


*Town of St. Joseph, WI
Thursday, February 2, 2023*

Chapter 170. Zoning

[HISTORY: Adopted by the Town Board of the Town of St. Joseph 4-27-2021 by Ord. No. 2021-03. Amendments noted where applicable.]

ATTACHMENTS

Attachment 1 - Zoning Map 

Attachment 2 - Zoning Use Table 

Article I. Title, Authority and Purpose

§ 170-1. Title.

The title of this chapter is the "Town of St. Joseph Zoning Ordinance," referred to herein as the "Ordinance" or "this chapter."

§ 170-2. Authority.

The Town Board of the Town of St. Joseph has general zoning authority, powers and duties pursuant to Wis. Stats., §§ 60.10, 60.22, 61.35, 60.62, and 62.23; also pursuant to the other specific statutory authority as noted elsewhere in this chapter; also pursuant to the Town's assumption of village powers at its Annual Town Meeting on April 7, 1959, and pursuant to the action by Town electors at a Special Town Meeting on September 14, 2020, to authorize the Town Board to enact Town zoning ordinances.

§ 170-3. Purpose.

The purpose of this chapter is to promote the health, safety, prosperity and general welfare of the residents and landowners in the Town of St. Joseph, through the establishment and enforcement of regulations governing the use of the land in the Town and by providing penalties for the violation of its provisions. To these ends, this chapter shall divide the Town into districts and regulate the location, construction, alteration, enlargement and use of structures and land in the Town.

§ 170-4. Intent.

It is the general intent of this chapter to:

- A. Aid in implementing the Town's Comprehensive Plan.
- B. Regulate the use of all structures, lands and waters.
- C. Provide the compatibility of land uses.
- D. Promote the preservation of agricultural and conservation areas within the Town.
- E. Provide opportunities for limited, desirable commercial development while reducing the property tax burden for residential property.

- F. Further the appropriate use of land and conservation of natural resources.
- G. Preserve and promote the beauty and rural atmosphere of the Town.
- H. Promote a fair, equitable and balanced application of reasonable zoning regulations for the Town and its residents.
- I. Regulate lot and population density so as to lessen congestion and promote the safety and efficiency of the roads and highways and protect farmland and open space.
- J. Prevent overcrowding; avoid undue population concentration.
- K. Facilitate the provision of public facilities and utilities.
- L. Stabilize and protect property values.
- M. Secure safety from fire, flooding, panic and other dangers.
- N. Provide adequate light, air, sanitation and drainage.
- O. Provide the administration and enforcement of this chapter and to provide penalties for its violation.

§ 170-5. Severability.

If any specific portion of this chapter is held to be unconstitutional, unlawful or invalid by a court of competent jurisdiction, the remainder of this chapter shall be unaffected and remain in full force and effect.

§ 170-6. When effective.

This chapter shall be effective after a public hearing, adoption by the Town Board and approval by the St. Croix County Board of Supervisors and publication and posting as provided by law.

§ 170-7. Interpretation.

- A. The provisions of this chapter shall be held, interpreted and applied as minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or in conflict with the provisions of any other ordinances of the Town of St. Joseph.
- B. For the purpose of administering and enforcing this chapter, the terms or words used herein shall be interpreted as follows:
 - (1) Words used in the present tense include the future; in the singular include the plural and in the plural include the singular.
 - (2) The word "shall" is mandatory, not permissive.
 - (3) All distances, unless otherwise specified, shall be measured horizontally.

Article II. General Provisions

§ 170-8. Definitions.

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

ACCESSORY BUILDING

A subordinate structure, the use of which is incidental to and customarily found in connection with the principal structure or use of the property. Subject to more specific requirements and limitation contained in the specific zoning districts, accessory residential structures may include, but are not limited to, garages, carports, sheds, barns, gazebos, boathouses, swimming pools and garden shed. Attached garages, attached carports and decks are considered part of a residential structure, not an accessory structure or building. Examples of accessory structures in the business districts and on semipublic parcels include public restrooms and picnic shelters.

ACCESSORY USE

A use subordinate to and serving the principal use located on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family day care, home occupations and seasonal roadside stand.

AG BUSINESS

The farming, management, production and marketing of agricultural commodities such as livestock and crops.

AGRICULTURAL ENTERTAINMENT

An enterprise or business that is farm-based and that combines the elements and characteristics of agriculture and tourism. Agricultural entertainment includes a wide array of farm and farm-related activities including nature-based tourism, fishing, hunting, wildlife study, horseback riding, day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums, harvest festivals, seasonal craft sales offering predominantly locally produced craft items, barn dances, petting farms, weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, "pick your own" operations, roadside stands and farmers markets.

AGRICULTURAL PRODUCTS PROCESSING

A facility used for the cooking, dehydrating, refining, bottling, canning, or other treatment of agricultural products which changes the naturally grown product for consumer use. Does not include slaughterhouses, animal reduction yards, tallow works, or rendering plants. May include warehousing and packaging as secondary uses. Warehousing may include controlled atmosphere and cold storage of processed and/or packaged agricultural products. Packaging may include washing, sorting, crating, and other functional operations such as drying, field crushing or other preparation in which the agricultural product remains essentially unaltered.

AGRICULTURAL RESOURCE PRODUCTION

The production of end products from materials grown or extracted from agricultural or forested land, including sawmills. A "sawmill" means a machine and related equipment or area that:

- A. Saws dimension lumber, boards, beams, timber, poles, ties, shingles, shakes, siding, and wood chips from logs or bolts; or
- B. Saws round wood poles, pilings, and posts and treating them with preservatives.

AGRICULTURAL USE

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

ANIMAL UNITS

As defined by § NR 243.05, Wis. Adm. Code. "Animal unit" means a unit of measure used to determine the total number of single animal types or combination of animal types.

ANIMAL WASTE

Manure, milking center waste and other organic waste generated by livestock, farm animals, or any number combination of animal units or portion thereof. It includes animal bedding, water, soil, hair, feathers and other debris that becomes intermingled with animal excreta in normal waste handling operations.

ANIMAL WASTE STORAGE FACILITY

One or more animal waste storage structures used for temporary storage of animal waste, including stationary equipment and piping used to load and unload an animal waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. It does not include equipment used to apply animal waste to land or animal waste that is confined within an animal housing structure. Does not include off-site waste storage facilities or waste digester.

ANTENNA

Any device or equipment used for the transmission or reception of electromagnetic waves, which may include an omnidirectional antenna (rod), a directional antenna (panel) or a parabolic antenna (disc).

APARTMENT

A portion of a residential or commercial building used as a separate dwelling unit.

APARTMENT HOUSE

See "dwelling, multiple-family."

AQUACULTURE

The rearing of aquatic animals or the cultivation of aquatic plants for food. Using normal aquaculture activities as defined in Wis. Stats., § 281.36.

ARTERIAL ROAD

A public road or highway that provides for rapid movement of high volumes of traffic between areas. Their function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

ARTISAN WORKSHOP

An establishment for the preparation, display, and sale of crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, photographs, paintings and other articles of artistic quality or handmade workmanship.

AUTOMOBILE AND BOAT REPAIR, MAJOR

A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles, motor vehicle components, boats and other marine vehicles, that may require overnight outdoor storage of vehicles awaiting or under repair, if screened in compliance with all applicable regulations.

AUTOMOBILE AND BOAT REPAIR, MINOR

A daytime retail operation wherein the sale, installation, and/or inspection of tires, batteries, brakes and other related minor parts or accessories is carried on; specifically intended to exclude major automotive and marine repair and overnight outdoor storage of vehicles awaiting or under repair.

AUTOMOTIVE SERVICE, REPAIR AND TOWING

Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to passenger automobiles and trucks not exceeding 12,000 pounds gross weight.

AWNING

A hood or cover which projects from the wall of the building, which may be retracted, folded or collapsed against the face of a supporting structure. Awnings are not projected signs.

BASEMENT

That portion of the building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.

BED-AND-BREAKFAST

A place of lodging for transient guests that is the owner's personal residence that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

BEEKEEPING-APIARY

Beekeeping for the purpose of an income or livelihood (also known as "apiculture"). "Beekeeping" means the maintenance of bee colonies in hives. "Bee" means any stage of the common domestic honey bee, *Apis mellifera* species. "Hive" means a structure for the housing of a bee colony. Hives are typically a series of boxes stacked one on top of the other.

BOARD OF APPEALS

The Town of St. Joseph Board of Appeals.

BOARDINGHOUSE

A building other than a hotel or motel where meals or lodging and meals are served for compensation for not more than six persons.

BUFFER SPACE

Undeveloped area(s) in any major subdivision that cannot be further subdivided and is/are owned in common by the owners of the subdivision lots and where the primary purpose is to separate residential areas from areas being preserved for agricultural uses. Buffer spaces also serve as open space.

BUILDING

A structure used, designed or intended for the protection, shelter, enclosure or support of a person, animals or property.

BUILDING ALTERATIONS

Any changes or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building or movement of a building from one location to another.

BUILDING COVERAGE

The percentage of the lot area that is covered by the building area, which includes the total horizontal area when viewed in a plan.

BUILDING LINE

A line measured across the width of a lot at that point where the principal structure is placed in accordance with setback provisions.

BUILDING MATERIAL AND HARDWARE SALES, MINOR

An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.

BUILDING-INTEGRATED SOLAR ENERGY SYSTEMS

A solar energy system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.

CAMOUFLAGE DESIGN

A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.

CAMPGROUND

Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by four or more camping units, or which is advertised or represented as a camping area.

CAMPING UNIT

Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping or travel trailer, motor home, bus, van, pickup truck, tent or other mobile recreational vehicle.

CANOPY

A shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalks. Canopies are not projecting signs.

CENTER LINE

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

CHANNEL

A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

CHILD-CARE CENTER

A facility licensed as a day-care center by the State Department of Children and Families under Wis. Stats., § 48.65, where a person or persons provide for nine or more children. It includes preschools and nursery schools.

CHURCH

A building together with its accessory structures where people regularly assemble for religious worship and which building(s) is maintained and controlled by a religious body organized to sustain public worship.

CLINIC

A building used by a group of physicians, chiropractors, dentists or similar professionals for the medical examination or treatment of persons on an outpatient or non-boarding basis only.

CLUB

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

COMMERCIAL

A type of business activity that distributes goods or provides services with intention to make a profit, but does not involve the manufacturing, processing or production of goods.

COMMISSION

The Town of St. Joseph Plan Commission.

COMMUNITY CENTER

A public facility where members of a community gather for group activities, social support, public information and other purposes. Facilities may be open for the whole community or for a specialized group within the greater community.

COMMUNITY GARDEN

A single parcel of land gardened collectively by a group of people. Community gardens utilize either individual or shared plots on private or public land while producing fruit, vegetables, and/or plants grown for their attractive appearance, community improvement, physical or mental well-being of community members, or land conservation.

COMMUNITY LIVING ARRANGEMENT

Community and other living arrangements; the following facilities licensed or operated or permitted under the authority of Wisconsin Statutes: community living arrangement for adults, as defined in Wis. Stats., § 46.03(22); a community living arrangement for children as defined in Wis. Stats., § 48.743(1); a foster home, as defined in Wis. Stats., § 48.02(6); or an adult family home as defined in Wis. Stats., § 50.01(1). The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including Wis. Stats., §§ 46.03(22) and 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.

COMMUNITY SOLAR GARDEN

A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community households or businesses residing or located off-site from the location of the solar energy system; however, within the Township. A community solar system may be either an accessory or a principal use.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

An area of land managed and maintained by an individual or group of individuals to grow and harvest food and/or horticultural products for shareholder consumption or for sale or donation. This does not include a personal garden.

CONDITIONAL USE

A use of land, water or building which is allowable only after review, public hearing and recommendation by the Plan Commission and after the Town Board, under conditions specified in this chapter, has determined that the applicable conditions specified in this chapter have been met and has created any additional site- or operation-specific conditions as are necessary for public and neighborhood health, safety and welfare.

CONDOMINIUM

A residential, commercial or industrial building and property subject to condominium declaration as established under Wis. Stats., Ch. 703.

CONSERVATION

Planned management of a natural resource to prevent exploitation, destruction, or neglect.

CONSERVATION CORRIDOR

Defines and separates human activity from that of wildlife or natural habitats in a pattern without fragmentation that accommodates movement between regions. Often bordered by recreational greenways that provide transition to human activity in a manner that heightens awareness to and appreciation of environmentally sensitive areas.

CONSERVATION EASEMENT

As provided in Wis. Stats., § 700.40, a holder's nonpossessory interest in real property imposing any limitations or affirmative obligations the purposes of which include permanently retaining or protecting natural, scenic or open space values of real property, permanently assuring the availability of real property for agricultural, forest, recreational or open space use, permanently protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site as defined in Wis. Stats., § 157.70(1)(b), or permanently preserving the historical, architectural, archaeological or cultural aspects of real property.

CONTRACTOR'S STORAGE YARD

The outdoor portion of a lot or parcel, where a construction or service contractor maintains a permanent business office, that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If used in this manner, the entire lot or parcel would then be classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations.

CONVENIENCE STORE

A facility associated with the sale of gasoline products that also offers for sale prepackaged food items and consumer goods, primarily for self-service by the consumer. Hot beverages, fountain-type beverages and pastries may be included in the food items offered for sale.

CROP OR FORAGE PRODUCTION

Cultivated plants including but not limited to field crops such as corn, wheat, oats, barley, hay, potatoes and dry beans; fruits such as apples, grapes, cranberries, cherries and berries; vegetables such as tomatoes, sweet corn, carrots and squash; plants raised for culinary, medicinal or aesthetic purposes such as flowers, herbs, spices, ornamental shrubs and trees and ginseng; plants raised for energy production such as switch-grass; and plants raised for textile use, such as cotton or bamboo. "Forage" means bulky food for animals when taken by browsing or grazing.

CUL-DE-SAC

A dead-end road with a circular turnaround at the end for vehicular use.

CULTURAL

Relating to the arts and intellectual achievements, often characteristic of a particular group of people and their habits, traditions and beliefs.

DAY CARE, SMALL GROUP ADULT

A day program that provides the elderly and other adults with day services.

DAY CARE, SMALL GROUP CHILDREN

A place or home which provides care for no more than eight children for less than 24 hours a day and is licensed as provided for in Wis. Stats., § 48.65.

DEALERSHIPS (OFF-ROAD, WATERCRAFT AND IMPLEMENTS)

Retail sales, lease and/or rental of ATV, UTV, farm vehicles, personal watercraft, boats and related trailers. May include such vehicles for repair, distribution or storage.

DECK

An unenclosed exterior structure that has no roof or sides, but has a permeable floor. An attached deck is part of the structure to which it is attached. An unattached deck is an accessory structure.

DENSITY

The acreage to dwelling unit ratio used to calculate the maximum number of dwelling units allowed under the Town's Subdivision Ordinance^[1] in an area for which subdivision is planned and based on the zoning classifications of land.

DEVELOPMENT

Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

DISTILLERY

A facility for the manufacture or rectification of intoxicating liquors, as defined in Wis. Stats., § 125.02, and associated authorized activities, as described in Wis. Stats., § 125.52.

DISTRICT

Parcels or sections of the Town of St. Joseph, for which the regulations governing the use of land and buildings are uniform.

DOCK, PIERS and WHARVES

Structures extending into the water to facilitate the launching or mooring of watercraft or for fishing during the open water season.

DRIVE-IN THEATER

An establishment consisting of a movie screen, projection booth, concession stand and parking lot with the purpose of showing movies to customers who view them from their parked car.

DRIVEWAY

Access provided to one or two lots only from the edge of the traveled road surface of a public road to a private building or to privately owned property upon which a building will be located. Driveways must be designed and constructed to the standards of Plate RD-08 (Residential Driveway - single) and RD-09 (Residential Driveway - double) and RD-19 (Commercial Driveway) standards.

DRUGSTORE/PHARMACY

An establishment that is principally engaged in retailing prescription or nonprescription drugs and medicines. These establishments may also sell candies, food products, cosmetics and household items incidental to their principal business.

DWELLING UNIT

A structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household to the exclusion of all others.

DWELLING, MULTIPLE-FAMILY

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. Examples include apartment buildings, townhouses, rowhouses, and triplexes.

DWELLING, SECONDARY

A secondary dwelling unit, subordinate to a principal one-family dwelling, within or attached to a one-family dwelling or in a detached accessory building on the same zoning lot, with the property owner of record occupying either the principal dwelling unit or the accessory dwelling unit as their permanent and principal residence. These are prohibited in the St. Croix County Riverway District.

DWELLING, SINGLE-FAMILY

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

DWELLING, TWO-FAMILY (DUPLEX)

A building owned by a single entity designed for two separate dwelling units, each occupied exclusively by separate families.

ESSENTIAL SERVICES

Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations and hydrants but not including buildings.

EXOTIC ANIMALS

Animals not normally adapted to live and breed in a tame or domestic condition and/or that originate in or are introduced from another country and/or not normally kept as livestock or as household pets.

EXPANSION

An addition to an existing structure regardless of whether the addition is vertical or horizontal or both.

FAMILY

One or more persons who live together in one dwelling unit as a single housekeeping entity.

FARM

All contiguous land under common ownership that is over 50% devoted to agricultural use per the St. Croix County tax assessment records.

FARM MARKET

Outdoor marketplace intended to sell homegrown produce and value-added products directly from farmers to consumers. An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does include the sale of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items when the proper health rules and regulations are followed and/or health permit obtained. [See Section 106.05.03(c), "Farmers market, temporary," for regulations.]

FARM-RELATED EXHIBITION

An exhibition, sale or event that is accessory to a farm or agricultural use, or that directly promotes the Town's agricultural economy. Examples include auctions, dairy breakfasts, exhibition of farm machinery and technology, agricultural association meetings and similar activities but not to exceed five calendar days per calendar year. This use must comply with Wis. Stats., § 91.01(1).

FIELD DRIVEWAY

An access to a field regularly used only for agricultural purposes or to access agricultural land.

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, unfinished basements or utility rooms, garages, breezeways, unenclosed porches or terraces.

FLORICULTURE

Floriculture conducted for the purpose of an income or livelihood. "Floriculture" means an establishment engaged in the production of field-grown or greenhouse-grown plants for their flowers or showy leaves.

FOOTPRINT

The areas of land that are covered by a structure at ground level, measured on a horizontal plane. The footprint of a structure includes cantilevered or pier-supported horizontal expansions or similar expansions that enlarge the area of the structure without using a ground level foundation.

FOREST MANAGEMENT

Forest management for the purpose of an income or livelihood. "Forest management" means establishments that grow and harvest timber on a production cycle of at least 10 years and that specialize in various stages of the production cycle, including reforestation, timber production, and timber harvesting. "Reforestation" means the production of seedlings in specialized nurseries. "Timber production" means the maintenance of natural forest or growing timber on areas of land that are available for the entire production cycle. "Timber" means the use of specialized machinery to gather forest products, such as timber, gums, barks, balsam needles, rhizomes, fibers, Spanish moss and ginseng and truffles. Examples include timber tract operations, logging, and forest nurseries (growing trees for reforestation and gathering forest products).

FORMULA BUSINESS

An establishment that is required by contractual or other arrangements to maintain any one or more of the following standardized features which causes it to be substantially identical to 10 or more other businesses located within the United States, regardless of the ownership of those businesses: name; if food is served, menu, ingredients, food preparation or presentation format; decor; employee uniforms; trademark; logo; symbol; architectural design; signage; color scheme; or any other similar standardized features. "Formula business" does not include grocery stores; drugstores and pharmacies; convenience stores; hardware stores; gas stations; and businesses primarily

providing services rather than goods for sale, including but not limited to banks and credit unions, movie theaters, entertainment and recreation services, mailing services and vehicle and equipment rental.

