

ST. CROIX COUNTY CODE OF ORDINANCES

LAND USE AND DEVELOPMENT (CHAPTERS 11-21)

CHAPTER 15 ZONING

Contents:

Executive Summary
Introduction
Zoning Districts
Use Regulations
Development Standards
Procedures
Submittal Requirements
Nonconformities & Vested Rights
Agencies
Enforcement
Definitions & Rules of Interpretation
15.900 Legal Provisions

EXECUTIVE SUMMARY

The St. Croix County Zoning Code establishes standards and procedures for new development or redevelopment in the County. The Zoning Code is not designed to be read from cover to cover. Instead, it is organized so readers may look up only the parts they need. The list of subchapters in “How to Read this Document” shows the main topics and overall organization of the Zoning Code. Later portions of this Executive Summary explain different ways to use the Zoning Code to answer frequently asked questions.

Planning in St. Croix County

The major purpose of the Zoning Code is to implement the County’s long-term planning policies. These are found in its comprehensive plan, the *St. Croix County 2012-2035 Comprehensive Plan*. As part of the comprehensive plan, the land use chapter and *Generalized Future Local Land Use* map (vol. 1-11) establishes long-term policies for land use. The Zoning Code establishes development and land use metrics that implement the comprehensive plan, and zoning districts that align with the *Generalized Future Local Land Use* map. The Zoning Code provides clear rules about what is expected of applicants in order to gain approval to develop land in the County.

Effective on: 12/1/2019

How to Read this Document

The Zoning Code is not designed to be read from cover to cover. The code is written in a way that allows readers to quickly find information that is of interest to their property or neighborhood. Purpose statements are included to assist readers in understanding the intent of a regulation. In addition, the numbering conventions are consistent with the rest of the County Code of Ordinances to maintain consistency.

How the Document is Organized

The Zoning Code is divided into 11 subchapters. These are structured so that the most frequently used information appears first, with the definitions and technical information (such as submittal requirements) appearing later.

1. The first subchapter, called **Introduction**, contains some basic information on the purpose of the Zoning Code. It sets the stage for the remainder of the document.
2. The **Zoning Districts** establish the uses permitted in each district. They also state which uses are allowed in limited situations, known as “conditional use,” and which are prohibited. Development standards for each zoning district are also included. These standards include metrics for residential density, height, setbacks, open space, landscaping, and

civic space. The districts indicate which composite building and design standards apply. A Table showing the permitted and conditional uses in all districts is presented in § 15.285.

3. The **Use Regulations** contain requirements for specific uses and development types that apply in all zoning districts. Examples include accessory uses, home occupations, and signs. These uses may or may not be permitted as of right or as a conditional use, depending on how they are listed in the applicable zoning district. The standards are designed to address particular issues that are raised by the particular use - such as state or federal legal requirements, impact on surrounding neighborhoods, or development allowances or incentives.
4. The **Development Standards** consolidate the development metrics that apply to all development and land uses in the County's zoning jurisdiction. This includes standards for site improvements such as access, parking, landscaping, grading, and building height. It includes general standards for blocks and lots that determine how lots, blocks, and setbacks are measured. Similarly, the building design and height standards establish standards and rules of interpretation that guide the zoning districts standards.
5. The **Procedures** tell the applicant how projects are entitled. This subchapter provides information on the County's administrative framework and procedural workflows. Sections 15.500 through 15.530 provide general information about the application process, public hearings, and notification. Sections 15.535 through 15.555 describe the procedures for zoning approval, including rezonings, conditional uses, land use permits, appeals, and variances. Processes to appeal and request variances from the Board of Adjustment are set out in section 15.560 and 15.570.
6. The **Submittal Requirements** provide a checklist of the information that applicants need to have a complete application that the County can process. It also establishes fees.
7. The **Nonconformities** subchapter addresses situations where a use or building has been legally established before new regulations that would otherwise not allow them. Under Wisconsin law, these uses are grandfathered, but may have standards that dictate whether and how they can expand or continue. This subchapter also addresses the grandfathering of building permits that are in process when the Zoning Code, or changes to the Zoning Code, are adopted.
8. The **Agencies** subchapter establishes, or references state statutes relating to, the agencies involved in administering the Zoning Code. These include the Community Development Committee, Zoning Administrator and Board of Adjustment. The County Board of Supervisors is the County's legislative body and adopts amendments to this Chapter (including rezonings).
9. The **Enforcement** subchapter establishes procedures to enforce the Zoning Code, including penalties for violations.
10. The **Definitions & Rules of Interpretation** provide the Zoning Code's "glossary." It defines terms and phrases used in the Zoning Code, the uses listed in the zoning districts, and acronyms. It also establishes rules of interpretation, including rules for determining the location of zoning district boundaries.
11. The **Legal Provisions** include legal language such as the severability clause, how to apply standards that differ from each other, and the effective date.

Purpose Statements

Many sections include an *italicized summary or a purpose statement*. These summaries are aids in explaining and interpreting this Code. They are not separate standards. They will not be used to deny or condition development, but they may be used to explain how the standards are applied. They may also include legislative findings, which provide facts that support Code requirements.

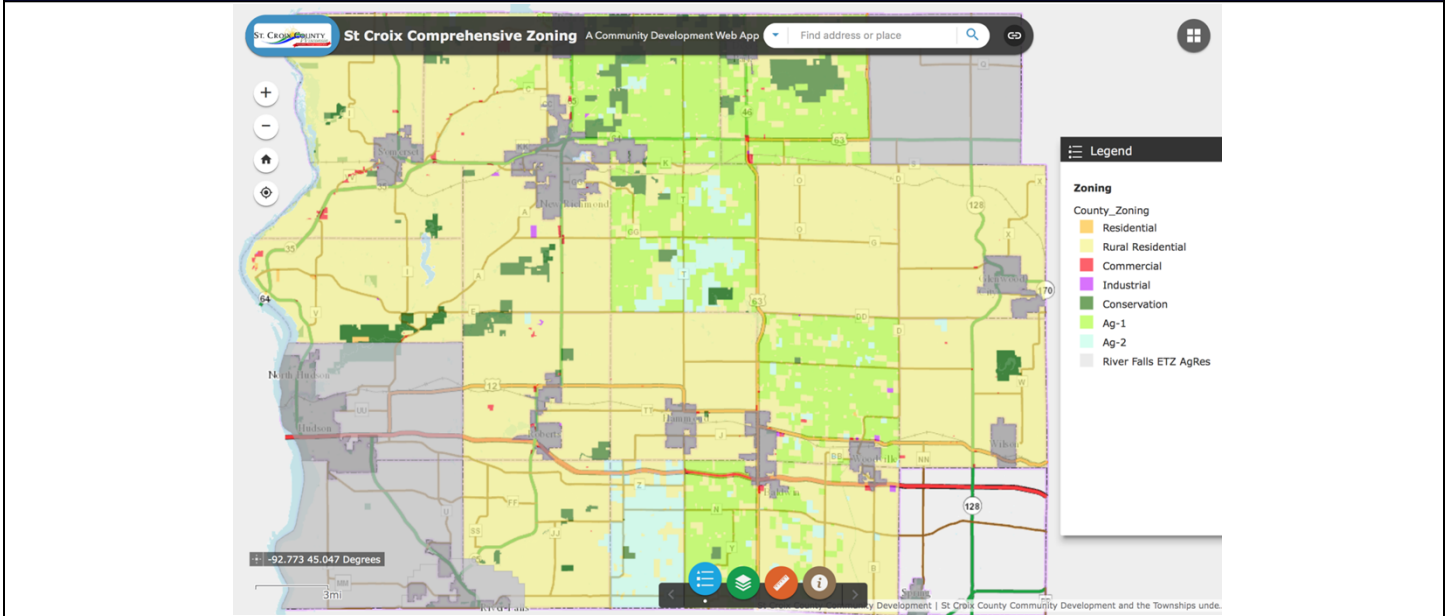
Effective on: 11/11/2022

Determining the Regulations for a Specific Site

To determine the regulations of the Zoning Code applicable to a site, the user must first find the site on the Zoning Map. The map will show the zoning district that is applied to the site. The official Zoning Map is maintained online through the County's [Geographic Information Systems website](#).

The reader should then look up all the relevant regulations. Start with the zoning districts and development standards. The zoning districts state whether a use is allowed by right, allowed as a conditional use, or prohibited. The dimensional standards in each district include the setback, building height and related standards that apply to the uses that are allowed. In addition, readers should consult the Use Regulations to see if additional requirements apply to the use they are contemplating.

Figure ES.1
St. Croix County Zoning Map



Screenshot of St. Croix County Zoning Map. Click [here](#) for a current version of the Zoning Map

Effective on: 12/1/2019

Determining Which Procedures Apply

Each section of the Procedures subchapter includes a process workflow. This starts with a subsection entitled "Applicability." This subsection describes the situations where a particular process is needed. If the section applies, the reader should then consult the following subsections, which describe how an application is initiated, how an application is processed, the criteria for review, and cross-references to other parts of the Zoning Code. In addition, most sections have a subsection entitled "Scope of Approval" which describes the rights granted to an applicant by the issuance of approval of the permit. Keep in mind that not all permits entitle an applicant to begin construction. In fact, most simply allow an applicant to proceed to the next step in the approval process.

Effective on: 12/1/2019

INTRODUCTION

Contents:

- 15.100 Title**
- 15.105 Purpose**
- 15.110 Authority**
- 15.115 Applicability**
- 15.120 Consistency with Comprehensive Plan**
- 15.121 to 15.199 Reserved.**

15.100 Title

This Chapter shall be cited as the "St. Croix County Zoning Code," and is referred to in this Chapter as "this Chapter" or "this Code."

Effective on: 12/1/2019

15.105 Purpose

This Chapter is adopted to:

- implement the St. Croix County Comprehensive Plan; and
- promote the public health, safety, convenience and general welfare;
- encourage planned and orderly land use development;
- protect property values and the property tax base;
- permit the careful planning and efficient maintenance of highway systems;
- ensure adequate highway, utility, health, educational and recreational facilities;
- recognize the needs of agriculture, forestry, industry and business in future growth;
- encourage uses of land and other natural resources which are in accordance with their character and adaptability;
- provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- encourage the protection of groundwater resources;
- preserve wetlands;
- conserve soil, water and forest resources;
- protect the beauty and amenities of landscape and man-made developments;
- provide healthy surroundings for family life;
- to promote the efficient and economical use of public funds;
- incorporate any master plan adopted under Wis. Stat. § 62.23(2) or (3) and the official map of any city or village in the county adopted under Wis. Stat. § 62.23(6).

[Reference: Wis. Stat. §§ 59.69(1), 66.1001]

Effective on: 12/1/2019

15.110 Authority

This Chapter is adopted under the authority of Wis. Stat. §§ 59.69 to 59.698, 66.1001 to 66.1037; and additional authority cited in specific sections of this Chapter.

Effective on: 12/1/2019

15.115 Applicability

1. **Generally.** The following shall comply with this Chapter:
 - a. The use of any land or water,
 - b. the size, shape and placement of lots,
 - c. the use, size and locations of structures on lots,
 - d. the installation and maintenance of water supply and waste disposal facilities,

- e. the filling, grading, lagooning and dredging and any land,
- f. the cutting of shoreland vegetation, and
- g. the subdivision of lots.

2. Governmental Units

- a. Unless specifically exempted by law, all cities, villages, towns and counties shall comply with this Chapter and obtain all necessary permits.
- b. State agencies shall comply with this Chapter if Wis. Stat. § 13.48(13) applies.

3. Statutory Exemptions. This Chapter does not apply to any use, development, building or activity that is exempt from this Chapter by state or federal law. This section supersedes any other section of this Chapter to the extent of any inconsistency.

Effective on: 12/1/2019

15.120 Consistency with Comprehensive Plan

The County finds and determines that this Chapter is consistent with the St. Croix County Comprehensive Plan.

Effective on: 12/1/2019

15.121 to 15.199 Reserved.

Effective on: 12/1/2019

ZONING DISTRICTS

Contents:

- 15.200 General Provisions**
- 15.205 Districts Established**
- 15.210 Zoning Map**
- 15.220 AG-1 Agricultural District**
- 15.221 AG-2 Agricultural District**
- 15.230 R-1 Residential District**
- 15.231 R-2 Residential District**
- 15.232 R-3 Residential District**
- 15.240 C-1 Commercial District**
- 15.241 C-2 Commercial District**
- 15.242 C-3 Commercial District**
- 15.250 I-1 Industrial District**
- 15.251 I-2 Industrial District**
- 15.252 NMO Nonmetallic Mining Overlay**
- 15.275 CON Conservancy District**
- 15.285 Use Table**
- 15.286 to 15.299 Reserved.**

15.200 General Provisions

- 1. This Subchapter establishes the **Zoning Districts**, along with the use and dimensional standards for property within each district. [\Leftrightarrow § 15.285 establishes the uses allowed within each district]
- 2. This Subchapter applies to those towns which approve its application.

Effective on: 12/1/2019

15.205 Districts Established

1. This subchapter divides the area to which it applies into districts. Each district has its own rules on use, yard space, lot size and building height.
2. The zoning districts are categorized as Base, Overlay, and Planned districts, as follows:

District Category	Description	Districts (Symbol)
Base	Districts that establish uniform use, dimensional and design standards.	Agricultural (AG-1) Agricultural (AG-2) Residential (R-1) Residential (R-2) Residential (R-3) Commercial (C-1) Commercial (C-2) Commercial (C-3) Industrial (I-1) Industrial (I-2) Conservancy (CON)
Overlay	A zoning district that is superimposed on one or more other zoning districts and imposes additional restrictions on the underlying Base or Planned districts.	Shoreland Overlay (SO) Lower St. Croix Riverway Overlay (SCR) Floodplain Overlay (FO) Non-Metallic Mining Overlay (NMO)

Effective on: 11/11/2022

15.210 Zoning Map

1. The locations of the zoning districts are shown on the St. Croix County Official Zoning Map (the "Zoning Map").
2. The Zoning Map is available [online](#) through the St. Croix County website and in the Zoning Administrator's office. Refer to § 15.810.

Effective on: 12/1/2019

15.220 AG-1 Agricultural District

Purpose: The AG-1 District -

- *Provides for a wide range of traditional agricultural and agricultural accessory uses at various scales and accommodates all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials, recognizing that those uses may involve noise, dust, odor, use of heavy equipment and chemicals, and long hours of operation.*
- *Conditionally allows for incidental processing, packaging, storage, transportation, distribution and other activities intended to add value to agricultural products produced on premises or to ready those products for market, given the potential that they may pose for conflicts with agricultural uses due to volumes or speed of vehicular traffic, or in light of existing residential density, proximity to incompatible uses, environmental impacts or degradation of or loss of agriculturally productive lands.*
- *Allows other incidental activities, compatible with agricultural uses as a supplement to family income and supportive of the agricultural community.*
- *Provides additional economic opportunities for property owners that are generally compatible with agricultural uses, such as the establishment of new small-scale farming operations.*
- *Locates new farm residences in a manner that will minimize impacts on roads, soils and existing agricultural land uses.*
- *Preserves remnant parcels of productive agricultural land following development of adjoining properties.*
- *Preserves land for production of food and fiber.*

- Preserves productive farms by preventing land use conflicts between incompatible users.
- Maintains a viable agricultural land base to support agricultural processing and service industries.
- Reduces costs associated with the provision of governmental services to non-agricultural parcels scattered among agricultural lands.
- Paces and shapes urban growth.
- Meets the criteria for certification of this district as a Farmland Preservation Zoning District under Wis. Stat. § 91.38.

The AG-1 District is intended to apply to productive farm operation lands, including lands that have historically exhibited good crop yields or are capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; or other lands that are integral parts of such farm operations; land used for the production of specialty crops such as sod, fruits and vegetables; lands which are capable of productive use through economically feasible improvements such as irrigation; and lands consisting of undeveloped natural resource and open space areas.

1. Permitted and Conditional Uses.

- Refer to § 15.285.
- Minor subdivisions resulting in the creation of 4 or less lots over a 5-year period are permitted.

2. Lot Size and Land Division.

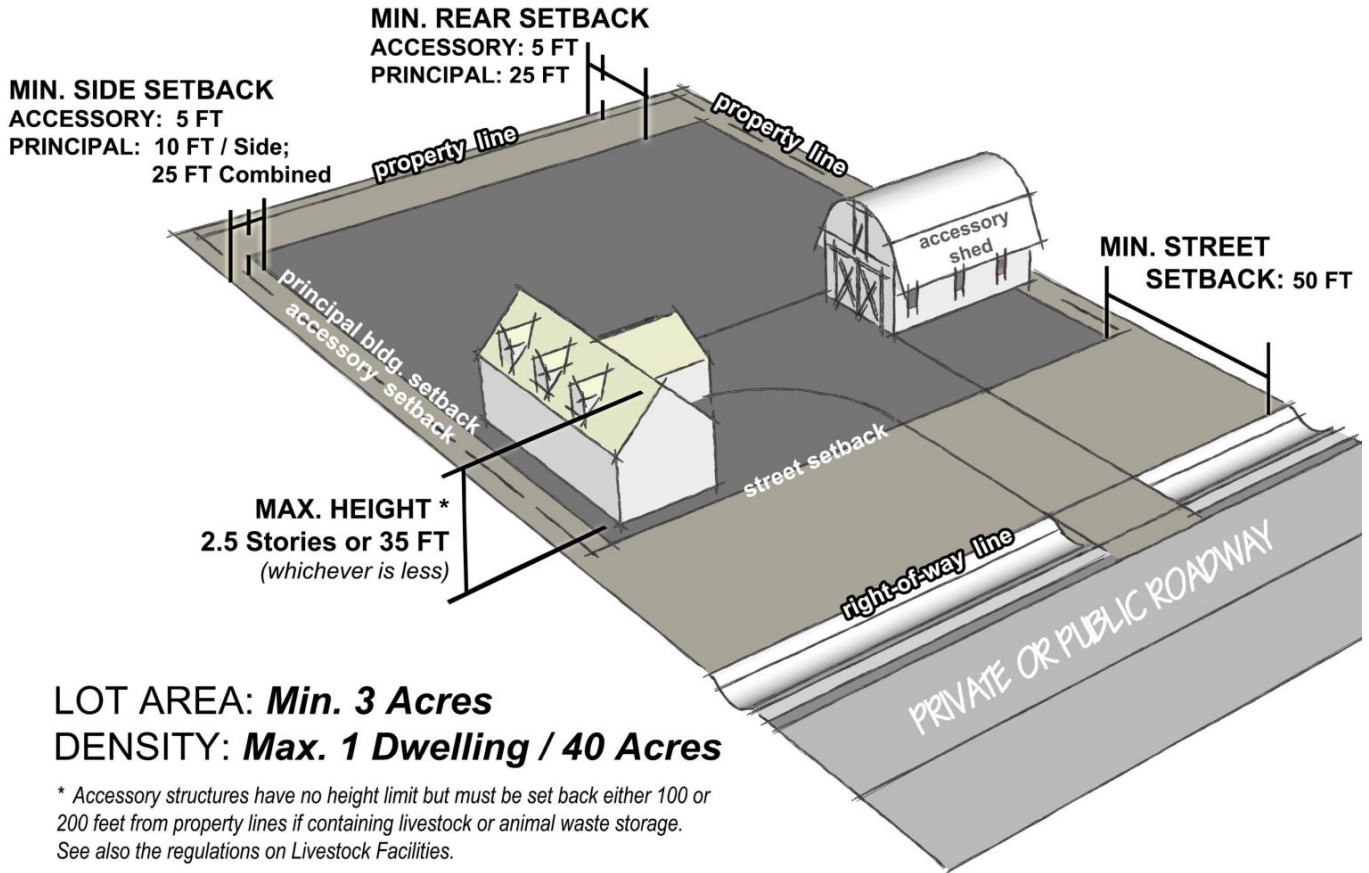
- Land zoned AG-1 has a maximum density of one principal dwelling per 40 acres or full quarter-quarter (1/4-1/4) section.
- Land divisions resulting in new lots smaller than 35 acres are permitted through the Minor Subdivision process, limited to the creation of 4 or less lots over a 5-year period.

