    - [2] Vibration. No use shall at any time cause earth vibrations perceptible beyond the limits of the industrial lot on which the use is located.
    - [3] Dust and dirt. Solid or liquid particles shall not be emitted at any point in concentrations exceeding 0.3 grains per cubic foot of the conveying gas or air. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of 500° F. and 50% excess air.
    - [4] Smoke. Measurement shall be at the point of emission. The most recent Ringelmann Smoke Chart published by the United States Bureau of Mines shall be used for the measurement of smoke. Smoke not darker or more opaque than No. 1 on the chart may be emitted, provided that smoke not darker or more opaque than No. 2 on the chart may be emitted for periods not longer than four minutes in any thirty-minute

period. These provisions, applicable to visible gray smoke, shall also apply to visible smoke of a different color but with an apparent opacity.

- [5] Odor. The use shall not, at any time, cause the discharge of toxic, noxious or odorous matter beyond the confines of the principal building in such concentrations as to be detrimental to or endanger the public health, welfare or safety and comfort.
- [6] Glare. Glare, whether directed or reflected, such as from lights, spotlights, parking lot lights or high temperature processes, and as differentiated from general illumination on the site, shall not be a public nuisance and prevent adjacent property owners the reasonable use of their property.
- [7] Liquid wastes. All liquid wastes containing any toxic matter shall be treated in a manner prescribed by the Wisconsin Department of Natural Resources.

## § 105-14.1. Planned Unit Development District.

- A. Statement of purpose. The Planned Unit Development District is created for the following purpose:
  - (1) To establish a zoning district that provides an alternative to allow limited flexibility in regards to design and development standards that are more compatible within designated areas as identified.
  - (2) To provide another housing alternative, for community residents as noted in the Comprehensive Plan.
  - (3) To provide a transition area adjacent to the City of Hudson or Village of North Hudson commercial/industrial zones and the Town residential or agricultural/residential zones to facilitate possible future need for public utilities.
- B. Permitted uses are those uses expressly permitted in the underlying zoning district, not including special exceptions.
- C. The following uses may be allowed as special exceptions in accordance with § 105-33:
  - (1) Multiunit independent senior living facilities and related amenities.
  - (2) Multiunit temporary limited care living facilities and related amenities.
  - (3) Multiunit assisted living facilities and related amenities.
  - (4) Multiunit skilled nursing living facilities and related amenities.
- D. Minimum general requirements.
  - (1) The land area shall be a minimum of five acres and shall be one parcel prior to any permits being issued.
  - (2) The development shall have access which connects the development parcel to a public street, road or highway built minimally to Town and County standards.
  - (3) The development shall be adjacent to or within 200 feet of commercially or industrially zoned property.
  - (4) The development shall be wholly, or in part, within 500 feet of the boundary of the Village of North Hudson or the City of Hudson.
  - (5) Ownership of the development area shall be by a legal entity, such as an individual, corporation, partnership or trustee.
  - (6) Rezoning is required in accordance with § 105-38. Due to the nature of this type of development, the rezoning and development plan approval may be done concurrently.

- (7) All Town, city, county, state and federal codes as applicable shall be adhered to.
  - (8) The underlying zoning district standards shall apply if not specifically addressed in this section.
- E. Height. No building shall be more than 40 feet in height. Measurement of the height shall commence from the lowest grade to the highest point of structure, not including antennae, chimneys, etc.
- F. Setbacks. Setbacks shall be approved on a case-by-case basis for each planned unit development. However, any side yard setback for any building shall not be less than 50 feet, any rear yard setback for any building shall not be less than 50 feet, and any front yard setback for any building shall not be less than 50 feet. Highway setbacks shall apply as applicable.
- G. Lot coverage. In order to provide for adequate open space and drainage, impervious hardscape improvements shall not exceed 40% of the development area.
- H. Development plan approval. Plan Commission recommendation and Town Board approval is required prior to any permit being issued and construction commencing. Any negative recommendation by the Plan Commission shall require a 2/3 majority vote of the Town Board for approval to be granted. In all cases, the Town Board shall find the following conditions present:
- (1) The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
  - (2) The uses, values and enjoyment of other property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the establishment of the use.
  - (3) The establishment of the use will not impede the normal and orderly development of the surrounding property for permitted uses.
  - (4) Adequate utility access roads so designed as to minimize traffic congestion or other hazards on public streets or highways.
  - (5) Stormwater retention, drainage and other necessary site improvements as certified by a registered professional engineer for the State of Wisconsin and reviewed by the St. Croix County Planning and Zoning Department and the St. Croix County Land and Water Conservation Office.
- I. Costs.
- (1) A cost reimbursement and security agreement shall be in place prior to the review of the application. This is to assure that the developer will preserve the right to develop the property as provided in the approved plan and the agreement. All expenses related to the planned unit development are to be borne by the owner/developer, including, but not limited to, attorney's fees, engineer's fees, city and County review, and legal publication requirements. The agreement is subject to modification based on the outcome of the review of the plans.
  - (2) Developer's agreement. Prior to commencing any kind of grading or construction of the development site, the developer shall enter into a developer's agreement with respect to the planned development which shall detail the responsibilities assumed by the developer, including, but not limited to, costs such as professional fees incurred by the Town and an irrevocable letter of credit or financial assurance in an amount necessary to pay the costs of the roads and other infrastructure requirements of the development.
- J. Application process. In conjunction with the provisions of § **105-38**, the following is required:
- (1) Site plan. Site plan approval must first be granted by the Plan Commission and then the Town Board prior to any permit being issued and construction commencing. Copies of the site plan with the date prepared and certified by a registered professional engineer for the State of Wisconsin must be submitted to the Town Clerk at least 15 days in advance of the Plan Commission or Town Board meeting at which the applicant is seeking approval. The site plan shall be to scale and provide the following information:

- (a) Name and address of the owner, developer and engineer.
  - (b) Legal description of existing site and description of any proposed change to meet the minimum requirements.
  - (c) Location of the development area including dimension of property boundaries.
  - (d) Location map showing the development parcel and surrounding properties within 1/4 mile of the site, a North arrow, total acreage within the development and public access and right-of-way width.
  - (e) Existing and proposed topographic contours and drainage patterns at a minimum interval of two feet. Include any on-site surface water control and retention systems, holding ponds, drainage ditches and drainage patterns.
  - (f) Existing zoning classifications of the development and surrounding parcels.
  - (g) Open space with intended use(s) reserved for the use of all residents.
- (2) Preliminary development plan. Copies of the development plan with the date prepared must be submitted to the Town Clerk at least 15 days in advance of the Plan Commission or Town Board meeting at which the applicant is seeking approval. The development plan shall be to scale and provide the following information:
- (a) Name, address and contact information of the owner, developer and engineer.
  - (b) Name of the development.
  - (c) Location of main building(s) and any accessory building(s) including setback distance from all property boundaries.
  - (d) Style, number of dwelling units, density and type per building.
  - (e) Proposed use of any related on-site facilities.
  - (f) Off-street parking that shall have at least one parking space for each dwelling unit, a parking space for each required staff member taking shifts into consideration with enough spaces for the highest number used, and adequate visitor parking spaces including required handicap parking. Any parking space(s) included in any structure(s) shall be included as part of the off-street parking requirements. Plan to show location, size and number of all parking spaces.
  - (g) Traffic plan within the development with ingress and egress from site including width of roadway(s) and width of paved areas with construction details; also include any sidewalks, walkways, driveways and loading/unloading areas for deliveries.
  - (h) Statement of method of disposing of refuse and recyclables and location of any containers including exterior storage facilities. All on-site refuse containers and garbage dumpsters shall be located totally within a principal building or shall be enclosed in a screened fence.
  - (i) Location of well, septic, sign(s) and lighting.
  - (j) Proposed landscape plan including, but not limited to, shrubs, trees, fences, retaining walls and berms.
- (3) Additional items.
- (a) Ownership/management. Statement of present and proposed ownership/management plans for the project.
  - (b) Schedule. Development schedule identifying phases with anticipated beginning and completion dates.