FOSTER HOME/ADULT FAMILY HOME

A dwelling that is the primary domicile of a foster parent who is licensed under Wis. Stats., § 48.62, or a dwelling that has been certified as an adult family home under Wis. Stats., § 50.032(1m)(b).

FOUNDATION

The underlying base of building or other structure, including, but not limited to, pillars, footings and concrete and masonry walls.

FRANCHISE ARCHITECTURE

A distinct architectural building style and/or elements commonly employed by a fast-food or other retail franchise, that serves to enhance or promote brand identity through visual recognition.

FRONTAGE

All of the property abutting on one side of a roadway measured along the road between intersecting roads.

FUNERAL HOME

An establishment primarily engaged in preparing the dead for burial or interment and conducting funerals.

FUR FARM

The practice of breeding or raising certain types of animals for their fur, such as mink, chinchilla, fox and rabbit.

GARAGE, PRIVATE

An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

GARAGE, SERVICE

Any commercial premises used for the storage or care of motor-driven vehicles for the general public or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GARDEN CENTER

A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery and gardening tools.

GOLF COURSE

A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse which may include dining, social events and gatherings and other recreational facilities and shelters as accessory uses. Golf courses may provide golf equipment rental and golf instruction services.

GOVERNMENTAL, INSTITUTIONAL, OR NONPROFIT COMMUNITY USE

A building or land area not otherwise defined in this chapter, that:

- A. Is used to administer, oversee, or manage public programs exercising executive, legislative, or judicial authority; or
- B. Nonprofit and civic functions described in 26 U.S.C. § 501(c) such as grantmaking, charitable trusts or fund-raising, social or political advocacy, preservation and protection of the

environment and wildlife, promoting the civic and social interests of a nonprofit organization, or promoting public or professional interests such as business associations, professional organizations, labor unions, and political organizations;

- C. Provides meeting spaces for the general public or a neighborhood, such as a meeting hall, community center, or exhibition hall. IBC Reference: courtrooms, civic administration, and exhibition halls.

GRADE, STRUCTURE

The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground of the highest and lowest grades adjacent to the building.

GREENHOUSE

A temporary or permanent accessory structure typically made of, but not limited to, glass, plastic or fiberglass in which plants are cultivated.

GREENHOUSE OR NURSERY FOR RETAIL PLANT SALES

A facility that may include the outside display of plants offered for sale when such display is located behind the front yard line established in the district in which the nursery or greenhouse is located.

GREENWAY

A conservation corridor maintained in its natural condition to minimize the adverse effects of development on sensitive environmental resources such as wetlands, floodplains, and steep slopes; limit disturbance to natural or cultural features such as mature woodlands, hedgerows and tree lines; preserve critical wildlife habitats; provide use as alternative transit and recreational trails between neighborhoods and communities in a transitional manner that heightens awareness to and appreciation of the environmental resources.

GROUND-MOUNT

A solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.

GROUP HOME

A facility designed to fit into the community to provide living quarters and services for individuals of medical or social needs and to be staffed by qualified professionals pursuant to Wis. Stats., § 48.60, foster homes, and Wis. Stats., §§ 46.03(22) and 62.23(7)(i), community and other living arrangements.

GYMNASTICS/DANCE STUDIO/MARTIAL ARTS

A building or portion of a building used by a gymnast, dancer, or martial artist for practice or for instructional classes in gymnastics, dance, or martial arts and similar activities.

HARD SURFACE

Commercial or industrial zoning area on which is located building footprint(s), delivery area(s), new interior service road(s), parking lot(s), unloading and loading facilities and outdoor storage.

HEALTH/FITNESS CENTER

A facility which promotes physical fitness, weight control, exercise, and personal improvement that may also include massage or bathing.

HOME HEALTH CARE SERVICE OFFICE

A system of care provided by skilled practitioners to patients in their homes under the direction of a physician. Services include nursing, occupational therapy, speech-language therapy and medical social services.

HOME OCCUPATION

A business or commercial activity conducted on property zoned for Traditional Residential, Preservation Residential, and Agricultural and Rural Residential. Home occupations are categorized as major or minor.

HOTEL or MOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and where there is no permanent occupancy of any unit other than by the owner or the owner's employees.

HOUSEHOLD PETS

Domestic animals, commonly found in residences, kept as pets and not raised for commercial resale, including dogs, cats, birds and other small animals.

IMPERVIOUS SURFACE

Any structure, surface or improvement that reduces and/or prevents absorption of stormwater into land. Porous paving, paver blocks, gravel, crushed stone, crushed shell, elevated structures (including boardwalks), and other similar structures, surfaces or improvements are considered impervious cover. Grass, lawns or any other vegetation are not considered impervious cover.

INDOOR MAINTENANCE AND REPAIR OF GOODS AND EQUIPMENT

A use inside a building including repair and service of small motors, such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, shoes, etc.

INDOOR RECREATION FACILITY

A building used for indoor recreation, including but not limited to tennis, racquetball, driving ranges, batting cages, curling, dance schools, ice arenas, pool hall and health club.

INDUSTRY, LIGHT

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, and which activities are conducted wholly within an enclosed building. Light industry, as opposed to heavy industry, is more consumer-oriented than business-oriented.

INNOVATION WORKSPACE

Where people work separately or collaboratively under one roof as a free public service or as paid service with or without access to materials, spaces or equipment such as internet, offices or specialized machinery. May include business incubators, commissary kitchens, artist markets and other similar industries. May also include "makerspace" for education, prototyping and service to individuals, inventors, and start-ups with short-term, low-production manufacturing needs.

INSTITUTIONAL

A use including but not limited to government building, library, and public or private charter school.

INTERPRETIVE AND/OR RESEARCH CENTER FOR HISTORIC, NATURAL AND SOCIAL SCIENCES

A facility that enables interaction between faculty, scholars, students and industry to enhance research opportunities, academic excellence, real-world problem-solving, knowledge creation and knowledge dissemination. Branches of historic, natural and social sciences deal with the physical world, society, relationships and past events.

JUNK

A. Items, materials or products that are no longer usable as originally intended and/or though capable of being converted to another use are not actually still being used. A motor vehicle is junk for purposes of this chapter if:

- (1) It is not currently registered; or
 - (2) It is not capable of operation, lawful or otherwise, on public highways of Wisconsin and remains in that condition for more than 10 days after receipt of a registered or certified letter from the Town notifying the owner, occupant or custodian of the premises.
- B. An automobile licensable as an antique or special interest vehicle under Wis. Stats., § 341.265, 341.266, or any part thereof, is not considered junk, provided such vehicle is stored in the manner required by Wis. Stats., § 341.266(4).

JUNKYARD

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

KEEPING LIVESTOCK

Keeping livestock (other than livestock facilities) for the purpose of an income or livelihood.

KENNEL, COMMERCIAL

An establishment, structure or premises open to the public and/or operated with intent of making a profit where more than a certain number of dogs or cats that are six months of age or older are kept, that the number being determined by the size of the lot on which the establishment, structure or premises is located, and where said dogs, or any of them, are bred and raised for sale, boarded, groomed and/or trained as a service.

LAND DIVISION

A subdivision, minor subdivision, major subdivision, resubdivision or replat.

LIFE CARE/CONTINUING CARE SERVICE

A long-term care option for older people who want to stay in the same place through different phases of the aging process. These services offer different types of housing and care levels based on a senior's needs and how they change, including living independently, assisted living, and skilled nursing.

LIQUOR STORE

Establishments primarily engaged in selling, or offering for sale, alcohol beverages to persons not holding a permit or a license under Wis Stats., Ch. 125.

LIVE-WORK UNITS

A structure that combines work space with living quarters. Intended for use by entrepreneurs and professional occupations including, but not limited to, accountants, architects, artists and artisans, attorneys, multimedia-related professionals, consultants, engineers, travel agents, tutors, photographers, and designers.

LIVESTOCK

Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

LIVESTOCK FACILITY

A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any twelve-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate livestock facility. See Ch. ATCP 51, Wis. Adm. Code.

LIVESTOCK STRUCTURE

A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock. See § ATCP 51.01, Wis. Adm. Code.

LOCAL

Belonging to a specific town or neighborhood.

LOT

A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map.

LOT LINES AND AREA

The peripheral boundaries of a lot and the total area lying within such boundaries.

LOT WIDTH

The width of the lot as measured at the average distance between the side lot lines and the setback lines.

MARQUEE or CANOPY

A roof-like structure of permanent nature which projects from the wall of a building, generally designed and constructed to provide protection from the weather.

MEDICAL CLINIC

A use that provides ambulatory, outpatient or inpatient medical care including but not limited to health maintenance, diagnosis, therapy or treatment of disease, pain, injury, deformity, mental illness and addiction.

MITIGATION

Action taken to minimize the adverse impacts of development. Mitigation includes but is not limited to the installation of vegetative buffers, removal of nonconforming structures from setback areas and implementation of best management practices for erosion control and stormwater management.

MOBILE HOME

A dwelling that is built in a factory, but does not comply with HUD standards and is not a modular home. This includes any "mobile home" as defined by Wis. Stats., § 101.91.

MOBILE HOME PARK

Any area or tract of land designed for the installation of mobile homes on spaces or lots offered for lease or rent, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

MOBILE SERVICE FACILITY

The set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

- A. Class 1 co-location: the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.
- B. Class 2 co-location: the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility or engage in substantial modification.

MOBILE SERVICE SUPPORT STRUCTURE

A freestanding structure that is designed to support a mobile service facility.

MODIFICATION

Includes, but not limited to, any addition, alteration, rebuilding or replacement of any existing building, accessory structure or accessory use.

MOTOR VEHICLE

Any passenger vehicle, truck-trailer, trailer or semitrailer propelled or drawn by mechanical power.

MUSEUM/ART GALLERY

A building that serves as a repository for a collection of natural, scientific, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use in the sale of goods related to the collection.

NATURAL AREA

A geographical area having a physical and cultural individuality developed through undisturbed and natural growth rather than design or planning. A natural area may include restored and managed landscapes contributing to the area's ecological, scientific or educational value, but does not include maintained lawns or areas landscaped with non-native herbaceous plants.

NET PROJECT BUILDABLE AREA

The area of a lot minus slope preservation zones, floodplains, road right-of-way and wetlands. Net project area need not be contiguous.

NONCONFORMING HOME OCCUPATION

One which was established and maintained prior to the effective date of this chapter but is no longer allowed because of the application of this chapter or any amendment hereto.

NONCONFORMING LOT

A legally created and recorded lot existing on the effective date of this chapter or amendment to it and that does not comply with the area-based or spatial requirements for the zoning district in which it is located, or where the footprint of any structure on the lot does not comply with the area-based or spatial requirements for the zoning district in which it is located.

NONCONFORMING STRUCTURE

A structure that existed lawfully on the effective date of this chapter or amendment to it and that does not conform to spatial or area-based regulation for the zoning district in which it is located or otherwise created by this chapter or by a later amendment such as regulations determining setbacks, height and lot coverage.

NONCONFORMING USE

A use of land, a dwelling or a building that existed lawfully on the effective date of this chapter or amendment to it and that does not conform to the use restrictions for the zoning district in which it is located or as otherwise created by this chapter or by later amendment(s).

NOTION, VARIETY, OR GIFT SHOP

An establishment that retails books, newspapers, magazines, stationery, school and office supplies, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, curios, sheet music, prerecorded audio and video tapes, compact discs and phonograph records.

NURSERY, WHOLESALE

The on-site propagation and growing of plants, shrubs, trees, or vines. Products raised on-site may be sold on-site. Retail sales of any other products are not allowed. Garden centers are not included.

NURSING HOME

Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically or mentally incapable of caring for their own personal needs.

OFF-GRID SOLAR ENERGY SYSTEM

A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

OFFICE

A building used as the place of business for a recognized professional (such as a doctor of medicine or dentistry, practitioner, minister, architect, landscape architect, professional engineer, lawyer, author, musician) or to conduct the affairs of a business, profession, service industry, or government where goods are not sold at retail from the premises.

OPEN-AIR AGRIBUSINESS

Agriculture-based outdoor entertainment and education such as farm-to-table restaurants, community gardens, farm markets, rural craft vendors and other immersive experiences that promote local farms, arts and culture on land with minimal building structures.

OPEN SPACE

Open, undeveloped land including areas for natural resource protection, scenic preservation, wildlife and forest management, buffer space, and dedicated passive recreation.

ORDINARY HIGH WATER MARK

The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

ORDINARY MAINTENANCE AND REPAIR

Any work done on a nonconforming structure that does not constitute expansion, structural alteration or reconstruction and does not involve the replacement, alteration or improvement of any portion of the structure's foundation.

OUTDOOR RECREATION FACILITY

A use including but not limited to athletic fields, sport courts, miniature golf, batting cages, driving range, paintball and go-kart tracks.

OUTLOT

A lot remnant or parcel of land within a plat remaining after platting which is intended for other use than development. An outlot shall not be developed for any use or structure that requires a POWTS (private on-site waste treatment system).

PARCEL

Contiguous land under single ownership, not separated by public roads or rights-of-way. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this chapter.

PARK

An area of land kept largely in a natural state for the rest, recreation and enjoyment of the public. Often owned, set apart and managed by a city, state or nation, a park may include facilities to meet the basic needs of its users, including restrooms, informational kiosks, play areas, parking spaces and shelters.

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.

PARKING SPACE

An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto and fully accessible for the parking of permitted vehicles.

PASSIVE SOLAR ENERGY SYSTEM

A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.

PERFORMANCE ZONING

Also called "impact zoning" or "flexible zoning," performance zoning establishes specific standards within zoning districts to regulate the design and location of a use based on the characteristics of a particular site to support development and impacts on the community.

PERMITTED USES

A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such districts.

PERSON

An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

PLAN COMMISSION

The Town of St. Joseph Plan Commission.

PORCH

The area of a principal structure, with a roof over it, providing access to a building.

PRESCHOOL

Any building used routinely for the daytime care and education of preschool-age children, other than the child's own home or the homes of relatives or guardians, and including all necessary buildings and play areas.

PRINCIPAL USE

The primary purpose for which a lot or parcel is used.

PROPERTY LINES

The boundary lines of a lot or parcel.

PUBLIC SAFETY

Government establishments primarily engaged in criminal and law enforcement, police, traffic safety, firefighting, related fire protection activities, and other activities related to enforcement of the law and preservation of order.

PUBLIC UTILITIES

Those utilities that use underground or overhead transmission lines, such as electric, telephone, telegraph and fiber optic, and distribution and collection systems such as water, sanitary sewer and stormwater.

PUBLIC WAY

Any sidewalk, roadway, alley, highway or other public thoroughfare.

QUARRYING

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

RECEPTION

The hosting of private parties or meetings, and/or gatherings with limited public availability by specific invitation or advance reservation, where food prepared off-site or by permit is served by a licensed provider.

RECONSTRUCTION

The replacement of all or substantially all of the components of a structure other than the foundation.

RECREATION OUTFITTER

Equipment sales, rentals, and guidance services related to outdoor recreation, including fishing, camping, biking and similar.

RENEWABLE ENERGY SYSTEM

A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.

RESIDENTIAL PROPERTY

A property where dwelling units for personal residences are allowed as the principal use including accessory structures and uses.

RESTAURANT

An establishment primarily engaged in providing food services to patrons who order and are served while seated and pay after eating (sit-down restaurant), or providing food through a drive-through window inside the building for consumption off the premises (carryout restaurant or drive-through restaurant). Sit-down restaurants may provide this type of food service to patrons in combination with selling alcoholic beverages or presenting live entertainment.

RETAIL SALES AND SERVICES

The provision of goods and/or services such as cards or gifts, clothing, video games, lumber or building supplies, hardware, sports equipment, general merchandise, etc.

ROAD

Public roads within the Town of St. Joseph which have been accepted by the Town as public roads and are maintained solely by the Town, and does not include federal highways, state or county highways and existing private access roads. All current roadways designated by the Town Board on the Town's Transportation Plan as "collector," "subcollector" or "access" shall only be changed by order of the Town Board.

ROADSIDE STAND

A structure not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of locally grown produced or created products.

ROOF PITCH

The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.

ROOF-MOUNT

A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use. Roof installations are allowed in the Town of St. Joseph and do not need to conform to the roofline expression and concealing rooftop equipment outlined in Chapter **81**, Design Regulations. [See § **81-3B(6)**, Roofline expression and concealing rooftop equipment.]

SCHOOL, PRIVATE

An institution with a private educational program that meets all of the criteria under Wis. Stats., § 118.165(1), or is determined to be a private school by the state superintendent under Wis. Stats., § 118.167.

SCHOOL, PUBLIC

An elementary, intermediate or secondary school that offers regular instruction capable of meeting the requirements of state compulsory education laws, operating at least five days a week for a normal school year and supported by public funds, not including colleges or other institutions of higher learning.

SCREENING

A solid fence at least six feet high or planted vegetative belt at least 15 feet wide and at least six feet high.

SEASONAL SALES

Temporary display and sale of items customarily associated with a particular season, such as Christmas trees, holiday decorations, firewood, pumpkins, or any other similar product for sale during a recognized holiday.

SEASONAL STORAGE

Temporary storage of items customarily associated with a particular season, such as boats, snowmobiles, RVs, campers, or any other similar seasonal items.

SELF-STORAGE

Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area.

SERVICE CONTRACTOR

Contractors engaged in providing property maintenance services, including but not limited to lawn, pool and garden care, snow plowing and removal, and tree trimming and removal.

SERVICE STATION

Any building, structure, premises or place used for the dispensing, sale or offering for sale of any motor fuel, or oils, having fuel pumps and storage tanks, also where battery, tire, polishing, greasing, washing, cleaning 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 vehicles. A service station may also include a convenience store which is used for dispensing, sale or offering for sale of groceries, food, and other general retail merchandise.

SETBACK

The minimum horizontal distance between a structure and the road, side or rear lot lines, OHWM or bluff line.

SKILLED NURSING SERVICES

An establishment primarily engaged in providing inpatient nursing and rehabilitative services, with permanent core staff of registered or licensed practical nurses who provide nursing and continuous personal care services. Examples include convalescent homes, nursing homes, assisted living facilities for the elderly with nursing care, rest homes with nursing care and inpatient care hospices.

SOLAR ACCESS

Unobstructed access to direct sunlight on a lot or building through the entire year, including access across adjacent parcel air rights, for the purpose of capturing direct sunlight to operate a solar energy system.

SOLAR ACCESS RIGHTS

The authority to restrict systems is limited by Wisconsin state law, Wis. Stats., § 66.0401. This is noted in the state statute and should be replicated in municipal zoning. The Town of St. Joseph zoning meets the minimum requirements of the state statute so residents have full access to install solar throughout the Township.

SOLAR ARRAY

An accessory system or device that is roof-mounted or ground-mounted with poles or racks used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process.

SOLAR COLLECTOR

A device, structure or part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical or electrical energy. (Source: Wis. Stats.,

§§ 66.0401 to 66.0403.)

SOLAR COLLECTOR SURFACE

Any part of a solar collector that absorbs solar energy for use in the collector's energy transformation process. Collector surface does not include frames, supports and mounting hardware.