3. Dimensional Standards.

Table 15.220.1 AG-1 Dimensional Standards		
1	Lot area (<i>min</i>)	3 acres
2	Density (<i>max</i>)	1 principal dwelling per 40 acres or quarter-quarter (1/4 - 1/4) section
3	Height (<i>max</i>)	2 1/2 stories / 35 feet (whichever is less) No height limit applies to agricultural accessory uses such as silos, bins, barns and seed storage facilities
4	Street setback (<i>min</i>)	50'
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal building 5' accessory structure, 100' structure that houses animals
6	Rear setback (<i>min</i>)	25' for principal building 5' accessory structure, 100' structure that houses animals
<p><i>Notes: "min" = minimum required "max" = maximum allowed "DU" = dwelling unit "ac" = gross acres</i> <i>An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.</i> <i>The Community Development Department shall determine allowable farm divisions to ensure that farms existing as of the effective date of this section are not divided so as to create in excess of the allowable number of lots per quarter-quarter (1/4 - 1/4). Remaining acreage of a farm not constituting a full quarter-quarter (1/4 - 1/4) shall be divided by 40, with the resulting quotient used to determine the number of additional residential units allowed (fractions are rounded down to whole numbers).</i></p>		

Figure 15.220.1 AG-1 Dimensional Standards

AG-1 AGRICULTURAL ZONING DISTRICT



4. **Restriction on Rezoning.** No land in the AG-1 District shall be rezoned except in accordance with § 15.545 and Wis. Stat. § 91.48.

Effective on: 11/11/2022

15.221 AG-2 Agricultural District

Purpose: The AG-2 District:

- Provide for a wide range of agricultural, agricultural accessory and agriculture-related uses, at various scales of operation while providing for the minimum lot area necessary to accommodate such uses.
- Accommodate uses which are commercial or industrial in nature; are associated with agricultural production; and require a rural location due to extensive land area needs or proximity to agricultural resources and which do not require urban services.

In appearance and operation, the permitted uses in the AG-2 District are often indistinguishable from an active farm operation. Conditional uses in this District are clearly commercial or industrial in nature and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.

Examples of uses in the AG-2 District include, but are not limited to, agricultural support services, value-added or related businesses such as implement dealers, veterinary clinics, farm machinery repair shops, agricultural sales facilities, marketing, storage and distribution centers, plant and tree nurseries and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage or animal proteins. Those activities are characterized by: (1) Wholesale or retail sales and outdoor storage/display of agriculture-related equipment, inputs and products; (2) The use of parking areas, outdoor lighting and signage appropriate to the scale of the use; (3) Small, medium or large utilitarian structures, facilities or workshops, appropriate to the scale of the use; (4) Low to moderate traffic volumes; and (5) Noises, odor, dust or other potential nuisances associated with agriculture-related production or processing.

1. **Permitted and Conditional Uses.** Refer to Sec. 15.285.

2. **Lot Size and Land Division.**

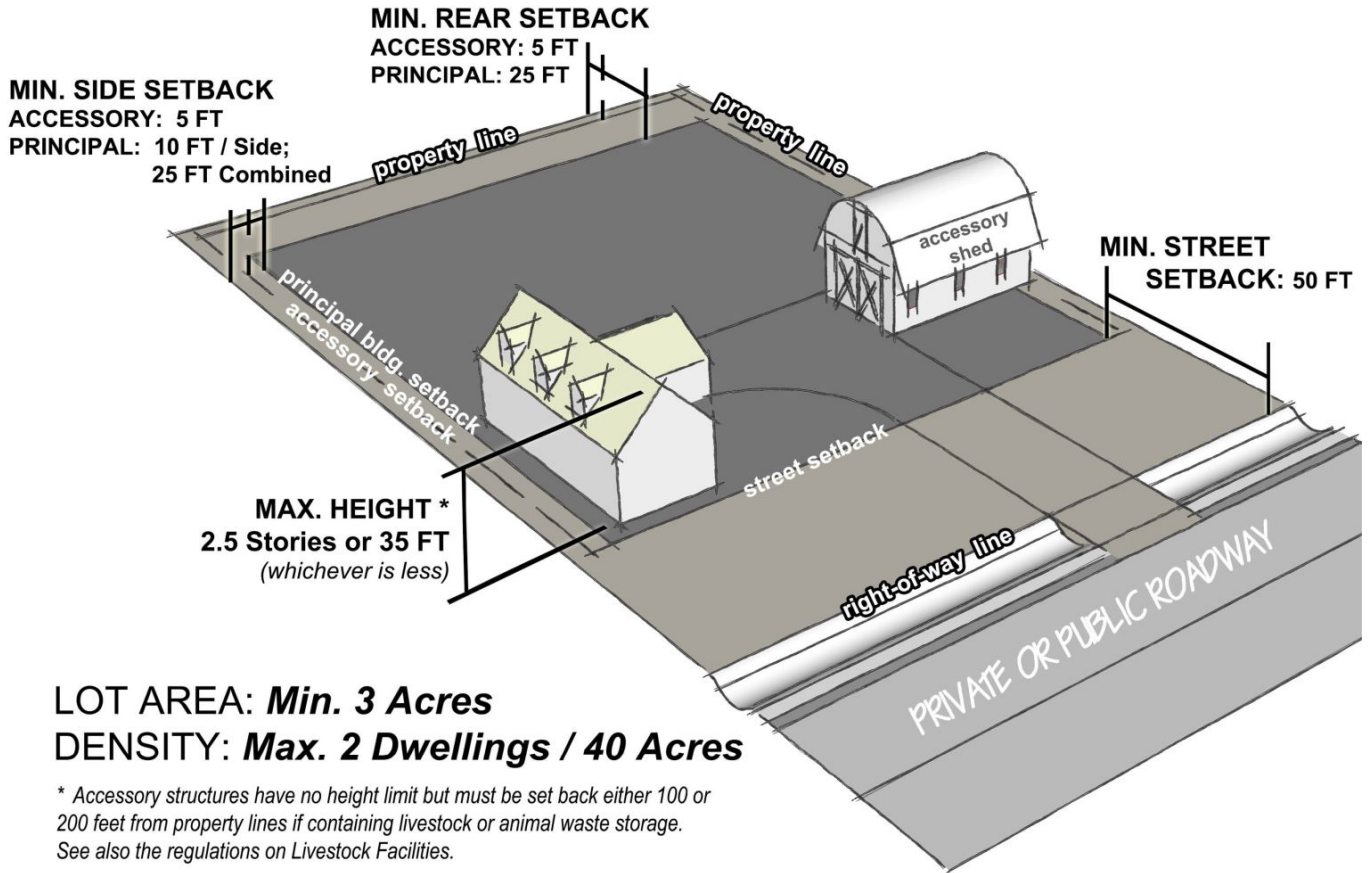
- a. Land zoned AG-2 has a maximum density of one principal dwelling per 20 acres or one-half of a quarter-quarter (1/4-1/4) section.
- b. Land divisions resulting in new lots smaller than 35 acres are permitted through the Minor Subdivision process, limited to the creation of 4 or less lots over a 5-year period.

3. **Dimensional Standards.**

Table 15.221.1 AG-2 Dimensional Standards		
1	Lot area (<i>min</i>)	3 acres
2	Density (<i>max</i>)	2 principal dwellings per 40 acres or quarter-quarter (1/4 - 1/4) section
3	Height (<i>max</i>)	2 1/2 stories / 35 feet (whichever is less) No height limit applies to agricultural accessory uses such as silos, bins, barns and seed storage facilities
4	Street setback (<i>min</i>)	50'
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal building 5' accessory structure, 100' structure that houses animals
6	Rear setback (<i>min</i>)	25' for principal building 5' accessory structure, 100' structure that houses animals
<p><i>Notes: "min" = minimum required "max" = maximum allowed "DU" = dwelling unit "ac" = gross acres</i> <i>An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.</i> <i>The Community Development Department shall determine allowable farm divisions to ensure that farms existing as of the effective date of this section are not divided so as to create in excess of the allowable number of lots per quarter-quarter (1/4 - 1/4). Remaining acreage of a farm not constituting a full quarter-quarter (1/4 - 1/4) shall be divided by 20, with the resulting quotient used to determine the number of additional residential units allowed (fractions are rounded down to whole numbers).</i></p>		

Figure 15.221.1 AG-2 Dimensional Standards

AG-2 AGRICULTURAL ZONING DISTRICT



4. Restriction on Rezoning. No land in the AG-2 District shall be rezoned except in accordance with § 15.545 and Wis. Stat. § 91.48

Effective on: 11/11/2022

15.230 R-1 Residential District

Purpose: The R-1 district establishes areas within which agricultural uses, commercial uses serving agriculture and limited residential uses with a rural character are located. The R-1 District includes areas in or adjacent to agricultural uses, and that may retain an agricultural character. However, exclusive agricultural use (i.e. AG-1 or AG-2) on an area-wide basis is not warranted due to the existence of residential uses, demonstrated or expected ability of farm and selected nonfarm uses to exist in close proximity without undue conflict, the need to buffer agricultural and urban-residential uses, and related factors.

1. **Permitted and Conditional Uses**

- a. Refer to Sec. 15.285.
- b. Minor Subdivisions resulting in the creation of 4 or less lots are permitted

2. **Density and Lots**

- a. Maximum residential density. Parcels of land existing on the effective date of this chapter shall not be divided into more than 4 lots per 40 acres (or portion thereof).
 1. Calculation. The allowable number of residential lots shall be calculated by dividing the size of the parcel by 10. (Example: A parcel of 35 acres results in $35 \div 10 = 3.5$ lots.)
 2. Rounding. Any fractional lot resulting from the calculation in 2.a.1 which is at least .75 shall be rounded up to the next whole number.
 3. Existing Residences. Any residence which exists on the parcel of land to be divided shall count against the maximum residential density allowed.
 4. Transfers. Within the parcel established on the effective date of this Chapter, the transfer of density, under the same ownership, is permitted. Such transfer may cross a public or private road to a parcel which has opposite frontage.
 5. Exception for existing lots. Parcels less than 17.5 acres existing on the effective date of this ordinance may be divided into two residential lots subject to the requirements of this ordinance and Chapter 13 St. Croix County Land Division Ordinance.
- b. Lots less than 17.5 acres created after the effective date of this ordinance are not eligible to be divided into two residential lots while zoned R1.
- c. No lot shall be created which does not carry with it the allowance for at least one dwelling unit unless identified on the Certified Survey Map as an outlot that may not be improved for residential use.
- d. The number of potential lots that may be created from an existing parcel while it is zoned R-1 will be calculated by the Zoning Administrator whenever a land division is proposed.

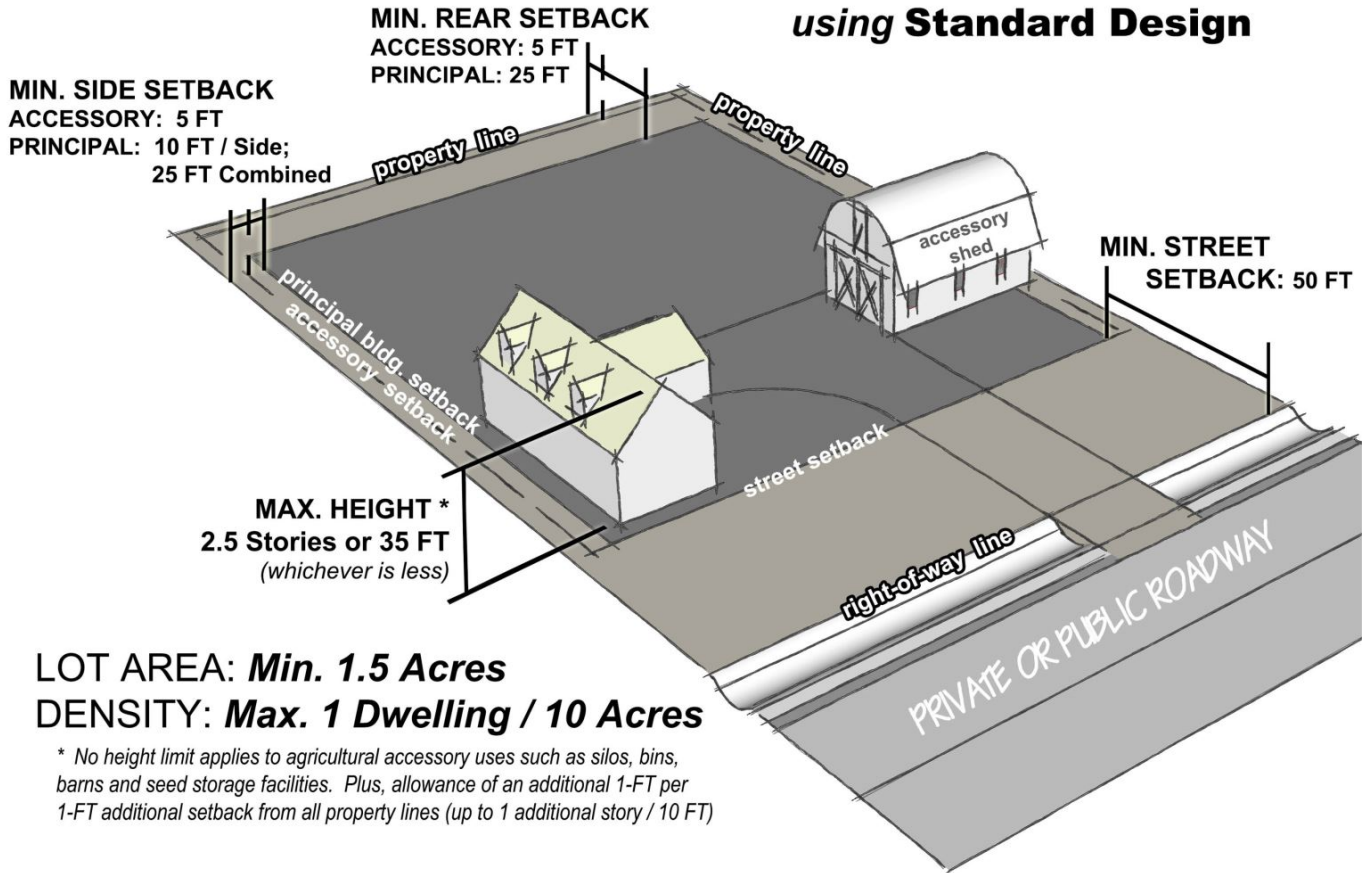
3. All land divisions are subject to the requirements of this ordinance and shall meet Chapter 13 - St. Croix County Land Division Ordinance.

4. Dimensional Standards.

Table 15.230.1 R-1 Dimensional Standards		
		Standard Design
1	Lot area (<i>min</i>)	1.5 acre minimum
2	Density (<i>max</i>)	1 principal dwelling per 10 acres
3	Height (<i>max</i>)	Principal Building: 2 ½ stories / 35 feet (whichever is less) Additional 1' allowed per 1' additional setback from all property lines (up to 1 additional story/10') Accessory Structure: 25 feet, plus additional 1' allowed per 1' additional setback from all property lines, not to exceed five additional feet in height No height limit applies to agricultural accessory uses such as silos, bins, barns and seed storage facilities
4	Street setback (<i>min</i>)	50'
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal building 5' accessory structure, 100' structure housing animals
6	Rear setback (<i>min</i>)	25' for principal building 5' accessory structure, 100' structure housing animals
7	Open Space (<i>min</i>)	--
<p>Notes: "min" = minimum required "max" = maximum allowed "DU" = dwelling unit "ac" = gross acres -- = not applicable. An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.</p>		

Figure 15.230.1 R-1 Dimensional Standards

R-1 RESIDENTIAL ZONING DISTRICT using Standard Design



Effective on: 11/11/2022

15.231 R-2 Residential District

Purpose: The R-2 district provides for limited residential uses with a rural character. The R-2 district provides for higher residential density than R-1, buffering the County's agricultural base and complementary residential development from residential neighborhoods and commercial areas. This district restricts agricultural uses to lower-intensity operations consistent with residential neighborhoods, and to prevent large-scale or noxious agricultural processing uses.

1. **Permitted and Conditional Uses**

a. Refer to Sec. 15.285.