- (c) Covenants. Proposed agreements or covenants for use, maintenance and ongoing preservation of open space and the overall development.
  - (d) Number of employees required and anticipated.
- (4) Final development plan. Review of any revisions needed to the cost reimbursement and security agreement shall be completed. In addition to any items required with the preliminary site and development plans, the following shall be provided:
- (a) Any items as required by the Plan Commission and Town Board.
  - (b) Exterior finish materials of all structures.
  - (c) Complete detailed architectural and engineering plans.
  - (d) An updated schedule if applicable.
  - (e) Upon final approval of the final development plan, the developer shall cause the development plan to be recorded with the St. Croix County Register of Deeds and shall submit written proof of such recording to the Town.
- (5) Revisions and/or changes to the planned unit development. Development shall be done in accordance with the approved final plan and all supporting data. The final plan and supporting data shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises and location of structures within the planned unit development.
- (a) Minor changes. The Plan Commission and Town Board may approve changes in nature that do not change the concept or intent of the development without going through the preliminary plan approval and hearing process.
  - (b) Major changes. Changes which alter the concept or intent of the planned unit development, including but not limited to increases in the density, change in location and types of buildings, changes to open space areas, changes to the traffic plan, changes to the drainage plan, and changes in covenants require a preliminary plan review, public hearing to amend the special exception and final plan review.
  - (c) Schedule. Any amendments to the construction schedule shall be submitted to the Town Clerk. If any phase of the construction is or will be more than one year behind schedule, the developer shall provide an updated schedule with an explanation for the Plan Commission and Town Board to consider extension and which shall require Town Board approval.

## § 105-15. Nonconforming uses.

General limitations. When any structure or the use of any structure or premises has become a nonconforming use as defined in § **105-35**, such use may continue subject to the following limitations:

- A. As long as no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restricted classification. Once a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- B. No nonconforming use shall be expanded, enlarged or altered in any way which increases its nonconformity.
- C. Nonstructural alteration, addition or repair to any nonconforming structure over the life of the structure shall not exceed 50% of its market value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use.

- D. If any structure containing a nonconforming use is destroyed or damaged by any means to an extent of 50% or more of its market value, it shall not be reconstructed except in conformity with the provisions of this chapter.
- E. If any nonconforming use is discontinued for 12 consecutive months, any future use of the structure or premise shall conform to this chapter.
- F. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
- G. Except as provided in Subsection **F**, any use which has been permitted as a special exception shall not be considered as a nonconforming use.

## Article III. Highway Setbacks

### § 105-16. Purpose; jurisdictional boundaries.

- A. Purpose. In order to promote the public safety, general welfare and convenience, it is necessary that highway setback lines be established, and they are hereby established in the Town of Hudson along all public highways and the intersection of highways with highways and highways with railroads.
- B. Jurisdiction boundaries. Where a highway is located on a city or village boundary, this chapter is not intended to be effective on the side within the city or village; nor on the side within another town, where the highway is located on a Town boundary.

### § 105-17. Placement and alteration of structures.

- A. No new building, sign, or part thereof, shall be placed between the setback lines established by this chapter and the highway, except as provided in § **105-18**.
- B. No building structure, sign, or part thereof, except those complying with the above regulations, which exists within the setback lines on the effective date of this chapter or any amendment thereto shall be altered or enlarged or reconstructed within such setback lines after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its actual current value.

### § 105-18. Structures permitted within setback lines.

The following kinds of structures and signs may be placed between the setback line and the highway:

- A. Open fences.
- B. Telephone, telegraph and power transmission poles and lines, and microwave radio relay structures, together with all appurtenances thereto that are readily removable as a unit, including public utility equipment housings or structures, may be constructed within the setback lines, and additions to and replacements of any such existing poles, lines and structures may be made, provided the owner files with the Town Building Inspector/Zoning Administrator an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this chapter at his own expense, when necessary for the improvement of the highway.
- C. Underground structures not capable of being used as future foundations for prohibited structures.
- D. Wells and septic tanks and other similar structures.

- E. Access or service highways constructed according to plans as approved by the County Highway Department which shall give due consideration to highway safety and maximum sight distance.
- F. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery shall be so located, maintained or permitted to grow so that the view across the sectors at the intersection, as provided in §§ **105-8** through **105-14**, shall be obstructed.
- G. Where buildings are proposed to be erected or moved between buildings existing at the time of the adoption of this chapter and having setback lines less than those established by this section, which existing buildings are located not more than 150 feet apart, the Building Inspector/Zoning Administrator may issue a permit for such proposed building, provided that the setback of such building shall not be less than the average of the setbacks of the nearest adjoining existing buildings on either side of the location of the proposed building.
- H. Directory signs not over eight square feet in area, and pertaining to goods and services available at a particular location within five miles of such sign, and signs placed by the public authorities for the guidance or warning of traffic, provided that there shall be not more than two such directory signs relating to a specific building or use in any one direction along any one highway.

## § 105-19. Highway setback requirements.

- A. Except as otherwise provided, the distances from center line to the setback line applicable to the various classifications of highways shall be as provided by the following subsections of this section, respectively.
- B. Highway setbacks. For the purpose of determining the distance buildings and other structures shall be set back from streets and highways, the highways of the Town of Hudson are divided into the following classes.
  - (1) Class A highways.
    - (a) All arterial highways classified as freeways or expressways are hereby designated as Class A highways.
    - (b) The setback from expressways shall be 50 feet from the right-of-way line. These setbacks are also applicable to all officially mapped right-of-way for highway locations or where right-of-way has been purchased for future highway locations. This includes those parts of Interstate Highway 94, US Highway 12, and Wisconsin State Highway 35 located in the Town of Hudson.
    - (c) Prior to the issuance of a permit for any structure on the property adjoining right-of-way of Class A highways, the Department of Transportation, Eau Claire District, must be consulted.
  - (2) Class B highways.
    - (a) All highways classified as primary, standard and minor arterials and not further classified as a freeway or expressway are hereby designated as Class B highways. This includes Highway 35 North of I-94.
    - (b) The setback from Class B highways shall be 50 feet from the right-of-way line.
    - (c) Prior to issuance of a permit for any structure on property adjoining right-of-way of Class B highway, the Department of Transportation, Eau Claire District, must be consulted.
  - (3) Class C highways.
    - (a) All highways classified as high or low collectors are hereby designated as Class C highways. This includes county roads and McCutcheon Road.

- (b) The setback from Class C highways shall be 50 feet from the right-of-way line.
  - (c) Prior to issuance of a permit for any structure on property adjoining right-of-way of Class C highways, the agency having jurisdiction over the highway must be consulted (St. Croix County Highway Department).
- (4) Class D highways.
- (a) All highways not included in the aforementioned classifications are hereby designated as Class D highways. This includes Town roads not in a subdivision.
  - (b) The setback from Class D highways shall be 50 feet from the right-of-way line.
  - (c) Prior to issuance of a permit for any structure on property adjoining right-of-way of a Class D highway, which structure would require construction of a new means of access from the Town highway, the Town Chairman must be consulted.
- (5) Class E highways.
- (a) Local roads within a major subdivision may be designated by the Town Board, in its discretion, as Class E highways, notwithstanding the provisions of Subsection **B(4)** above.
  - (b) The setback from Class E highways shall be 50 feet from the highway right-of-way.
- C. Vision triangles. In each quadrant of every public street intersection there shall be a visual clearance triangle bounded by the street center lines and a line connecting points on them 300 feet from a Class A or Class B highway intersection and 200 feet from a Class C or Class D highway intersection.
- D. At highway intersections with transitional widening. At all intersections of highways with other highways provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback lines on the side which is widened shall be increased by an amount equal to the width of the additional pavement.
- E. At railroad grade crossings. At grade intersection of all highways with railroads, there shall be vision clear triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points located on the setback lines along the highway and the railroad right-of-way lines, and 100 feet back from the intersections of such highway setback lines and the railroad right-of-way lines.
- F. Access driveways. Access driveways to highways from abutting properties shall comply with the following requirements:

Access Driveways			
	Minimum Distance of Highway Frontage Between Access Driveways	Minimum Distance Access Driveways May Be Located to Center Line of Intersecting Highway	Examples
A	None allowed	500	I-94 Highway 35 Highway 13 Divided highways
B	500	500	Highway 35 North Nondivided highways
C	500	500	Collector roads All county roads McCutcheon Road



Access Driveways			
	Minimum Distance of Highway Frontage Between Access Driveways	Minimum Distance Access Driveways May Be Located to Center Line of Intersecting Highway	Examples
D	200	200	All Town roads not classified as a collector
E	100		Subdivisions
F	Cul-de-sac radius shall follow the St. Croix County standards which specify eighty-foot radius.		

## Article IV. Signs

### § 105-20. Purpose.

- A. The purpose of this article is to protect and promote the general welfare, health, safety and order within the Town of Hudson through the standards, regulations and procedures governing the erection, use and/or display of devices, signs or symbols serving as visual communicative media to persons situated within or upon public rights-of-way or properties. Any sign which is not expressly permitted is not permitted.
- B. The provisions of this article are intended to encourage creativity, a reasonable degree of freedom of choice, an opportunity for effective communication and a sense of concern for the visual amenities on the part of those designing, displaying or otherwise utilizing needed communicative media of the types regulated by this article, while at the same time assuring that the public is not endangered, annoyed or distracted by the unsafe, disorderly, indiscriminate or unnecessary use of such communicative facilities.