SOLAR ENERGY

Radiant energy received from the sun. [Source: Wis. Stats., § 13.48(2)(h)1f.]

SOLAR ENERGY SYSTEM

Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. [Source: Wis. Stats., § 13.48(2)(h)1g.]

SOLAR ENERGY SYSTEM, SMALL-SCALE

Roof-mounted or ground-mounted solar collectors associated only with single-family residential dwellings.

SOLAR RESOURCE

A view of the sun from a specific point on a lot or building that is not obscured by any vegetation, building, or object for a minimum of four hours between the hours of 9:00 a.m. and 3:00 p.m. Standard time on all days of the year.

STRUCTURAL ALTERATION

The replacement or alteration of one or more of the structural components of any of a structure's exterior walls.

STRUCTURAL COMPONENT

Any part of the framework of a building or other structure. The structural components of a building's exterior walls include the vertical studs, top and bottom plates, and window and door sills and headers. A structural component may be non-load-bearing, such as the framework of a wall at the gable end of a one-story house. Wall coverings, such as siding on the exterior and drywall on the interior, are not included in the definition of "structural component."

STRUCTURE

Any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed upon the ground, a riverbed, streambed or lakebed or upon another structure. The term "structure" includes swimming pools, hot tubs, patios, decks and retaining walls, but does not include landscaping or earthwork such as graded areas, filled areas, ditches, berms or earthen terraces. The term "structure" does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdbaths and birdhouses.

STRUCTURE HEIGHT MEASUREMENT

The vertical distance from the average ground elevation 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 pitched roof. This measurement shall exclude chimneys.

STRUCTURE, PRINCIPAL

The primary structure on a lot utilized for the property's principal use. The term "principal structure" includes attached porches, attached decks and attached garages.

STRUCTURE, PRINCIPAL RESIDENTIAL

The primary residential structure that serves a single family or a platted residential lot, notwithstanding that a single family may have more than one building on the lot for that family's residential use.

SUBDIVISION

The division of land into lots, parcels or tracts by the owner for the purpose of building development or transfer of ownership where the act of division creates one or more new lots or building sites that are 35 acres or less.

SUSTAINABILITY

The organizing principle for meeting human development goals while simultaneously sustaining the ability of natural systems to provide the natural resources and ecosystem services based upon which the economy and society depend. The four pillars of sustainable communities are often defined by social, environmental, economic and cultural indices.

TAVERN

A building or part of a building open to the public, where alcoholic beverages are sold at retail for consumption on the premises.

TEMPORARY RESIDENCE

A trailer, van, mobile home, recreational vehicle, tent, bus, truck, automobile or similar apparatus for residential purposes, temporary or permanent, for temporary occupancy pending construction of a permanent dwelling.

TOWN BOARD

The Town Board of the Town of St. Joseph, St. Croix County, Wisconsin.

TOWN CENTER

A commercial zoning district that contains elements of traditional community centers with a mixture of retail, restaurants, service providers and entertainment, planned to create a "sense of place" for Town residents.

TOWNHOME

A multiple-family dwelling structure. Townhomes allow several single-entry, single-family dwelling units with common vertical walls to be constructed in one structure along a road or court.

TRANSMISSION SERVICES

Electric power lines, telephone and telegraph lines, communication towers cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between two points, other than wireless communication services facilities.

TRUCK, SERVICE, REPAIR AND TOWING

Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to passenger automobiles and trucks equal to or exceeding 12,000 pounds gross weight.

UNNECESSARY HARDSHIP

Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this chapter.

USE

The use of property is the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of standards of this chapter.

USE, PRINCIPAL

The primary use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be "permitted" or "conditional."

UTILITY, MINOR

Electrical power line, telephone or telegraph line, water pump station, sewage lift station, sewer or water pipe, or other pipe, conduit or accessory structure used to transport power, or transport material between two points, other than wireless communication service facilities. Electric substation and distribution facility with a nominal capacity of no more than 115 KV. Gas and fuel lines for local natural gas distribution. Water pumping plant with a capacity of < 10 MGD. Water tank, septic tank, well, or water reservoir.

VARIANCE

Authorization from the Board of Appeals for the use, construction or location of a building, structure or land in a manner that deviates from the standards required or uses authorized in this chapter.

VEHICLE

Every device in, upon or by which any person or property is or may be transported or drawn upon a road or highway, including any car, truck, trailer, semitrailer, watercraft, mobile home or other motor craft whether or not it is self-powered or remains capable of travel in its present state.

VETERINARY CLINIC

An establishment that provides medical care and treatment, observation, dentistry or surgery for domestic animals.

WASTEWATER TREATMENT SYSTEM

A wastewater treatment and disposal system serving one structure with a septic tank and soil absorption field, located on the same parcel as the structure. It also means an alternative wastewater treatment system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure, a.k.a. POWTS (private on-site waste treatment system).

WELL

An excavated opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater, regardless of its intended use.

WETLAND

An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WIND ENERGY SYSTEM

Equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy, as defined in Wis. Stats., § 66.0403(1)(m).

WINERY

A facility for the manufacture of wine, as defined in Wis. Stats., § 125.02, and associated authorized activities, as described in Wis. Stats., § 125.53.

WIRED AND WIRELESS COMMUNICATION/CABLE/TRANSMISSION FACILITY

A transmission facility and infrastructure used to transmit voice, data, text, sound, and video over a wired or wireless telecommunications network. Examples of services include telephone services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband internet services.

YARD

Open space on the same lot with a building that is unoccupied and unobstructed from the ground upward.

YARD, FRONT

The exterior space that extends the full width of the lot between the front lot line and the nearest part of the main building excluding uncovered steps.

YARD, REAR

The yard, unoccupied except for accessory structures, extending from the rear lot line to the rear line of the main building for the entire width of the lot, excluding such projections as are permitted in this chapter.

YARD, SIDE

A yard or open space on each side of the principal structure 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 structure is constructed on the side of the principal structure the setback requirements are the same for the accessory structure as for the principal structure.

[1] *Editor's Note: See Ch. 168, Subdivision of Land.*

§ 170-9. Jurisdiction and compliance.

- A. Jurisdiction. The jurisdiction of this chapter extends to all structures, land, water and air within the Town of St. Joseph.
- B. Compliance. No structure or land shall hereafter be used, no land use shall be substantially changed, and no structure or part thereof in the Town shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Town regulations. State and St. Croix County regulations also affect and regulate land use in the Town.

§ 170-10. Use, how described and allowed.

- A. Permitted uses. Permitted uses are uses that are expressly allowed by this chapter in specific zoning districts shown on the Zoning Map. Permitted uses are not conditional uses.
- B. Accessory uses. Accessory uses and specified accessory structures are permitted in any district.
- C. Conditional uses.
 - (1) Conditional uses are not inherently incompatible with permitted uses but could create special problems and hazards if allowed without the imposition of conditions by the Town. A permit is required under this chapter to engage in a conditional use. Conditional use permits require application, review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Article **XVI** of this chapter. Conditional uses are not permitted uses.
 - (2) When a conditional use becomes a permitted use by Town action, as by amending this chapter, the conditional use permit terminates. The establishment of new or different conditional use(s) for such property with or without a conditional use permit requires review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Article **XVI**.
 - (3) If such a conditional use is discontinued, abandoned or terminated for a twelve-month period, the conditional use permit becomes null and void.
- D. Prohibited uses. Uses not listed are prohibited.

§ 170-11. Reduction or joint use.

No lot, yard, parking area, setback, building area, open space requirement, or other space shall be reduced in area or dimension so as not to meet the provisions of this Code.

§ 170-12. Site regulations.

- A. Site suitability. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, slope, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Plan Commission, in applying the provisions of the chapter, shall in writing recite the particular facts upon which it bases its conclusion that any land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Town Board.
- B. Road frontage. All lots and parcels shall abut upon a public road or other officially approved means of access to a public road.
- C. Principal structures; principal residential structures. There shall be no more than one principal structure located, erected or moved onto any lot of record. Principal residential structures on platted, residential lots on which a single family resides may have more than one building on the lot for that family's residential use where all requirements of this chapter and other applicable regulations, particularly including those concerning waste treatment and water, are also met. Where additional principal residential structures are permitted the Town Board, taking into consideration the recommendation of the Plan Commission, may impose restrictions or requirements in addition to those generally required by district regulations, enhanced yard, landscaping or parking requirements and establishing minimum separating distance from the principal structures on adjoining lots.

§ 170-13. Livestock facilities, keeping of livestock, and limitation on animals and animal units.

- A. Purpose. This section provides for livestock facilities that support the Town's agricultural economy, allow reasonable economic return for agricultural property owners, protect surrounding neighborhoods, preserve the Town's natural resource areas and corridors, and minimize the environmental and public health and safety impacts of intensive livestock facilities.
- B. Applicability. This section applies to all animal units, except household pets, in all districts.
- C. General regulations.
 - (1) Except for poultry as permitted in the Traditional Residential, Preservation Residential, Agricultural and Rural Residential, no animal units may be kept on lots or parcels less than three acres, nor on lots or parcels in a major subdivision unless provided for in the plat.
 - (2) Livestock facilities of any kind are permitted in the Agricultural and Rural Residential District with an approval of a conditional use permit. Conditional use permits for livestock facilities shall be reviewed and decided in accordance with the procedural and performance standard requirements of Wis. Stats., § 93.90; Ch. NR 243 (Animal Feeding Operations), Ch. NR 151 (Runoff Management), and Ch. ATCP 51 (Livestock Facility Siting), Wis. Adm. Code; St. Croix County Code of Ordinances Chapter 11 (Animal Waste Storage Facilities); and Natural Resources Conservation Service (NRCS) Conservation Practices Standard Code 590, on Nutrient Management, to the extent such regulations apply. Such procedures and performance standards are incorporated herein by reference.
 - (3) Keeping of livestock of less than 200 animal units shall be permitted in the Preservation Residential District with approval of a conditional use permit.
 - (4) One animal unit per acre of land suitable for animal waste utilization, consistent with NRCS 590, Nutrient Management, is allowed without a permit on lots or parcels of three acres or more in size. Land suitable for animal waste utilization excludes:
 - (a) Wetlands or lands below the OHWM.

- (b) Closed depressions.
- (c) Slopes in excess of 25%.
- (d) Other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.

D. Livestock structure setbacks.

- (1) Agricultural and Rural Residential District. The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the Agricultural and Rural Residential Districts:
 - (a) All structures must be set back at least 100 feet from any property line or public road right-of-way if the facility has less than 1,000 animal units.
 - (b) All structures must be set back at least 200 feet from any property line or 150 feet from a public road right-of-way if the facility has 1,000 animal units or more.
 - (c) All animal waste storage structures for less than 500 animal units must be set back at least 100 feet from any property line or the nearest point of any public road right-of-way unless:
 - [1] The animal waste storage structure existed prior to May 1, 2006.
 - [2] The animal waste storage structure is a single new structure constructed no closer to the relevant property line or public road than an animal waste storage structure that existed on the same tax parcel prior to May 1, 2006, if the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.
 - (d) All animal waste storage structures for 500 or more animal units must be set back at least 350 feet from any property line or the nearest point of any public road right-of-way unless:
 - [1] The animal waste storage structure existed prior to May 1, 2006.
 - [2] The animal waste storage structure is a single new structure constructed no closer to the relevant property line or public road than an animal waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.
 - (2) Preservation Residential District. The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the Preservation Residential District:
 - (a) All livestock structures must be set back at least 100 feet from any property line or 100 feet from any public road right-of-way for lots or parcels with less than 200 animal units.
 - (b) Animal waste storage structures must be set back at least 350 feet from any property line or nearest point of any public road right-of-way.
 - (3) Exemption for equipment and piping. Equipment and piping used to transport animal waste from a livestock facility to an animal waste storage structure are exempt from the setback provisions in this subsection.
- E. Dogs as household pets. See Chapter 64 of the Code of the Town of St. Joseph.
- F. Exotic animals. The raising and housing of exotic animals is not permitted. Llamas, ostriches and emus kept for purposes of husbandry and sale are not considered to be exotic animals and are instead treated as livestock and as animal units under all applicable provisions of Wisconsin Statutes and the Administrative Code.

§ 170-14. Multiple-family dwellings.

To grant a conditional use for multiple-family use, 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 use, value 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, drainage and other necessary site improvements have been made or are being provided.
- E. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

§ 170-15. Bed-and-breakfast establishments.

Bed-and-breakfast establishments are defined in Wis. Stats., § 254.61(1).^[1] To grant a conditional use, the Town Board shall find that the following conditions are present:

- A. Adequate off-street parking to accommodate the expected number of guests.
- B. Number of guests shall be limited to two adults per rented bedroom.
- C. The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- D. The use, value and enjoyment of other property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the establishment of the use.
- E. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- F. Adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided.
- G. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

[1] *Editor's Note: Section 254.61, Wis. Stats., was repealed in part and renumbered in part by 2015 Act 55, effective 7-1-2016. See now § 97.01, Wis. Stats.*

§ 170-16. Solar energy.

This section provides the standards and procedures for solar energy systems. This section ensures that any proposed solar energy system or solar collector complies with applicable provisions of Wis. Stats., §§ 66.0401 through 66.0403, and this section.

- A. Applicability. This section applies to solar collectors and solar energy systems.
- B. Dimensional standards. All solar energy systems shall meet the dimensional standards for the district in which the system is located.
- C. Accessory use. Small-scale solar energy systems shall be allowed as a permitted accessory use in all districts where single-family homes are a permitted use.

- D. Conditional use. Solar energy systems shall be a conditional use in all other districts. (See Chapter **170**, Zoning Use Table.^[1])
- [1] *Editor's Note: The Zoning Use Table is included as an attachment to this chapter.*
- E. Limits on restrictions. The Plan Commission and Town Board shall review only to the extent they are consistent with Subsection **E(1)** through **(3)**. No restriction shall be placed, either directly or in effect, on the installation or use of a solar energy system, unless the restriction satisfies one of the following conditions:
- (1) Serves to preserve or protect the public health or safety.
 - (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3) Allows for an alternative system of comparable cost and efficiency.
- F. Procedures. To the extent not inconsistent with the state law, conditional uses shall be processed as provided in Article **XVII**.

§ 170-17. Wind energy.

This section provides the standards and procedures to issue conditional use permits for wind energy systems. This section ensures that any proposed wind energy system complies with applicable provision of Ch. PSC 128, Wis. Adm. Code, and this section.

- A. This section applies to wind energy systems. Wind energy systems are a conditional use in any district.
- B. The Town Board shall review a conditional use permit application for a wind energy system and apply the criteria set forth in Subsection **A** through **C** below and the criteria set out in Article **XVI** only to the extent they are consistent with Subsection **B(1)** through **(3)**. No restriction shall be placed, either directly or in effect, on the installation or use of a wind energy system, unless the restriction satisfies one of the following conditions:
- (1) Serves to preserve or protect the public health or safety.
 - (2) Does not significantly increase the cost of the system or significantly decrease its efficiency.
 - (3) Allows for an alternative system of comparable cost and efficiency.
- C. The Town will apply Wis. Stats., § 66.0401, and Ch. PSC 128, Wis. Adm. Code, when evaluating conditional use permit applications under this section.
- D. All provisions of Ch. PSC 128, Wis. Adm. Code, are hereby adopted and by reference made part of this chapter as if fully set forth herein. Any future amendments, revisions or modifications of Ch. PSC 128, Wis. Adm. Code, are intended to be made part of this chapter.
- E. The applicant shall comply with any restrictions established for public use airports or heliports under Wis. Stats., § 114.135 or 114.136. If no such restrictions are effective, wind turbine height and setback distances shall comply with the Federal Aviation Administration's obstruction standards in 14 CFR Part 77.
- F. Procedures. To the extent not inconsistent with state law, conditional uses shall be processed as provided in Article **XVII** of this chapter.

Article III. Zoning Districts and Regulation

§ 170-18. Zoning districts.

For purposes of this chapter, land in the Town of St. Joseph is hereby divided into the following zoning districts:

Traditional Residential (T-RES)
 Preservation Residential (P-RES)
 Agricultural and Rural Residential (AG-RES)
 Conservancy (CD)
 Traditional Commercial (TR-COM)
 Town Center Commercial (TC-COM)
 Rural Mixed Use (RM-COM)
 Business Park (COM-I)

§ 170-19. Zoning Map.

A. The Town of St. Joseph is hereby divided into the zoning districts and the boundaries are shown upon a map designated as the Zoning Map of the Town of St. Joseph. The Zoning Map and the notations, references and other information shown thereon are a part of this chapter and shall have the same force and effect as if the matters and information set forth by said Zoning Map were fully described herein. The Zoning Map shall be properly attested and kept on file, along with the office text of this chapter, in the office of the Clerk/Treasurer of the Town of St. Joseph.^[1]

[1] *Editor's Note: The Town of St. Joseph Zoning Map is also included as an attachment to this chapter.*

B. Zoning district boundaries shall be determined by measurement from and as shown on the Zoning Map. In case of any question as to the interpretation of such boundary lines, the Town Board shall interpret the Zoning Map according to the reasonable intent of this Code. Unless otherwise specifically indicated or dimensioned on the Zoning Map, the zoning district boundaries shall follow lot lines, US Public Land Survey lines, the center lines of roads, highways, easements and railroad right-of-ways.

§ 170-20. Effect of zoning actions by St. Croix County prior to effective date of chapter.

A. The Town will assume zoning authority in place of St. Croix County on the effective date of this chapter. To the extent that permitted use differences do exist, legal and permitted uses under St. Croix County Zoning Ordinance that was in effect on the effective date of this chapter and that are not completely consistent with permitted uses under this chapter shall be treated as legal, nonconforming uses. Landowners with such nonconforming use rights can also apply for a conditional use permit under the terms of this chapter.

B. Property in the Town that is the subject of special exception permits, conditional use permits and variances previously issued by St. Croix County and being exercised on the effective date of this chapter, including those in support of commercial activity in noncommercial zones, shall be treated as nonconforming uses that are separately and additionally subject to, and protected by, the terms and conditions of the applicable county-issued special exception permit, conditional use permit or grant of variance, where adopted by specific reference thereto in the Town resolution enacting this chapter, or where after the effective date of this chapter a landowner is able to produce specific proof of such prior official county action as is sufficient and satisfactory to the Town. The holder of such a conditional use permit, special exception permit or variance may also seek a conditional use permit from the Town where the use is otherwise eligible for such a permit under this chapter.

§ 170-21. Effect of other regulations.

- A. The fact that a use is shown as permitted in any district created by this chapter does not guarantee that a particular land use being sought will be achieved. Land use in the Town is subject to other regulations, including but not limited to Chapter **168**, the Town's Subdivision Ordinance; Chapter **149**, the Town's Roads, Driveways, Trails, Erosion and Sediment Control and Right-of-Way Construction Ordinance; Chapter **81**, Design Regulations; and Chapter **80**, Building Construction.
- B. St. Croix County also administers certain ordinances in the Town, including St. Croix County Chapter 11, Animal Waste; Chapter 12, Sanitary; Chapter 13, Land Division; Chapter **14**, Nonmetallic Mining (reclamation standards only); Chapter 16, Shoreland Overlay District; in addition to the Lower St. Croix County Overlay District and the Floodway Overlay District.

Article IV. Traditional Residential (T-RES)

§ 170-22. Purpose.