2. **Dimensional Standards.**

Table 15.231.1 R-2 Dimensional Standards			
		Standard Design	Conservation Design
1	Lot area (min)	1.5 acres	--
2	Density (max)	--	See Subdivision Ordinance
3	Height (max)	Principal Building: 2 ½ stories / 35 feet (whichever is less)	

Table 15.231.1 R-2 Dimensional Standards

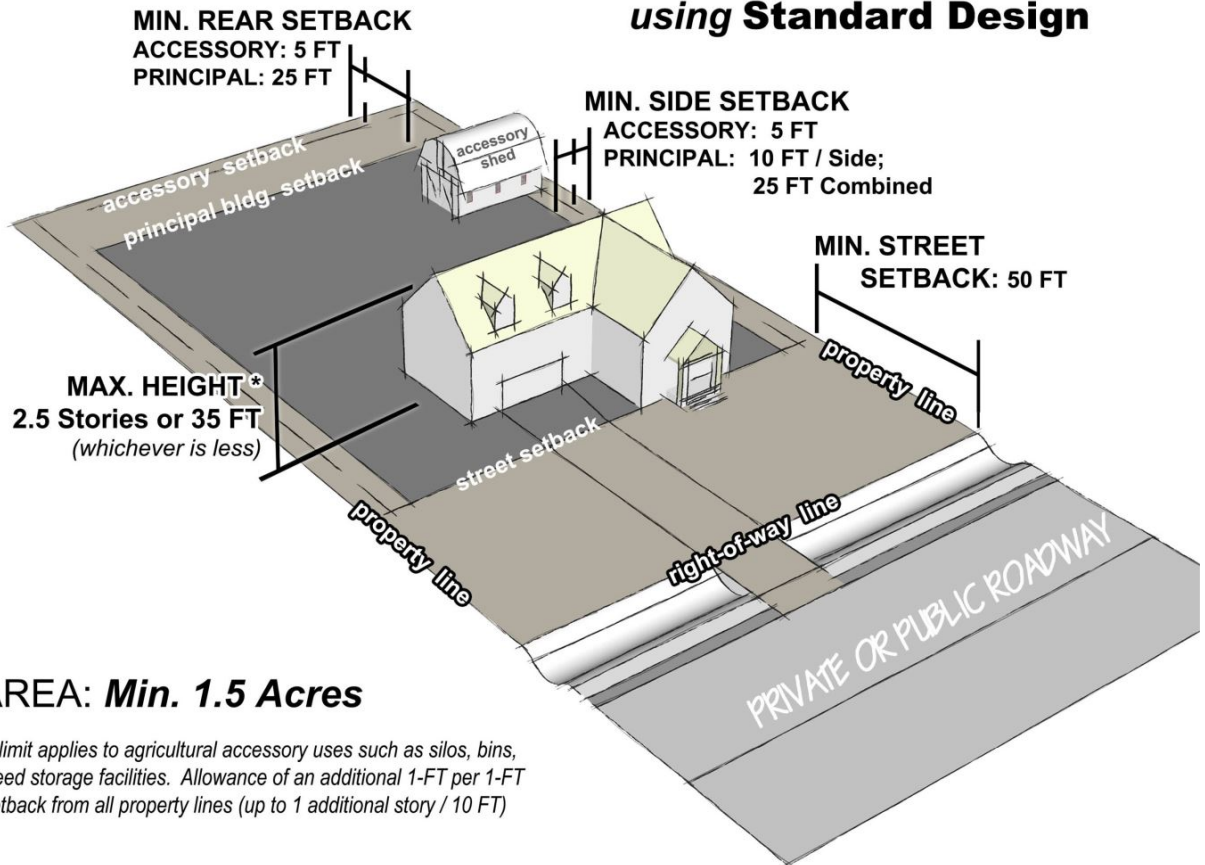
		Additional 1' allowed per 1' additional setback from all property lines (up to 1 additional story/10')	
		Accessory Structure: 25 feet, plus additional 1' allowed per 1' additional setback from all property lines, not to exceed five additional feet in height No height limit applies to agricultural accessory uses such as silos, bins, barns and seed storage facilities	
4	Street setback (min)	50'	25'
5	Side setback (min)	10' any side / 25' aggregate for principal building 5' accessory structure	10' for principal building 5' accessory structure
6	Rear setback (min)	25' for principal building 5' accessory structure	10' for principal building 5' accessory structure
7	Open Space (min)	--	65% of gross site area

Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
 An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang.
 Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.

Figure 15.231.1 R-2 Dimensional Standards

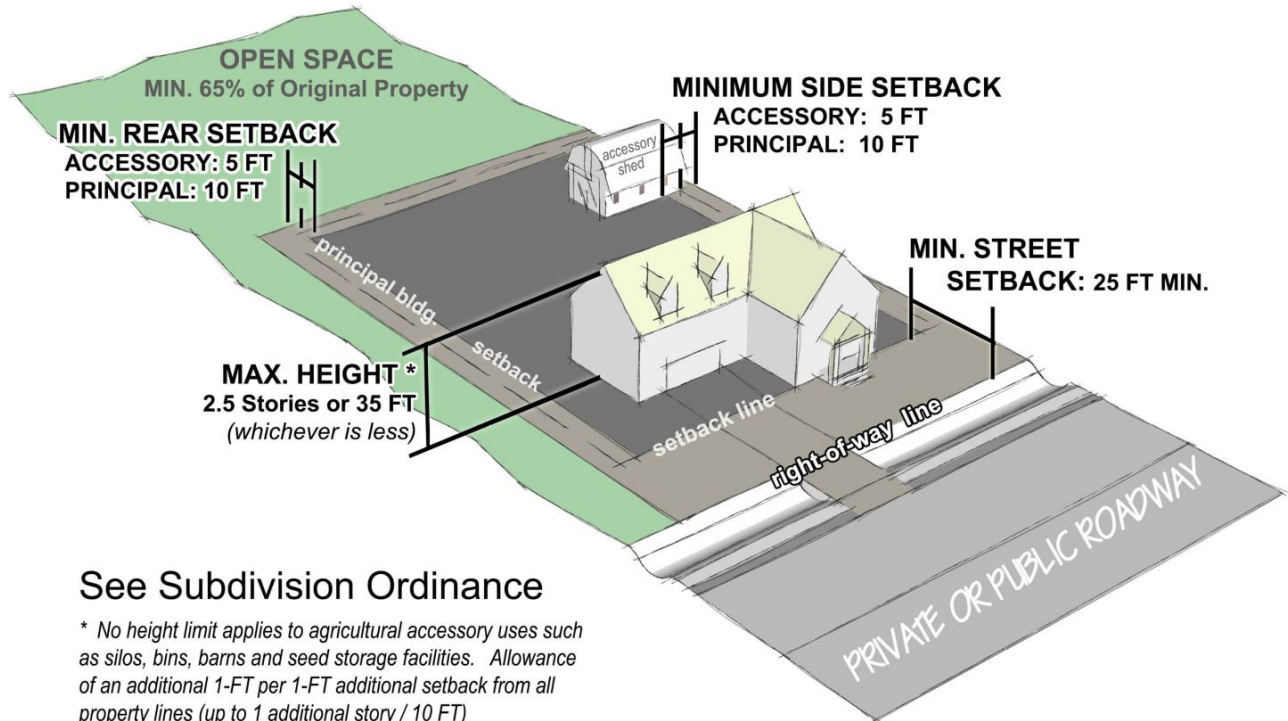
R-2 RESIDENTIAL ZONING DISTRICT

using Standard Design



* No height limit applies to agricultural accessory uses such as silos, bins, barns and seed storage facilities. Allowance of an additional 1-FT per 1-FT additional setback from all property lines (up to 1 additional story / 10 FT)

R-2 RESIDENTIAL ZONING DISTRICT using Conservation Design



Effective on: 11/11/2022

15.232 R-3 Residential District

Purpose: The R-3 district accommodates and protects the essential characteristics of areas with a predominantly low-density residential character, along with community and recreational uses that serve the district's residents. The R-3 district allows limited multi-family appropriate for rural areas and requires extension of municipal water and wastewater treatment or a common septic or community wastewater treatment system. Lower-density multi-family uses are allowed depending on site characteristics and town/county plans.

1. **Permitted and Conditional Uses**
 - a. Refer to Sec. 15.285.
2. **Dimensional Standards.**

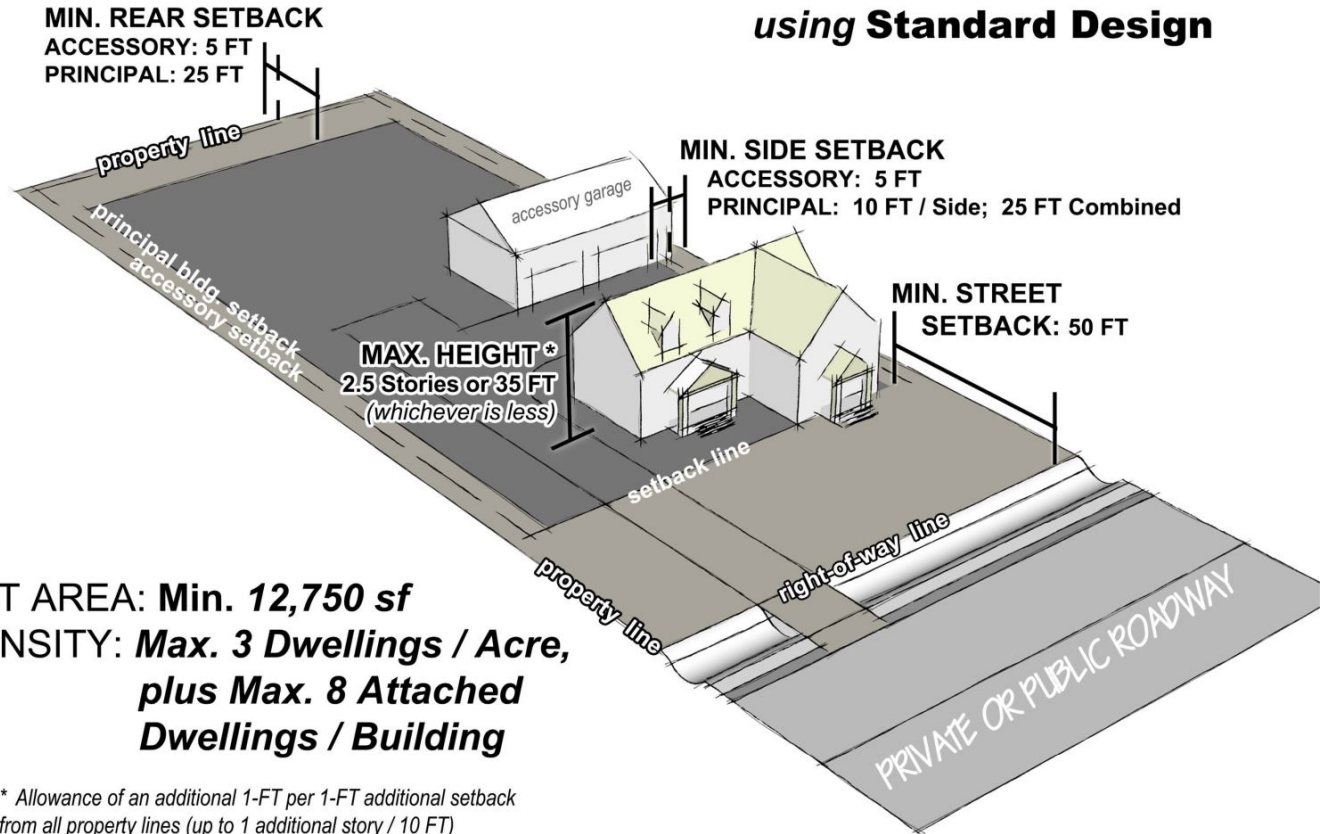
Table 15.232.1 R-3 Dimensional Standards

		Standard Design	Conservation Design
1	Lot area (min)	Sewered lots: 14,520 sf (1/3 acre)	--
2	Density (max)	3 principal dwelling units per acre Maximum 8 attached dwellings per building	4.5 principal dwelling units per acre Maximum 8 attached dwellings per building
3	Height (max)	Principal Building: 2 ½ stories / 35 feet (whichever is less) Additional 1' allowed per 1' additional setback from all property lines (up to 1 additional story/10') Accessory Structure: 25 feet, plus additional 1' allowed per 1' additional setback from all property lines, not to exceed five additional feet in height	
4	Street setback (min)	25'	25'
5	Side setback (min)	10' any side / 25' aggregate for principal building 5' accessory structure	10' for principal building 5' accessory structure
6	Rear setback (min)	25' for principal building 5' accessory structure	10' for principal building 5' accessory structure
7	Open Space (min)	--	50% of gross site area
8	Landscaping / Civic Space (min)	10% of lot area	10% of lot area
<p><i>Notes: "min" = minimum required "max" = maximum allowed "DU" = dwelling unit "ac" = gross acres -- = not applicable. An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.</i></p>			

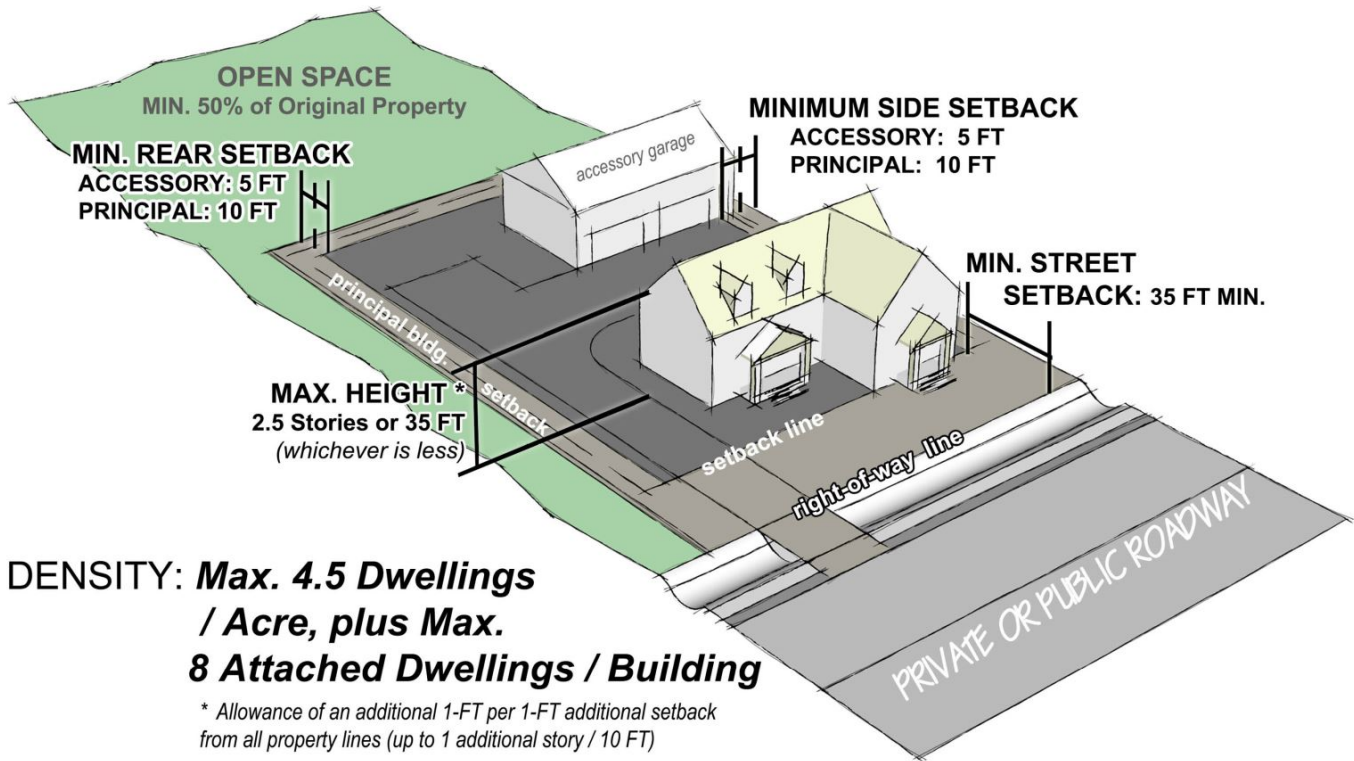
Figure 15.232.1 R-3 Dimensional Standards

R-3 RESIDENTIAL ZONING DISTRICT

using Standard Design



R-3 RESIDENTIAL ZONING DISTRICT using Conservation Design



Effective on: 11/11/2022

15.240 C-1 Commercial District

Purpose: The C-1 district is established for commercial uses in areas that serve the County's agricultural businesses and rural communities. This district accommodates commercial and other non-residential uses while protecting surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors. Landscaping, parking, and paving standards appropriate for rural areas are established in the Development Standards subchapter to protect surrounding development, minimize stormwater runoff, and mitigate aesthetic impacts consistent with a rural environment.