### § 105-21. Definitions.

As used in this article, the following terms shall have the meanings indicated:

**ACCESSORY SIGN**

A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services or activities on the premises on which it is located.

**AREA IDENTIFICATION SIGN**

A freestanding sign which identifies the name of a neighborhood, a residential subdivision, a multiple residential complex consisting of three or more structures, a shopping center or area, an industrial area, an office complex consisting of three or more structures or any combination of the above that could be termed an area.

**BANNERS AND PENNANTS**

Attention-getting devices which may resemble flags and are of a nonpermanent paper, cloth or plastic like consistency. These are to be up no longer than three months. The same banner or pennant may not be used again for three months.

**BILLBOARD**

A large outdoor advertising structure mounted on one or more legs and designed to display posters or other composite graphic advertisements.

**BULLETIN SIGN**

An accessory sign which announces goods or services available through the use of changeable letters and/or numbers.

**CANOPY AND MARQUEE**

A roof-like structure projecting over the entrance to a theater, store, gas pumps, bank drive-up, etc.

**CHURCH DIRECTIONAL SIGN**

A sign which bears the address and/or name of a church and direction arrows pointing to a church location.

**ELECTRONIC MESSAGE CENTER**

A sign which contains a traveling message, or a message which appears to be traveling, and usually in a horizontal manner. The characters incorporated into any message remain constant, and do not change in hue or intensity or appear to change in hue or intensity as they travel or appear to travel across or through the automatic changing copy area of the sign.

**FREESTANDING SIGN**

A sign which is placed in the ground and not affixed to any part of any structure.

**ILLUMINATED SIGN**

Any sign which is illuminated by an artificial light source.

**INSTITUTIONAL OR RECREATIONAL SIGN**

Any sign or bulletin board which identifies the name and other characteristics of a public or private institution on the site where the sign is located.

**INTERNAL TRAFFIC DIRECTIONAL SIGN**

A sign which is erected on private property by the owner of such property for the purpose of guiding vehicular and pedestrian traffic within his property. Such sign bears no advertising information.

**MONUMENT SIGN**

A sign located at the entrance to building/development area with the name and address of the tenants located in this area so customers can find business they are looking for.

**MOTION SIGN**

Any sign which revolves, rotates or has any moving parts. Included in this category are searchlights used for advertisement.

**NAMEPLATE OR IDENTIFICATION SIGN**

A sign which bears the name and/or address of the occupants of the building, including area identification signs for major developments.

**NONACCESSORY SIGN**

A sign other than an accessory sign.

**NONCONFORMING SIGN**

A sign which does not conform to the newly enacted requirements of this article.

**OCCUPATIONAL SIGN**

Any sign which identifies the name and other characteristics of a home occupation on the site where the sign is located. (This is for residential and agricultural districts.)

**OFF-PREMISES SIGN**

A sign which is permitted within a zoning district may be placed on someone else's parcel.

**PERMANENT SIGN**

Any sign which is not a temporary sign.

**PORTABLE SIGN**

A sign which is not permanently attached to the ground or any structure and so designed as to be movable from one location to another.

**PROJECTING SIGN**

Any sign, all or any part of which extends over public property more than 12 inches.

**PYLON SIGN**

Any freestanding area identification sign greater than 35 feet in height; if they are over 40 feet they are intended for freeway advertising.

**RECREATIONAL DIRECTIONAL SIGN**

A sign which bears the address and/or name of a recreational place and directional arrows pointing to that recreational location.

**ROOF SIGN**

Any sign erected upon or projecting above the roofline of a structure to which it is affixed.

**RURAL ADDRESS/FIRE NUMBER SIGN**

For fire, emergency or postal identification, whether written or in numeric form, and may include the Town of Hudson name.

**SIGN**

Any letter, word or symbol, device, poster, picture, statuary, reading matter or representation in the nature of an advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, which is displayed outdoors for informational or communicative purposes.

**SIGN AREA**

That area within the marginal lines of the surface which bears the advertisement, or in the case of messages, figure or symbols attached directly to any part of the building, that area which is included in the smallest rectangle which can be made to circumscribe the message, figure or symbol displayed thereon. The stipulated maximum sign area for a freestanding sign refers to a single facing.

**TEMPORARY SIGN**

A sign which is erected or displayed for the stated limited period of time indicated in this article.

**TRAFFIC DIRECTIONAL SIGN**

A sign which is erected by a governmental unit for the purpose of directing or guiding traffic.

**WALL LENGTH**

The linear length of the side of a building, it includes all windows and doors.

**WALL SIGN**

Any sign which is affixed to a wall of any building.

## § 105-22. District regulations.

The following signs are permitted in each specific district and shall be regulated as to size, location and character according to the requirements herein set forth:

A. Residential and Agricultural/Residential Districts.

- (1) Occupational signs: denoting only the name and profession of the occupant in a commercial building, public institutional building or dwelling, and may not exceed two square feet in

locations where the speed limit of the street frontage is 35 mph or less and may not exceed six square feet in locations where the speed limit of the street frontage is 40 mph or greater.

- (2) Institutional and recreational signs: one sign or bulletin board per street frontage for public institutional use and for recreational use in Agricultural/Residential and Residential Districts; such sign or bulletin sign shall not exceed 24 square feet in area nor shall it be placed closer than 10 feet from the road right-of-way nor shall be placed in a location that would interfere with the safe movement of traffic.
- (3) Area identification signs: one sign per each major development, not to exceed 48 square feet in area.
- (4) Maximum height of freestanding signs: eight feet.
- (5) Nonaccessory freestanding and wall signs are prohibited except in areas especially designated in this article.
- (6) All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this article shall be interpreted as authorizing the erection or construction of any sign not now permissible under this chapter or the Building Code of the Town of Hudson.
- (7) All illuminated signs shall have a shielded light source. Any sign illuminated and located within 50 feet of a lot line or a residential district shall be diffused or indirect so as not to direct rays of light into adjacent residence. All illuminated signs in commercial and commercial/light industrial districts, in close proximity to residential districts, shall be designed so as to illuminate the sign and not residential property to the extent practicable.
- (8) No sign, other than public traffic controls, church and recreational directional signs, street name signs, and rural address sign (house numbers), shall be erected or temporarily placed within any Town road right-of-way or upon any public easements.
- (9) A permit for a sign to be located within 50 feet of any road or highway regulatory sign, warning sign, traffic sign, traffic signal, or of any crossroad or crosswalk, will be issued only if:
  - (a) The sign will not interfere with the ability of drivers and pedestrians to see any road or highway sign, any traffic sign or signal, or any crossroad or crosswalk; and
  - (b) The sign will not distract drivers nor offer any confusion to any street or highway sign, or any traffic sign or signal.
- (10) Temporary signs may only be allowed where specifically stated.
- (11) Campaign yard signs, posted by a bona fide candidate for political office or by a person or group promoting a political issue or a political candidate, may be placed on private property in any district. Such signs may be erected no more than two months prior to Election Day and must be removed no later than 10 days following the election.
- (12) Temporary real estate signs may be erected for the purpose of selling or promoting a residential project, provided:
  - (a) Such signs shall not exceed 128 square feet in area.
  - (b) Only one sign shall be permitted per road frontage upon which the property abuts.
  - (c) Such signs shall be removed when the project is 80% completed, sold or leased.
  - (d) Such signs shall be located no closer than 100 feet to any residence not part of this project.
- (13) Temporary signs adjacent to the public right-of-way for the purpose of selling or leasing individual lots or building shall be permitted, provided:

- (a) Such signs shall not exceed six square feet.
  - (b) Only one such sign is permitted per street frontage upon which the property abuts.
  - (c) Such sign shall be removed within 30 days following the lease or sale.
- (14) Portable, internally lit signs are not allowed as permanent or temporary signs.
- (15) Any freestanding sign within 25 feet of any intersection of road right-of-way lines and/or driveway entrances shall have vertical clearance for proper visibility by motorists on all affected roadways.
- (16) Church and nonprofit directional signs shall be permitted, provided the total area of such signs shall not exceed six square feet per facing.
- (17) Signs advertising garage, yard or similar household sales shall be removed within seven days after the sale.
- (18) Signs, which are located on the interior of a building, shall be exempt from the provisions of this article and shall not require permits or payment of fees.
- (19) Roof signs shall be prohibited.
- (20) Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices are prohibited.
- (21) Substitution clause and sign content is permitted. Subject to the landowner's consent, noncommercial speech of any type may be substituted for any permitted commercial speech, provided the sign structure is legal without consideration of the message content. Such substitution of message may be made without any additional approval of permitting. This provision prevails over any provision to the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that the sign structure be properly permitted.
- B. Commercial and Commercial/Light Industrial Districts.
- (1) Wall signs. The total area of all wall signs affixed to a building wall shall not exceed two square feet per linear foot of that wall. No individual wall sign shall exceed 150 square feet.
- (a) A wall sign shall not project more than 18 inches from the wall to which the sign is to be affixed. Furthermore, wall-mounted signs shall not exceed the roofline of any building.
  - (b) Banners are temporary signs and are not part of the wall sign calculation. However, banners and temporary signs shall not exceed 50% of that wall area and may not be up longer than three months. The design and construction of all banners shall be professional looking and not be allowed to become torn or weathered.
- (2) Freestanding sign. One freestanding sign is permitted for each building for each road frontage.
- (a) The total area of a freestanding sign for a building having one road frontage shall not exceed 80 square feet. Where a building has two or more road frontages, each permitted freestanding sign in excess of one shall be no greater than 40 square feet.
  - (b) No part of a freestanding sign shall be closer than 10 feet to the front property line or exceed 35 feet in height. The height shall be measured from the base of the sign or grade of the nearest adjacent roadway, whichever is lower.
- (3) Bulletin signs. The bulletin portion of that sign may use up to 50% of that sign's total square footage. One nonilluminated bulletin sign up to 40 square feet is permitted. Such signs shall be located within the width of the storefront to which it is related and may be part of the freestanding or pylon sign, not in addition to.