The Traditional Residential Zoning District is intended to provide for the orderly continuation of the platted area of high-density residential development established and zoned residential by action of St. Croix County prior to the effective date of this chapter, shown on the Town's Zoning Map. Examples would be the hamlets of Houlton and Burkhardt, as well as historic housing along the St. Croix River and surrounding Bass Lake. The Traditional Residential Zoning District is characterized by smaller lots less than three acres, with proximity to employment and amenities to improve livability.

§ 170-23. Permitted uses.

Permitted uses are as follows:

- A. Accessory structure, including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, storage sheds, garden sheds, small-scale solar energy systems and play structures incidental to residential use of the property.
- B. Apiary, beekeeping.
- C. Community gardens.
- D. Community living arrangement with capacity for eight or fewer residents.
- E. Dwelling, single-family, permanently attached to a foundation.
- F. Foster home/adult family home.
- G. Harvesting wild crops.
- H. Minor home occupations.
- I. Parks, playgrounds, public swimming pools, tennis courts, hiking trails, biking trails, bridle trails, and picnic grounds and open space, undeveloped natural resource area.
- J. Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.
- K. Roadside stand.
- L. Small group day care for children or adults (up to eight children or adults).

§ 170-24. Conditional uses.

Conditional uses are as follows:

- A. Bed-and-breakfast.
- B. Boardinghouse.
- C. Churches.
- D. Community living arrangement with capacity for more than eight residents, boardinghouse, life care/continuing care service, retirement housing service, skilled-nursing service.
- E. Dwelling, secondary.
- F. Dwelling, two-family.
- G. Electric generating facility, small-scale.
- H. Governmental, institutional or nonprofit community use.
- I. Library.
- J. Major home occupations.
- K. Mobile support structures and facilities.
- L. Public safety.
- M. Residential care services/group home.
- N. Schools, public and private.
- O. Solar energy system.
- P. Temporary residence.
- Q. Utility, minor.
- R. Wind energy system.
- S. Wired and wireless communication/cable/transmission facility.

§ 170-25. Area, setback, and height requirements.

- A. Minimum lot area.
 - (1) Minimum setbacks. Future land development shall not be less than three acres.
 - (2) Front yard: 30 feet from right-of-way.
 - (3) Side yard: 10 feet from property boundary to the building line.
 - (4) Rear yard: 10 feet from property boundary to the building line.
- B. Maximum height: 35 feet.

Article V. Preservation Residential (P-RES)

§ 170-26. Purpose.

The Preservation Residential Zoning District responds specifically to the natural resource areas and corridors. The Preservation Residential areas will be dedicated to conservation use and/or creative subdivision and development techniques that seek to preserve a larger portion of the natural resources. The Preservation Residential Zoning District pattern in this area will include undeveloped land,

potentially residential uses and open spaces as defined in Town of St. Joseph Code § **168-20**, that preserve natural resource amenities for the entire Town. The overall density of this designation will remain at a minimum of three acres but will allow the development of lots in conjunction with preservation of natural resource areas. This is ideal for those choosing a private and quiet setting among wildlife and natural scenery, with an emphasis on conserving our natural resources and open spaces as governed by Wis. Stats., § 700.40, and Town of St. Joseph Code § **168-20**.

§ 170-27. Permitted uses.

Permitted uses are as follows:

A. Permitted uses in the residential portion.

- (1) Accessory structures, including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds, small-scale solar energy systems and play structures incidental to residential use of the property.
- (2) Crop or forage production, floriculture, sod production, Christmas tree production, and wholesale nursery on five acres or greater. See limitations on animals and animal units section.

[1]

[1] *Editor's Note: See § 170-13, Livestock facilities, keeping of livestock, and limitation on animals and animal units.*

- (3) Apiculture (beekeeping).
- (4) Aquaculture.
- (5) Community gardens.
- (6) Community living arrangement (eight or fewer persons).
- (7) Dwelling, single-family, permanently attached to a foundation.
- (8) Floriculture.
- (9) Forest management.
- (10) Foster home/adult family home.
- (11) Gardening and nurseries for propagation of plants only.
- (12) Greenhouse or nursery for retail plant sales.
- (13) Harvesting wild crops.
- (14) Minor home occupations; see Article **XIII**.
- (15) Parks, playgrounds, public swimming pools, tennis courts, hiking trails, biking trails, bridle trails, and picnic grounds and open space, undeveloped natural resource area.
- (16) Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.
- (17) Public buildings.
- (18) Roadside stands selling only produce from the farm operation on the premises.
- (19) Sod or Christmas tree production.
- (20) Small group day care for children or adults (up to eight children or adults).

B. Permitted uses in the common open space of the preservation design.

- (1) Botanical garden or similar center for exhibit and scientific plant study.
- (2) Essential services: sewage disposal systems, minor utility substations, stormwater management, and any other similar type of use deemed reasonable, appropriate and the same or similar type of uses by the Town Board; in addition to the uses allowed in § 168-18D(1). Parking areas where necessary to serve active recreation.
- (3) Forest management.
- (4) Harvesting of any wild crop.
- (5) Pedestrian corridors: including paved or unpaved contiguous systems not limited to established regional trails, local pathways, paved walkways, and shorelines. They include but are not limited to pedestrian, bicycle, and/or equestrian travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting. Pedestrian corridor outlots shall be a minimum of 30 feet in width.
- (6) Preservation of scenic/historic/scientific/wildlife areas.
- (7) Recreational areas: includes, but not limited to, greens, squares, commons, playground, ball fields, sport courts, beaches, common buildings, gardens or other recreational areas shall be used for active or passive recreational purposes. Community supported agriculture. Construction in these areas shall be limited to gravel or paved walkways, open-air shelters, birdhouses, bridges, garden storage sheds no larger than 120 square feet, wood fencing, landscape planting, play equipment, outdoor furniture and facilities for active recreation.
- (8) Signs (subject to Chapter 156 of the Town Code).
- (9) Wildlife sanctuaries.

§ 170-28. Conditional uses.

Conditional uses shall not adversely impact the rural character of the development and shall be consistent with the design objectives.

A. Conditional uses in the residential portion.

- (1) Bed-and-breakfast establishment as defined in Wis. Stats., § 254.61(1).^[1]

[1] *Editor's Note: Section 254.61, Wis. Stats., was repealed in part and renumbered in part by 2015 Act 55, effective 7-1-2016. See now § 97.01, Wis. Stats.*
- (2) Churches.
- (3) Community living arrangement (greater than nine persons).
- (4) Community solar garden (twenty-plus acres minimum).
- (5) Contractor's storage yard only on five acres or larger.
 - (a) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.
 - (b) The storage area shall be kept free of litter and debris at all times.
 - (c) All storage areas shall be no less than 25 feet from any property line.
 - (d) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.
- (6) Dwelling, secondary.
- (7) Dwelling, two-family.

- (8) Electric generating facility, small-scale.
- (9) Farm market or other open-air agribusiness.
- (10) Farm-related exhibition, sales or event (five days or less).
- (11) Golf course.
- (12) Governmental, institutional and nonprofit community use.
- (13) Irrigation and industrial water supply.
- (14) Kennels, commercial, on five acres or larger.
- (15) Library.
- (16) Keeping of livestock less than 200 animal units on twenty-plus acre minimum.
- (17) Major home occupations; see Article **XIII**.
- (18) Mobile support structures and facilities.
- (19) Public safety.
- (20) Seasonal storage.
- (21) Schools, private and public.
- (22) Solar energy system.
- (23) Temporary residence.
- (24) Utility, minor.
- (25) Wind energy system.
- (26) Wholesale nursery.

B. Conditional uses in the common open space portion of the preservation design.

- (1) Electric generating facility, small-scale.
- (2) Filling, draining, or dredging of wetlands.
- (3) Solar energy system.

§ 170-29. Area, setback, and height requirements.

Except as provided in § **170-13** regarding setbacks for livestock facilities and keeping of livestock, the intent of these requirements is to be consistent with and subject to all applicable provisions of Chapter **168**, the Town of St. Joseph Subdivision of Land Ordinance. In the event of any inconsistency, the requirements of Chapter **168** shall prevail.

A. Minimum lot size: § **168-7C**, Table 2, of the Town Code.

- (1) Single-family: three acre density, 1.5 acre minimum.
- (2) Multifamily: six acres, plus three acres for each additional dwelling unit over two, excluding road right-of-way.

B. Minimum setback.

- (1) Front yard: 50 feet from right-of-way to building line or 83 feet from the center line of paved road surface, whichever is greater. [Town Code § **149-4 A(3)**]

(2) Side yard: 20 feet from property boundary to the building line. [Town Code § 168-7B(1)]

(3) Rear yard: 20 feet from property boundary to the building line. [Town Code § 168-7B(1)]

C. Maximum height: 35 feet.

Article VI. Agricultural and Rural Residential (AG-RES)

§ 170-30. Purpose.

In the Agricultural and Rural Residential Zoning District, agricultural and very-low-density residential uses are most prominent. The primary agricultural uses are active farmlands, farmsteads, and large-lot principal dwelling residential. The Agricultural and Rural Residential Zoning District category is characterized by lots that are three acres and larger. This is ideal for family living, recreation, farming, and those desiring space to tinker, play and create.

§ 170-31. Permitted uses.

Permitted uses are as follows:

A. Parcels 20 acres or larger.

(1) Accessory structures, including general farm building (barns, silos, windmills, sheds, chicken coops and storage bins), private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds, small-scale solar system and play structures incidental to residential use.

(2) Agricultural businesses such as farm machinery dealers and seed, fertilizer and chemical dealers, and industries which process agricultural products largely produced on nearby farms.

(3) Apiculture (beekeeping).

(4) Aquaculture.

(5) Community garden.

(6) Community living arrangement (fewer than eight persons).

(7) Community supported agriculture.

(8) Crop, crop/limited agriculture or forage production and orchards.

(9) Dwelling, single-family, permanently attached to a foundation.

(10) Floriculture.

(11) Forest management.

(12) Foster home/adult family home.

(13) Gardening and nurseries for propagation of plants only.

(14) Greenhouse or nursery for retail plant sales.

(15) Harvesting wild crops.

(16) Library.

(17) Minor home occupations; see Article XIII.

- (18) Parks and playgrounds, public swimming pools, tennis courts and picnic grounds, trails and open space.
- (19) Pick-your-own operations.
- (20) Poultry raising, limited to 100 birds when the parcel is in a major subdivision.
- (21) Public safety.
- (22) Roadside stands selling only produce from the farm operation on the premises.
- (23) Sod or Christmas tree production.
- (24) Small group day care for children or adults (up to eight children or adults).
- (25) Wholesale nurseries.

B. Parcels five acres to less than 20 acres.

- (1) Accessory structures, including general farm building (barns, silos, windmills, sheds, chicken coops and storage bins), private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds, small-scale solar system and play structures incidental to residential use.
- (2) Apiculture (beekeeping).
- (3) Aquaculture.
- (4) Community garden.
- (5) Community living arrangement (fewer than eight persons).
- (6) Community supported agriculture.
- (7) Crop, crop/limited or forage production including orchards.
- (8) Dwelling, single-family, permanently attached to a foundation.
- (9) Floriculture.
- (10) Forest management.
- (11) Foster home/adult family home.
- (12) Gardening and nurseries for propagation of plants only.
- (13) Greenhouse or nursery for retail plant sales.
- (14) Harvesting wild crops.
- (15) Library.
- (16) Minor home occupations; see Article **XIII**.
- (17) Parks and playgrounds, trails, public swimming pools, tennis courts and picnic grounds, open space.
- (18) Pick-your-own operations.
- (19) Poultry raising, excluding male birds, is limited to 20 birds when the lot or parcel is a major subdivision. Five birds per acre are allowed on lots and parcels not in a major subdivision.
- (20) Public safety.
- (21) Roadside stands selling only produce from the farm operation on the premises.

(22) Sod or Christmas tree production.

(23) Small group day care for children or adults (up to eight children or adults).

(24) Wholesale nurseries.

C. Parcels less than five acres.

(1) Accessory structures, including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds, small-scale solar system and play structures incidental to residential use.

(2) Apiculture (beekeeping).

(3) Community garden.

(4) Community living arrangement (up to eight persons).

(5) Community supported agriculture.

(6) Crop or forage production.

(7) Dwelling, single-family, permanently attached to a foundation.

(8) Floriculture.

(9) Forest management.

(10) Foster home/adult family home.

(11) Gardening and nurseries for propagation of plants only.

(12) Greenhouse or nursery for retail plant sales.

(13) Harvesting wild crops.

(14) Historic or natural resource.

(15) Library.

(16) Minor home occupations.

(17) Parks and playgrounds, trails, public swimming pools, tennis courts and picnic grounds, open space.

(18) Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.

(19) Public safety.

(20) Roadside stands selling only produce from the farm operation on the premises by members of the farm family.

(21) Sod or Christmas tree production.

(22) Small group day care for children or adults (up to eight children or adults).

§ 170-32. Conditional uses.

Conditional uses are as follows:

A. Parcels 20 acres or larger.

(1) Bed-and-breakfast establishment as defined in Wis. Stats., § 254.61(1).^[1]

[1] *Editor's Note: Section 254.61, Wis. Stats., was repealed in part and renumbered in part by 2015 Act 55, effective 7-1-2016. See now § 97.01, Wis. Stats.*

- (2) Campground, private.
- (3) Churches, religious institutions.
- (4) Commercial kennel.
- (5) Community living arrangement with capacity of more than eight persons.
- (6) Community solar garden.
- (7) Contractor's storage yard.
 - (a) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.
 - (b) The storage area shall be kept free of litter and debris at all times.
 - (c) All storage areas shall be no less than 25 feet from any property line.
 - (d) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.
- (8) Dwelling, secondary.
- (9) Dwelling, two-family.
- (10) Electric generating facility, small-scale.
- (11) Farm market or other open-air agribusiness.
- (12) Farm-related exhibition, sales or event (five days or more).
- (13) Golf course and uses incidental to a golf course, including a clubhouse/restaurant facility serving food and beverage.
- (14) Governmental, institutional, or nonprofit community use.
- (15) Irrigation and industrial water supply.
- (16) Livestock facilities of any kind.
- (17) Keeping of livestock.
- (18) Major home occupations; see Article **XIII**.
- (19) Mobile support structures and facilities.
- (20) Seasonal storage.
- (21) School, public or private.
- (22) Schools, private and public.
- (23) Solar energy system.
- (24) Temporary nonmetallic mining.
- (25) Temporary residence.
- (26) Utility, minor.
- (27) Wind energy system.

(28) Wired and wireless communication/cable/transmission facility.

B. Parcels five acres to less than 20 acres.

(1) Agricultural products processing.

(2) Bed-and-breakfast establishment as defined in Wis. Stats., § 254.61(1).^[2]

[2] *Editor's Note: Section 254.61, Wis. Stats., was repealed in part and renumbered in part by 2015 Act 55, effective 7-1-2016. See now § 97.01, Wis. Stats.*

(3) Business conducted by owner/operator of a farm.

(4) Campground, private.

(5) Churches, religious institutions.

(6) Commercial kennel.

(7) Community living arrangement with capacity of more than eight persons.

(8) Contractor's storage yard.

(a) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.

(b) The storage area shall be kept free of litter and debris at all times.

(c) All storage areas shall be no less than 25 feet from any property line.

(d) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.

(9) Dwelling, secondary.

(10) Dwelling, two-family.

(11) Electric generating facility, small-scale.

(12) Farm market or other open-air agribusiness.

(13) Farm-related exhibition, sales or event (five days or more).

(14) Government, institutional or nonprofit community use.

(15) Livestock facility of any kind.

(16) Keeping of livestock.

(17) Major home occupations; see Article **XIII**.

(18) Mobile support structures and facilities.

(19) Schools, private and public.

(20) Seasonal storage.

(21) Solar energy system.

(22) Temporary residence.

(23) Utility, minor.

(24) Wind energy system.

(25) Wired and wireless communication and transmission facility.

C. Parcels less than five acres.

(1) Bed-and-breakfast establishment as defined in Wis. Stats., § 254.61(1).^[3]

[3] *Editor's Note: Section 254.61, Wis. Stats., was repealed in part and renumbered in part by 2015 Act 55, effective 7-1-2016. See now § 97.01, Wis. Stats.*

(2) Churches/religious.

(3) Community living arrangement with capacity of more than eight persons.

(4) Contractor's storage yard.

(a) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.

(b) The storage area shall be kept free of litter and debris at all times.

(c) All storage areas shall be no less than 25 feet from any property line.

(d) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.

(5) Dwelling, secondary.

(6) Dwelling, two-family.

(7) Electric generating facility, small-scale.

(8) Farm-related exhibition, sales or event (five days or more).

(9) Governmental, institutional or nonprofit community use.

(10) Keeping of livestock.

(11) Livestock facility of any kind.

(12) Major home occupations; see Article **XIII**.

(13) Mobile support structures and facilities.

(14) Seasonal storage.

(15) Schools, public and private.

(16) Solar energy system.

(17) Temporary residence.

(18) Utility, minor.

(19) Wind energy system.

§ 170-33. Area, setback, and height requirements.

Except as provided in § **170-13** regarding livestock facilities and keeping of livestock, the intent of these requirements is to be consistent with and subject to all applicable provisions of Chapter **168**, the Town of St. Joseph Subdivision of Land Ordinance, specifically including § **168-7** dealing with subdivision design. In the event of any inconsistency, the requirements of Chapter **168** shall prevail.

A. Minimum lot size: three acres.

B. Minimum setback.

- (1) Front yard: 108 feet from the center line of the road or 75 feet from the right-of-way line, whichever is greater.
- (2) Side yard: 20 feet from property boundary to the building line.
- (3) Rear yard: 20 feet from property boundary to the building line.

C. Maximum height.

- (1) Primary dwelling and accessory structures: 35 feet.
- (2) Windmills: 50 feet.
- (3) Silos: 85 feet.

Article VII. Conservancy District

§ 170-34. Purpose.

- A. The Conservancy District is established to preserve and perpetuate the open state of certain areas such as lowland swamps, marshes and wetlands, floodplains and stream beds, slopes, bluffs, wooded areas, native or restored prairie, parks, recreation areas, wildlife habitat and other areas of ecological, scenic or recreational value which, because of their unique physical features or location, are deemed desirable to be retained for the benefit of this and future generations.
- B. The Conservancy District is intended to be limited by structural development in order to preserve the natural character of the land and for its value to wildlife, water conservation, flood control, forestry and other purposes of this district that are appropriate to the physical characteristics of the land.
- C. 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 Town from costs and consequences which may be incurred when unsuitable development occurs in such areas.

§ 170-35. Permitted uses.

Permitted uses are as follows:

- A. Cemetery.
- B. Open space.
- C. Public parks, picnic areas and similar recreational uses.
- D. Botanical garden or similar outdoor exhibits and scientific plant study.
- E. Interpretive and/or research center for historical, natural or social sciences.
- F. Campground, public.

§ 170-36. Conditional uses.

Conditional uses are as follows:

- A. Mobile support structures and facilities.
- B. Solar energy system.

- C. Wind energy system.

§ 170-37. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Lot area, minimum: three acres.
- B. Natural area, minimum: 65%.
- C. Impervious hard surface lot coverage, maximum: 10%.
- D. Accessory structure height, maximum: 35 feet.
- E. Structural limitations.
 - (1) Accessory uses or structures incidental and subordinate in area, extent and purpose to the principal land conservation use.
 - (a) Signs as permitted in Chapter **156**.
 - (b) Roads and parking to serve on-site uses.
 - (2) Building coverage, maximum: 5,500 square feet.
 - (3) Side yard, minimum: 20 feet.
 - (4) Rear yard, minimum: 20 feet.
 - (5) Side yard for an accessory structure, minimum: 20 feet.