1. **Permitted and Conditional Uses.** Refer to § 15.285.
2. **Dimensional Standards.**

Table 15.240.1 C-1 Dimensional Standards

Table 15.240.1 C-1 Dimensional Standards		
1	Lot area (min)	1.5 acres
2	Density (max)	--
3	Height (max)	2 ½ stories / 35 feet (whichever is greater)
4	Street setback (min)	50'
5	Side setback (min)	10' any side / 25' aggregate for principal building 5' accessory structure

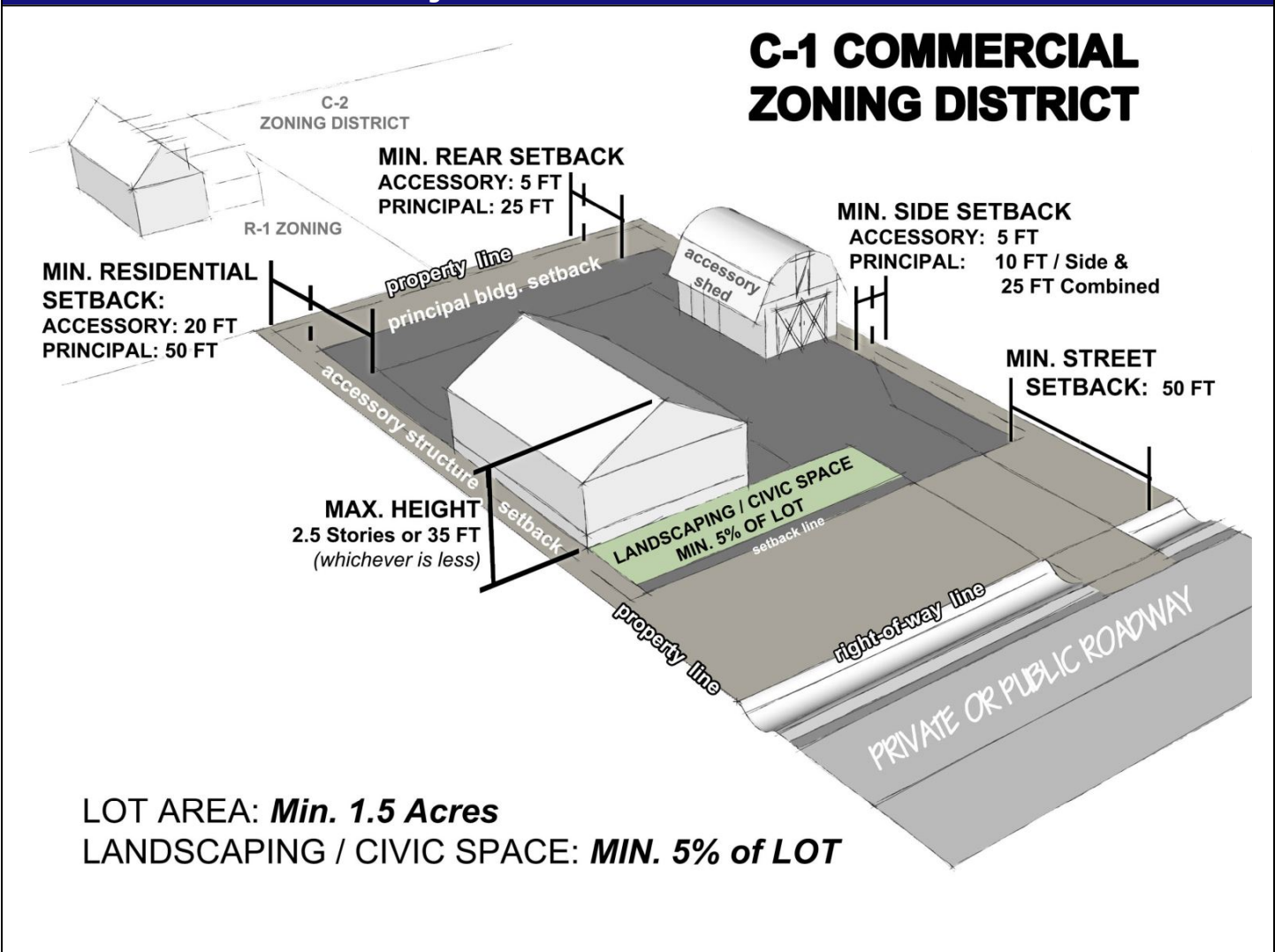
Table 15.240.1 C-1 Dimensional Standards

6	Rear setback (min)	25' for principal building 5' accessory structure
7	Residential setback (min)	50' principal building and 20' for accessory structure abutting residential zoning district or use
8	Landscaping / Civic Space (min)	5% of lot area

Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.

Figure 15.240.1 C-1 Dimensional Standards

C-1 COMMERCIAL ZONING DISTRICT



Effective on: 11/11/2022

15.241 C-2 Commercial District

Purpose: The C-2 district provides for rural and agricultural tourism and entertainment uses such as wedding barns, agritourism activities with sales of off-site products, outdoor recreation, and related activities. This district accommodates those uses while protecting surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors.

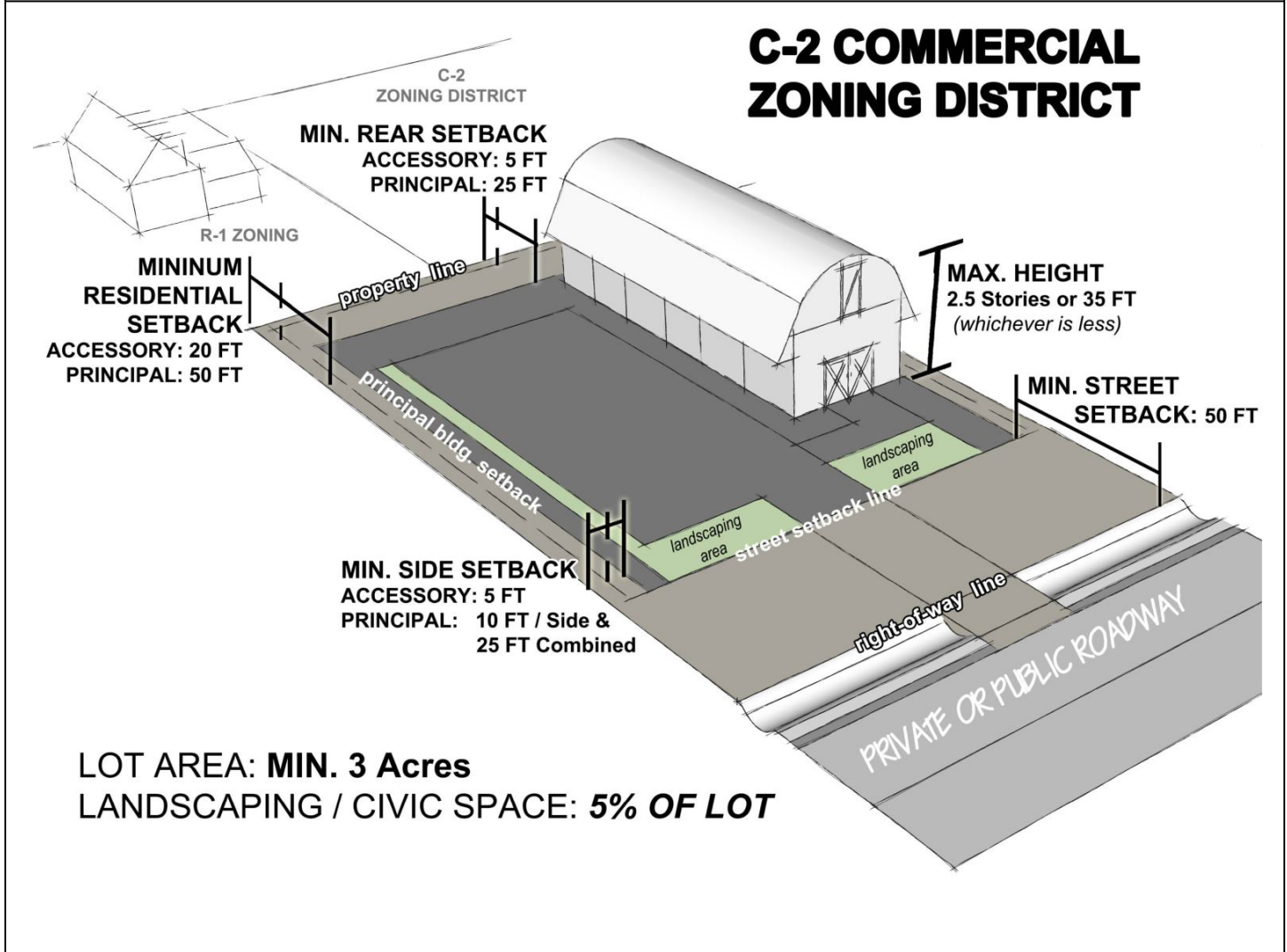
1. **Permitted and Conditional Uses.** Agricultural Entertainment and Agritainment, consistent with the [Use Regulations](#).
2. **Dimensional Standards.** Agricultural Entertainment and Agritainment, consistent with the [Use Regulations](#).

Table 15.241.1 C-2 Dimensional Standards

1	Lot area (<i>min</i>)	3 acres
2	Density (<i>max</i>)	--
3	Height (<i>max</i>)	2 ½ stories / 35 feet (whichever is greater)
4	Street setback (<i>min</i>)	50'
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal structure 5' accessory structure
6	Rear setback (<i>min</i>)	25' for principal structure 5' accessory structure
7	Residential setback (<i>min</i>)	50' principal building and 20' for accessory structure abutting residential zoning district or use
8	Landscaping / Civic Space (<i>min</i>)	5% of lot area

*Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang.
Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.*

Figure 15.241.1 C-2 Dimensional Standards



Effective on: 11/11/2022

15.242 C-3 Commercial District

Purpose: The C-3 district is established to provide for commercial uses in corridors and centers that are accessible to residential neighborhoods or other businesses. This district accommodates commercial and other non-residential uses while protecting surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors. Landscaping, parking, and paving standards are established in the Development Standards subchapter to protect surrounding development, minimize stormwater runoff, and mitigate aesthetic impacts consistent with development in and abutting corridors and centers.

1. **Permitted and Conditional Uses.** Refer to § 15.285.
2. **Dimensional Standards.**

Table 15.242.1 C-3 Dimensional Standards

Table 15.242.1 C-3 Dimensional Standards		
1	Lot area (min)	1.5 acres
2	Density (max)	--
3	Height (max)	2 1/2 stories / 35 feet (whichever is greater)
4	Street setback (min)	50'
5	Side setback (min)	10' any side / 25' aggregate for principal building

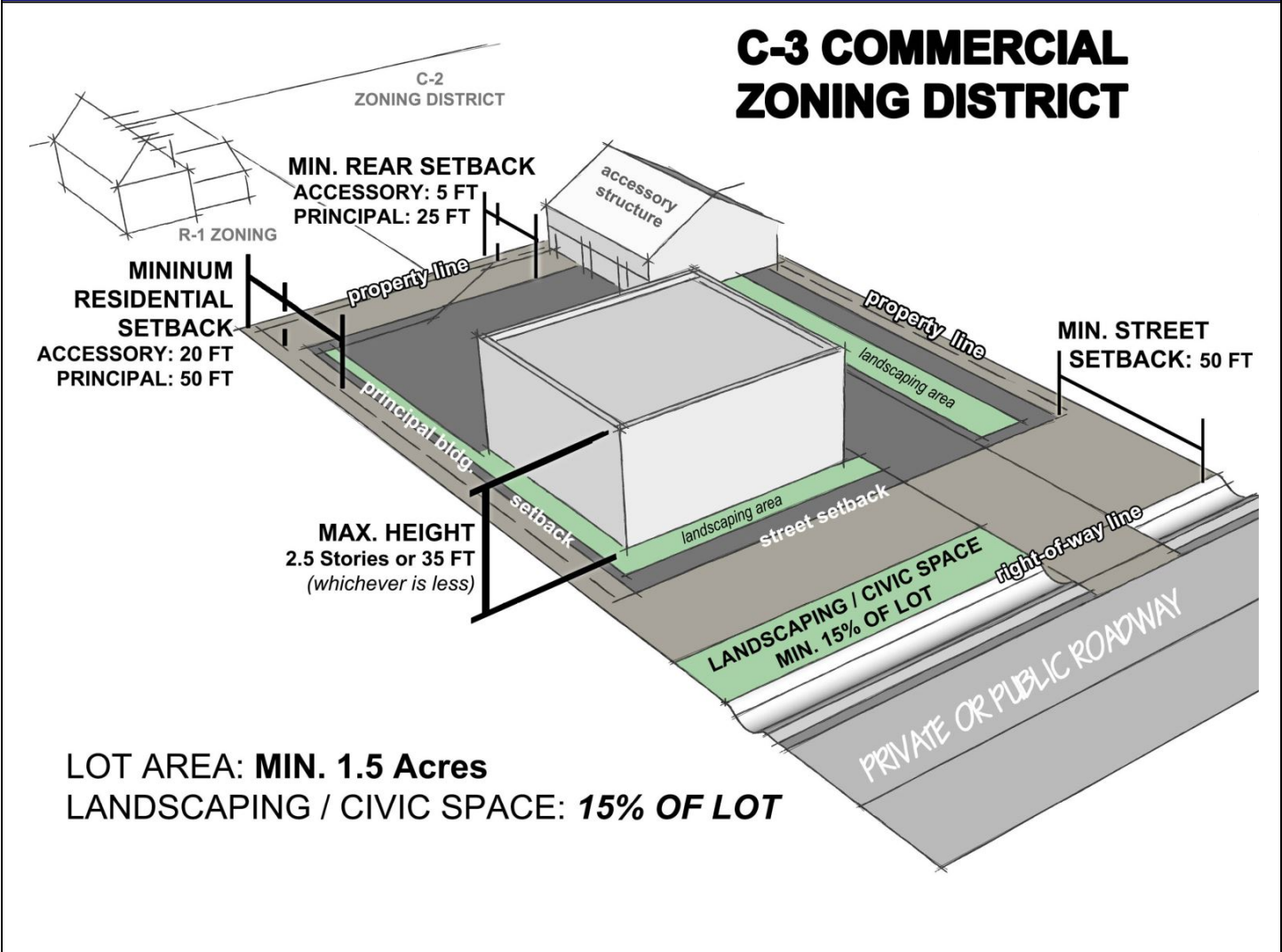
Table 15.242.1 C-3 Dimensional Standards

		5' accessory structure
6	Rear setback (min)	25' for principal building 5' accessory structure
7	Residential setback (min)	50' principal building and 20' for accessory structure abutting residential zoning district or use
8	Landscaping / Civic Space (min)	15% of lot area

Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.

Figure 15.242.1 C-3 Dimensional Standards

C-3 COMMERCIAL ZONING DISTRICT



Effective on: 11/11/2022

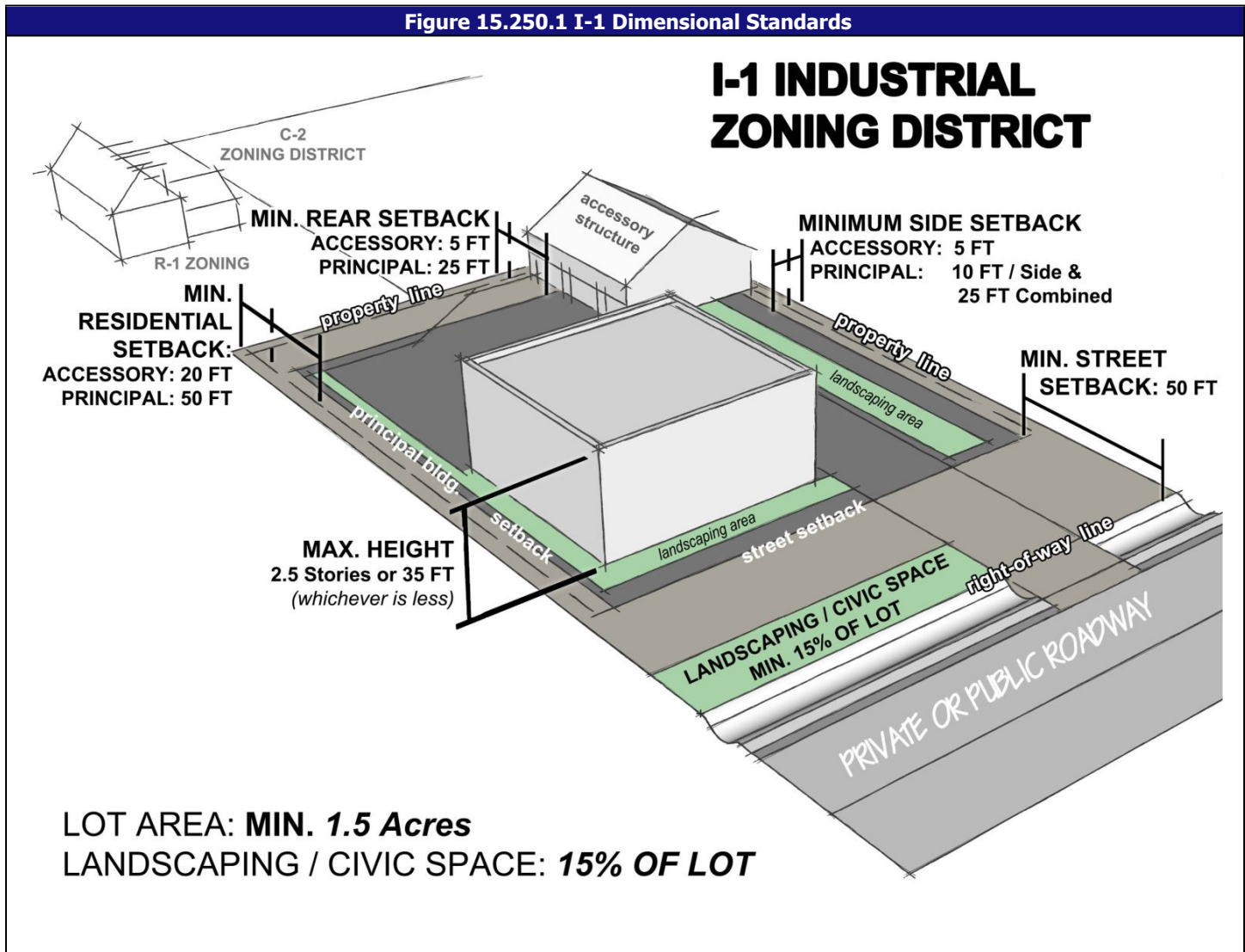
15.250 I-1 Industrial District

Purpose: The I-1 District provides for development of light industrial uses in an industrial park setting, or for employment or production type uses that are fully enclosed and have low intensity and environmental, noise, vibration, or related impacts. These uses may include amenities and open space that serve employees, including limited and internalized retail and service uses.

1. **Permitted and Conditional Uses.** Refer to § 15.285.
2. **Dimensional Standards.**

Table 15.250.1 I-1 Dimensional Standards		
1	Lot area (<i>min</i>)	1.5 acres
2	Density (<i>max</i>)	--
3	Height (<i>max</i>)	2 ½ stories / 35 feet (whichever is greater)
4	Street setback (<i>min</i>)	50 feet
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal building 5' accessory structure
6	Rear setback (<i>min</i>)	25' for principal building 5' accessory structure
7	Residential setback (<i>min</i>)	50' principal building and 20' for accessory structure abutting residential zoning district or use
8	Landscaping / Civic Space (<i>min</i>)	15% of lot area

Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang. Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.



Effective on: 11/11/2022

15.251 I-2 Industrial District

Purpose: The I-2 district is created to accommodate production, processing, assembly, warehousing and distribution uses. These uses potentially create impacts relating to noise, dust, vibration, air and water quality, and traffic and should be located apart from residential neighborhoods and public gathering areas.

The Heavy Industrial district requires sufficient space in appropriate locations for industrial uses while protecting surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors and air, water or thermal pollution or any other environmental degradation.

The district also protects locations where a variety of compatible industrial uses are located. Residential and institutional uses that are not compatible with the permitted industrial uses and would impede the development of industrially zoned lands for industrial purposes are prohibited.