- (4) Pylon signs. Retail and service establishments may erect one pylon sign in addition to their freestanding sign, not exceeding 150 square feet per side of display surface area. Maximum height is 40 feet. Retail and service establishments on property within 1,500 feet of Interstate 94 right-of-way and 500 feet from residential or agricultural/residential district property may erect one pylon sign not exceeding 150 square feet of display surface area in addition to their own freestanding sign. Maximum height in this area is 80 feet, however a special exception as outlined in § 105-33 is required for all signs over 40 feet in height.
- (5) Canopy and marquee signs shall be no greater than two square feet per linear foot, up to a maximum size of 100 square feet per side of the canopy or marquee. Canopies and marquees shall be considered to be an integral part of the structure to which they are accessory. Signs may be attached to a canopy or marquee. When calculating the allowable sign size, the canopy or marquee linear length of the side is separated from the wall sign calculation.
- (6) Temporary special event signs are permitted for no more than three months. Such signs shall include banners, pennants, flying signs and air-inflated devices, searchlights, bulletin signs, streamers and other signs approved by the Town Board.
- (7) Monument sign is to provide business location information for businesses in the development area so customers can find their business. Each tenant panel may not exceed three feet high by eight feet wide, and may only indicate business name, logo, address and phone number. The information in the tenant panels of the monument sign does not count as part of each individual business's overall available square footage for advertising signage.
  - (a) A monument sign may not exceed 30 feet in height and the overall width may not exceed 16 feet, two tenant panels wide, plus the materials to build the monument sign and monument base. The monument sign may be two sided, parallel to the road or perpendicular to the road so the sign may be read by the traveling public from both directions.
  - (b) The monument sign may have an electronic message center (EMC), not to exceed six feet high by 16 feet wide, the equivalent of four tenant panels. Temporary advertising information may be shown on the EMC for a limited period of time, no longer than 21 calendar days. Temporary information includes sales items, civic events, amber alerts, community events, etc.
  - (c) The monument sign may be placed on an outlot, so all businesses using the monument sign may share in the overall cost of the monument sign. The physical area of the outlot shall be included in the subdivision average lot size calculations.
  - (d) All monument signs require site plan approval.
- (8) Off-premises freestanding and wall signs are permitted. The off-premises sign(s) counts toward the total number of permitted signs allowed on the parcel of land the sign(s) are located on.
- (9) All signs shall be constructed in such a manner and of such material that they shall be safe and substantial, provided that nothing in this article shall be interpreted as authorizing the erection or construction of any sign not now permissible under this chapter or the Building Code of the Town of Hudson.
- (10) Illumination standards.
  - (a) Externally illuminated signs shall have a shielded light source which is downward directed.
  - (b) Illuminated signs shall be designed so as not to direct any light or produce glare onto adjacent properties or toward navigable waters.
  - (c) The Town may specify the hours a sign may be illuminated and limit its brightness while illuminated. The hours of illumination or brightness limitations may be established at any time, including during the life of the sign.

- (d) Signs and sign components and elements of faces of signs shall not flash or use animation.
- (e) Unless a sign's only illumination is external and uncolored, the following additional regulations shall also apply to that sign:
  - [1] No illuminated off-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted.
  - [2] No illuminated accessory sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted, except one for which the changes are necessary for the purpose of correcting hour-and-minute, date, or temperature information.
  - [3] A sign that regularly or automatically ceases illumination for the purpose of causing the color or intensity to have changed when illumination resumes shall fall within the scope of the prohibitions of Subsection **B(10)(e)[1]** and **[2]** above.
- (11) No sign, other than public traffic controls, church and recreational directional signs, street name signs and rural address sign (house numbers), shall be erected or temporarily placed within any Town road right-of-way or upon any public easements.
- (12) A permit for a sign to be located within 50 feet of any road or highway regulatory sign, warning sign, traffic sign, traffic signal, or of any crossroad or crosswalk, will be issued only if:
  - (a) The sign will not interfere with the ability of drivers and pedestrians to see any road or highway sign, any traffic sign or signal, or any crossroad or crosswalk; and
  - (b) The sign will not distract drivers nor offer any confusion to any street or highway sign, or any traffic sign or signal.
- (13) Campaign yard signs, posted by a bona fide candidate for political office or by a person or group promoting a political issue or a political candidate, may be placed on private property in any district. Such signs may be erected no more than two months' prior to Election Day and must be removed no later than 10 days following the election.
- (14) Temporary real estate signs may be erected for the purpose of selling or promoting a commercial project, provided:
  - (a) Such signs shall not exceed 128 square feet in area.
  - (b) Only one sign shall be permitted per road frontage upon which the property abuts.
  - (c) Such signs shall be removed when the project is 80% completed, sold or leased.
  - (d) Such signs shall be located no closer than 100 feet to any residence not part of this project.
- (15) Temporary signs adjacent to the public right-of-way for the purpose of selling or leasing individual lots or building shall be permitted, provided:
  - (a) Such signs shall not exceed 32 square feet.
  - (b) Only one such sign is permitted per street frontage upon which the property abuts.
  - (c) Such sign shall be removed within 30 days following the lease or sale.
- (16) Portable, internally lit signs are only allowed as temporary signs and may not be up for more than three months and are not allowed as permanent signs.
- (17) Any freestanding sign within 25 feet of any intersection of road right-of-way lines and/or driveway entrances shall have vertical clearance for proper visibility by motorists on all affected roadways.

- (18) The total sign area of any multifaced freestanding or projecting wall sign shall not exceed two times the permitted area of a two-sided sign or three times the area of a three-sided sign. All applications for signs of more than two sides shall be reviewed by the Plan Commission and the Town Board.
- (19) Church and nonprofit directional signs shall be permitted, provided the total area of such signs shall not exceed six square feet per facing.
- (20) Signs advertising garage, yard or similar household sales shall be removed within seven days after the sale.
- (21) Signs with changing electronic messages are allowed as part of the total area of a permitted sign. Signs with an electronic message center in them require site plan approval.
- (22) Signs, which are located on the interior of a building, shall be exempt from the provisions of this article and shall not require permits or payment of fees.
- (23) Roof signs shall be prohibited.
- (24) Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices are prohibited.
- (25) Internal traffic directional signs shall be permitted provided the total area of each sign shall not exceed 20 square feet.
- (26) Substitution clause and sign content is permitted. Subject to the landowner's consent, noncommercial speech of any type may be substituted for any permitted commercial speech, provided the sign structure is legal without consideration of the message content. Such substitution of message may be made without any additional approval of permitting. This provision prevails over any provision to the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that the sign structure be properly permitted.

## § 105-23. Vehicle signs.

A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign shall be prohibited.

## § 105-24. Billboards.

- A. Billboards may be erected along and intended to be viewed from only Interstate 94. Billboards are allowed only in the following zoning districts: Commercial and Commercial/Light Industrial Districts.
- B. The maximum allowable size of any billboard is 700 square feet. The maximum allowable extensions shall not exceed 15% of the total sign area. All skirting and perimeter material shall be counted as part of the sign area.
- C. The maximum allowable height of any billboard is 40 feet. If an interstate highway served by a billboard is elevated above the surface on which it is placed, the Town Board may grant a special exception to this regulation according to its discretion.
- D. The minimum allowable distance in any direction between billboards is 5,280 feet.
- E. The minimum allowable proximity of any billboard to any residential zoning district is 500 feet.
- F. The minimum allowable distance of any billboard to any interstate right-of-way is 50 feet.