§ 170-38. Inclusions.

- A. Conservation is permitted within all districts.
- B. Property owners may rezone into the Conservancy District with approval of a petition for amendment to the Chapter **170 Zoning Map**.^[1]
 - [1] *Editor's Note: The Zoning Map is included as an attachment to this chapter.*
- C. This Conservancy District is not the conservation easement program nor limited to open space designations under Town of St. Joseph Chapter **168**.

Article VIII. Business Districts

§ 170-39. Purpose.

- A. The purpose of the business districts other than the Traditional Commercial District zoning districts is to implement certain objectives of the Town's Comprehensive Plan, which designates planned locations and desirable characteristics of future business development. Area generally shown for future commercial and industrial development in the Town's Comprehensive Plan is more specifically designated on the Town's Zoning Map as Houlton Town Center Mixed Use, Rural Mixed Use, and Business Park.
- B. The design standards and requirements set out in this article apply to all business districts unless more specific requirements are set forth elsewhere in this chapter.

§ 170-40. Uses in business districts.

Uses in each category of commercial district are either permitted, conditionally permitted or not allowed. See Zoning Ordinance text and Zoning Use Table.^[1]

[1] *Editor's Note: The Zoning Use Table is included as an attachment to this chapter.*

§ 170-41. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Lot area, minimum: three acres.
- B. Landscaped area, minimum: 15%.
- C. Impervious hard surface lot coverage, maximum: 20%.
- D. Structure height, maximum: 35 feet.
- E. Accessory structure height, maximum: 35 feet.

§ 170-42. General standards.

The following standards shall apply to all business uses, whether permitted or permitted with a conditional use permit:

- A. Building construction specified in Chapter **80** of the Town of St. Joseph Code.
- B. Design regulation specified in Chapter **81** of the Town of St. Joseph Code.
- C. Roads, driveways, trails, erosion and sediment control and right-of-way constructions specified in Chapter **149** of the Town of St. Joseph Code.
- D. Signs specified in Chapter **156** of the Town of St. Joseph Code.
- E. Franchise architecture shall not be allowed.
- F. Formula businesses shall not be allowed.

§ 170-43. Traffic and parking standards.

- A. Loading. All business district development proposals shall contain a traffic plan with detailed landscaping, off-street parking layout with overflow parking, drainage provisions and driveway locations. The following standards shall apply:
 - (1) Provision. Space for off-street unloading of vehicles with access to a public street or other public way shall be provided so that streets and sidewalks are free and unobstructed for vehicular and pedestrian traffic.
 - (2) Quantity. One loading space minimum is required for every 2,500 square feet of gross floor area of the building served. Establishments offering curb service to customers who remain in their vehicles shall provide at least five off-street parking spaces for each person employed to serve such customers.
 - (3) Location. Off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within 30 feet of the nearest point of intersection of two streets or require any vehicle to back into a public street.
 - (4) Design. Each off-street loading space shall have a width of at least 12 feet, a length of at least 40 feet, and a vertical clearance of at least 15 feet. All loading berths shall be completely

screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight feet in height.

- (5) Surfacing. All open-street loading berths shall be improved with a compacted gravel base not less than seven inches thick, surfaced with not less than three inches of asphalt or treated with some comparable all-weather material providing a hard, durable, dustless surface. Unless impractical and waived by the Town Engineer, all such areas shall be graded and drained to a point or points within the private lot such that no runoff shall exit the property into the public street.
 - (6) Repair and surface. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any loading facilities that may be provided in any residential district.
 - (7) Utilization. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any loading facilities that may be provided in any residential district.
- B. Parking. In connection with every use, and provided at the time any use or building is erected, enlarged, extended, or increased, off-street parking stalls are required for all vehicles in accordance with the following:
- (1) Access. Adequate driveway access to a public street shall be provided for each parking space. Aisles providing access to stalls shall be not less than 24 feet wide.
 - (2) Location. Parking locations are to be on the same lot as the principal use or not over 400 feet from the principal use. No parking stall or driveway shall be closer than 25 feet to a residential district lot line or a street line opposite a residential district, except in residential districts.
 - (3) Size. The size of each parking space shall have a stall width of at least 10 feet, a stall length of at least 20 feet and vertical clearance of at least 6 1/2 feet.
 - (4) Delineation. Any off-street parking area under this section for five or more vehicles shall have the aisles and spaces clearly marked. Curbs or barriers shall be installed in parking lots that prevent the parked vehicles from extending over any adjoining lot line.
 - (5) Grading. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
 - (6) Surfacing. All open off-street parking areas shall be surfaced with a dustless all-weather material or other appropriate impermeable surface material capable of carrying a wheel load of 4,000 pounds (normally, a three-inch blacktop on a compacted gravel base of not less than seven inches, or five inches of portland cement, will meet this requirement).
 - (7) Design. Irregular or other creative parking layout designs may be required to prevent or minimize the undesirable appearance of large undifferentiated spaces.
 - (8) Setbacks. No part of a special purpose off-street parking facility shall extend closer to a street than 1/2 of the setback that would be required for a building on the premises. No part of a special purpose off-street parking facility shall encroach into setback areas. Screen plantings, decorative fences, walls or combination thereof shall be provided in setback area to protect and buffer adjacent properties.
 - (9) Quantity. All business use structures shall provide one off-street parking stall for every three persons contained in the maximum allowable occupancy of the structure as calculated under Wisconsin Building Code. Exceptions may be recommended by the Planning Commission and approved by the Town Board where fewer or greater numbers of parking stalls are required after taking into consideration the availability of public transportation, walkability to the site, shared parking areas with different peak times of use, the availability of non-parking areas for temporary use, shared parking with different business hours, availability of overflow parking, the need to prevent commercial user parking in residential areas, particularly where there is nighttime use and any other criteria that may impact the desirability of requiring more or fewer business parking stalls. Where a parking area is primarily used at peak times, an applicant may

apply to waive specific requirements of this subsection when a more attractive, environmentally desirable and versatile parking area is proposed.

- (10) Handicapped parking requirements. The provisions of Wis. Stats., §§ 101.13, 346.503 and 346.56, and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities constructed in the Town.

Article IX. Traditional Commercial (TR-COM)

§ 170-44. Purpose.

The purpose of the Traditional Commercial Zoning District is to provide for the orderly continuation of existing commercial activity in the Town. The intent of this district is to include only those areas of the Town that were zoned commercial prior to the effective date of this chapter, and to accommodate the continuation of commercial activities zoned as such and operating in the Town on the effective date of this chapter.

§ 170-45. Permitted uses.

Permitted uses are as follows:

- A. Greenhouse.
- B. Office, business or professional.
- C. Parks, trails and open space.
- D. School (public or private).

§ 170-46. Conditional uses.

Conditional uses are as follows:

- A. Adult establishment when complies with Chapter **153** of the Town Code, regulating sexually oriented businesses.
- B. Artisan workshop.
- C. Automotive service, repair and towing when the following apply:
 - (1) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - (2) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - (3) All parts, including body parts, shall be stored within a completely enclosed structure.
 - (4) The lot shall front on an arterial or collector street.
 - (5) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - (6) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - (7) There shall be no selling of vehicles.

- (8) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.

D. Contractor sales and service.

E. Contractor storage yard when the following apply:

- (1) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.
- (2) The storage area shall be kept free of litter and debris at all times.
- (3) All storage areas shall be no less than 25 feet from any property line.
- (4) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.

F. Convenience store, with or without gasoline sales.

G. Dealerships (off-road, watercraft and implements) when the following apply:

- (1) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
- (2) Unlicensed, untitled vehicles shall not be permitted on the site at any time.
- (3) All parts, including body parts, shall be stored within a completely enclosed structure.
- (4) The lot shall front on an arterial or collector street.
- (5) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
- (6) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
- (7) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.

H. Dental clinic.

I. Drive-in theater.

J. Farm market or other open-air agribusiness when the following apply:

- (1) At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
- (2) For business with multiple vendors, 75% of the vendors are local producers.
- (3) Minimum lot size is five acres.
- (4) Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas.
- (5) Not to exceed an attendance level of 300 people.
- (6) No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
- (7) All outdoor light associated with activity shall be turned off by 10:00 p.m.
- (8) Curb cut access shall only be allowed from an arterial or collector road.
- (9) Parking shall be provided at the rate of one space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized

for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.

- (10) Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - (11) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - (12) Trash composting, recycling and waste removal will be provided in accordance with Town codes.
 - (13) A site manager shall be on-site during all hours of operation.
- K. Innovation workspace.
 - L. Landscape supply or contracting business (plant or tree nursery).
 - M. Liquor store.
 - N. Maintenance and repair of goods and equipment.
 - O. Mobile support structures and facilities.
 - P. Propane storage and distribution.
 - Q. Residential care services/group home.
 - R. Seasonal storage.
 - S. Self-storage facility.
 - T. Solar energy system.
 - U. Tavern, cafe or restaurant.
 - V. Wind energy system.
 - W. Wired and wireless communication/cable/transmission facility.

§ 170-47. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Building coverage, maximum: 5,500 square feet.
- B. Side yard and rear yard for principal building abutting business, minimum: 20 feet.
- C. Side yard for an accessory structure abutting business, minimum: 20 feet.
- D. Side yard and rear yard for principal building abutting residential, minimum: 20 feet.
- E. Side yard for an accessory structure abutting residential, minimum: 20 feet.

Article X. Town Center Commercial (TC-COM)

§ 170-48. Purpose.

- A. The purpose of the Town Center Commercial Zoning District is to implement specific objectives of the Town's Comprehensive Plan, which designates development of a Town Center that preserves and enhances the small-town, quaint atmosphere the Town values.

- B. The Town Center Commercial Zoning District is to locate a balanced and harmonious mix of housing, work spaces, civic facilities, service businesses and shops to meet consumer demands for goods and services, with an emphasis on serving the surrounding neighborhood.
- C. The Town Center Commercial Zoning District is intended to facilitate a sense of place and offer residents a sense of community with the Town center. A Town center is characterized by smaller shops and commercial development with safe and convenient mobility of pedestrians. Preferred uses are those of a retail or personal services nature which do not necessarily require large spaces for the display or sale of goods or services and which do not require immediate access to the site by motorized vehicles.
- D. Town Center Commercial Zoning District business uses are compatible with the surrounding residential uses and conservation areas. Development is high quality, attractive and appropriate to the allowed uses. Preferred development expands and enhances connection to the wider community via bicycle trails and greenway networks.

§ 170-49. Permitted uses.

Permitted uses are as follows:

- A. Artisan furniture or clothing and similar retail shop.
- B. Community garden.
- C. Dwelling, single-family, attached to a permanent foundation.
- D. Dwelling, two-family.
- E. Financial or investment institution.
- F. Greenhouse.
- G. Home health care service office.
- H. Notion, variety or gift shop.

(1) The following uses are considered to be appropriate within the zoning district. This list is intended to be indicative and not inclusive: antiques and furniture sales; apparel; art gallery and/or frame shop; bicycle sales, lease and service; books and music; cards, stationery and party supplies; computer sales and supply; florist, plant or gift store; hardware store without outdoor display or storage; hobby or craft store; jewelry and engraving; photographic studio; camera sales and service; sporting goods.

- I. Office, business or professional.
- J. Parks, trails and open space.
- K. School (public or private).
- L. Small group day care for children or adults.
- M. Solar energy system, small-scale.

§ 170-50. Conditional uses.

Conditional uses are as follows:

- A. Artisan workshop.
- B. Athletic fields or sports courts when the following apply:

- (1) No commercial recreational use shall be located within 300 feet of existing residential development.
 - (2) No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
 - (3) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.
- C. Bakery or deli.
- D. Barber, salon, day spa or beauty shop, boardinghouse.
- E. Bed-and-breakfast.
- F. Churches/religious institution.
- G. Club, lodge or meeting hall.
- H. Community center.
- I. Contractor sales and service.
- J. Dance school, fitness center or similar indoor recreation facility.
- K. Dental clinic.
- L. Drugstore/pharmacy.
- M. Dwelling, multiple.
- N. Farm market or other open-air agribusiness when the following apply:
- (1) At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - (2) For business with multiple vendors, 75% of the vendors are local producers.
 - (3) Minimum lot size is five acres.
 - (4) Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas.
 - (5) Not to exceed an attendance level of 300 people.
 - (6) No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - (7) All outdoor light associated with activity shall be turned off by 10:00 p.m.
 - (8) Curb cut access shall only be allowed from an arterial or collector road.
 - (9) Parking shall be provided at the rate of one space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
 - (10) Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - (11) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - (12) Trash composting, recycling and waste removal will be provided in accordance with Town codes.

(13) A site manager shall be on-site during all hours of operation.

- O. Garden center.
- P. Grocer or food cooperative.
- Q. Hardware supply store.
- R. Innovation workspace.
- S. Interpretive and/or research center for historical, natural or social sciences.
- T. Laundromat.
- U. Library.
- V. Liquor store.
- W. Live-work units when the following apply:
 - (1) A minimum of 80% of a structure's street front facade at street level shall be occupied by nonresidential uses.
 - (2) Guest parking is provided at a rate of one parking space per unit under 2,500 square feet. For units larger than 2,500 square feet, one parking space required per 300 square feet of business area.
 - (3) Live/work units that exceed 2,000 square feet must have at least two exits.
 - (4) Within each live-work unit, the living area shall not exceed 1/2 of the total floor area of the unit.
 - (5) At least one resident in each live-work unit shall maintain a valid business license and zoning permit for a business on the premises.
- X. Maintenance and repair of goods and equipment.
- Y. Medical clinic.
- Z. Mobile support structures and facilities.
- AA. Museum, gallery or similar cultural center.
- BB. Optical sales.
- CC. Preschool.
- DD. Reception, meeting or community events center.
- EE. Recreation outfitter.
- FF. Single screen theater, movie or performing arts stage.
- GG. Solar energy system.
- HH. Tavern, cafe or restaurant.
- II. Veterinary clinic for domestic animals.
- JJ. Wind energy system.

§ 170-51. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Building coverage, maximum: 2,500 square feet.
- B. Side yard and rear yard for principal building abutting business, minimum: 20 feet.
- C. Side yard for an accessory structure abutting business, minimum: 20 feet.
- D. Side yard and rear yard for principal building abutting residential, minimum: 20 feet.
- E. Side yard for an accessory structure abutting residential, minimum: 20 feet.

Article XI. Rural Mixed Use (RM-COM)

§ 170-52. Purpose.

- A. The purpose of the Rural Mixed Use Zoning District is to implement specific objectives of the Town's Comprehensive Plan, which designates mixed use development in certain Town neighborhoods and in a manner that enhances and maintains the natural and rural qualities of the community.
- B. The Rural Mixed Use Zoning District locates family-friendly housing, work spaces, civic facilities, service businesses and shops to provide residents with convenient access to job opportunities, goods and services, with an emphasis on serving the surrounding neighborhood.
- C. The Rural Mixed Use Zoning District uses are compatible with the surrounding residential uses, youth recreation, and conservation areas. Development is high quality, attractive and appropriate to the allowed uses. Preferred development expands connection to the wider community via bicycle trails and greenway networks.

§ 170-53. Permitted uses.

Permitted uses are as follows:

- A. Artisan furniture or clothing and similar retail sales.
- B. Barber, salon, day spa or beauty parlor.
- C. Community center.
- D. Community garden.
- E. Community supported agriculture (CSA food farm).
- F. Dwelling, single-family.
- G. Dwelling, secondary.
- H. Garden center.
- I. Greenhouse.
- J. Hardware supply store.
- K. Home health care service office.
- L. Library.
- M. Minor home occupation.
- N. Notion, variety or gift shop.
- O. Office, business or professional.

- P. Parks, trails and open space.
- Q. Postal service.
- R. School (public or private).
- S. Small group day care for children or adults.
- T. Solar energy, small-scale.

§ 170-54. Conditional uses.

Conditional uses are as follows:

- A. Artisan workshop.
- B. Athletic fields and sport courts when the following apply:
 - (1) No commercial recreational use shall be located within 300 feet of existing residential development.
 - (2) No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
 - (3) Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.
- C. Automotive service, repair and towing when the following apply:
 - (1) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - (2) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - (3) All parts, including body parts, shall be stored within a completely enclosed structure.
 - (4) The lot shall front on an arterial or collector street.
 - (5) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - (6) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - (7) There shall be no selling of vehicles.
 - (8) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- D. Bakery or deli.
- E. Bed-and-breakfast.
- F. Boardinghouse.
- G. Car wash.
- H. Churches/religious institution.
- I. Club, lodge or meeting hall.
- J. Contractor sales and service.

- K. Contractor storage yard when the following apply:
- (1) All equipment and building materials shall be screened from outside view by an opaque fence no less than six feet in height.
 - (2) The storage area shall be kept free of litter and debris at all times.
 - (3) All storage areas shall be no less than 25 feet from any property line.
 - (4) No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on-site.
- L. Convenience store, with or without gasoline sales.
- M. Dance school, fitness center and other similar indoor recreation facility.
- N. Dental clinic.
- O. Drugstore.
- P. Dwelling, multiple.
- Q. Farm market or other open-air agribusiness when the following apply:
- (1) At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - (2) For business with multiple vendors, 75% of the vendors are local producers.
 - (3) Minimum lot size is five acres.
 - (4) Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas.
 - (5) Not to exceed an attendance level of 300 people.
 - (6) No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - (7) All outdoor light associated with activity shall be turned off by 10:00 p.m.
 - (8) Curb cut access shall only be allowed from an arterial or collector road.
 - (9) Parking shall be provided at the rate of one space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
 - (10) Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - (11) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - (12) Trash composting, recycling and waste removal will be provided in accordance with Town codes.
 - (13) A site manager shall be on-site during all hours of operation.
- R. Funeral home.
- S. Grocer or food cooperative.
- T. Innovation workspace.
- U. Interpretive and/or research center for historical, natural or social sciences.

- V. Laundromat.
- W. Liquor store.
- X. Live-work units when the following apply:
 - (1) A minimum of 80% of a structure's street front facade at street level shall be occupied by nonresidential uses.
 - (2) Guest parking is provided at a rate of one parking space per unit under 2,500 square feet. For units larger than 2,500 square feet, one parking space required per 300 square feet of business area.
 - (3) Live/work units that exceed 2,000 square feet must have at least two exits.
 - (4) Within each live-work unit, the living area shall not exceed 1/2 of the total floor area of the unit.
 - (5) At least one resident in each live-work unit shall maintain a valid business license and zoning permit for a business on the premises.
- Y. Maintenance and repair of goods and equipment.
- Z. Major home occupation.
- AA. Medical clinic.
- BB. Mobile home park.
- CC. Mobile support structures and facilities.
- DD. Museum, gallery or similar cultural center.
- EE. Optical sales.
- FF. Preschool.
- GG. Reception, meeting, or community events center.
- HH. Recreation outfitter.
- II. Residential care services/group home.
- JJ. Single screen theater, movie or performing arts stage.
- KK. Solar energy system.
- LL. Tavern, cafe or restaurant.
- MM. Veterinary clinic for domestic animals.
- NN. Wind energy system.

§ 170-55. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Building coverage, maximum: 4,000 square feet.
- B. Side yard and rear yard for principal building abutting business, minimum: 20 feet.
- C. Side yard for an accessory structure abutting business, minimum: 20 feet.
- D. Side yard and rear yard for principal building abutting residential, minimum: 20 feet.