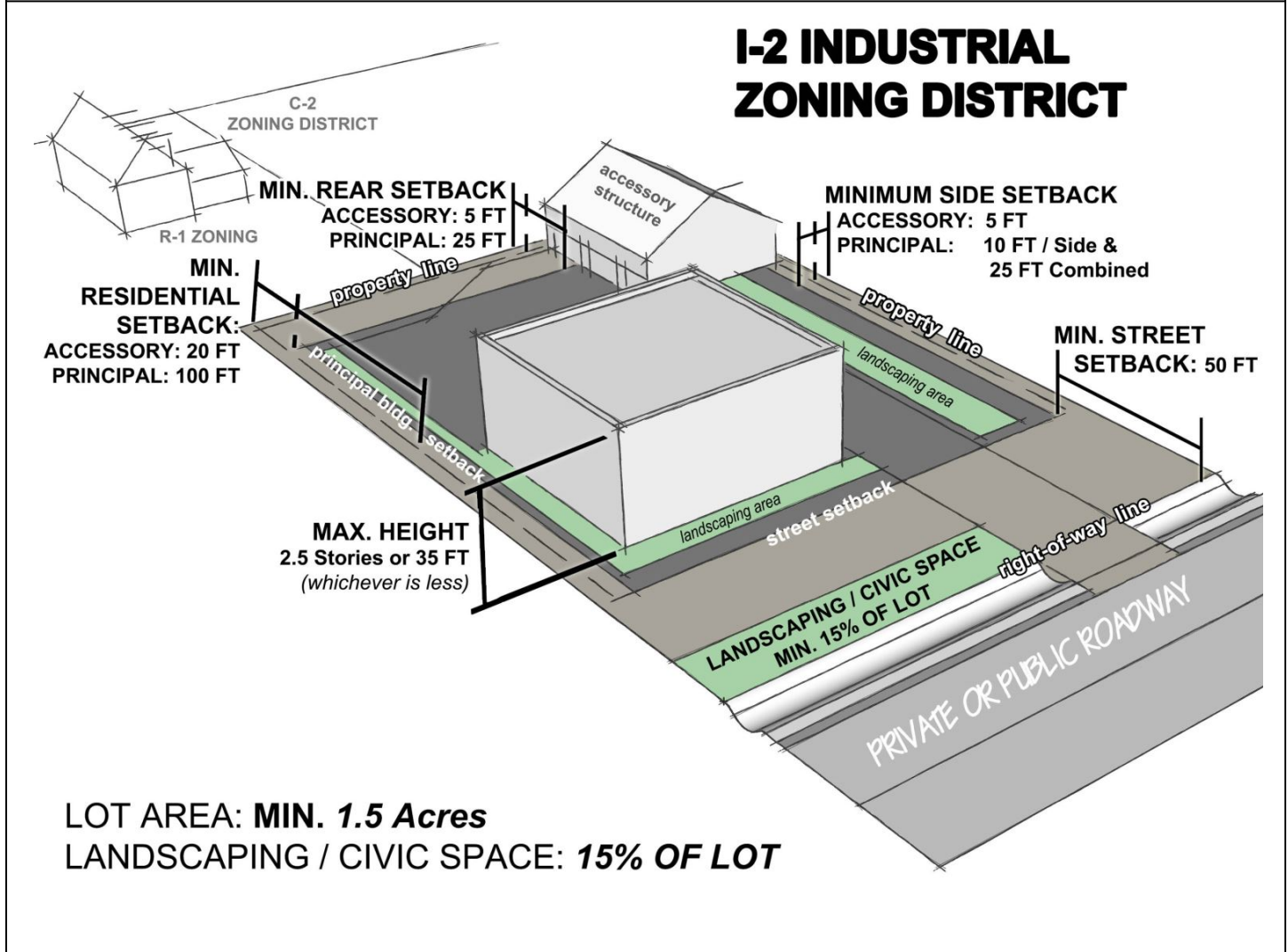
1. **Permitted and Conditional Uses.** Refer to § 15.285.
2. **Dimensional Standards.**

Table 15.251.1 I-2 Dimensional Standards

Table 15.251.1 I-2 Dimensional Standards		
1	Lot area (<i>min</i>)	1.5 acres
2	Density (<i>max</i>)	--
3	Height (<i>max</i>)	2 ½ stories / 35 feet (whichever is greater)
4	Street setback (<i>min</i>)	50 feet
5	Side setback (<i>min</i>)	10' any side / 25' aggregate for principal building 5' accessory structure
6	Rear setback (<i>min</i>)	25' for principal building 5' accessory structure
7	Residential setback (<i>min</i>)	100' for principal building and 20' for accessory structure abutting residential zoning district or use
8	Landscaping / Civic Space (<i>min</i>)	15% of lot area

*Notes: "min" = minimum required | "max" = maximum allowed | "DU" = dwelling unit | "ac" = gross acres | -- = not applicable.
An "accessory structure" is a structure that is detached from all other structures by at least 10', measured from the edge of each roof overhang.
Accessory structures that do not meet this standard or are attached to the principal building are considered part of the principal building and are subject to all dimensional standards applicable to the principal building.*

Figure 15.251.1 I-2 Dimensional Standards



Effective on: 11/11/2022

15.252 NMO Nonmetallic Mining Overlay

Purpose: The Nonmetallic Mining Overlay provides for the site location of new and expansion of existing heavy industrial non-metallic mining sites. Nonmetallic mining is an important industry that contributes to the County's economic well-being. However, heavy industrial mining operations, if not properly sited and regulated, can create short-term and long-term damage to the physical environment and tax base. The NMO allows the County to permit the expansion of existing heavy industrial mining sites, engage in case-by-case review of proposals for new heavy industrial mining sites, and regulate heavy industrial mining to minimize or prevent damage to the public and to restore mining sites to a useful and stable condition after mining ceases.

1. **Permitted and Conditional Uses.** The following uses are allowed:
 - a. Heavy Industrial Mining operations, subject to an approved reclamation plan and any conditions of approval of an NMO district, and consistent with Chapter 14 of the County Code, all applicable state and federal regulations, and any conditions of a permit or reclamation plan approved by the County and the State of Wisconsin; and
 - b. Permitted and conditional uses allowed in the base district, subject to their applicable requirements and approval processes.
2. **Dimensional Standards.**

- a. The nonmetallic mining site must comply with any buffer zone, setback, height, or area of operations standards required by Chapter 14 of the County Code, any state or federal statute, and any condition of a state or County permit.
- b. Any land use subject to a reclamation plan shall comply with the base district requirements, any condition of rezoning to an NMO district, and any State or County-approved reclamation plan in effect when the use is established.

Effective on: 11/11/2022

15.275 CON Conservancy District

Purpose: The Conservancy District preserves and perpetuates in an open state 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 aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The Conservancy District regulations:

- *preserve and perpetuate open space land and water areas consistent with the intent and purpose of this chapter, and*
- *protect the community and the County from costs and consequences that are incurred when unsuitable development occurs in those areas which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations.*

1. **Permitted and Conditional Uses.** Refer to Sec. 15.285.
2. **Dimensional Standards.**

Table 15.275.1 Conservancy District Dimensional Standards

Table 15.275.1 Conservancy District Dimensional Standards		
1	Impervious surface coverage (max)	10%
2	Street setback (min)	50 feet
<p><i>Notes: "min" = minimum required "max" = maximum allowed. Impervious surface coverage is calculated by dividing the surface area of existing and proposed impervious surfaces on the lot or parcel by the total area of the lot or parcel and multiplying the result by 100. Impervious calculations do not include any area within the Right-of-Way (ROW).</i></p>		

Effective on: 11/11/2022

15.285 Use Table

1. **Use Categories.** The Use Table (see Table 15.285.2) establishes uses permitted within each zoning district, and how they are permitted. The uses permitted in each of the [Zoning Districts](#) established in this Chapter are defined as follows:

Table 15.285.1 Use Categories

P	Permitted by Right	Uses in the Use Table identified by "P" in any column are permitted subject to district regulations, any conditions of rezoning, and the conditions specified in the Use Regulations or Development Standards or elsewhere in this Chapter. Any by-right, conditional or accessory use permitted in any district must comply with the requirements of the district in which it is located unless the Board of Adjustment approves a variance from those requirements.
L	Land Use Permit	The use is permitted if a land use permit is issued (see § 15.555).
C	Conditional Use	Conditional Uses are uses that are allowed only after the County Board of Adjustment reviews the proposed use, holds a public hearing and decides whether to approve the use, based upon the application of standards found in this subchapter or in § 15.550. Conditional uses are also subject to any conditions and limitations specified in the Use Regulations or imposed as a condition of rezoning conditional use permit approval. See Submittal Requirements for application information.
A	Accessory	Uses in the Use Table identified with an "A" are permitted only as an accessory use to another use that is permitted as a by right or conditional use in the applicable district.
U	Use Regulations	Permission, standards and location determined by Use Regulations
	Not Permitted	Uses in the Use Table identified by a blank cell are not permitted in that particular district.

Table 15.285.1 Use Categories

Not Listed	Not permitted unless the use is approved as provided in subsection 3 below.
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2. **Additional Regulations Apply.** The fact that a use is shown as a permitted use does not always mean that the project may proceed. The Chapter 12 Sanitary, Chapter 13 Land Division, or other sections of this code may result in a permitted use not being allowed to proceed, depending upon the manner in which those provisions apply.
3. **Uses Not Listed**
 - a. The Zoning Administrator may determine that an unlisted use is permitted by right or as a conditional use if sufficiently similar in nature and impact to a permitted use or a conditional use. The Zoning Administrator may refer to any of the following factors as guidance in making this determination:
 1. Whether the use has similar visual, traffic, environmental and similar impacts as an expressly listed use. The Zoning Administrator may refer to empirical studies or generally accepted planning or engineering sources in making this determination.
 2. Whether the use is within the same industry classification as another permitted use. In making this determination, the Administrator may refer to the most recent edition of the North American Industry Classification System (NAICS) Manual, 2022. If the use is not defined in the NAICS, the Administrator may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).
 - b. The burden is on the applicant to establish that the use is similar to the expressly listed use. The applicant shall submit all proofs or verification that show that the proposed use is similar to another permitted or conditional use and could be allowed.
 - c. The Zoning Administrator shall initially determine if a proposed use is similar to another permitted or conditional use in the district and could be allowed.
 - d. If the Zoning Administrator determines that the proposed use is deemed sufficiently similar in nature and impact to a permitted use or a conditional use, the applicant shall apply for a conditional use permit to the Board of Adjustment.
 - e. If the Zoning Administrator determines that the proposed use does not meet the standards listed in subsection a above, the proposed use shall be denied and the applicant notified in writing. The determination may be appealed to the Board of Adjustment as an appeal of an administrative decision.
4. **Preemption.** Uses regulated by the State of Wisconsin and exempt from local control are permitted subject to state regulations.

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
AGRICULTURE											
Agriculture, Aquaculture	P	P	P	P							P
Agriculture, Beekeeping	P	P	P	P	A						P
Agriculture, Crop or Forage Production	P	P	P	P	P						
Agriculture, Enrolled Land	P	P	P	P	P						
Agriculture, Farm-Based Biopower Facility	A/C	A/C									
Agriculture, Farm-Based Manure Processing Facility	A/C	A/C									
Agriculture, Floriculture	P	P	P	P							
Agriculture, Forest Management	P	P	P	P							

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Agriculture, Fur Farm	P	P	P	C	C						
Agriculture, Keeping Livestock	P	P	P	P							
Agriculture, Sod or Christmas Tree Production	P	P	P	P							
Agriculture, Wholesale Nursery	P	P	P								
Agricultural Resource Production	P	P	C								
Animal Production, Other											C
Community Garden	C	C	P	P	P	P		P			
Community Supported Agriculture	C	C	P	P	P	P		P			
Crop/Limited Agriculture	P	P	P	P	A	P		P			
Grazing	P	P	P	P	P						P
Greenhouse	A	A	A	A	A	P		A			
Harvesting of Wild Crops	P	P	P	P							P
Livestock Facility (< 200 animal units) (§ 15.360; L where required by Table 15.360.1)*	P	P	P	P							
Livestock Facility (200-499 animal units) (§ 15.360; L where required by Table 15.360.1)*	P	P	P								
Livestock Facility (> 500 animal units) (§ 15.360; L where required by Table 15.360.1)*	L	L	L/C								
Manure Storage	P	P	C	C							
Pick-Your-Own Operations	P	P					P				
Raising of Chickens and Ducks*	P	P	A	A	A						
Raising of Waterfowl, Fowl, and Fish											P
Stock Yard or Livestock Auction Facility										C	
NATURAL RESOURCES	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Filling, Draining, or Dredging of Wetlands	L	L	L	L	L	L		L	L	L	C
Undeveloped Natural Resources and Open Space Land Use	P	P	P	P	P	P	P	P	P	P	P
RESIDENTIAL	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Residences											
Dwelling, Single-Family			P	P	P		P				
Caretaker Unit								A			
Conservation Design Development (§ 15.325)*			P	P	P						
Dwelling, Rental or Secondary											
Dwelling, Two-Family			C	C	P						
Farm Residence, Single-Family, Manufactured and Modular	P	P									
Manufactured Home			P	P	P		P				
Mobile Home Park			C	C	C						
Mobile Home											
Modular Home			P	P	P		P				
Multifamily Dwelling					P						

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Temporary Residence (§ 15.390)*	L	L	L	L	L						
Group Living											
Community Living Arrangement (9-15 persons) (<i>Wis. Stat. § 59.69(15)</i>)			C	C	P						
Community Living Arrangement (> 15 persons) (<i>Wis. Stat. § 59.69(15)</i>)			C	C	C						
Foster Home / Adult Family Home (<i>Wis. Stat. § 59.69(15)(bm), (br)2</i>)			P	P	P						
Life Care or Continuing Care Service					P			P			
Retirement Housing Service					P			P			
Skilled-Nursing Service (<i>above intermediate level nursing care</i>)					P			P			
LODGING	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Boarding House								P			
Bed and Breakfast (<i>subject to Wis. Stat. § 97.01(1g) or 97.625(1p) as determined by DATCP</i>)		C	C	C	C	C		C			
Campground, Private (§ 15.322)			C	C		C	C	C			
Campground, Public (§ 15.322)			C	C							L
Hotel or Motel								C			
Short-Term Rental (§ 15.375)*	P	P	P	P	P						
ART, ENTERTAINMENT, & RECREATION	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Adult Establishment (§ 15.310)*						L		L	L	L	
Agricultural Entertainment (< 15 days) (§ 15.315; L if > 100 persons during 24 hour period)*	A	A									
Agricultural Entertainment (> 15 days) (§ 15.315; L if > 100 persons during 24 hour period)*	A/C	A/C									
Agricultural Entertainment (< 30 days) (§ 15.315; L if > 100 persons during 24 hour period)*							P				
Agricultural Entertainment (> 30 days) (§ 15.315; L if > 100 persons during 24 hour period)*							C				
Amusement or Theme Park								C			
Drive-In Theater			C					C			
Farm Exhibition (< 5 days) (§ 15.315; L if > 100 persons during 24 hour period)*	A	A					P				
Farm Exhibition (> 5 days) (§ 15.315; L if > 100 persons during 24 hour period)*	A/C	A/C					L				
Game Arcade								C			
Golf Course			C	C	C			C			C
Hiking, Biking, and Bridle Trails	C	C	P	P	P	P	P	P	P	P	P
Indoor Recreational Facility								C			
Miniature Golf								P			
Museum		C	L					L			L

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Outdoor Entertainment Facility						C		C			
Outdoor Recreational Facility			C	C		C	C	C			
Racetrack								C			
Skiing Facilities *							C	C			
Stadium, Arena, or Conference Center								C			
Theater, Movie, or Performing Arts								C			
Zoos, Botanical Gardens, Arboreta, and similar uses								C			
COMMERCIAL/MIXED USE	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Animal Services											
Game Management	P	P	C								
Kennel, Commercial (§ 15.355)*	A/C	A/C	C			P		P			
Stable, Commercial	A/C	A/C	C	C		C		C			
Veterinary Clinic						P		P			
Automotive											
Automotive Parts, Accessories, and Tire Stores								P			
Automotive Service, Repair, and Towing						P		P			
Car Wash								A			
Dealerships (Motor, Off-Road, Watercraft, and Implements)								P			
Service Station								P			
Truck Service, Repair, and Towing						P		P	P	P	
Day Care											
Child Care Home, Family (< 8 children)	A	A	A	A	A	A		A			
Child Care Center (Wis.Stat. § 48.65)						P		P			
Group Day Care						P		P			
Financial Services											
Financial or Investment Institution								P			
Food & Beverage Sales/Service											
Bar or Tavern								P			
Grocer								P			
Liquor Store								P			
Restaurant								P			
Roadside Stand*	P	P	P	P	P	P		P			
Sales - Processed or Preserved Agricultural Products and Produce	C	C	C			P		P			
Mixed Uses											
Vertical Mixed Use (retail or office on ground floor, residential on upper floors)								P			
Office, Business & Professional											
Courier and Messenger Service								P			
Office								P			
Plant or Livestock Genetic Laboratory		C				C		P			

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Postal Service								P			
Personal/Business Services											
Barber or Beauty Shop								P			
Business Support Services								P			
Funeral Home								P			
Indoor Maintenance and Repair of Goods and Equipment						P		P			
Laundry								C			
Retail Sales											
Contractor Sales and Service						P		P			
Convenience Store								C			
Drug Store/Pharmacy								P			
Garden Center						P		P			
Landscape Supply and Contracting Business (Plant or Tree Nursery)		C	C			P		P			
Notion, Variety, or Gift Shop								P			
Retail Sales and Service (< 2500 sf)								P			
Retail Sales and Service (> 2500 sf)								C			
Riding Supply	A/C	A/C				P		P			
Miscellaneous Commercial											
Agricultural Supply			C			P		P			
Business Conducted By Owner/Operator of Farm*	A/C	A/C									
Farm-Related Exhibition, Sale, or Event (5 days or less)(§ 15.315)*	P	P	P			P	P	P			
Farm-Related Exhibition, Sale, or Event (more than 5 days)(§ 15.315)*	C	C	C			P	P	P			
Home Occupation, Major (§ 15.345)*	A/C	A/C	A/C	A/C	A/C		A/C				
Home Occupation, Minor (§ 15.345)*	A	A	A	A	A		A				
Motion Picture or Sound Recording								P	P		
Sale or Storage of Agricultural Byproducts		C									
Salvage Operation (§ 15.352)			C			C			C	C	
INFRASTRUCTURE	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Transportation/Parking											
Airstrip (§ 15.320)*		C	C								
Freight Terminal										C	
Parking Facility								C			
Taxi and Limousine Service								P			
Transit System								P	P	P	
Utilities											
Air Conditioning and Steam Supply										P	
Biopower Facility										C	
Dam		C	C	C	C						C
Electric Generating Facility (Large Scale)	C	C									