- G. The minimum allowable distance of a billboard to any building shall be 25 feet.
- H. No portion of any billboard shall occupy air space above any driveway or parking area.
- I. No billboard may display any moving parts nor shall it be illuminated with any flashing or intermittent lights.

## § 105-25. Administration and enforcement.

- A. Permits. Except as provided below, the owner or occupant of the premises on which a sign is to be displayed, or the owner or installer of such signs, shall file an application provided by the Town of Hudson Building Inspector/Zoning Administrator for permission to display such sign. Permits must be acquired for all new, relocated, modified or redesigned signs except those specifically excepted below. The applicant shall submit with the application a complete description of the sign and a sketch showing its size, location, manner of construction and such other information as shall be necessary to inform the Town of Hudson Building Inspector/Zoning Administrator of the kind, size, material, construction and location of the sign. The Town of Hudson Building Inspector/Zoning Administrator may approve sign permits. The applicant shall also submit the fee at the time of application as set forth in the Building Code Ordinance. If a sign authorized by a permit has not been installed within six months after the date of issuance of said permit, the permit shall become null and void.
- B. Exemptions. The exemptions permitted by this section shall apply only to the requirements of a permit and shall not be construed as excusing the installer of the sign or the owner of the property upon which the sign is located from complying with the other provisions of this article. No permit is required under this section for the following signs:
  - (1) Signs erected by a governmental unit or public school district.
  - (2) Memorial signs or tablets containing the name of the building, its use and date of erection when cut or built into the walls of the building.
  - (3) Signs which are completely within a building.

## § 105-26. Notice of violation; assessment of costs.

If the Town of Hudson Building Inspector/Zoning Administrator or his deputies finds that any sign regulated by this article is prohibited as to size, location, content, type, number, height or method of construction, or is unsafe, insecure or a menace to the public, or if any sign has been constructed or erected without a permit first being granted to the installer of said sign or to the owner of the property upon which said sign has been erected, or is improperly maintained, or is in violation of any other provisions of this article, he shall give written notice of such violation to the sign owner and/or benefiting business being advertised by said sign thereof.

## § 105-27. Appeals.

- A. A sign permit applicant or permit holder may appeal any order or determination made by the Building Inspector/Zoning Administrator or his deputy pursuant to this article by filing a notice of appeal with the Town Clerk and requesting a hearing before the Board of Adjustment for the Town of Hudson.
- B. The Board of Adjustment will hear:
  - (1) Appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the administrative officer in the enforcement of this article.

- (2) Requests for variances from the literal provisions of this article. The application shall demonstrate:
- (a) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are applicable to other lands, structures or building in the same district.
  - (b) That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this subsection.
  - (c) That the special conditions and circumstances do not result from the actions of the applicant's request.
  - (d) That granting the variance requested will not confer on the applicant any special privilege that is denied by this article to other lands, structures or building in the same district.
  - (e) That granting of the variance is necessary to the reasonable use of the land and granting the variance will not adversely affect the existing or potential use of adjacent land.

## § 105-28. Nonconforming signs.

- A. Any nonconforming temporary or portable sign existing on December 4, 2007, or on the date of a subsequent amendment to this article shall be made to comply with the requirements set forth herein or shall be removed within six months after December 4, 2007, or on the date of a subsequent amendment to this article.
- B. Nonconforming permanent signs lawfully existing on December 4, 2007, or on the date of a subsequent amendment to this article shall be allowed to continue in use and may change the message. However, if the sign needs to be replaced, it must comply with the current sign ordinance at that time.
- C. Whenever the use of a nonconforming sign has been discontinued for a period of six months, such use shall not thereafter be resumed unless in conformance with the provisions of this article.

## Article V. Administration

### § 105-29. Building Inspector/Zoning Administrator.

There is hereby created the office of Building Inspector/Zoning Administrator. Appointment of this office shall be made by the Town Board.

### § 105-30. Powers and duties of the Building Inspector/Zoning Administrator.

The Building Inspector/Zoning Administrator shall:

- A. Advise applicants. Advise applicants for permits as to the provisions of this chapter and assist them in preparing applications.
- B. Issue permits. Issue permits as provided in § 105-31.
- C. Keep records. Keep records of all permits issued, inspections made, work approved, and other official actions.
- D. Determine district boundaries. Determine questions of the exact location of district boundaries.

- E. Access to premises for inspection purposes. Have access to any structure or premises for the purpose of performing his duties. This power shall be exercised at a reasonable hour, and after a twenty-four-hour notice.
- F. Procedures in case of ordinance violations. In the case of a violation of this chapter, notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. In cases of noncompliance with orders issued under this subsection, he shall report the violations to the Town Board and the Town Attorney, and may sign a complaint.

## § 105-31. Town building permits.

- A. When a permit is required. A permit known as a "Town building permit" issued by the Building Inspector/Zoning Administrator shall be secured prior to the erection, addition, alteration of any building or structure, except that minor repairs or alterations valued at less than \$2,000 which do not change the nature of the use or encroach on the required setbacks or side or rear yard or change the structural strength, fire protection, exits, lights or ventilation of the building may be made without permit. The construction or structural alteration of a private sanitary or sewerage system is not subject to this chapter, but is covered by the county ordinance.
- B. Application for a permit.
  - (1) Application for permits shall be made to the office of the Building Inspector/Zoning Administrator upon forms furnished by the Building Inspector/Zoning Administrator.
  - (2) All applications shall be accompanied by the fees specified in § 105-31C below and shall contain the following data:
    - (a) Name and address of the applicant and the owner of the property.
    - (b) Legal description of the property and the type of proposed use or uses.
    - (c) A sketch of the dimensions of the lot and location of any buildings from the lot lines, center line of abutting watercourse and water marks at the day of the sketch.
    - (d) Any other information required by the Town Building Code.
- C. Fees. Fees for building permits and commercial or industrial land use permits shall be established in the Town of Hudson Building Code Ordinance.
- D. Decision on application. The Building Inspector/Zoning Administrator shall decide whether the building, structure, alteration or addition is one for which a permit may properly be granted for the proposed location, and shall within 10 days either issue a permit as requested or mail or deliver to the applicant a statement that the application has been denied and the reasons for the denial. If denial is for failure to meet the requirement of this chapter or the Building Code, the specific requirements not met shall be stated. If denial is for insufficiency of the information in the application to warrant issuance of a permit, the written denial will state the respect in which the application is deficient.
- E. Review of determination. Any person aggrieved by the denial of a permit may request a review of the determination by mailing or delivering such request in writing to the Building Inspector/Zoning Administrator within 30 days of the making or delivery of the written denial. The Building Inspector/Zoning Administrator shall thereupon review his own determination pursuant to § 68.09, Wis. Stats., and affirm, reverse or modify his initial determination.

## § 105-32. Board of Adjustment.

- A. Membership. A Board of Adjustment is hereby established. The Board of Adjustment shall consist of five members appointed by the Town Chairperson, subject to confirmation by the Town Board, for

three years, except that of those first appointed, one shall serve for one year, two for two years and two for three years. The members shall serve with compensation as set by the Town Board, shall all reside within the Town of Hudson, and shall be removable by the Town Chairperson for cause and upon written charges and after public hearing. The Town Chairperson shall designate one of the members Chairperson. Vacancies will be filled for the unexpired term of members whose terms become vacant. The Town Chairperson may appoint, for staggered terms of three years, two alternate members for the Board, in addition to the five members provided for herein. The Town Chairperson shall annually designate one of the alternate members as first alternate and the other as second alternate. The first alternate member shall act, with full power, only when a regular member of the Board refuses to vote because of interest or when a member is absent. The second alternate shall so act only when the first alternate so refuses or is absent or when more than one member of the Board so refuses or is absent. The above provisions, with regard to removal and the filling of vacancies, shall also apply to such alternates. No member of the Town Board may be a member of the Board of Adjustment. The Board of Adjustment shall appoint one of its members as Secretary of the Board, unless the Town Board shall authorize the employment of a secretary.

- B. Rules. The Board of Adjustment shall adopt rules for its government and procedure, which rules shall provide a fair and orderly procedure and the protection of constitutionally protective rights. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in his/her absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- C. Records. The Board of Adjustment shall keep minutes of its proceeding, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- D. Appeals. Appeals to the Board of Adjustment may be taken by any person aggrieved, or by any officer, board or committee of the Town of Hudson affected by a decision of any Town official or body administering this chapter. Such appeal shall be taken within 30 days by filing with the officer or body from whom the appeal is taken and the Board of Adjustment a notice of appeal specifying the grounds therefor. The officer or body from whom appeal is taken shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- E. Stay proceedings. An appeal stays all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.
- F. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof, as well as giving due notice by mail to all parties in interest, and decide the same within a reasonable time. Upon hearing, any party may appear in person or by agent or by attorney. The Board's decision shall be in writing and shall state the reasons for the decision.
- G. The Board of Adjustment shall have the following powers:
  - (1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter or of any ordinance adopted pursuant thereto.
  - (2) To authorize upon appeal in specific cases such variance from the terms of this chapter as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in practical difficulty or unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. In every case where a variance from these regulations has been granted by the Board of Adjustment, the minutes of the Board shall affirmatively show that a practical difficulty

or unnecessary hardship exists, and the records of the Board shall clearly show in what particular and specific respects a practical difficulty or an unnecessary hardship is created.