- E. Side yard for an accessory structure abutting residential, minimum: 20 feet.

Article XII. Business Park (COM-I)

§ 170-56. Purpose.

- A. The purpose of the Business Park Zoning District is to implement specific objectives of the Town's Comprehensive Plan, which designates land for future commercial and light industrial development and in a manner that enhances and maintains the natural and rural qualities of the community.
- B. The Business Park Zoning District is to accommodate the commercial and light industrial needs of the community with a balanced, harmonious and family-friendly mix of work spaces, shops, service businesses, civic facilities, parks, dining and entertainment establishments, with an emphasis on providing diversity to the local and regional economies. The most appropriate light industrial businesses will be those that contribute to the rural atmosphere with walkable and bikeable access adjacent to the Loop Trail.
- C. The Business Park Zoning District is intended to provide a commercial and light industrial business atmosphere that is distinct, in comparison to those located in nearby communities, and favorably contributes to the image and character of the community. The district is located with high visibility on arterial roads to accommodate traffic between communities and activity centers. The businesses' freight traffic should be light enough not to detract from the enjoyable experience for neighboring residents, pedestrians and cyclists. Businesses with low product turnover, technology offices, corporate/business offices and meeting spaces are ideal for the Business Park Zoning District.
- D. The Business Park Zoning District is intended to further the livelihood of businesses in the zoning district by facilitating collective and complementary activity with adjacent uses. Preferred uses will support the community and local assets by sourcing products and human resources locally, providing innovative or unique products and services, and fostering certain creative, conservation, recreational, educational or cultural benefits to further enrich the community.
- E. The Business Park Zoning District is located with the intention to protect adjacent uses from incompatibility. To locate in the Business Park Zoning District, a business must not produce any loud noises, vibration, noxious fumes, or other hazardous by-products. The use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise or vibration is prohibited in this district. Preferred uses will provide low-impact, quiet, slow-paced commerce and light industry.

§ 170-57. Permitted uses.

Permitted uses are as follows:

- A. Aquaculture.
- B. Artisan furniture or clothing and similar retail sales.
- C. Artisan workshop.
- D. Bakery or deli.
- E. Barber, salon, day spa or beauty shop.
- F. Beekeeping.
- G. Botanical garden or similar outdoor exhibits and scientific study.
- H. Building construction services.

- I. Cabinetry, cabinet making and counter.
- J. Child-care center.
- K. Churches/religious institutions.
- L. Club, lodge or meeting hall.
- M. Community center.
- N. Community garden.
- O. Community supported agriculture (CSA food farm).
- P. Contractor sales and service.
- Q. Convenience store, with or without gasoline sales.
- R. Courier and messenger service.
- S. Cut and sew apparel manufacturing.
- T. Dance school, fitness center, or similar indoor recreation facility.
- U. Dental clinic.
- V. Drugstore, pharmacy.
- W. Financial or investment institution.
- X. Floriculture.
- Y. Game arcade.
- Z. Garden center.
- AA. Governmental, institutional and nonprofit.
- BB. Greenhouse.
- CC. Grocer or food cooperative.
- DD. Group day care for children and adults.
- EE. Hardware supply store with indoor storage.
- FF. Home health care services offices.
- GG. Innovation workspace.
- HH. Landscape supply and contracting business (plant or tree nursery).
- II. Library.
- JJ. Liquor store.
- KK. Museum, gallery or similar cultural center.
- LL. Notion, variety or gift shop.
- MM. Office supply, printing, photocopy and packaging and similar services.
- NN. Office, business or professional.
- OO. Optical sales.
- PP. Parks, trails and open space.

- QQ. Postal service.
- RR. Preschool.
- SS. Public safety.
- TT. Reception, meeting or community events center.
- UU. Sales of processed or preserved agricultural products and produce.
- VV. School (public or private).
- WW. Tavern, cafe or restaurant.
- XX. Technical or trade school.
- YY. Technology, software and computer services.
- ZZ. Utility, minor.
- AAA. Veterinary clinic for domestic animals.
- BBB. Wholesale nursery.

§ 170-58. Conditional uses.

Conditional uses are as follows:

- A. Any building over 5,500 square feet.
- B. Ag business.
- C. Athletic fields and sport courts.
- D. Automotive parts, accessories and tire stores.
- E. Automotive service repair and towing when the following apply:
 - (1) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - (2) Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - (3) All parts, including body parts, shall be stored within a completely enclosed structure.
 - (4) The lot shall front on an arterial or collector street.
 - (5) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - (6) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - (7) There shall be no selling of vehicles.
 - (8) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- F. Car wash.
- G. Child and youth services.
- H. Dealerships (off-road, watercraft, and implements) when the following apply:

- (1) Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - (2) Unlicensed, untitled vehicles shall not be permitted on the site at any time.
 - (3) All parts, including body parts, shall be stored within a completely enclosed structure.
 - (4) The lot shall front on an arterial or collector street.
 - (5) Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - (6) There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - (7) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- I. Elderly and disabled services.
- J. Family services (food, emergency, etc.).
- K. Farm market or other open-air agribusiness when the following apply:
- (1) At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - (2) For business with multiple vendors, 75% of the vendors are local producers.
 - (3) Minimum lot size is five acres.
 - (4) Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas.
 - (5) Not to exceed an attendance level of 300 people.
 - (6) No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - (7) All outdoor light associated with activity shall be turned off by 10:00 p.m.
 - (8) Curb cut access shall only be allowed from an arterial or collector road.
 - (9) Parking shall be provided at the rate of one space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
 - (10) Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - (11) The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - (12) Trash composting, recycling and waste removal will be provided in accordance with Town codes.
 - (13) A site manager shall be on-site during all hours of operation.
- L. Fruit and vegetable preserving and specialty food manufacturing/packaging with the exception of animals.
- M. Industry, light.
- N. Innovation workspace.

- O. Interpretive and/or research center for historical, natural or social sciences.
- P. Irrigation and industrial water supply.
- Q. Laundromat.
- R. Maintenance and repair of goods and equipment.
- S. Medical clinic.
- T. Microbrewery, or distillery with tap/tasting room.
- U. Mobile support structures and facilities.
- V. Recreation outfitter.
- W. Renewable energy production equipment, distribution and sales (wind, solar, geothermal).
- X. Single screen theater, movie or performing arts.
- Y. Solar energy system.
- Z. Specialty beverage tasting room with retail sales.
- AA. Wind energy system.
- BB. Winery.
- CC. Wired and wireless communication/cable/transmission facility.

§ 170-59. Lot and structure requirements.

Lot and structure requirements are as follows:

- A. Building coverage, maximum: 5,500 square feet.
- B. Side yard and rear yard for principal building abutting business, minimum: 50 feet.
- C. Side yard for an accessory structure abutting business, minimum: 20 feet.
- D. Side yard and rear yard for principal building abutting residential, minimum: 50 feet.
- E. Side yard for an accessory structure abutting residential, minimum: 20 feet.

§ 170-60. Impact review.

Development in the Business District is subject to the following:

- A. Specifications to submit for review.
 - (1) All plans as defined in Chapter **81**, Design Regulations.
 - (2) Designated active and passive open space.
 - (3) Utility systems and locations.
 - (4) Refuse and recycling collection, storage and removal plans.
 - (5) Driveway and parking measurements.
 - (6) Surface materials.
 - (7) Landscaping maintenance and treatment plans.

B. Review criteria.

- (1) Conformance with the applicable provisions of the district, its theme and intent.
- (2) Conformance with the applicable provisions of this section.
- (3) Compatibility of the proposed development with adjacent and nearby uses.
- (4) Conformance with the Town's design regulations, Chapter **81**.
- (5) Availability and capacity, both on- and off-site, of public or private utilities and services including water, sanitary sewer, drainage, specific refuse and recycling services, streets, sidewalks, traffic control, fire protection, and police protection.
- (6) Provision for anticipated traffic and impact to existing conditions, including weights, visibility, parking, circulation and access.
- (7) Adequate development valuation or direct contribution to support necessary public safety services.
- (8) Effective mitigation of any potential negative environmental impacts of the proposed development either on the site or off-site.
- (9) Minimization of light beyond that which is required for safety and security.
- (10) Adequate provision for preservation and maintenance of areas set aside for common ownership.
- (11) Consistency with the Town's Comprehensive Plan.
- (12) Preservation of rural values and enhanced connections to nearby features such as trails, agriculture, historic sites and conservation areas.
- (13) Benefits the local community by sourcing products and human resources locally, providing innovative or unique products and services, and fostering certain creative, conservation, recreational, educational or cultural benefits to further enrich the community.
- (14) Design, parking, landscaping and utility areas create and sustain a desirable and stable environment.
- (15) The effect on property values for the surrounding area.
- (16) Impacts to the scenic views of the area.
- (17) Effect of the proposed use upon the health, safety, morals, convenience and general welfare of the occupants of the surrounding lands and wider community.

C. Specific requirements.

- (1) Strict conformance with the performance criteria as defined in Article **XVI**.
- (2) The use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise, vibration or hazardous by-products is prohibited in this district.

Article XIII. Home Occupations

§ 170-61. Purpose.

A. The purpose of this article is to:

- (1) Protect residential and agricultural areas from adverse impacts of activities associated with home occupations;
- (2) Permit residents of the community an opportunity to conduct a business at their place of residence; and
- (3) Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in the residential and agricultural districts.

B. Types of restricted occupational uses within the residential and agricultural districts which:

- (1) Are incidental to the use of the premises as a residence or a farm.
- (2) Are compatible with residential or agricultural uses.
- (3) Are limited in extent.
- (4) Do not detract from the residential or agricultural character of the neighborhood.

§ 170-62. Applicability and definition.

This article applies to any home occupation. Home occupations are divided into minor, major, and nonconforming home occupations.

§ 170-63. General standards.

A. The following standards apply to all home occupations:

- (1) The person principally responsible for the home occupation must reside at the location of the proposed home occupation.
- (2) All home occupations shall be clearly incidental and secondary to the use of a dwelling or accessory structure for residential or agricultural purposes, and the appearance of the structure shall not be altered or the occupation within the dwelling or accessory structure be conducted in such a manner which would cause the premises to differ from its residential or agricultural character by either the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, odors or vibrations. In no case shall any home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.

B. A home occupation shall have three or fewer parking spaces available to provide adequate parking, spaces available to compensate for additional parking needs generated.

C. Storage.

- (1) Exterior storage of business equipment, merchandise, inventory, vehicles or heavy equipment directly related to the business to be orderly and reviewed and approved by the Plan Commission and Town Board.
- (2) Materials, including organic materials such as rock or plants, may be stored within the permitted home occupation area outside of an enclosed structure and approved by the Plan Commission and Town Board.
- (3) Any permitted exterior storage of materials shall have a natural screening to create a pleasant transition with the storage area and that of the roadway or neighboring residence.

D. Home occupations shall not produce objectionable odors, vibrations, glare, fumes or electrical interference detectable beyond the lot line of the parcel on which the home occupation is located.

E. Home occupations shall not illegally discharge any materials, fluids or gases into an on-site waste disposal system nor discharge such items in violation of any applicable government.

- F. Sales are conducted on the owner's property with products produced on-site. Multiple-family sales are permitted if they are held on the property of one of the participants.
- G. Sign(s) conform with the applicable sign ordinance.
- H. All previously permitted home occupations which are now deemed nonconforming home occupations by this article shall be allowed to continue operating, provided that the user/permit holder adheres to the requirements set forth in this article or until the use is abandoned by the user/permit holder.

§ 170-64. Minor home occupations.

- A. A home occupation is considered a minor home occupation that is allowed without permit or hearing if it conforms to all of the following:
 - (1) Minor home occupations shall not be conducted in any building on the premises other than the principal dwelling.
 - (2) No more than two people from the residence in which the business is located to be employed in the occupation.
 - (3) The area set aside for the home occupation shall not exceed 50% of the total floor area of the residence.
- B. Permitted minor home occupations include, but are not limited to, the following:
 - (1) Independent artists or craftspeople;
 - (2) Telephone answering or marketing;
 - (3) Tutoring for up to three students at a time;
 - (4) Home cooking and preserving for sale off-site;
 - (5) Computer programming, data entry or other data processing services; and
 - (6) Secretarial services.

§ 170-65. Major home occupations.

- A. A major home occupation is any proposed or existing home occupation that does not meet the standards for a minor home occupation.
- B. A major home occupation requires a conditional use permit.
- C. All major home occupations shall meet all of the following additional standards:
 - (1) Major home occupations must be conducted within the principal dwelling and/or within a permitted accessory structure and no mechanized equipment is used outside of an enclosed structure outside of business hours.
 - (2) Major home occupations may not be located within 20 feet of any preexisting neighboring residence. The conditional use permit can require additional distance, up to a maximum of 500 feet, if the additional distance can be shown to mitigate negative impacts to a neighboring residence associated with sounds or views.
 - (3) No more than four persons other than a resident of the principal dwelling may be employed or engaged in a major home occupation.

- (4) Only merchandise directly incidental to a service provided may be displayed or sold within the dwelling or structure used for a major home occupation.
 - (5) Major home occupations authorized in an agricultural district must be limited to agriculturally related activities.
- D. Permitted major home occupations with a conditional use permit include the following:
- (1) Independent artists or craftspeople;
 - (2) Telephone answering or marketing;
 - (3) Tutoring for up to eight students at a time;
 - (4) Home cooking and preserving for sale off-site;
 - (5) Computer programming, data entry or other data processing services;
 - (6) Secretarial services; and
 - (7) Any other occupations that are accepted by the Town during the conditional use permitting process.

§ 170-66. Inspections.

There may be one annual inspection each year of any authorized home occupation by the Zoning Administrator and/or the local Fire Inspector. In addition, the Zoning Administrator or his designee may at any time, with reasonable request, enter and inspect the premises for safety and compliance purposes.

Article XIV. Antennas, Mobile Service Facilities and Mobile Service Support Structures

§ 170-67. Purpose.

The purpose of this article is to:

- A. Accommodate communication, radio and television generation needs while protecting the public health, safety and welfare.
- B. Minimize adverse visual impacts of the associated ground structures with screening requirements.
- C. Minimize adverse impacts of such structures on the value of nearby property.

§ 170-68. General provisions.

- A. Applicability.
 - (1) The following regulations and standards apply to all mobile support structures and facilities in all zoning districts unless otherwise provided in this section.
 - (2) Subject to § **170-69B** and **C** below, mobile support structures and radio and television broadcasting studios are permitted in all zoning districts, upon approval of a conditional use permit. Pursuant to Wis. Stats., § 66.0404(4)(n), the Town shall not limit the duration of any such approved conditional use permit.

- B. Mobile support structures in floodplain overlay district. St. Croix County enforces its floodplain zoning ordinance in Section 17.40.^[1] In addition, the placement of electrical and mechanical equipment in a floodplain is regulated by § SPS 321.22(5), Wis. Adm. Code, of the state's construction standards. Nothing in this article shall alter or affect the obligations arising from any of those provisions.

[1] *Editor's Note: See St. Croix County Code of Ordinances Subchapter IV, Section 17.40, Floodplain Overlay District.*

- C. Mobile support structures in the public right-of-way. No mobile support structure or its structural components shall be erected or temporarily placed within any road or highway or its right-of-way.
- D. Mobile support structures exempt from regulation. The following mobile support structures and facilities are exempt from regulation under this article:
- (1) Amateur radio antennas constructed for use by licensed amateur radio operators up to 60 feet high or 100 feet when extended by a telescoping or crank-up mechanism, with a maximum height of 60 feet when retracted.
 - (2) Reception: only antennas and dishes for television and radio.

§ 170-69. Conditional use permit process.

- A. Conditional use permit required. A conditional use permit is required for a new mobile support structure and facilities, a Class 1 co-location or a Class 2 co-location.
- B. Conditional use permit application for a mobile support structure and facilities, a Class 1 co-location or a Class 2 co-location.
- (1) A properly completed application for a permit for a new mobile support structure and facilities or Class 1 co-location shall be made to the Zoning Administrator upon forms furnished by the Town.
 - (2) The application must be signed by both the property owner and the applicant or his/her agent.
 - (3) The following information shall be provided for new mobile support structures and facilities and Class 1 co-locations:
 - (a) A site plan prepared and certified by a professional engineer which shows the location of the mobile support structure and facilities, lot or parcel boundaries, the associated equipment on the ground, fencing, landscaping, lighting, access driveway and public road.
 - (b) 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 application did not choose co-location. The explanation must include a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting to one of the following:
 - [1] That co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity.
 - [2] That co-location is technically infeasible.
 - [3] That co-location is economically burdensome to the mobile service provider.
 - (c) 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 that will be placed on or around the new mobile service support structure.

- (d) If the application is for a Class 1 co-location, which would 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 that are associated with the proposed modifications.
 - (e) A permit fee.
- (4) The following information shall be provided for a Class 2 co-location:
- (a) The location of the proposed mobile service facilities.
 - (b) A permit fee.
- C. Permit decision and appeal process for new mobile support structures and facilities or Class 1 co-locations.
- (1) If an applicant submits to the Zoning Administrator an application for a permit for a new mobile support structure and facilities of Class 1 co-location, which contains all of the information required under this chapter, it shall be considered complete.
 - (2) If the Zoning Administrator does not believe that the application is complete, the applicant will be notified 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.
 - (3) Within 90 days of receipt of a complete application, the Town Board shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator 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 building code and, subject to the limitations in this article, zoning ordinances.
 - (b) Make a final decision whether to approve or disapprove the application.
 - (c) Notify the applicant, in writing, of the final decision.
 - (d) If the application is approved, issue the applicant the conditional use permit.
 - (e) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- D. Permit decision and appeal process for Class 2 co-location.
- (1) If an applicant submits to the Zoning Administrator an application for a permit for a Class 2 co-location, which contains all of the information required in the application, the Zoning Administrator shall consider the application complete.
 - (2) If any of the required information is not in the application, the Zoning Administrator 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.
 - (3) Within 45 days of receipt of a complete application, the Town Board shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Zoning Administrator 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 the final decision.
 - (c) If the application is approved, issue the applicant the conditional use permit.

- (d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

§ 170-70. Standards.

- A. Setbacks. The setback for mobile service support structures and facilities shall meet the provision of this chapter.
- B. Aeronautical safety. The Town may disapprove an application involving creation of a new mobile support structure where both of the following are true:
- (1) The height of the new structure exceeds 200 feet, measured from the ground level at its site; and
 - (2) The new structure would extend into air space [protected by 47 CFR 17.7(b)] that is above an imaginary surface extending outward and upward at any of the following slopes:
 - (a) One hundred to one for a horizontal distance of 6.10 kilometers (20,000 feet) from the nearest point of the nearest runway of any airport with at least one runway more than 0.98 kilometer (3,200 feet) in actual length, excluding heliports.
 - (b) Fifty to one for a horizontal distance of 3.05 kilometers (10,000 feet) from the nearest point of the nearest runway of any airport with its longest runway no more than 0.98 kilometer (3,200 feet) in actual length, excluding heliports.
 - (c) Twenty-five to one for a horizontal distance of 1.52 kilometers (5,000 feet) from the nearest point of the nearest landing and takeoff area of any heliport.
- C. Removal of mobile support structure and facilities. Any mobile support structure and facilities which are not used for the use for which the permit was granted for 12 consecutive months must be removed and the site restored within three months. The site shall be restored to its original condition and anchoring elements shall be removed from the ground to a depth of at least eight feet below grade. If removal and restoration are not completed, the Town is authorized to complete the removal and site restoration and charge the cost to the performance bond.
- D. Performance requirements.
- (1) A performance bond in a form acceptable to the Zoning Administrator shall be submitted at the time of the application to provide for the removal of the mobile support structure and facilities. The bond shall be a maximum of \$20,000.
 - (2) The structures on the ground shall be screened with six-foot-high coniferous trees to provide 80% capacity at maturity.
 - (3) The bottom of the mobile support structure and facilities from ground level to 12 feet above ground shall be designed to prevent unauthorized climbing and shall be enclosed with a minimum six-foot-high chain-link fence with a locked gate.
 - (4) Security lighting shall be downward directed and shielded to keep light within the boundaries of the site.
 - (5) Adequate parking shall be provided for maintenance and repair vehicles.
 - (6) A written acknowledgement from the landowner of a leased site that they will abide by the applicable conditions of the land use permit, including the restoration and reclamation requirements in this article.
 - (7) Installation of the wireless mobile support structure and facilities shall comply with the manufacturer's specifications.
 - (8) New mobile support structure and facilities shall provide space for at least two co-locations.