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Electric Generating Facility (Small Scale)	C	C	C	C	C	P		P	P	P	
Flowage Area		C	C	C	C						C
Irrigation and Industrial Water Supply	P	P	P	P					P	P	
Power Plant										C	
Large Solar Collector / Solar Energy System (§ 15.385)*	C	C	C	C	C	C	C	C	C	C	C
Small Solar Collector / Solar Energy System (§ 15.385)*	P	P	P	P	P	P	P	P	P	P	P
Utility, Major	C	C								P	
Utility, Minor	P	P	P	P	P	P	P	P	P	P	
Large Wind Energy System (§ 15.395)*	C	C	C	C	C	C	C	C	C	C	C
Small Wind Energy System (§ 15.395)*	L	L	L	L	L	L	L	L	L	L	L
Wired Communication/Cable Facility*		C	C	C	C						C
Communications Uses											
Radio and Television Broadcasting Studio								P			
Mobile Support Structures And Facilities (§ 15.365; may require L)*	U	U	U	U	U	U	U	U	U	U	
Waste-Related											
Hazardous Waste Collection, Treatment, and Disposal										C	
Septic Tank and Related Services									P	P	
Solid Waste Collection, Treatment, and Disposal									C	C	
Solid Waste Processing or Transferring									C	C	
PUBLIC, CIVIC, & INSTITUTIONAL	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Assembly											
Governmental, Institutional, or Nonprofit Community Use	C	C	P	P	P			P			
Club or Lodge	C	C				P		P			
Religious Institution	C	C	P	P	P	P		P			
Civic and Open Space											
Cemetery	P	P	P	P	P	P		P			
Historic or Natural Resource	C	C	P	P	P	P	P	P	P	P	P
Open Space			P	P	P	P	P	P	P	P	P
Park			P	P	P	P	P	P	P	P	P
Educational Services											
Personal Instruction Services						P		P			
Private One-Room Schoolhouse	C	C	L								
School (public or private)								P			
Technical or Trade School								P			
Public Administration / Institutional											
Library								P			
Correctional or Military Institution								P		C	
Hospital								P			

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Medical Clinic			C					P			
Public Safety								P	P	P	
Social Services and Non-Profit Organizations											
Child and Youth Services								P			
Elderly and Disabled Services								P			
Family Services (food, emergency, etc.)								P			
INDUSTRIAL/PRODUCTION	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Manufacturing & Employment											
Agricultural Products Processing	C								C	C	
Asphalt Plant	L	L	L	L	L				P	P	
Brewery or Distillery							C	C	P	P	
Building Construction Services								C	C	P	
Composting, Commercial										C	
Forest Products Processing									C	C	
Heavy Construction Services										P	
Industry, Heavy									C	P	
Industry, Light									P	P	
Manure Processing Facility										C	
Recycling Facility								C	C	C	
Renewable Fuel Manufacturing		C								C	
Slaughterhouse						C			P	P	
Winery	A	A	C						P	P	
Mining & Natural Resource Extraction											
Heavy Industrial Mining (if located within the NMO District 15.252)										P	
Metal Extraction										C	
Nonmetallic Mining, (§ 15.370)*		C	C							C	
Temporary Nonmetallic Mining (§ 15.370)		L	L							L	
Warehousing, Storage & Distribution											
Contractor Storage Yard (§ 15.330)*			C	C		L		L	L	L	
Dead Stock Hauling Service		C							C	P	
Propane Storage and Distribution						C		C	C	C	
Seasonal Storage	P	P	P								
Self Storage Facility								P			
Warehouse (Greater than 20,000 sf)									C	C	
Warehouse (Less than 20,000 sf)									P	P	
Wholesaling									P	P	
Wrecking and Demolition Service										P	
MISCELLANEOUS	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Accessory Structures & Uses*	A	A	A	A	A	A	A	A	A	A	A
Portable Storage Unit	A	A	A	A	A	A		A	A	A	
Outdoor Junk Storage (§ 15.353)*	P	P	P	P	P	P	P	P	P	P	

15.285.2 Use Table

Use Category	AG-1	AG-2	R-1	R-2	R-3	C-1	C-2	C-3	I-1	I-2	CON
Minor Subdivisions	P	P	P	P	P	P	P	P	P	P	P
Major Subdivisions				P	P	P		P	P	P	

Notes:
P = Permitted | **L = Land Use Permit required** | **C = Conditional** | *** = Use Regulations apply** | **U = approval determined by Use Regulations** | **A = Accessory Use**

Effective on: 11/11/2022

15.286 to 15.299 Reserved.

USE REGULATIONS

Contents:

- 15.300 General Provisions
- 15.305 Accessory Structures & Uses
- 15.310 Adult Establishments
- 15.315 Agricultural Entertainment and Agritourism Uses
- 15.320 Airstrips
- 15.322 Campgrounds
- 15.325 Conservation Design Development
- 15.330 Contractor Storage Yards
- 15.335 Chickens and Ducks
- 15.340 Fences and Walls
- 15.345 Home Occupations
- 15.350 Housing
- 15.352 Salvage Operations
- 15.353 Junk
- 15.355 Kennels, Commercial
- 15.360 Livestock Facilities
- 15.365 Mobile Tower Siting
- 15.370 Nonmetallic Mining
- 15.371 Private One-Room Schoolhouse
- 15.373 Roadside Stands
- 15.375 Short-Term Rentals
- 15.380 Signs
- 15.381 Skiing Facilities
- 15.385 Solar Energy
- 15.390 Temporary Structures and Uses
- 15.395 Wind Energy Systems
- 15.396 To 15.399 Reserved.

15.300 General Provisions

1. **Applicability.** This Subchapter establishes standards for the uses listed in each section. These standards:
 - a. Supplement the standards in the Zoning Districts or Development Standards, or
 - b. Where indicated, supersede the standards in the Zoning Districts or Development Standards.

2. **Relationship to Use Table.** This Subchapter applies regardless of the zoning district where the use is located or whether the use is permitted by right or as a conditional use, unless otherwise indicated in this Subchapter.

Effective on: 12/1/2019

15.305 Accessory Structures & Uses

1. Accessory Buildings.

- a. Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, are permitted in the R-1, R-2 or R-3 districts.
- b. An accessory building may be constructed in the R-1 and R-2 Zoning Districts prior to a principal residential dwelling if the accessory structure meets principal building setbacks.
- c. No accessory building may be constructed in the R-3 Zoning District, or upon any lot in a major subdivision, unless a primary residential building is under construction or is already constructed.
- d. No accessory building may be used as a separate dwelling unit.
- e. Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard.

2. **Accessory Uses.** Accessory uses are permitted uses requiring no additional zoning approval, unless the Use Table in [15.285](#) or a specific Use Regulation in this subchapter describes the need for a Land Use Permit or Conditional Use Permit.

3. **Agricultural Accessory Uses.** Agricultural Accessory Uses are subject to the following:

a. Accessory to Agricultural Uses

1. Agricultural Accessory Uses shall be subordinate to a Primary Agricultural Use in the AG-1 and AG-2 districts and cannot be engaged in unless a Primary Agricultural Use is actively maintained on the same parcel of land.
2. Determination of the existence of a Primary Agricultural Use shall be made upon review of the most recent tax assessment records for the parcel, demonstrating that more than 50% of a contiguous farm is assessed as agricultural under [Wis. Stat. § 70.32\(2\)\(a\)](#).

b. Conditional Uses.

1. The following Agricultural Accessory Uses require a conditional use permit in the AG-1 and AG-2 Districts:
 - a. A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in the definition of "Agricultural Accessory Building " in § 15.805 and that employ no more than four (4) full time employees annually and that does not impair or limit the current or future agricultural use of the farm or other protected farmland.
 - b. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
 - c. Farm exhibitions as permitted in § 15.315
 - d. Farm-Based Biopower Facility
 - e. Commercial Kennel
 - f. Commercial Stable
 - g. Riding Supply
 - h. Winery
2. The following Agricultural Accessory Uses require a conditional use permit in the AG-2 District:
 - a. Bed and breakfast operations in existing farm residences located on a farm
 - b. Airstrips, subject to § [15.320](#)

Effective on: 11/11/2022

15.310 Adult Establishments

Intent. It is the intent of these regulations to protect the health, safety, general welfare and morals of the residents of St. Croix County, to preserve the quality of family life, to preserve the rural and urban characteristics of its neighborhoods in St. Croix County and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with adult establishments, while also giving due consideration to civil rights of persons partaking in adult entertainment, it is the intent of this section to regulate the location of establishments of adult entertainment. By the enacting this ordinance, the St. Croix County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

1. **Applicability.** This section applies to any Adult Establishment. For purposes of this section, an "Adult Establishment" includes any of the following uses as defined in § 15.805:
 - a. Adult Bookstore,
 - b. Adult Motion Picture Theater,
 - c. Adult Motion Picture Theater (Outdoor),
 - d. Adult Mini Motion Picture Theater,
 - e. Adult Bath House,
 - f. Adult Massage Parlor,
 - g. Adult Modeling Studio,
 - h. Adult Body Painting Studio,
 - i. Adult Cabaret, and
 - j. Adult Video Store.
2. **Permitting.**
 - a. **Adult Establishment Conditional Use Permit Process.** The above uses are considered conditional uses, and shall be approved, approved with conditions or denied within 30 calendar days after a complete application is submitted. If a final decision on the conditional use permit is not rendered within 30 calendar days, a provisional land use permit shall be granted.
 - b. **Judicial Review**
 1. **Filing.** A denial, approval with conditions, or revocation of a conditional use permit under this Section is appealable to a court of competent jurisdiction as provided in Wis. Stat. § 59.694(10). The appeal of a denial, condition or revocation under this Section is subject to the same rules and procedures, and shall be conducted in the same manner, as prescribed for judicial review under Wis. Stat. § 59.694(10). However, subsections 2 through 4 below apply to a petition for judicial review filed under this chapter.
 2. **Transmittal of Record.** Within 10 days from the date the County is served with the petition, the Zoning Administrator shall prepare the County's record for the petitioner to transmit to the court.
 3. **Provisional Land Use Permit.** Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the County's enforcement of the denial, suspension, or revocation, the Zoning Administrator shall immediately issue the applicant a provisional land use permit. The provisional land use permit shall allow the applicant to operate of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the applicant's appeal or other action to restrain or otherwise enjoin the County's enforcement.
 4. **Application of this Section During Provisional Land Use Permit Periods.** Adult establishments operating under provisional land use permits are subject to subsection 3, 4.c, 4.d, 4.e, 4.g, 4.h, and 4.i.
3. **Underlying District Standards.** Lot area and width, building height and area, yard and sanitary sewer system requirements in the underlying district shall be complied with.
4. **Standards for Adult Entertainment Uses.** In addition to all other applicable requirements of this Ordinance, all Adult Establishments shall meet the following standards:
 - a. No Adult Establishment shall be permitted within 1,320 feet of the center of any public entrance to a school, library, church, park, playground or daycare facility. The distance shall be measured along the shortest route

along the street or highway between the points where lines perpendicular to the centers of the public entrances intersect with the street or highway.

- b. No adult entertainment use shall be permitted within 500 feet of property zoned R-1, R-2 or R-3, or within 500 feet of any in the AG-1 or AG-2 districts. The distance shall be measured from the center of any public entrance of the adult entertainment use in a straight line to the closest point of the other property.
- c. There shall be no sale of intoxicating beverages in the Adult Establishment.
- d. Signs advertising any of the Adult Establishment shall conform with § 15.380.
- e. Parking shall comply with § 15.430, and all parking shall be provided in a lighted area.
- f. There shall be no pornographic displays or signs depicting specified sexual activities or specified anatomical areas in display windows on the premises.
- g. The owner and/or operator of the adult entertainment establishment shall comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- h. The hours of operation for such establishments shall be from 8:00 a.m. to 2:00 a.m.
- i. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall comply with Wis. Stat. § 134.46.
- j. This section does not permit or authorize any establishment or use which violates other applicable local or county ordinances or Wisconsin law.

Effective on: 12/1/2019

15.315 Agricultural Entertainment and Farm Exhibitions

Purpose: this section establish standards for Agricultural Entertainment and Farm Exhibition uses in the County's Agricultural districts and rural commercial areas that accommodate an economic and entertainment demand, complement the County's agricultural economy, and protect surrounding neighborhoods.

1. Agricultural Entertainment

- a. **Applicability.** This subsection applies to Agricultural Entertainment, as defined in § 15.805. The applicant must demonstrate the proposed enterprise or business is farm based, meets the definition of a "farm" and is able to clearly show agricultural use activities taking place on the property as the primary use. When applied to the C-2 district a broader range of recreational uses may be permitted that do not relate to agriculture, however motorized recreation uses are not permitted.
- b. **Where Permitted**
 1. Agricultural Entertainment activities that **do not exceed 15 calendar days** per each 12 months in succession are considered an Agricultural Accessory Use and are permitted by right only if accessory to an agricultural use in the AG-1 and AG-2 districts. This agricultural accessory use must comply with Wis. Stat. § 91.01(1).
 2. Agricultural Entertainment activities which **exceed 15 days** in the aggregate annually are considered an Agricultural Accessory Use that requires a conditional use permit in the AG-1 and AG-2 districts.
 3. Agricultural Entertainment activities that **do not exceed 30 calendar days** per each 12 months in succession are considered an Agricultural Accessory Use and are permitted by right only if accessory to an agricultural use in the in the C-2 District. This agricultural accessory use must comply with Wis. Stat. § 91.01(1).
 4. Agricultural Entertainment activities which **exceed 30 days** in the aggregate annually are considered an Agricultural Accessory Use that requires a conditional use permit in the C-2 district.
- c. **Food and Beverages.** Agricultural Entertainment may include the incidental preparation and sale of beverages and food. For purposes of this subsection, "incidental" means that:
 1. food or beverages are not a primary reason to frequent the establishment, but instead are offered for purchase as a convenience to the customer, and

2. the areas where food and beverages are prepared are subordinate and minor in size and use, and
3. occur either:
 - a. inside a structure devoted to an agricultural use or a residence, or
 - b. in locations that are not visible from the public right-of-way and that occupy no more than 3,500 square feet cumulatively, or
 - c. in outdoor locations or tents that occupy no more than 1,000 square feet cumulatively.

2. Farm Exhibitions

a. **Applicability.** This section applies to farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities.

b. **Where Permitted**

1. Farm Exhibitions occurring **no more than 5** days in a calendar year are considered an Agricultural Accessory Use and are permitted by right only if accessory to an agricultural use in the AG-1 and AG-2 districts. This agricultural accessory use must comply with Wis. Stat. § 91.01(1). In the C-2 district this use is permitted by right.
2. Farm Exhibitions occurring on **more than 5** days in a calendar year are considered an Agricultural Accessory Use that requires a conditional use permit in the A-1 and A-2 districts; in the C-2 district this use requires a land use permit.

3. Event Plan / Land Use Permit

- a. This subsection applies to any Rural or Agricultural Entertainment or Farm Exhibition anticipated to have attendance of more than 100 persons during a 24-hour period.
- b. An event plan addressing the items in Table 15.315.1 (Event Plans) shall be filed and approved with a land use permit from the Zoning Administrator. For Farm Exhibitions, the applicant shall file and obtain approval of the event plan annually. The event plan shall address the following:

Table 15.315.1 Event Plans		
Item Addressed	Agricultural Entertainment	Farm Exhibitions
Parking	*	*
Proposed days and hours of operation	*	*
Ingress and egress (including any permit required by the appropriate road jurisdiction)	*	*
Sanitation	*	*
Other public safety issues	*	*
Signs	*	
Solid waste management	*	
(asterisk [*] = item is required blank cell = item not required)		

- c. The applicant shall file the approved land use permit with the appropriate town clerk, fire department, emergency medical provider, the St Croix County Sheriff’s Department and any other local law enforcement agency that has responsibility for providing police protection services for the Agricultural Entertainment or Farm Exhibition activities, at least 30 days prior to the start of any such activities in each calendar year.

Effective on: 11/11/2022

15.320 Airstrips

1. **Applicability.** This section applies to airstrips that are not agriculture-related or agriculture-accessory uses.
2. **Conditional Use Permit Application.** Each proposed airstrip owner shall file a written application for a conditional use permit with the Zoning Administrator (see [Submittal Requirements, § 15.590](#)).

3. **Notice to Law Enforcement Agencies.** If approved by the Board of Adjustment, the applicant shall notify all police Agencies in the vicinity of the airstrip, together with the County Sheriff's Department and the Central Communication Center of the existence of the airstrip, its location and its length.
4. **Liability Insurance.** If the conditional use permit is approved, all current and future airplanes owned by the applicant shall include proof of sufficient liability insurance. Proof of insurance shall be filed with the Zoning Administrator.
5. **Location.** The airstrip in question shall be located as close as possible to the center of the real estate owned by the applicant, unless the topography of the real estate in question cause a central location to be unreasonable.
6. **Length.** The airstrip shall be of sufficient length to:
 - a. Enable safe takeoffs and landings by any and all airplanes owned by the applicant or by airplanes that the applicant approves to land at the airstrip.
 - b. Be approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, and
 - c. Safely and reasonably comply with 14 CFR § 91.9 (Civil aircraft flight manual, marking, and placard requirements). (See par. 19. of this subsection.)
7. **Abandonment.** Upon being notified by the Wisconsin Department of Transportation, Bureau of Aeronautics, that an airstrip with an approved conditional use permit is abandoned by the applicant, the Zoning Administrator shall notify the applicant and its successor or assigns that the conditional use permit is terminated. This decision is appealable to the Board of Adjustment (see § 15.560).
8. **Conveyance.** Upon the sale, transfer, lease or other conveyance of the real estate on which an approved airstrip is located, the new purchaser, transferee or leasee of the real estate shall immediately file a notice of the purchase, transfer or lease with the County Zoning Administrator. The notice shall contain the statement that the new purchaser, transferee or leasee agrees to conform to and abide by these standards. Upon receipt of the notice, the Zoning Administrator shall inform the purchaser, transferee or leasee of these standards.
9. **Paved Strips Permitted.** Airstrips shall remain as grass or sod strips only and be properly maintained for that use.
10. **Hold Harmless Agreement.** Upon approval of the proposed airstrip by the Board of Adjustment, the applicant shall execute a hold harmless agreement in favor of the County, which shall indicate that the applicant has sole responsibility for any and all damage caused to any person or property by the operation of the County approved airstrip.
11. **Standards not Exclusive.** These standards shall not be construed to limit the authority of the County Board of Adjustment with respect to its review of any conditional use request from a particular applicant. The provisions of the County Zoning code concerning the Board of Adjustment remains in effect supplements these standards where applicable.
12. **Notice to Municipalities.** The Zoning Administrator shall notify the clerks of all municipalities located on the drawing made by the applicant prior to the conditional use public hearing. Oral or written comments may be made at the hearing by any municipal official.
13. **Flight Altitudes.** The airstrip shall comply with Section 14 CFR § 91.119 (Minimum Safe Altitudes; General).