- (3) To permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this chapter, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.
- H. In exercising the above-mentioned powers, such Board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
  - I. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which is required to pass under such ordinance or to effect any variation in such ordinance. The grounds of every such determination shall be stated.
  - J. Any person or persons, jointly or severally aggrieved by any decision of the Board of Adjustment, or any taxpayer, or any officer, department, board or bureau of the town, may, within 30 days after the filing of the decision in the office of the Board of Adjustment, commence an action seeking the remedy available by certiorari.

## § 105-33. Special exceptions.

Certain uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the determination, in advance, of permissibility. Provision has been made in this chapter for the determination of such cases by the Town Board as special exceptions. Special exceptions shall only be granted subject to the following provisions:

- A. General standards.
  - (1) No grant of a special exception shall violate the spirit or general intent of this chapter.
  - (2) No special exception shall be allowed which would be contrary to the public health, safety or general welfare, or which would be substantially adverse to property values in the neighborhood affected.
  - (3) No use shall be permitted by special exception that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
- B. General procedure. Applications for special exceptions shall be processed in this manner:
  - (1) Applications. Application for any use listed in this chapter as requiring a special exception may be allowed only upon application to the Town Board on forms furnished by the Building Inspector/Zoning Administrator. Special exception permit applications can include single parcels of land or grouping of parcels contiguous or noncontiguous. A fee as set from time to time by resolution of the Town Board plus costs of publication payable to the Town shall accompany the application. The Town may also require all other reasonable expenses associated with the request be paid by the applicant, including but not limited to town's attorney fee and engineering costs.
  - (2) Notice of such public hearing specifying the time, place and matters to come before the board shall be published as a Class 1 notice under Ch. 985, Wis. Stats., and by giving notice by mail to all parties in interest.
  - (3) Determination in writing. The conditions of approval or reasons for disapproval shall be stated in writing by the Town Board and made a permanent part of the minutes and furnished to the applicant.

- (4) Recording. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted, and such grant shall be applicable solely to the structures, use and property so described.
  - (5) Termination. Where a special exception does not continue in conformity with the conditions of the original approval, the special exception shall be terminated by action of the Town Board, preceded by a public hearing and notice to affected parties.
  - (6) Time to act upon application. The Board shall act on an application in the manner above described within 40 days of receiving the application, but if additional information is required by the Board pursuant to § 105-33C, the Board's decision may be further deferred until 10 days after receipt of such information.
- C. Request for additional information. Before passing upon an application for a special exception, the Town Board may require the applicant to furnish further relevant information. The requirement may be for specific points of information as described in this section, or it may be to have the required information compiled in the format of an environmental impact statement on questions on which it requires research and data.
- D. Conditions. The Board may make the granting of an application for a special exception contingent upon such express conditions as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:
- (1) The period of time in which all or part of the use may be permitted.
  - (2) Increased setback and yard dimensions.
  - (3) Specified sewerage disposal and water supply facilities.
  - (4) Landscaping and planting screens.
  - (5) Operational control.
  - (6) Sureties.
  - (7) Deed restrictions.
  - (8) Location of docks, piers or other structures, signs, etc.
  - (9) Location and amount of parking facilities.
  - (10) Type of construction.
  - (11) Type of shore cover.
- E. Reviews and appeals. Any person or persons jointly or severally aggrieved by a decision of the Town Board as relates to a determination of a special exception application may, within 30 days after the filing of the decision in the office of the Town Clerk, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may on application, on notice to the Town Board and on due cause shown, grant a restraining order. The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

## Article VI. Enforcement and Penalties

### § 105-34. Violations and penalties; regulations.

- A. Any premises used or building hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this chapter by any person, firm, association, corporation (including building contractors or his or their agent) shall be deemed an unlawful structure or use. The Town Board may direct the Town Attorney to bring an action to enjoin, remove or vacate any use, erection, moving or structural alteration of any building or use in violation of this chapter. Unless otherwise stated in this chapter, any person who violates this chapter shall forfeit not less than \$75 together with taxable costs in such action and not more than \$500 for each violation. Each day of violation shall constitute a separate offense.
- B. Any person who violates any provision of this chapter pertaining to chickens shall be responsible for any costs involved regarding the investigation of any complaint and notification of any violation and may be subject to a forfeiture penalty of not less than \$75 nor more than \$500, together with the costs of prosecution (§ 174.15, Wis. Stats.). Each day of violation shall constitute a separate offense.
- C. Penalties and/or forfeitures in this chapter are also covered in the Citation Ordinance.<sup>[1]</sup> If there is a conflict between this and the Citation Ordinance, the Citation Ordinance has precedence.
- [1] *Editor's Note: See Ch. 32, Citations, of this Code.*

## Article VII. Definitions

### § 105-35. Definitions.

For purposes of this chapter, certain terms used herein shall be interpreted as follows:

#### **ACCESSORY BUILDING**

A subordinate building or portion of the main building, the use of which is incidental to the permitted use of the main building.

#### **ACCESSORY USE**

A use incidental to the principal use of a building.

#### **AGRICULTURAL PARCEL**

The creation of one new parcel which is one acre or larger in area and which is 20 acres or smaller in area which is to be used for agricultural purposes as specified in Chapter 90, the Town Subdivision Ordinance.

#### **AUTOMOBILE WRECKING YARD**

A lot or yard where three or more unlicensed motor vehicles or the remains thereof are kept for the purpose of dismantling, sale of parts, sale as scrap, storage or abandonment.

#### **BASEMENT**

A story partly or wholly underground which, if occupied for living purposes, shall be counted as a story.

#### **BOARD OF ADJUSTMENT**

The Town of Hudson Board of Adjustment, which shall also be the Board of Appeals.

#### **BOARDING HOUSE**

A building other than a hotel, where meals, or lodging and meals, are furnished for compensation for three or more persons not members of a family, not open to transients, in contradistinction to hotels and restaurants.

#### **BUILDING**

A structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. A freestanding structure or group of structures joined by a common wall. When

a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.

### **BUILDING, HEIGHT OF**

The vertical distance from the base point elevation as defined in this chapter to the highest point of a flat roof, to the decline of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.

### **CAMPGROUNDS**

Any premises established for overnight habitation by persons using equipment designed for the purpose of temporary camping and for which a fee is charged.

### **CENTER LINE**

A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.

### **CHICKEN**

A common farm bird raised for its edible eggs or flesh.

### **CLASSES OF HIGHWAYS**

- A. All arterial highways classified as freeways or expressways are hereby designated as Class A highways.
- B. All highways classified as primary, standard and minor arterials and not further classified as a freeway or expressway are hereby designated as Class B highways.
- C. All highways classified as high or low collectors are hereby designated as Class C highways.
- D. All highways not included in the aforementioned classifications except for interior roads in major subdivisions are hereby designated as Class D highways.
- E. Local roads within a major subdivision may be designated by the Town Board at its discretion as Class E highways.

### **CLUB**

An association of persons for some common purpose but not including any groups organized primarily to render a service which is customarily carried on as a business.

### **COMMISSION**

The Town Plan Commission of the Town of Hudson.

### **CONNECTING STREET**

Streets in cities and villages that connect state trunk highways as defined in § 84.02(11), Wis. Stats.

### **DISTRICT**

Parcels or sections of the Town of Hudson for which the regulations governing the use of land and buildings are uniform as defined in this chapter.

### **DWELLING, MULTIPLE**

A building or portions thereof designed for and used by more than two families. Classification of a residential structure shall be determined by its present or projected occupancy and design and not by the characteristics of ownership and tenancy such as condominium arrangements.

### **DWELLING, ONE-FAMILY**

A detached building designed for or occupied exclusively by one family.

### **DWELLING, TWO-FAMILY**

A detached or semidetached building designed for and occupied exclusively by two families.



**FAMILY**

The body of persons who live together in one dwelling unit as a single housekeeping entity.

**FARM ANIMALS**

Horses, cows, pigs, sheep, chickens, goats, steers and other animals similarly associated with a rural setting, not including dogs, cats and other domestic animals.

**FLOOR AREA**

The area within the exterior wall lines of a building, provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, basements or utility rooms, garages, breezeways, unenclosed porches or terraces.