E. Prohibitions.

- (1) No wireless communication facility shall be artificially illuminated unless required by the FCC or FAA.
- (2) A temporary mobile transmission facility site is not permitted except in the case of equipment failure, equipment testing, equipment replacement, or emergency and prior authorization is obtained from the Zoning Administrator. Use of a temporary site for testing purposes shall be limited to 24 hours, and the use of the temporary site for equipment failure, equipment replacement or emergency shall be limited to 30 days unless extended for good cause in writing by the Zoning Administrator.
- (3) There shall only be one mobile support structure and facilities on a parcel of land.

F. Completion deadline.

- (1) Wireless mobile support structure and facilities construction authorized by a conditional use permit issued under this article shall commence within one year from the date of approval and be substantially completed or implemented within two years.
- (2) Applicants can request extensions of one or both deadlines, for periods up to six months, from the Zoning Administrator.
- (3) The total time granted for extensions shall not exceed six years.

G. Permit revocation. Where the terms or conditions of any conditional use permit for wireless mobile support structure and facilities are violated, the permit may be revoked by the Zoning Administrator.

H. Biennial report. The mobile support structure and facilities owner shall submit, each even-numbered year on or before January 31, a transmission facility information report, on a Town-provided form. The report shall detail the use, maintenance and condition of the wireless mobile support structure and facilities. The report shall be accompanied by a two-year renewal of the performance bond in a form acceptable to the Zoning Administrator in an amount sufficient to provide the removal of the wireless mobile support structure and facilities. The bond amount is a maximum of \$20,000.

I. Safety inspection. If the Town has reason to believe that a wireless mobile support structure and facilities is a safety risk, it may require the permit holder to perform an inspection by a registered engineer and provide a copy of the report to the Zoning Administrator within 60 days of notice by the Town that an inspection is required.

Article XV. Temporary Nonmetallic Mining

§ 170-71. Purpose.

Temporary nonmetallic mining is permitted as a conditional use in the Agricultural and Rural Residential (AG-RES) District on parcels 20 acres or greater and is regulated in this article. This article protects public health, safety, and general welfare and ensures that temporary nonmetallic mining is compatible with the applicable district.

§ 170-72. Applicability.

This article applies to temporary nonmetallic mining.

§ 170-73. General provisions.

Temporary nonmetallic mining operations shall comply with the following:

- A. Chapter **14** of the St. Croix County Code of Ordinances;
- B. Wis. Stats., Chapter 295, Subchapter I, and rules promulgated under that subchapter;
- C. Applicable provisions of this article;
- D. Any requirements of the State Department of Transportation concerning restoration of nonmetallic mining sites; and
- E. The operation:
 - (1) Extracts a total of 10,000 cubic yards or less of material; and
 - (2) Does not exceed 60 days in duration; and
 - (3) Obtains a conditional use permit in accordance with Article **XVII** of this chapter.

§ 170-74. Conditional use permit process additional requirements.

- A. Conditional use permit required. A conditional use permit is required for a temporary nonmetallic mining operation.
- B. Conditional use permit application for temporary nonmetallic mining operations shall include the following:
 - (1) A properly completed application in accordance with Article **XVII** of this chapter.
 - (2) An adequate description of the operation in the form of an operation plan. This operation plan shall include a description of the equipment, machinery, and structures to be used and topographic map of the site showing existing contours with minimum vertical contour interval of five feet, trees, all proposed and existing on-site uses, and proposed excavation areas.

§ 170-75. Standards.

- A. Water. The washing of sand and gravel shall be prohibited in any operations where the quantity of water required will seriously affect the supply of uses in the area or will result in contamination, pollution, or excess siltation.
- B. Plan Commission review. The Town Plan Commission shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality.

Article XVI. Nonconforming Uses, Structures and Lots

§ 170-76. Purpose and intent.

It is the purpose and intent of this article to comply with state law protecting nonconforming uses and structures as the law requires. It is the additional purpose of this article to clarify how preexisting uses and structures built on nonconforming lots will be treated under this chapter as the Town assumes zoning jurisdiction from St. Croix County.

§ 170-77. Nonconforming uses.

- A. The continued lawful use of a building, premises, structure or fixture existing on the effective date of this chapter or on any later amendment to this chapter that makes the use nonconforming may not

be prohibited, even though the use does not conform to the provisions of this chapter. Legal nonconforming uses shall not be extended, enlarged or expanded except as provided for in this article.

- B. Otherwise legal uses of land in the Town on the effective date of this chapter shall be treated as legal nonconforming uses to the extent that the existing use is not a fully permitted use in the zoning district in which the use is located on the Town's Zoning Map. Landowners with legal nonconforming use rights can also seek conditional use permits under this chapter to more fully protect their use rights where the use is otherwise eligible for such a conditional use permit under the Town's Zoning Ordinance.
- C. Legal nonconforming uses shall not be extended. The total structural repairs or alterations to a building, premises, structure or fixture that supports a nonconforming use shall not, during its life, exceed 50% of the assessed value of the said building, premises, structure or fixture unless permanently changed to a conforming use.
- D. Legal nonconforming uses run with the land. However, if a legal nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, premises, structure or fixture shall conform to this chapter.
- E. The unlawful expansion of a legal nonconforming use invalidates the legal nonconforming use as well as the unlawful expansion.
- F. Any uses authorized by St. Croix County under the previous St. Croix County Zoning Ordinance as conditional use with an approved conditional use permit, special exception, or variance become legal nonconforming uses when the Town's Zoning Ordinance goes into effect.

§ 170-78. Nonconforming structures.

- A. Except set forth in § 170-79 (below), the restoration of a damaged or destroyed nonconforming structure to the size, location and use that it had immediately before such damage or destruction occurred is permitted in only situations where the damage or destruction is caused by violent wind, vandalism, fire, flood, snow, mold or infestation. Such a restored nonconforming structure may be larger than the size it was immediately before it was damaged or destroyed only to the extent necessary to comply with applicable state or federal regulations.
- B. Structures with a footprint in the setback area of lots that otherwise conform to the area or spatial requirements in effect when the lots were created can be removed, replaced, repaired, maintained, renovated and remodeled.

§ 170-79. Nonconforming lots.

- A. Structures located on nonconforming lots where the structure is also nonconforming can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right-of-way area, side or rear setbacks, and the resulting structure's appearance will be consistent with similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.
- B. Structures with a footprint on the effective date of this chapter located in the setback areas of a lot and that conformed to the area of spatial requirements in effect when the lot was created can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right-of-way area, side or rear setbacks and the resulting structure's appearance will be consistent with, similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.

- C. Certain nonconforming lots in the Town were created so long ago that spatial requirements such as setbacks are not shown on the plat, certified survey map or otherwise discernable from site-specific documents of record that created the lot. In this situation, the more restrictive of the county or Town setback requirements in effect at the time that the lot was created shall determine the spatial requirements that apply to the lot and to the placement of new structures on the lot after the effective date of this chapter.

Article XVII. Conditional Uses

§ 170-80. Purpose.

This chapter is premised upon the division of the Town into zoning districts where the use of land and buildings and the location of buildings and structures in relation to the land for that use are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any district because it is necessary to consider the impact of the proposed use upon neighboring land or public facilities, and the public benefit of locating particular kinds of uses in specified zoning districts. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district where not otherwise permitted when due consideration is first given to location, development and operation of such uses and their compatibility with permitted uses in a particular zoning district. Such uses are classified as conditional uses. A conditional use is one which is listed as a conditional use in the Zoning Ordinance and where the Town determines that it can be allowed after review, public hearing, recommendation by the Plan Commission, specific approval by the Town Board by issuance of a conditional use permit and subject to each site and neighborhood specific conditions as are developed during that process.

§ 170-81. Authority of Plan Commission and Town Board; requirements.

- A. The Town Board may issue a conditional use permit to the owner of the property or tenant/business operator, with owner's consent after review, public hearing, recommendation of the Plan Commission and approval by the Town Board, when such conditional use and involved structure(s) are found to be compatible with the purpose and intent of this chapter and further found to be not incompatible, hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community in which the conditional use will take place. All conditional use permits shall specifically describe the listed use and specify the period of time for which the permit is effective.
- B. Any conditional use permit is issued to the property owner or the tenant/business operator with the owner's consent. The permit is not transferable. It does not "run with the land." The conditional use permit shall automatically terminate upon sale of or transfer of title of the property or change in the tenant/business operator (in the event the tenant/business operator is not the property owner). The permit shall also automatically terminate upon the death of the permit holder or the business operator. All conditional use permits shall specifically describe the listed use and shall state the period of time for which the permit is effective and when it must come up for review and renewal.
- C. Compliance with all applicable provisions of this chapter and all other provisions of the Town Code of Ordinances, including but not limited to lot width and area, yards, height, parking, loading, traffic, highway access and performance standards, shall be required of all listed conditional uses.
- D. The Town's decision to approve or deny a conditional use permit application must be supported by substantial evidence.

§ 170-82. Initiation of conditional use permit application.

Any person or entity with full ownership rights, a tenant with the owner's consent, or the purchasers under a signed purchase agreement for the land at issue with owner's consent may file a conditional use permit application.

§ 170-83. Application for conditional use permit.

- A. Conditional use permit application materials shall be prepared and submitted in conformity with current Town requirements, available in written form from the Town Clerk, describing the information required and general application deadline requirements.
- B. The application shall be accompanied by any required application fee established by the Town Board, a scaled site plan showing the location, size and shape of the lot(s) involved and of any proposed structures or planned modification(s) to existing structures, the existing structures, the existing and proposed use of each structure and lot, and include a written statement from the applicant with adequate evidence to show how the proposed conditional use shall meet and be consistent with the standards set forth in this chapter.
- C. Conditional use permit applications should address the following list but are not limited to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulations, deed restrictions, highway access restriction, increased yard or parking requirements may be required by the Plan Commission and Town Board where appropriate or necessary to fulfill the purpose and intent of this chapter.
- D. A conditional use permit application shall not be deemed to have been validly submitted to the Town until the complete written application, signed by the applicant(s) and accompanied by all applicable required materials, has been personally delivered to the Town Clerk with sufficient copies of all application materials to be delivered to the Town Attorney, Town Engineer and owners of land entitled to notice, and until receipt of the application has been acknowledged by the Plan Commission at its next regular monthly meeting following delivery of the complete application materials. The applicant is responsible for providing all such materials in conformity with all applicable requirements as established from time to time by the Town, and at the applicant's expense.
- E. The Town Board, Town Plan Commission, the Town Attorney or Town Engineer can require such other information as may be necessary for processing an application and for the enforcement of this article, including, without limitation because of enumeration, a site plan showing contours and soil types, high-water mark and groundwater conditions, bedrock, vegetative cover, specifications for areas of proposed filing, grading, and lagooning, location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping, plans of buildings, sewage disposal facilities, water supply systems and specifics of proposed operations.

§ 170-84. Site review.

In making its recommendation, the Plan Commission shall review and evaluate each application, shall visit the proposed site and may request assistance from any source which can provide technical assistance. The Commission shall review and consider the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, slopes, soils, drainage, sewerage and water systems and the proposed operation/use.

§ 170-85. Notice of hearing on application.

Notice of time, place and purpose of such a hearing shall be given by publication of a Class 2 notice in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be

sent to the applicant, Plan Commission members, and the owners of record as listed in the office of the Town Clerk/Treasurer who own property located in whole or in part within 300 feet of the boundaries of the properties affected, with notice to be mailed at least 20 days prior to the date of the public hearing. The Plan Commission shall provide its report and recommendation to the Town Board within 60 days after the public hearing, after which the Town Board shall take formal action on the permit application. If the Town Board does not receive a report and recommendation from the Plan Commission within 60 days it may hold hearings and act on the conditional use permit application without a report and recommendation from the Plan Commission.

§ 170-86. Hearing on application.

Requests for conditional use permits shall be first directed to the Plan Commission for its review and recommendation to the Town Board. After receipt of all required fees, deposits, application, and all related materials, the Plan Commission shall hold a public hearing on each application for a conditional use at a time and place set by the Commission. A record of the proceedings shall be preserved.

§ 170-87. Standards for conditional use permit.

No conditional use permit shall be recommended by the Plan Commission or approved by the Town Board unless substantial evidence supports findings that all of the following conditions are met:

- A. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare of Town residents or the general public.
- B. That the uses, values and enjoyment of other property in the neighborhood for permitted purposes shall in no foreseeable manner be substantially impaired by the establishment, maintenance or operation of the conditional use, and that the proposed use is sufficiently compatible with the current use of adjacent land.
- C. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- D. That adequate utilities, access roads, drainage and other necessary site improvements presently exist or will be undertaken and developed within a reasonable time, as determined by the Town.
- E. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public roads within a reasonable time, as determined by the Town.
- F. That the conditional use shall conform to all applicable regulations of the district in which it is located and all applicable state and county regulations. This may include compliance with requirements affecting land in the Lower St. Croix Riverway Overlay District.
- G. That the proposed use does not violate St. Croix County shoreland or floodplain regulations governing the site.
- H. That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- I. Conditional use permits for commercial kennels shall meet all of the following requirements:
 - (1) All kennel structures and runs shall be located at least 300 feet from all property lines and 50 feet from any potable water supply.
 - (2) All kennel structures housing animals shall be soundproofed so that no audible animal noise can be heard at the property line.
 - (3) Outside pens, runs, kennel structures and parking areas shall be screened by landscaping or other means to be reasonably obscured from view at adjoining property lines.

- (4) Animal waste shall be continuously managed and disposed of in a manner that leaves no perceptible odor at adjoining property lines.
 - (5) No more than two animals six months or older shall be outside at any time unless the terms of the conditional use permit provide otherwise.
 - (6) No more than two animals six months or older shall be kept in a single enclosure.
 - (7) Bark suppression devices shall be used on all dogs six months or older when outside, unless the terms of the conditional use permit provide otherwise.
 - (8) All animals shall be housed indoors from 9:00 p.m. to 6:00 a.m. daily.
 - (9) Commercial kennels shall not be located in a major subdivision.
- J. Architectural treatment. Proposed architectural treatment should be in general harmony with surrounding uses and the landscape. To this end, the use of certain general types of exterior construction materials, architectural treatment or landscaping may be required.
- K. Application of standards. When applying standards for conditional uses to any proposed building construction or addition, the Plan Commission and Town Board shall also apply the statement of purpose for the zoning district in which the conditional use is being proposed so that the proposed building, addition and use proposed for the location does not conflict with or contradict the purpose and objectives of the zoning districts.
- L. Additional considerations. When considering an application for a conditional use permit, the Plan Commission and Town Board shall also evaluate the effect of the proposed use upon:
- (1) The maintenance of safe and healthful conditions on the site for which application has been made and at properties whose owners are to receive notice under this article.
 - (2) Existing topographic and drainage features and vegetative cover on the site.
 - (3) The location of the site with respect to floodplains and floodways of rivers and streams.
 - (4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - (5) The location of the site with respect to existing or future access roads.
 - (6) The need of the proposed use for a shoreland location.
 - (7) The compatibility of the proposed use with uses on adjacent land.
 - (8) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems serving the site.

§ 170-88. Conditions and guarantees.

Prior to making recommendation on any conditional use permit application, the Plan Commission may consider and recommend conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as it deems necessary or appropriate to promote and protect the public health, safety and general welfare of the community, and to secure compliance with site-specific requirements and with the standards and requirements of this article. In all cases in which conditional use permits are issued, the Town Board shall require such evidence and guarantees as it deems necessary as assurance that the conditions being required will be met on a continuous basis.

§ 170-89. Validity of conditional use permit.

- A. After a conditional use permit has been approved, such permit shall become null and void after 12 months from the date of the approval unless the use is commenced, construction is underway or the current owner possesses a valid building permit before that time. Forty-five days prior to the automatic expiration of such permit, the Town Clerk/Treasurer shall notify the holder by certified mail of the approaching expiration date, though failure to do so shall not stay or invalidate the expiration of the permit. The Town Board may extend such permit for a period of time for justifiable cause, if application is made to the Town Board at least 30 days before the expiration of said permit.
- B. No alteration or expansion of a use permitted by conditional use permit shall be permitted unless a new conditional use permit is approved by the Town Board upon recommendation of the Plan Commission and pursuant to the procedures and standards set out in this article.

§ 170-90. Complaints regarding conditional uses.

- A. The Town Board retains continuing jurisdiction over all conditional use permits for the purpose of resolving complaints made against permit holders. This includes the power to order the removal or discontinuance of unauthorized alterations to an approved conditional use, and to order the elimination, removal or discontinuance of any violation of a condition imposed, prior to or after approval, to revoke the permit or to take action for violation of any other provision of this chapter.
- B. Upon a written complaint specifying alleged conditional use permit violations by any Town resident or Town official, the matter shall be referred to the Plan Commission for review. The Plan Commission shall review the complaint to determine whether said complaint shows to a reasonable probability that a conditional use is in violation of one or more of the standards set forth in this article, a specific condition of approval of the conditional use permit for the premises or other requirement imposed hereunder.
- C. The Plan Commission shall make findings and provide a recommendation to the Town Board. Thereafter, if the Town Board determines that the complaint process should proceed, a hearing shall be held by the Town Board upon notice in the manner set forth in § 170-85.
- D. The Town Board may, in order to bring the holder of the conditional use permit into compliance with the standards set forth in this article or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made or where the Town Board has grounds to believe that continuing conditional use permit violations will not be corrected, the Town Board may revoke the conditional use permit and direct the Town Clerk/Treasurer or Town Attorney to take action to seek elimination of the use.
- E. Following any such hearing, the decision of the Town Board shall be furnished to the holder of the revoked conditional use permit in writing, stating the reasons for the Town Board's action.

§ 170-91. Review by court of record.

Pursuant to Wis. Stats., § 62.23(7)(de)5, if the Town Board denies a person's conditional use permit application, the person may appeal the decision to the circuit court under the procedures contained in Wis. Stats., § 62.23(7)(e)10.

Article XVIII. Changes and Amendments

§ 170-92. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town Board may, by ordinance, change the district boundaries established by this chapter and the

Zoning Map incorporated herein or amend the text of this chapter. Such changes or amendments require the review and recommendations of the Plan Commission, Town Board enactment and approval by the St. Croix County Board of Supervisors, as provided by Wisconsin Statutes.

§ 170-93. Initiation of changes or amendments.