Effective on: 11/11/2022

15.322 Campgrounds

1. **Applicability.** This section applies to public and private campgrounds that accommodate 2 or more camping units wherein a fee is charged for use.
2. **Standards.**
 - a. Campgrounds shall have adequate water supply and sanitary facilities to accommodate occupancy.
 - b. Campgrounds shall be licensed by the Department of Agriculture, Trade and Consumer Protection (DATCP) and comply with Wisconsin Administrative Code ATCP 79, Campgrounds.
 - c. Public and Private Campgrounds may include commercial recreational activities such as waterslides, mini-golf, etc., and may include retail sales of goods directly related to the recreational activities on the site.
 - d. No campground shall be located so that drainage from the campground will endanger any water supply, surface or ground.

- e. All sites shall be well drained. No wastewater from the trailers or other recreational vehicles shall be deposited on the surface of the ground.
 - f. Each parking stall shall be plainly marked and surfaced with gravel, asphalt, or other material to free the site of mud.
 - g. There shall be two off-street parking spaces for each campsite.
 - h. The operator shall require a minimum distance of 10 feet between camping units measured from the outside edge of one camping unit to the outside edge of another camping unit, excluding slideouts.
 - i. No more than one mobile recreational vehicle shall be allowed on any individual campsite.
 - j. No porches, lean-tos, or additions shall be constructed onto or immediately adjacent to a camping unit.
 - k. A camping unit shall not be occupied for more than eight months in a calendar year.
 - l. All campsites shall be located at least fifty (50) feet from all exterior lot lines.
 - m. An operator may designate no more than 20 individual campsites per acre of campground. Each campsite is limited to six (6) campers or an individual family. An operator may allow no more than 80 campers per acre in a group campsite.
 - n. Every structure in a campground shall be developed and maintained in a safe, approved and substantial manner.
 - o. The operator shall provide a sufficient number of garbage, refuse and recycling containers for use by the campers. The containers shall be durable, cleanable, insect and rodent resistant, leak proof, nonabsorbent and of sufficient capacity to hold all of the accumulated garbage, refuse and recyclables. The containers shall be covered, unless the containers are emptied on a daily basis.
 - p. Each campground shall have a building for the use of the operator distinctively marked "office". A map of the campground shall be displayed at the office.
 - q. The operator shall maintain a written or electric campground register that contains the name of each principal campsite occupant, the person's contact information, the person's arrival and departure dates and the number of campers in the person's party. The campground register shall be available to any authorized employee or agent of the department who, in carrying out his or her duties, asks to inspect the register. The operator shall keep the campground register for at least five years after the principal campsite occupant's date of departure from a campsite.
 - r. The operator shall display a durable sign posted in public view with the following wording "EMERGENCY COMMUNICATIONS". The sign shall provide directions to the nearest location where a telephone is available for emergency use.
3. **Application.** In addition to conditional use permit submittal requirements outlined in Table 15.590.1, the following information shall be provided:
- a. Location and size of all vehicle or tent sites, recreation areas, storage areas, roadways, parking areas and all setback dimensions.
 - b. Plans for sanitary sewage disposal, surface drainage, water systems, electrical service and gas service.
 - c. Plans for site lighting.
 - d. Method of disposing of garbage and refuse.
 - e. Road construction plans and specifications.
 - f. Such other information as may be required by the Department.

Effective on: 11/11/2022

15.325 Conservation Design Development

Purpose: The purposes of Conservation Design Developments (CDD) are:

- To provide for the unified development of clustered, residential uses, outside of the state certified agricultural districts, which are designed and located to reduce the perceived density of development, while still providing privacy for dwellings, and incorporate large areas of permanently protected common open space.*
- To allow for the continuation of agricultural uses in those areas best suited for such activities and when adjoining residential uses are compatible with such activities.*
- To maintain and protect St. Croix County's rural character by preserving one or more of these important landscape elements, including but not limited to those areas containing such unique and environmentally sensitive natural features such as woodlands, river and stream corridors, drainageways, wetlands, closed depressions, floodplains, shorelands, prairies, ridgetops, steep slopes, critical species habitat, and productive farmland by setting them aside from development. Such areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the St. Croix County Development Management Plan, are given particular significance for conservation.*
- To connect common open space areas between adjacent properties and create environmental corridors throughout the County. Areas contained in primary and secondary environmental corridors, independent environmental resources and potentially productive agricultural land, as identified by the St. Croix County Development Management Plan, are given particular significance for conservation.*
- To preserve scenic views and to minimize views of new development from existing homes and roads.*
- To provide greater design flexibility in siting dwellings and other development features than would be permitted by the application of standard use regulations to minimize the disturbance of rural landscape elements and sensitive areas, scenic quality, and overall aesthetic value of the landscape.*
- To increase flexibility and efficiency in the siting of services and infrastructure by altering road length, utility requirements, drainage requirements, and the amount of paving required for residential development, where possible.*
- To create groups of dwellings with direct visual and physical access to common open space.*
- To permit active and passive recreational use of common open space by residents of the development and/or the public.*
- To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.*
- To permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.*
- To create a stewardship approach to common open space by requiring a land management plan for the common open space.*

1. Applicability

- This section applies to any Conservation Design Development (CDD).
- The standards in this section replace the underlying zoning district standards.

2. Uses

- Permitted Uses.** Land within a CDD may be used for the following purposes:

- Permitted uses in the residential portion, not the common open space portion, of the Conservation Design Development:

2. Single-family dwelling units and related accessory structures.
 3. Parking areas where necessary to serve single-family dwellings.
 4. Permitted uses in the Common Open Space portion of the Conservation Design Development shall include all uses permitted in the Conservancy District (§ 15.275), except:
 - a. Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish,
 - b. Accessory uses and structures,
 - c. Similar uses to those listed in subsections a and b, and
 - d. golf courses.
- b. **Conditional Uses.** The following uses require a conditional use permit (see § 15.550):
1. Conditional Uses in the residential portion, not the common open space portion of the Conservation Design Development.
 - a. Institutional and government uses.
 - b. Minor home occupations.
 - c. Bed and breakfast establishments.
 - d. Attached single-family residential dwelling units of 2, 3 or 4 dwelling units in one attachment. No more than 25% of the total number of dwelling units in the CDD as identified in the yield plan shall be duplexes, twin homes or attached.
 2. Conditional Uses in the Common Open Space portion of the CDD.
 - a. Conditional Uses allowed in the Conservancy District.
 - b. Equestrian boarding and riding facilities available only to development residents. A [590 Nutrient Management Plan](#) is required.
 - c. Swimming pools available only to development residents.
 - c. **Prohibited Uses.** All permitted, principal, accessory and conditional uses not expressly provided for above are prohibited.
3. **Density Standards.**
- a. **Residential Base Density.** The Residential Base Density, or the base number of allowable dwelling units, is determined by the yield plan pursuant to Ch. 13, St. Croix County Code of Ordinances, § 13.2.C.3. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.
 - b. **Residential Gross Density.** The total number of dwelling units allowed in a CDD is referred to as the Residential Gross Density. This is calculated as the Residential Base Density plus 25% of the number of dwelling units prescribed by the Residential Base Density.

Table 15.325.1 Conservation Design Density Allocation Examples					
Yield Plan	Base Density	Gross Density	Dwelling Units Mix	Sample Breakdown	Totals
18 Lots	18 DU	22 DU	22 SFDU	22 –1-Family Detached DU	22 DU
50 Lots	50 DU	62 DU	47 SFDU + 15 MFDU = 62 DU	47 –1-Family Detached DU 5 –3-Family Attached DU	47 DU + 15 DU = 62 DU
100 Lots	100 DU	125 DU	94 SFDU + 31 MFDU = 125 DU	94 –1 Family Detached DU 7 – 2-Family Attached DU 3 – 3-Family Attached DU 2 – 4-Family Attached DU	94 DU + 14 DU + 9 DU + 8 DU = 125 DU

Table 15.325.1 Conservation Design Density Allocation Examples					
Yield Plan	Base Density	Gross Density	Dwelling Units Mix	Sample Breakdown	Totals
DU = Dwelling Units SFDU = Single Family Detached Dwelling Units MFDU = Multi Family Attached Dwelling Units					

Effective on: 11/11/2022

15.330 Contractor Storage Yards

1. **Applicability.** This section applies to any Contractor Storage Yard.
2. **Permits**
 - a. A Contractor Storage Yard may require a conditional use permit where indicated by the zoning district regulations. If the Contractor Storage Yard does not require a conditional use permit, the property owner shall obtain a land use permit for the Contractor Storage Yard.
 - b. The conditional use permit or land use permit shall be obtained before any new structures are constructed or equipment is stored on the lot.
 - c. The applicant shall not store, erect or employ any structures, services, operations, vehicles or employees not indicated in the approved plans.
 - d. The applicant shall secure all necessary permits and approvals from the Town and obtain any other required local, state, or federal permits and approvals.
3. **Operational Standards**
 - a. The applicant shall maintain the property in a neat and orderly manner.
 - b. Activities are limited to the storage of equipment and vehicles for use off-site. No manufacturing, retail services, or other business services shall take place on the same lot.
 - c. In the R-1 or R-2 districts, hours of operation shall not occur earlier than 6:00 a.m. or later than 7:00 p.m.
4. **Lighting.** To minimize glare, all lighting associated with the Contractor Storage Yard shall be illuminated downward and shielded away from abutting properties and any public road.
5. **Screening.** The applicant shall provide vegetative screening from any abutting lot in the R-1, R-2 or R-3 [Zoning Districts](#).

Effective on: 11/11/2022

15.335 Chickens and Ducks

Purpose: this section provides for the raising of chickens and ducks as an accessory use in a residential district, to allow for local food production while protecting the surrounding neighborhood and environment.

1. **Applicability.** This section applies to the keeping of chickens and ducks in lots less than 3 acres within the residential districts.
2. **Generally.** For purposes of this section, "Chickens" refers to either chickens or ducks.
3. **Standards.**
 - a. The maximum number of chickens allowed is twelve (12) per parcel regardless of how many dwelling units are on the parcel.
 - b. Only female chickens (hens) are allowed.
 - c. Chickens must have wings appropriately clipped to prevent them from flying.
 - d. Chickens must be contained within the parcel at all times. Chickens shall be secured within a henhouse or similar safe enclosure during non-daylight hours.

- e. Henhouses and chicken pens must be located in a rear or side yard, at least ten (10) feet from the property line and at least twenty-five (25) feet from any adjacent residential dwelling, church, school or place of business.

Effective on: 11/11/2022

15.340 Fences and Walls

Purpose: this section regulates fences and walls to preserve the County's rural character, and to prevent the obstruction of motorists' vision.

1. **Applicability.** This section applies generally to fences or walls. Any conflicting provisions in the zoning district regulations, another Use Regulation, or a Development Standard supersede this section.
2. **Location.** Fences and walls may be located in any required yard area.
3. **Height.** Fences shall not exceed:
 - a. 8 feet in height when located along a lot line that does not abut a road or street, or
 - b. 3½ feet when located along a lot line that abuts a road or street, or
 - c. 2½ feet when located within a vision triangle (§ 15.405), or
 - d. 8 feet or as required by state law for partition fencing or fencing of farm-raised deer pursuant to Wis. Stat. Chapter 90.
4. **Design.** The finished side of the fence shall face outward toward the public right-of-way and/or adjacent parcel.
5. **Chain Link Fences.** Chain link fences up to 8 feet in height, that can be seen through, may be located in all of the locations described above except a vision triangle. This does not supersede any requirements of the Shoreland Overlay (SO) or Lower St. Croix Riverway (SCR) overlay districts.

Effective on: 12/1/2019

15.345 Home Occupations

Purpose: *the purpose of this section is to:*

Protect residential and agricultural areas from adverse impacts of activities associated with home occupations;

Permit residents of the community an opportunity to conduct a business at their place of residence; and

Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in the Residential Rural (R-1), Residential Neighborhood (R-2), Residential Mixed (R-3), and Agricultural (A-1 and A-2) districts.

Provide for certain types of restricted occupational uses within the Residential Rural (R-1), Residential Neighborhood (R-2), Residential Mixed (R-3), and Agricultural (A-1 and A-2) districts which:

- *Are incidental to the use of the premises as a residence or a farm;*
 - *Are compatible with residential or agricultural uses;*
 - *Are limited in extent; and*
 - *Do not detract from the residential or agricultural character of the neighborhood.*
1. **Applicability and Definitions.** This section applies to any home occupation. Home occupations are divided into minor, major, and nonconforming home occupations, defined as follows:
 - a. A **minor home occupation** is a home occupation as defined in subsection 3 authorized by this section without a hearing or permit.
 - b. A **major home occupation** is a home occupation as defined in subsection 4 that is authorized as a conditional use.
 - c. A **nonconforming home occupation** is one which was established and maintained prior to the effective date of this section but is no longer allowed because of the application of this section or any amendment hereto.
 2. **General Standards.** The following standards apply to all home occupations:

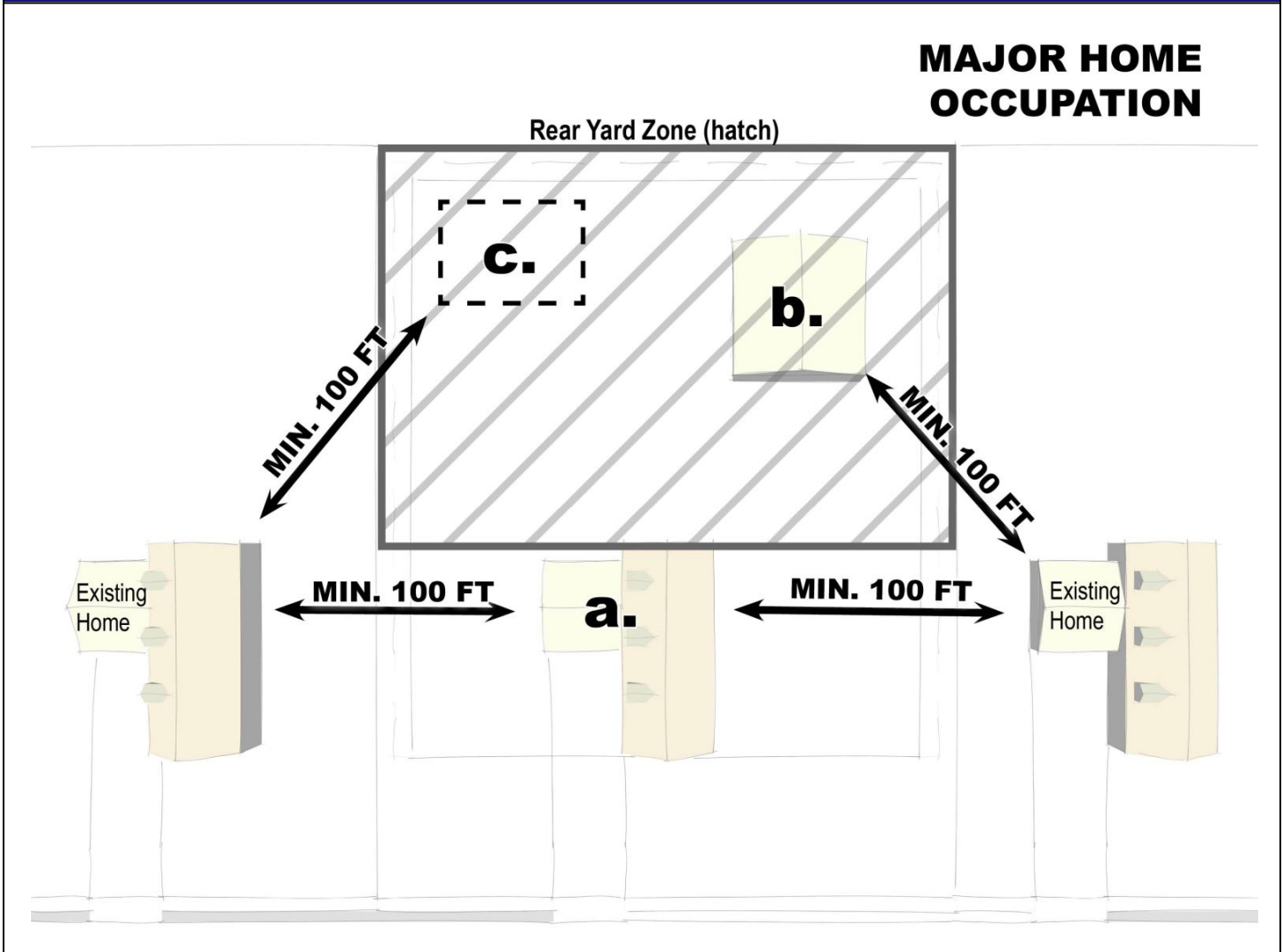
- a. The person principally responsible for the home occupation must reside at the location of the proposed home occupation.
- b. All home occupations shall be clearly incidental and secondary to the use of a dwelling or accessory structure for residential or agricultural purposes, and the appearance 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.
- c. 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.
- d. A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.
- e. Storage
 1. There shall be no exterior storage of business equipment, merchandise, inventory, vehicles or heavy equipment.
 2. Materials, including organic materials such as rock or plants, may be stored within the permitted home occupation area (see subsection 4.c.1.c below) outside of an enclosed structure.
 3. There shall be no exterior storage of junk.
- f. Home occupations shall not produce noise or objectionable odors, vibrations, glare, fumes or electrical interference detectable beyond the lot line of the parcel on which the home occupation is located.
- g. Home occupations shall not illegally discharge any materials, fluids or gases into the sewer system or into an on-site waste disposal system nor discharge such items in violation of any applicable government code.
- h. Garage sales, craft sales or other similar sales are permitted without special permit if they meet the following standards:
 1. Sales last no longer than three days.
 2. Sales are held no more than twice yearly.
 3. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
 4. No goods purchased for resale are offered for sale.
 5. No consignment goods may be offered for sale.
- i. Sign(s) as allowed as provided in § 15.380.