**FRONTAGE**

All the property abutting on one side of a road or street between two intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

**FRONTAGE, REVERSED**

When the rear lot line of a corner lot coincides with part or all of the side lot line of another lot in the same block, reversed frontage exists.

**GARAGE, PRIVATE**

An accessory building or space for storage only of not more than three private motor driven vehicles.

**GARAGE, PUBLIC**

A building or portion thereof used for the housing or care of motor vehicles for the general public or where any such vehicles are equipped or repaired for remuneration or kept for hire or sale.

**HOME OCCUPATION**

A gainful occupation conducted by members of the family only, within their place of residence, such as handicrafts, dressmaking, millinery, laundering, preserving and home cooking.

**JUNCTION**

The point upon which two highway center lines, as herein established, or a highway center line and the center line of a railway right-of-way, meet.

**JUNKYARD or SALVAGE YARD**

An open area where waste, used or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. A junkyard includes an auto wrecking yard, but does not include uses established entirely within enclosed buildings.

**KENNEL**

Any place where four or more of any single type of domestic animals, over three months of age, are owned, boarded, bred and offered for sale, but not including livestock in relation to a farm, or veterinary clinics.

**LODGING HOUSE**

A building other than a hotel or motel where lodging only is provided for compensation.

**LOT**

A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this chapter, and abutting on a public street or other officially approved means of access. A lot may be a parcel designed in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the

district in which it is located. No land included in any street, highway, access easement or railroad right-of-way shall be included in computing lot area.

**MOBILE HOME**

A detached single-family dwelling unit designed for long-term occupancy; and containing sleeping accommodations, flush toilet, a tub or shower bath, and kitchen facilities; with plumbing and electrical connections provided for attachment to outside systems; which is designed to be transported on its own wheels.

**MOBILE HOME PARK**

An area or premises on which is provided the required space for the accommodation of mobile homes, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

**MOTEL**

A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients, and where there is no permanent occupancy of any unit except by the owner, his agent or employees.

**MULTIPLE-FAMILY RESIDENCE**

A multifamily residence shall be any residence consisting of three or more dwelling units within the same structure.

**NONCONFORMING USE**

A building or premises lawfully used or occupied at the time of the passage of this chapter or amendments thereto, which use or occupancy does not conform to the regulation of this chapter or amendments thereto. A building or use for which a valid special exception permit has been issued is not a nonconforming use.

**PARKING LOT**

A lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

**PRINCIPAL BUILDING**

A freestanding structure and/or multitenant building sharing common walls.

**PROFESSIONAL OFFICE**

The office of a doctor, of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician or other recognized profession.

**QUARRYING**

The removal of mineral aggregates, topsoil or other natural materials from the earth by excavating, stripping or any other mining process.

**REPACKAGING**

The breaking down of entire shipments into smaller parcels for reshipping.

**ROADSIDE STANDS**

A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

**SERVICE STATION**

Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

**SETBACK**

The minimum horizontal distance between a building and street or lot line. Distances are to be measured from the most outwardly extended portion of the structure at ground level.

**SETBACK LINES**

Lines established adjacent to highways, lot lines, lakes and streams or other places for the purpose of defining limits within which any or certain buildings, structures or uses may not be constructed, maintained, or carried on, except as shown herein. "Within a setback line" means between the setback line and the highway, lake or stream to which the setback line is adjacent.

**SEWERED**

A sewered lot is one served by a municipal sewer system or a municipal-type sewered system constructed in accordance with all requirements of Wisconsin laws and all applicable administrative regulations.

**SPECIAL EXCEPTION**

The use of property, including the use and location of buildings, the size of lots and the dimensions of required yards, otherwise not a permitted use under the terms of this chapter, which is allowed by reason of special provisions of this chapter and for which a special exception permit may be issued by the Town Board, under conditions specified in this chapter.

**STORY**

The vertical distance between the surface of any floor and the floor next above it, or if there is no floor above it, the space between such floor and the ceiling next above it.

**STORY, HALF**

A story under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

**STREET**

A public or private thoroughfare which affords a primary means of access to abutting property.

**STREET FRONTAGE**

The edge of street along a parcel. An interior lot has one street frontage and a corner lot has two such frontages.

**STREET LINE**

A dividing line between a street and the abutting lot.

**STRUCTURAL ALTERATION**

Any change in the supporting members, such as bearing walls, columns, purlins, rafters, beams or girders, footings and piles.

**STRUCTURE**

Anything constructed or erected, the use of which requires a permanent location on the ground or attached to something having a permanent location on the ground.

**TEMPORARY STRUCTURE**

A movable structure not designed for human occupancy which may be used for the protection of goods or chattels.

**TO PLACE**

The putting of a building or structure in a particular situation, whether this is by original construction or erection or by moving a building or structure to the particular situation.

**TRAVEL TRAILER**

A vehicular portable structure designed as a temporary dwelling for travel, recreation and vacation use, which does not fall within the definition of a mobile home.

**TRAVEL TRAILER PARK**

An area or premises on which is provided the required space for the accommodation of travel trailers, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

**VARIANCE**

A departure from the terms of this chapter as applied to a specific building, structure or parcel of land, which the Board of Adjustment may permit, pursuant to § 105-32G of this chapter.

**VISION CLEARANCE**

An unoccupied triangular space at the intersection of highways or streets within railroads. Such vision clearance triangles shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in the Highway Setback Ordinance for St. Croix County.

**YARD**

An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

**YARD, FRONT**

A yard extending the full width of the lot between the front lot line and the nearest part of the main building, excluding uncovered steps.

**YARD, REAR**

An open space, unoccupied except for accessory buildings, extending from the rear lot line of the main building for the entire width of the lot, excluding such projections as are permitted hereinafter.

**YARD, SIDE**

A yard or open space on each side of the main building extending from the side wall of the building to the side lot line, and from the front yard to the rear yard. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements shall be the same for the accessory building as required for the main building.

## Article VIII. Changes and Amendments

### § 105-36. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may by ordinance change the district boundaries or amend, change or supplement the regulations established by this chapter or amendments thereto.

### § 105-37. Initiation.

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

### § 105-38. Petitions.

Petitions by owners or lessees for any change to the district boundaries or amendment to the regulations shall be filed with the Town Clerk, must describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and must be accompanied by a fee as set from time to time by resolution of the Town Board, plus costs of publication, payable to the Town of Hudson. The Town may also require all other reasonable expenses

associated with the request be paid by the petitioner, including but not limited to Town attorney fees and engineering costs. If such petition requests a change in district boundaries, it shall have attached the following:

- A. Plot plan drawn to a scale of one inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Owner's names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional information required by the Town Plan Commission or Town Board.

## § 105-39. Recommendations.

The Town Plan Commission shall review all proposed changes and amendments and shall recommend that the petition be granted as requested, modified or denied. The recommendation shall be made at a meeting and shall be submitted in writing to the Town Board.

## § 105-40. Hearings.

The Town Board shall hold a public hearing upon each favorable recommendation and may hold a hearing on other recommendations, giving at least 10 days' prior notice by publication at least two times in newspapers of general circulation in the Town during the preceding 30 days, listing the time, place, and then changes or amendments proposed. No amendment may be adopted without a notice and hearing. If the recommendation is for a change in district boundaries, the Town Board shall also give written notice by mail to the owners of all land proposed to be rezoned and land within 200 feet thereof.

## § 105-41. Town Board's action.

Following such hearing and after careful consideration of the Town Plan Commission's recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

## § 105-42. Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more either of the areas of land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by favorable vote of 3/4 of those Town Board members voting.

# Article IX. Wireless Communication Facilities

## § 105-43. Title.

This article is entitled the "Town of Hudson Mobile Tower Siting Permit Ordinance."

## § 105-44. Purpose.

The purpose of this article is to regulate by zoning permit: 1) the siting and construction of any new mobile service support structure and facilities; 2) with regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities; and 3) with regard to a Class 2 co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

## § 105-45. Authority.

The Town Board has the specific authority under its village powers, zoning authority, and § 66.0404, Wis. Stats., to adopt and enforce this article.

## § 105-46. Adoption.

This article, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit: 1) the siting and construction of any new mobile service support structure and facilities; 2) with regard to a Class 1 co-location, the substantial modification of an existing support structure and mobile service facilities; and 3) with regard to a Class 2 co-location, co-location on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

## § 105-47. Definitions.

All definitions contained in § 66.0404(1), Wis. Stats., are hereby incorporated by reference.

## § 105-48. Siting and construction of mobile service support structure and facilities.

### A. Application process.

- (1) A Town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the Town obtainable with this permit.
- (2) A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
  - (a) The name and business address of, and the contact individual for, the applicant.
  - (b) The location of the proposed or affected support structure.
  - (c) The location of the proposed mobile service facility.
  - (d) The name of the owner(s) of the proposed location.
  - (e) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (f) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.