A change or amendment to the text of this chapter or to the accompanying Zoning Map may be initiated by the Town Board, Plan Commission, Zoning Board of Appeals, or by a petition of one or more owners of the property within the area for which zoning is proposed to be changed.

§ 170-94. Procedure for changes or amendments.

- A. **Petition.** A petition for any change to the Zoning Map or for amendments to the text of this chapter shall be addressed to the Town Board and shall be filed with the Town Clerk along with any required filing fee. It shall describe the premises to be rezoned, or the portions of text to be amended, list the reasons justifying the petition, specify the proposed use or district change, if applicable, and, if the petition is requesting a change of district boundaries or district type, shall provide all information required by this chapter and show all property lying within 300 feet of the area proposed to be rezoned, with the names and addresses of all owners of such property. Additional information may be required by the Plan Commission or Town Board.
- B. **Recommendations.** The Town Clerk, on behalf of the Town Board, shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text of this chapter and/or the Zoning Map and provide a recommendation that the petition be granted as requested, as modified or denied, in conformity with the requirements of this chapter. The recommendation shall be recorded in the Plan Commission's official minutes. In arriving at its recommendation, the Commission may, of its own volition, conduct a public hearing on proposed amendment(s). If the Town Board does not receive a report and recommendation from the Plan Commission within 60 days of submitting the proposed amendments, the Town Board may hold hearings and act without first receiving the Plan Commission report and recommendation.
- C. **Hearings.**
 - (1) Following receipt of recommendation of the Plan Commission, the Town Board shall hold a public hearing to hear and consider each proposed change or amendment, giving notice of the time, place and the change or amendment being proposed, by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least 10 days prior to the public hearing, written notice shall also be given to the clerk of any other municipality located within 1,000 feet of any land to be affected by the proposed change or amendment.
 - (2) The Town Board may delegate to the Plan Commission the responsibility to hold the public hearing required under this subsection.
- D. **Town Board action.** Following such hearing and after considering the Plan Commission's recommendations, the Town Board shall vote on the proposed Zoning Map change or chapter text amendment. Amendments to the text of this chapter or to the Zoning Map are subject to County Board approval as provided by Wisconsin Statutes. The Town's administrative application of this chapter to specific parcels of land in the Town, as by processing and acting on applications for conditional use permits, home occupation permits, any other permit required under this chapter and variances, does not require County Board approval.

Article XIX. Board of Appeals; Variances

§ 170-95. Board of Appeals.

A Board of Appeals is hereby established. The Board of Appeals shall consist of five members appointed by the Town Chairperson, subject to confirmation by the Town Board. Members shall serve without compensation, shall reside within the Town of St. Joseph, and shall be removable by the Town Chairperson for cause, upon written charges and after public hearing. Two alternate members shall be appointed by the Town Chairperson. The Board of Appeals shall appoint one of its members as Secretary of the Board unless the Town Board shall authorize the employment of a secretary.

§ 170-96. Establishment of rules.

The Board of Appeals may have separately adopted rules for its operation and procedure. At all times such rules shall operate in accordance with the provisions of this chapter, shall regulate procedural and substantive aspects of Board operations and in that way shall serve to implement, without being part of the chapter.

§ 170-97. Records.

The Board of Appeals 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, in the office of the Board.

§ 170-98. Taking of appeals; stay; powers.

- A. Taking of appeals. Appeals to the Board of Appeals alleging error in administration of this chapter may be taken by any person aggrieved, or by any officer, department, board or committee of the Town of St. Joseph affected, by a decision of the Town Board in administering said ordinances, and shall be processed pursuant to the rules of the Board of Appeals.
- B. Stay. An appeal to the Board of Appeals shall stay all legal proceedings in furtherance of the action being appealed from unless the Town Board or administrative officer whose decision is being appealed to the Board certifies to the Board after the appeal has been filed and that, by reason of facts stated in the certificate, a stay would, in the opinion of the Town Board or administrative officer, cause imminent peril to life or property. In such case, legal proceedings shall not be stayed except by a restraining order which may be granted by a court of record on application, on notice to the Town and on due cause shown.
- C. Powers of Board of Appeals. The Board of Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made in the enforcement of this chapter, and to authorize upon appeal in specific cases such variance from the requirements of this chapter as will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of any provision of this chapter would 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.

§ 170-99. Variance standards.

- A. A use variance means an authorization by the Board of Appeals under this article to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance and is available only when a property owner will have no reasonable use of the property without a use variance.
- B. An area variance is available only when strict compliance with Town regulations governing area, setbacks, frontage, height, bulk or density will unreasonably prevent an owner from using property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

§ 170-100. Variance procedure.

A. Application.

- (1) A variance application shall be filed with the Town Clerk/Treasurer. Applications may be made by the owner or authorized agent of the owner of the land affected by the application. The application shall contain the following information:
 - (a) Name and address of applicant and all abutting and opposite property owners of record.
 - (b) Address and legal description of the property.
 - (c) A to-scale drawing showing the boundaries and location of the property, the location and dimensions of all buildings and structures, slopes, public and private roads crossing or contiguous to the property and the location of a distance to the nearest residences in all directions.
 - (d) Such additional information as may be required by the Plan Commission, Town Engineer or Board of Appeals or pursuant to its rules.
 - (e) Fee in the amount set by the Town Board.
- (2) Applicants shall consult the rules of the Board before submitting an application and shall fully comply with the rules' requirements.

B. Burden of proof. An applicant seeking a variance has the burden of proof.

- (1) To show the level of practical difficulty or unnecessary hardship needed for an area variance, an applicant must show that compliance with this chapter's requirement from which relief is sought either prevents the use of the land for an otherwise permitted purpose or is unnecessarily burdensome. The unnecessary hardship or practical difficulty being shown cannot be self-created, must be unique to the property and must be linked to the physical characteristics of the land for which the variance is sought. The applicant should be prepared to show what actions would be necessary to comply with the chapter requirement from which relief is being sought.
- (2) To show the level of practical difficulty or unnecessary hardship needed for a use variance, an applicant must show that no reasonable use of the property can be made without the variance.

C. Hearings. Board hearings on variance applications shall be conducted in compliance with the rules and bylaws of the Board. Meaningful advance notice of such hearings shall be given at least 10 days before the hearing to all abutting landowners and owners of non-abutting property located within 300 feet of the perimeter property lines of the parcel that is the subject of the application, by or under the direction of the Town Clerk/Treasurer.

D. Action of the Board of Appeals. Following the hearing on the application, the Board of Appeals shall determine whether the applicant has shown unnecessary hardship or practical difficulty after first reviewing the information provided to it, after examining what the zoning regulation at issue is intended to accomplish and after considering concerns related to the welfare of the public such as safety, especially in the immediate area, property values, especially in the immediate area, uniformity of appearance and uniformity of treatment.

E. Finding required.

- (1) Before the Board can grant a variance, it must evaluate the hardship in light of the purpose of the zoning restriction at issue and find that:
 - (a) The applicant has established specific unnecessary hardship or practical difficulty will result in the absence of the granting of the variance being sought, that is unique to the property involved and that is not self-created.

- (b) Granting the variance is necessary, will do substantial justice and secure public safety and welfare and is consistent with the intent and purpose of the regulations in this chapter from which relief is being sought.
 - (c) Granting the variance will not enlarge any preexisting nonconformity with this chapter.
 - (d) Granting the variance will not damage the rights or property values of other persons in the area and will not interfere with or increase the cost of plans of the Town, county, state or federal governments in the area, absent the most unusual, extreme or compelling circumstances.
- (2) A request for a variance to lot density or impervious surface requirements shall be evaluated in the context of the related portions of the Town's subdivision ordinance.^[1]

[1] *Editor's Note: See Ch. 168, Subdivision of Land.*

- F. Conditions. The Board of Appeals may impose such conditions and restrictions upon the premises receiving a variance as it determines to be necessary for consistency of result with the standards and requirements herein and with special emphasis on requirements for area variances that will maintain and protect consistency with the character, appearance and parcel based proportion of area-to-structure found in adjacent and neighborhood development and on requiring mitigating measures such as plant, fence or earth-based screening that will avoid or permanently reduce the adverse effect of the variance on present and planned adjacent and neighborhood development.

§ 170-101. Review by court of record.

As provided in Wis. Stats., § 62.23(7)(e)10, any person or person aggrieved by any decision of the Board of Appeals 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 Appeals, commence an action seeking certiorari review and related remedies.

Article XX. Administration and Enforcement

§ 170-102. General administrative system.

This chapter creates the functions of a "Zoning Administrator" to administer and enforce its requirements. Certain administration and enforcement matters under this chapter, such as the granting of permitted conditional uses, conditional uses, changes in zoning districts and the Zoning Map, and amending the text of this chapter, also require review by the Plan Commission and action by the Town Board or Town Board of Appeals.

§ 170-103. Zoning Administrator.

The Zoning Administrator is the Town official with primary responsibility for administering the provisions of this chapter. As used in this chapter, "Zoning Administrator" refers to the Town Chair or to the Zoning Administrator selected and appointed by the Town Board. The duty of the Zoning Administrator shall be to administer, interpret and enforce this chapter and to issue all permits required by this chapter that do not require action by the Town Board or Town Board of Appeals. The Zoning Administrator shall:

- A. Advise applicants for permits as to the provisions of this chapter and be available to applicants while preparing applications.
- B. Issue any administrative-level permits now or later authorized by this chapter. The function of processing sign permits is delegated to the Building Inspector.

- C. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter.
- D. Maintain and update the permanent and current records of this code, including but not limited to the Zoning Map, text amendments to this chapter, conditional use permits, variances, appeals and applications, which function is hereby delegated to the Town Clerk.
- E. Provide and maintain a public information function relative to all matters arising out of this chapter.
- F. Receive, file and forward to the Plan Commission all applications for amendments to this chapter, which function is hereby delegated to the Town Clerk who shall forward all application amendments to the Zoning Administrator upon receipt of those applications.
- G. Receive, file and forward to the Plan Commission applications for all conditional use permits, which function is hereby delegated to the Town Clerk who shall forward all conditional use permit applications to the Zoning Administrator upon receipt.
- H. Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this chapter, and attend all Board of Appeals meetings to provide technical assistance which function is hereby delegated to the Zoning Administrator, the Building Inspector and the Town Engineer.
- I. Initiate, direct and review from time to time a study of the provisions of this chapter, and make periodic reports with recommendations concerning it to the Plan Commission not less than once a year.
- J. Make on-site investigations related to the enforcement of this chapter and any related ordinances of the Town and have access to any structure or premises for this purpose, or in reviewing permit applications, exercised at a reasonable hour and after a twenty-four-hour notice.
- K. Coordinate duties and responsibilities with the Building Inspector to ensure consistent and fair application of this chapter and avoid unnecessary duplication of the specific requirements in the administration of this chapter and the Town's subdivision, building and other ordinances.
- L. Coordinate with the Town Attorney regarding enforcement of this chapter and related legal issues.

§ 170-104. Role of specific Town officials in zoning administration.

- A. Zoning Administrator. The Zoning Administrator serves at the pleasure of the Town Board and has the authority to delegate responsibility for performance of duties assigned to that position by this chapter on a specific or continuing basis to any of the following: Town staff (elected, appointed or employee), the Building Inspector, the Town Engineer and Town Attorney.
- B. Plan Commission. The Plan Commission makes reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. In general, the Plan Commission has such powers as are necessary to enable it to perform its functions, promote municipal planning and as set out in Chapter 35 of the Town Code. One of its functions is to make recommendations to the Town Board. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- C. Town Board. The Town Board has ultimate authority to make changes and amendments to the boundaries of zoning districts, and to amend the text of this chapter, subject to County Board approval as provided by Wisconsin Statutes. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this chapter.
- D. Zoning Board of Appeals. A Zoning Board of Appeals has been established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this chapter and to decide on applications for variances. See Article XVIII.

§ 170-105. Zoning review for one- and two-family residential uses.

- A. No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air for one- or two-family residential use shall hereafter be issued and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been reviewed by the Zoning Administrator or designee and it has been verified that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all applicable provisions of this chapter and other applicable portions of the Town Code.
- B. A building permit issued in conflict with the provisions of this chapter is null and void.

§ 170-106. Zoning review for uses other than one- and two-family residential uses.

- A. Zoning, use and site plan approval. Applications for rezoning and development for uses other than a one- or two-family residence require a site plan, development plan, review and approval by the Plan Commission and the Town Board, in accordance with all applicable requirements of this chapter and of the Code of the Town of St. Joseph.
- B. Rezoning. Applications and all required fees shall be directed to the Zoning Administrator or designee and shall include the following information:
 - (1) Names and addresses of the applicant, owner of the site and architect, professional engineer and contractor involved.
 - (2) Description of the subject site by recorded subdivision lot or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; the present zoning district within which the subject site lies; and explanation of how the proposed rezoning and development is consistent with the Town's Comprehensive Plan.
 - (3) Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, uses, and size of the subject site; existing and proposed structures; existing and proposed easements, streets and other utilities; the area of all existing and proposed hard surfaces such as off-street parking, loading areas and driveways, drainage plans and waterways and existing and proposed side and rear yards.
 - (4) Additional information as may be required by the Zoning Administrator, Plan Commission, Town Engineer or other sections of this chapter.
 - (5) In addition, an applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission, Town Board or expert consultants retained by the Town to determine whether the proposed application meets all the requirements applicable thereto.
- C. Administration.
 - (1) The Zoning Administrator shall make a preliminary review of conditional use permit and rezoning applications and development plans before referring them, with a report of initial findings on completeness, to the Plan Commission within 30 days of receipt of a completed application. The Plan Commission shall then review the application and plans and refer it to any expert consultants selected by the Zoning Administrator and/or Town Engineer to advise whether the application and plans meet all applicable requirements of the Town Code. Within 60 days of its receipt of the completed application, the Plan Commission shall provide its report and recommendation to the Town Board as to whether the proposed conditional use permit and rezoning and related development proposal should proceed. This deadline may be extended by

agreement of the Plan Commission and property owner of the land in the rezoning and development plan.

- (2) When the Town determines that expert consultants are necessary to properly review applications for conditional use permit, rezoning, or development plan approval, the Town shall require the applicant to submit a cash deposit to the Town to pay any costs the Town incurs in retaining expert consultants. The amount of the deposit shall be based on the estimated cost of the consultant. The Town may draw on such funds to pay professional costs, including but not limited to legal, financial, planning or engineering costs, the Town incurs as described in this agreement. Before drawing on such funds the Town shall provide an itemized statement to the applicant of costs incurred. The Town shall be authorized to draw on such funds if the applicant does not object to the itemized statement within 10 days of the date of the statement. If at any time during the review of the application it appears to the Town that the consultant costs the Town has incurred or is likely to incur will exceed the amount of funds the applicant has on deposit with the Town, the Town shall determine the estimated cost to complete such professional review and shall require the applicant to provide additional funds to be deposited with the Town. If the applicant fails to provide the additional funds, the Town may immediately terminate further consideration of the application and any professional consulting review that may be in process for the proposed application.
 - (3) Within 60 days of the Plan Commission's receipt of the completed application, the Plan Commission shall provide its report and recommendation to the Town Board as to whether the proposed conditional use permit and rezoning and/or related development proposal should proceed. This deadline may be extended by agreement of the Plan Commission and property owner of the land that is the subject of the application for conditional use permit, rezoning and/or development plan approval.
 - (4) Upon receipt of the report and recommendation from the Plan Commission, the Town Board shall review the application to determine if such rezoning application and development plans meet all of the requirements of this chapter and the other applicable provisions of the ordinances of the Town of St. Joseph. Within 45 days of its receipt of the report and recommendation from the Plan Commission, the Town Board shall act on the application, following the notice and hearing requirements in Articles **XVI** and **XVII** of this chapter.
- D. Requirements. In acting on any rezoning application and development plan, the Town Board may, without limitations, address the following issues during its decision:
- (1) The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas and the Town's Comprehensive Plan.
 - (2) The layout of the site with regard to entrances and exits to public roadways; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and loading and unloading, whether the traffic pattern generated by the proposed rezoning and proposed development will be developed in a manner consistent with the safety of residents and the community, and to minimize any traffic hazard created thereby.
 - (3) The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 - (4) The landscaping and appearance of the completed site, whether those portions of all front, rear and side yards not used for off-street parking will be attractively planted with trees, shrubs, plants, or grass lawns and whether the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this chapter.
- E. Effect on municipal services. During a decision on rezoning and proposed development, the Town Board may secure such advice as may be deemed necessary from the Town Engineer, other municipal officials or consultants, with special attention to the effect of the proposal upon existing municipal services and utilities. Where additional or upgraded municipal facilities will be needed, the Town Board shall agree with the applicant regarding financial responsibility and payment for the development and construction of such facilities prior to acting on a rezoning request.

§ 170-107. Certification of occupancy.

No lot or parcel now vacant shall be used for residential purposes, and no buildings or other structure shall be occupied or used for residential, commercial or industrial purposes, until a certificate of occupancy has first been obtained by the owner from the Building Inspector.

§ 170-108. Violations and penalties.

- A. Violations. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any provision or requirement of this chapter or any portion of the Town Code. Landowners, occupants and the agents of both are responsible for compliance with all provisions of this chapter. In case of any violation, the Town Board, Plan Commission, the Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Code or cause a structure to be vacated or removed.
- B. Remedial action.
- (1) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities in compliance with this chapter.
 - (2) If upon such inspection or investigation the Zoning Administrator becomes aware of a condition, which he/she concludes is or is likely to become a violation, the parties in violation shall be notified and informed in writing of the appropriate action required to comply with this chapter and the time frame, not to exceed 30 days, within which to comply.
 - (3) Whenever an order of the Zoning Administrator has not been complied with, the Town Board may institute appropriate legal action or proceedings to enforce the chapter, including imposition of fines, injunctive or other equitable relief, and all remedies available to the Town under Wisconsin law.
- C. Penalties.
- (1) Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Town Board, Plan Commission or the Board of Appeals, as applicable, shall conduct a hearing similar to those followed in considering the granting of a conditional use or variance.
 - (2) Finding of noncompliance with the conditions originally imposed shall be grounds for revocation of the conditional use permit.
 - (3) The Town Board may, upon the recommendation of the Plan Commission or Board of Appeals, order an assessor's plat pursuant to Wis. Stats., § 70.27, whenever the conditions specified in that ordinance are found to be present.
 - (4) The Zoning Administrator, Plan Commission, Town Board, or Board of Appeals may require creation and recording of correction instruments correcting errors in distances, angles, directions, bearings, chords, block or lot numbers, street names or other details of a recorded map or plat at the expense of the subdivider or affected property owners.
 - (5) No provision of this chapter shall be construed to bar action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of Wisconsin.
 - (6) The owner of any building, structure, lot or parcel of property, or any portion thereof, where any condition in violation of this chapter exists or shall be created, and who has failed to bring the property into compliance with the chapter, shall be subject to forfeiture for each violation of the chapter in the amount as stated in the Fees Resolution approved by the Town Board.^[1] Each

day each violation exists shall be considered a separate offence and shall be subject to the forfeiture provided herein.

[1] *Editor's Note: The current Fees Resolution is on file in the Town offices.*

D. These remedies are cumulative.

§ 170-109. Establishment of fees.

Application and review related fees shall be established by separate resolution enacted from time to time by the Town Board for, but not limited to, the following categories of activities, functions and permits:

- A. Board of Appeals variance, first request.
- B. Board of Appeals variance, second request.
- C. Conditional use permit.
- D. Unlisted use.
- E. Zoning amendments.