- (g) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) A permit application will be provided by the Town upon request to any applicant.
  - (4) If an applicant submits to the Town an application for a permit to engage in an activity described in this article, which contains all of the information required under this article, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
  - (5) Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree in writing to an extension of the ninety-day period:
    - (a) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
    - (b) Make a final decision whether to approve or disapprove the application.
    - (c) Notify the applicant, in writing, of its final decision.
    - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
  - (6) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection **A(2)(f)**.
  - (7) If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
  - (8) The fee for the permit is as set from time to time by resolution of the Town Board.

## § 105-49. Class 1 co-location.

### A. Application process.

- (1) A Town zoning permit is required for a Class 1 co-location. A Class 1 co-location is a conditional use in the Town obtainable with this permit.
- (2) A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
  - (a) The name and business address of, and the contact individual for, the applicant.
  - (b) The location of the proposed or affected support structure.
  - (c) The location of the proposed mobile service facility.

- (d) The name of the owner(s) of the proposed location.
  - (e) If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
  - (f) If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
  - (g) If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) A permit application will be provided by the Town upon request to any applicant.
- (4) If an applicant submits to the Town an application for a permit to engage in an activity described in this article, which contains all of the information required under this article, the Town shall consider the application complete. If the Town does not believe that the application is complete, the Town shall notify the applicant, in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree, in writing, to an extension of the ninety-day period:
- (a) Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.
  - (b) Make a final decision whether to approve or disapprove the application.
  - (c) Notify the applicant, in writing, of its final decision.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (6) The Town may disapprove an application if an applicant refuses to evaluate the feasibility of co-location within the applicant's search ring and provide the sworn statement described under Subsection **A(2)(f)**.
- (7) If an applicant provides the Town with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Town provides the applicant with substantial evidence that the engineering certification is flawed.
- (8) The fee for the permit is as set from time to time by resolution of the Town Board.

## § 105-50. Class 2 co-location.



#### A. Application process.

- (1) A Town zoning permit is required for a Class 2 co-location. A Class 2 co-location is a permitted use in the Town but still requires the issuance of the Town permit.
- (2) A written permit application must be completed by any applicant and submitted to the Town. The application must contain the following information:
  - (a) The name and business address of, and the contact individual for, the applicant.
  - (b) The location of the proposed or affected support structure.
  - (c) The location of the proposed mobile service facility.
- (3) A permit application will be provided by the Town upon request to any applicant.
- (4) A Class 2 co-location is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject.
- (5) If an applicant submits to the Town an application for a permit to engage in an activity described in this article, which contains all of the information required under this article, the Town shall consider the application complete. If any of the required information is not in the application, the Town shall notify the applicant, in writing, within five days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (6) Within 45 days of its receipt of a complete application, the Town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Town may agree, in writing, to an extension of the forty-five-day period:
  - (a) Make a final decision whether to approve or disapprove the application.
  - (b) Notify the applicant, in writing, of its final decision.
  - (c) If the application is approved, issue the applicant the relevant permit.
  - (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- (7) The fee for the permit is as set from time to time by resolution of the Town Board.

### § 105-50.1. Violations and penalties.

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this article shall, upon conviction, pay a forfeiture of not less than \$75 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation.
- B. Each day a violation exists or continues constitutes a separate offense under this article. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

## Article X. Adult Establishments

### § 105-51. Purpose.

To create an overlay zoning district whereby adult establishments are sufficiently separated from each other and conflicting uses so as to ameliorate the negative secondary effects of adult uses while

providing adult establishments sufficient area and opportunity to operate within the Town so as not to suppress their existence.

## § 105-52. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

### **ADULT BOOKSTORE**

An establishment which, as its substantial course of conduct, presents adult entertainment for observation by patrons therein, or which, as part of its substantial course of conduct, offers for sale, rent, trade, lease, inspection or viewing books, films, videocassettes, magazines or other such media, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.

### **ADULT CABARET**

A nightclub, dance hall, bar, restaurant or similar commercial establishment that regularly features:

- A. Persons who appear in a state of nudity or seminudity; or
- B. Live performances that are characterized by specified sexual activities; or
- C. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or nudity.

### **ADULT ENTERTAINMENT**

Any exhibition of any motion picture, live performance, display or dance of any type which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on any actual or simulated performance of specified sexual activities or exhibition and viewing of specified anatomical areas.

### **ADULT ESTABLISHMENT**

Includes adult bookstores, adult motion-picture theaters, adult novelty stores, and further means any premises to which public patrons or members are invited or admitted that is substantially devoted to the purveyance, demonstration or display of specified sexual activities or specified anatomical areas.

### **ADULT MOTION-PICTURE THEATER**

Any establishment for the presentation of motion pictures that as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting, describing or relating to specified sexual activities or specified anatomical areas for observations by patrons therein.

### **ADULT NOVELTY STORE**

Any establishment which as its substantial course of conduct offers for sale, rent, trade, lease, inspection or viewing any adult novelty items, sex toys, sexual gratification appliances or other similar products, excluding contraceptives or similar products of medical value, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.

### **SEXUALLY ORIENTED BUSINESS**

An adult bookstore, adult establishment, adult motion-picture theater, adult novelty store, adult cabaret, a business featuring adult entertainment or other business classified as an adult establishment.

### **SPECIFIED ANATOMICAL AREAS**

- A. Less than completely and opaquely covered human genitals or pubic region.
- B. Human male genitals in a discernibly turgid state, even if opaquely covered.

- C. Less than completely and opaquely covered nipples or areolas of the human female breast.

### **SPECIFIED SEXUAL ACTIVITIES**

Simulated or actual:

- A. Showing of human genitals in a state of sexual stimulation or arousal; or
- B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or
- C. Fondling or erotic touching of human genitals, pubic region, buttocks or female breasts.

### **SUBSTANTIAL**

Forty percent or more of a business stock-in-trade, display space, floor space or retail sales in any one month. Upon reasonable belief that an entity is in excess of the 40% threshold, that entity shall provide all necessary records, receipts and documentation to the Town upon request. Failure to do so shall result in a presumption that the entity is operating in excess of the threshold.

## **§ 105-53. Location.**

- A. No adult establishment shall be located:
  - (1) Within any zoning district other than Commercial/Light Industrial.
  - (2) Within 500 (plus) feet of an existing adult establishment.
  - (3) Within 1,000 feet of any single-family or two-family dwelling.
  - (4) Within 1,000 feet of any preexisting school, church or day care.
  - (5) Within 500 feet of any preexisting establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor.
- B. For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult establishment, to the nearest property line of another adult establishment, dwelling, school, church, day care or establishment selling or dispensing fermented malt beverages or intoxicating liquor.

## **§ 105-54. Hours of operation.**

- A. No adult establishment shall be open between the hours of 2:00 a.m. and 8:00 a.m., Monday through Friday, between the hours of 2:30 a.m. and 8:00 a.m. on Saturdays, or between the hours of 2:30 a.m. and 12:00 noon on Sundays.
- B. All adult establishments shall be open to inspection at all reasonable times by the County Sheriff's Department and the Code Enforcement Officer.

## **§ 105-55. Regulation of sexually oriented business.**

- A. The sale, use or consumption of alcoholic beverages on the premises of a sexually oriented business is prohibited.
- B. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of a sexually oriented business at any time the sexually oriented business is open for business.

- C. It shall be the duty of the operator of each sexually oriented business to ensure that an attendant is stationed at each public entrance to the sexually oriented business at all times during such sexually oriented businesses' regular business hours. It shall be the duty of the attendant to prohibit any person under the age of 18 years from entering the sexually oriented business. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished:
- (1) A valid operator's, commercial operator's or chauffeur's driver's license; or
  - (2) Personal identification card issued by a state agency reflecting that such person is 18 years of age or older.
- D. No person shall cause another to commit a violation of this section, nor shall any person permit such violation to occur on any premises under his/her control, tenancy, management or ownership.

## § 105-56. Exemptions.

The provisions of this article do not apply to the following establishments: theaters, performing arts centers, civic centers and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic, social or political merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for the sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or seminude performances. While expressive live nudity may occur within these establishments, this article seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with these establishments.

## § 105-57. Violations and penalties.

- A. Violation of the use provisions of this article is declared to be a public nuisance per se, which shall be abated by Town Attorney by way of civil abatement procedures.
- B. Any person, partnership or corporation who violates any of the provisions of this article shall be subject to a forfeiture of not less than \$75 and not more than \$500 per violation. A separate offense and violation shall be deemed committed on each day on which a violation occurs or continues. In addition, violation of this article constitutes sufficient grounds for suspending, revoking or nonrenewing an alcohol beverage license under § 125.12, Wis. Stats.