3. **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 person other than a resident of the principal dwelling may be engaged or employed in a minor home occupation.
 3. The area set aside for the home occupation shall not exceed 50% of the total floor area of the residence.
 4. The selling of stocks of merchandise, supplies or products is not conducted on the premises. However, orders previously made by internet, telephone or at a sales party may be filled on the premises. That is, the direct sale of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.
 5. Parties for the purpose of selling merchandise or taking orders are not held more than 4 times each month.
- b. Permitted minor home occupations include, but are not limited, to the following:
 1. Dressmaking, sewing and tailoring;
 2. Painting, sculpturing or writing;

3. Telephone answering or marketing;
 4. Home crafts for sale off-site;
 5. Tutoring for up to three (3) students at a time;
 6. Home cooking and preserving for sale off-site;
 7. Computer programming, data entry or other data processing services; and
 8. Secretarial services.
- c. In the AG-1 and AG-2 district, Minor Home Occupations are allowed if they:
1. comply with all applicable requirements of this section, and
 2. do not impair or limit current or future agricultural use of the farm on which they are performed, and
 3. do not engage or employ any persons other than the residents of the principal residence located on the farm, and
 4. comply with [Wis. Stat. § 91.01\(1\)](#).
4. **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:
 - a. within the principal dwelling if the area set aside for the major home occupation does not exceed 50% of the total floor area of the principal dwelling, **or**
 - b. within a permitted accessory structure (alone or in combination with the principal dwelling), if the total floor area dedicated to the home occupation, including any area used in the principal dwelling, is limited to 1,500 square feet, **or**
 - c. in the rear yard (alone or in combination with the principal dwelling or a permitted accessory structure);
 1. if no mechanized equipment is used outside of an enclosed structure, and
 2. the cumulative area of the home occupation does not occupy an area exceeding the lesser of 1,500 square feet or 5% of the rear yard.
 2. Major home occupations may not be located within 100 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 2 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.

Figure 15.345.1 Major Home Occupation Dimensional Standards



- Inspections.** There may be 1 annual inspection each year of any authorized home occupation by the Zoning Administrator or his designee. In addition, the Zoning Administrator or his designee may at any time, upon reasonable request, enter and inspect the premises for safety and compliance purposes.

Effective on: 11/11/2022

15.350 Housing

Purpose: this section -

- Accommodates housing types that diversify St. Croix County housing stock, provide a broad choice of housing types, and affordable housing options, and
 - Promotes the efficient use of land as a result of housing sizes and configurations that provide living arrangements in compact land areas, and
 - Ensures that multifamily dwellings, small homes, and manufactured homes do not change the character of the districts in which they are located and are compatible with other uses in their neighborhood.
- Applicability.** This section applies to single family detached units, two-family and multifamily units, manufactured homes and caretaker units as specified below.

2. **Dwelling Unit Area.** Every dwelling unit shall provide the following minimum floor area for each family residing in the building:

Table 15.350 Dwelling Unit Size	
Unit Type	Minimum Size
Single Family, Detached Units	720 sf on main floor
Two-Family and Multifamily Units	500 sf

3. **Multifamily Dwellings**

- a. Where allowed. Multifamily dwellings are a permitted use in the R-3 district
- b. Landscaping and Screening. All Multifamily structures shall meet landscaping requirements as described in 15.420.

4. **Manufactured Homes**

- a. **Where Allowed.** Manufactured Homes are permitted in all districts where Single-Family Dwellings are permitted, to include the AG-1, AG-2, R-1, R-2, R-3, and C-2 Districts, subject to the supplemental regulations in this subsection.
- b. **Installation.** A Manufactured Home shall comply with the installation standards established by the Wisconsin Department of Safety and Professional Services.
- c. **Foundation.** A continuous permanent masonry foundation or masonry curtain wall slab, unpierced except for required ventilation and access, shall be installed under the perimeter of Manufactured Home.
- d. **Moving Equipment Removed.** The moving hitch, transporting lights, wheels and axles shall be removed.

5. **Caretaker Units**

- a. **Where Allowed.** Caretaker Units are allowed as an accessory use to a Self-Storage Facility.
- b. **Number Allowed.** Only one Caretaker Unit is allowed on a lot.
- c. **Location.** Caretaker Units shall be interior and attached to the Self-Storage Facility.
- d. **Setbacks.** The caretaker unit shall conform to side and rear yard setbacks.
- e. **Height.** The caretaker unit shall not exceed 2 stories or the height of the principal dwelling unit, whichever is less.
- f. **Number of Bedrooms.** Caretaker Units shall have no more than 3 bedrooms.
- g. **Parking.** Parking may be provided as part of the parking area for the Self-Storage Facility. No additional parking is required.
- h. **Ownership.** A Caretaker Unit shall be owned by the same person or entity who owns the Self-Storage Facility and shall not be sold separately from the remainder of the property.

Effective on: 11/11/2022

15.352 Salvage Operations

- 1. **Applicability.** This section applies to all salvage operations.
- 2. **Standards.**
 - a. Commercial salvage operations are permitted only as a conditional use and only in the R-1, C-1, I-1 and I-2 districts.
 - b. No portion of any salvage operation may be located in the street yard, meaning between the primary structure and the street.
 - c. Salvage materials shall be enclosed by an opaque fence and/or year-round vegetative screening so that materials are not visible from other property in the vicinity of the salvage operation nor from a public road nor from navigable water. The fence or vegetative screen shall not exceed twelve (12) feet in height and shall be properly maintained to satisfy the screening objective.
 - d. Salvage material items being stored shall not exceed 12 feet in height.

- e. Salvage materials shall not be located within 500 feet of any residence other than that owned by the owner of the premises and 1,000 feet from a lake, river or stream.
- f. Salvage material shall not be located in a wetland, floodplain, intermittent stream, drainage way or storm water basin.
- g. For fire protection, an unobscured fire break shall be maintained, 15 feet in width and height and completely surround the salvage operation.
- h. No item may be stored within the salvage operation that contains hazardous materials that could contaminate the soil or water. All liquids shall be drained from any containers, vehicles or equipment.
- i. At a minimum, there shall be five feet of soil between the water table or bedrock.

Effective on: 12/1/2019

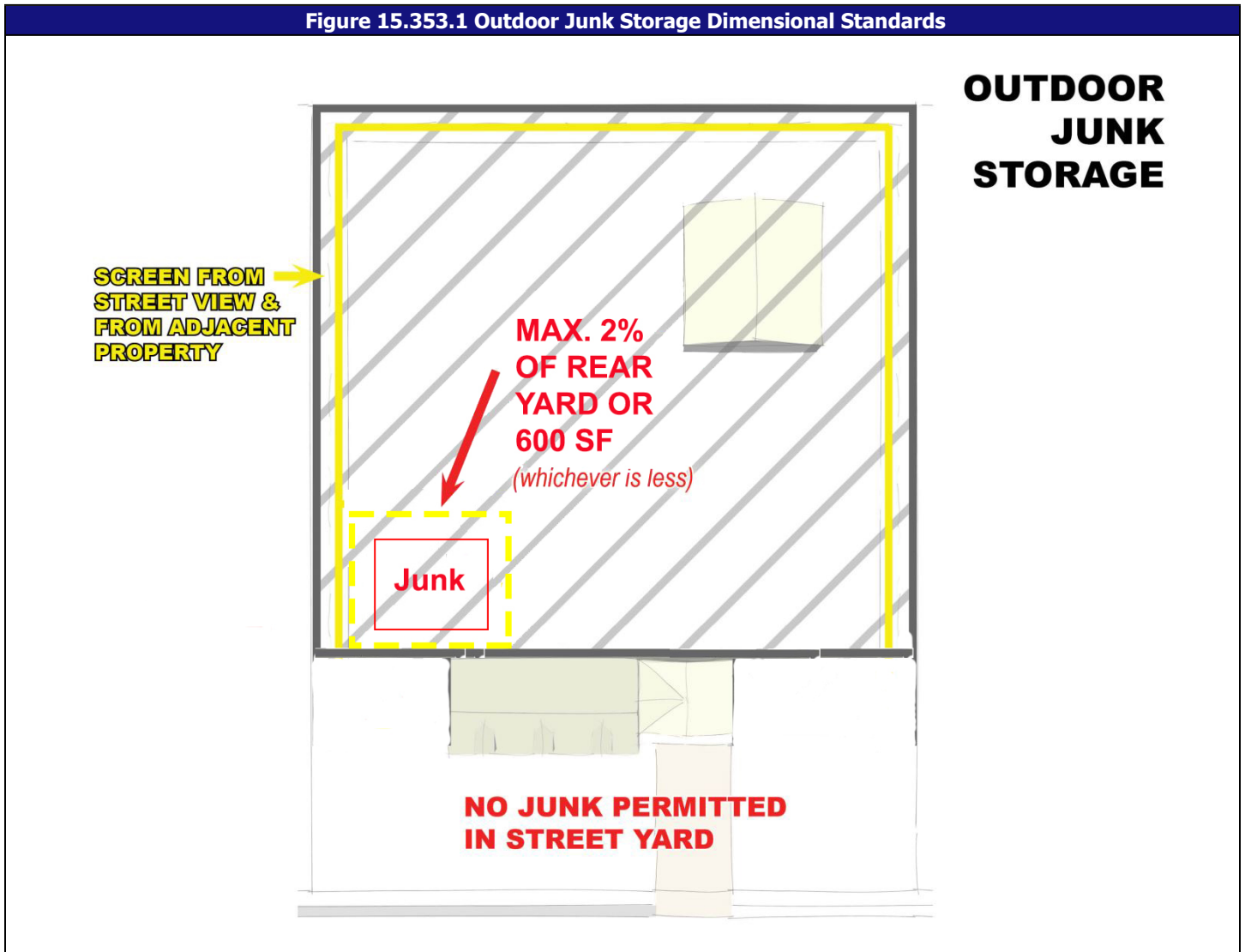
15.353 Junk

Purpose: this section provides for the regulation of junk, when stored outdoors, in order to protect the general health and welfare of the community. Junk stored outdoors can cause soil and water contamination, cause negative impacts to surface waters and groundwater, decrease property values, and have negative impacts on the aesthetics of an area or neighborhood.

1. **Applicability.** Specifically, but not limited by enumeration, the following items meet the definition of junk as defined in Section 15.805:
 - a. Motorized vehicles or motorized equipment of any type, if not currently capable of motorized operation including, but not limited to, cars, vans, trucks, recreation vehicles, watercraft, motor homes, lawn mowers, snow blowers, outboard motors, go-carts, mopeds, scooters and minibikes
 - b. Non-motorized vehicles intended to transport persons or property on a road or highway, including trailers and bicycles, if not currently safe to use on the road.
 - c. Vehicle parts
 - d. Tires, with or without rims
 - e. Interior appliances and electronic equipment not in use including, but not limited to, cooktop range and ovens, refrigerators, dishwashers, fans, clothes dryers, clothes washers, microwaves, televisions, screens, audio equipment, computers, arcade games and vending machines
 - f. Interior plumbing and mechanical fixtures not in use including, but not limited to, toilets, sinks, piping, bath tubs, tub surrounds, water heaters/tanks, water softeners, humidifiers, dehumidifiers, wood-burning stoves, furnaces and related piping and ductwork
 - g. Interior furniture that is abandoned, discarded or damaged including, but not limited to, sofas, recliners, mattresses, bed frames, dressers, credenzas, desks, tables and chairs
 - h. Outdoor recreation equipment that is disassembled or broken including, but not limited to, trampolines, above-ground swimming pools, swimming pool components and patio furniture
 - i. Building components or construction materials not installed or in use including, but not limited to, doors, windows, siding, shingles, lumber and flooring
 - j. Outdoor fixtures or containers not currently in use including, but not limited to, fuel tanks, propane tanks, liquid barrels and air conditioners
 - k. Scrap metal, plastic, glass or wood not in use
 - l. Any other item similar in nature to the above list
2. **Standards**
 - a. The accumulation of junk outdoors is prohibited in any zoning district.
 - b. **Exceptions.** The accumulation of certain junk items is permitted in the rear yard if it meets the following:
 1. The items are unbroken and intended to be put to use

2. Screened from ordinary public view and from neighboring property by means of opaque fencing and/or year-round vegetative screening or other appropriate means not to exceed eight (8) feet in height
3. Items being stored shall not exceed eight (8) feet in height
4. Located in the rear yard
5. If the property is vacant, or does not have a primary building located on the lot, the rear yard area shall begin 100 feet from the front lot line.
6. Located in one (1) contiguous area
7. The area does not exceed the lesser of 600 square feet or 2% of the area of the rear yard
8. No item may be stored within the designated storage area that contains hazardous materials that could contaminate the soil or water. All liquids shall be drained from any containers, vehicles or equipment
9. Stored items shall not be located in a wetland, floodplain, intermittent stream, drainage way or storm water basin

Figure 15.353.1 Outdoor Junk Storage Dimensional Standards



15.355 Kennels, Commercial

1. **Applicability.** This section applies to Commercial Kennels:
2. **Location**
 - a. Kennels are prohibited in major subdivisions.
 - b. Kennel structures shall be set back at least 300 feet from all property lines, or 200 feet by conditional use permit if additional standards are met.
 - c. Kennel structures shall be located at least 50 feet from any potable water supply well.
3. **Standards**
 - a. Kennel structures housing animals shall provide soundproofing so that animal noise cannot be heard beyond owner's lot lines.
 - b. All animals shall be housed indoors from 9:00 p.m to 6:00 a.m.
 - c. There shall be no more than the following number of adult dogs or cats, six months of age or older, outdoors at any one time:
 1. 16 in the AG-1, AG-2, C-1, or C-3 districts. Up to four (4) animals per dog/cat run enclosure not exceeding four (4) runs per commercial kennel operation.
 2. 6 in the R-1 District. Up to two (2) animals per dog/cat run enclosure not exceeding three (3) runs per commercial kennel operation.
 - d. The operator shall provide a plan for animal waste management to ensure timely collection and safe disposal. This requirement is intended to address site odor, stormwater runoff contamination and public health protection.
 - e. Additional standards to allow lesser setbacks for outdoor kennels:
 1. Views of outdoor kennel structures shall be entirely obscured from the property line through a combination of walls, berms, fences and/or landscaping.
 2. Barking and other noises shall be mitigated through the use of walls, berms, fences, bark suppression collars and/or landscaping.

Effective on: 12/1/2019

15.360 Livestock Facilities

Purpose: this section provides for livestock facilities that support the County's agricultural economy, allow a reasonable economic return for agricultural property owners, protect surrounding neighborhoods, and minimize the environmental and public health impacts of intensive livestock facilities.

1. **Applicability.** This section applies to all animal units, except household pets, in all districts.
2. **Generally**
 - a. Except for chickens and ducks as permitted under [15.335](#), no animal units may be kept on lots or parcels less than 3 acres, nor on lots or parcels in a major subdivision unless provided for in the plat.
 - b. No livestock facility with 200 or more animal units shall be permitted in the R-2 district.
 - c. 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 3 acres or more in size. Land suitable for animal waste utilization excludes:
 1. wetlands or lands below the OHWM,
 2. closed depressions,
 3. slopes in excess of 25%, and
 4. other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.
3. **Permitted Districts and General Standards**

Table 15.360.1 Livestock Facility Locations and Standards				
Standard	Livestock Facility Threshold (AU = animal unit)			
	< 1 AU per acre of land suitable for animal waste utilization or < 200 AU	> 1 AU per acre of land suitable for animal waste utilization and < 200 AU	< 1 AU per acre of land suitable for animal waste utilization and 200-499 AU	≥ 1 AU per acre of land suitable for animal waste utilization or ≥ 500 AU
Land Use Permit Required?	No		No (A-1, A-2, R-1)	Yes (A-1, A-2)
Conditional Use Permit Required?	No	Yes (R-2)	No	Yes (R-1)
Wisconsin Administrative Code Ch. ATCP 151, Livestock Facility Siting				*
Wisconsin Administrative Code Ch. NR 243, Animal Feeding Operations	*	*	*	*
Wisconsin Administrative Code Ch. NR 151, Runoff Management	*	*	*	*
Ch. 11, St Croix County Code of Ordinances, Animal Waste Storage Facilities	*	*	*	*
Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management	*	*	*	*
Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 318, Short Term Storage of Animal Waste and By-Products	*	*	*	*
* = standard is required blank cell = standard is not required				

4. **Minimum Parcel Size.** Minimum parcel size for any livestock facility exceeding 199 AU in the R-1 or R-2 districts is 10 acres.

5. **Structure Setbacks**

a. **Agricultural Districts.** The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the **A-1 and A-2** Districts.

1. 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 1000 animal units.
2. 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 1000 animal units or more.
3. 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:
 - a. The animal waste storage structure existed prior to May 1, 2006.
 - b. 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.
4. 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:
 - a. The animal waste storage structure existed prior to May 1, 2006.
 - b. 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.

- b. **Residential (R-1 and R-2) Districts.** The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the R-1 and R-2 Residential Districts.
1. 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 500 animal units.
 2. All livestock structures must be set back at least 200 feet from any property line or 150 feet from any public road right-of-way for lots or parcels with 500 or more animal units.
 3. 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.
- c. **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.

Effective on: 12/1/2019

15.365 Mobile Tower Siting

Purpose and Findings:

The Board of Supervisors hereby finds as follows:

- *Mobile service facilities and support structures provide an important infrastructure for a wide variety of communication tools for emergency services providers, businesses and the public.*
- *Mobile service facilities and support structures can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for mobile support structures that are structurally inadequate, and for mobile support structures that exceed 200 feet in height.*
- *Radio broadcast services and facilities provide the public with the regular provision of commercial and noncommercial service involving the transmission, emission or reception of radio waves for the transmission of sound or images for direct reception by the general public.*
- *Radio broadcast services and facilities are an essential infrastructure for radio and television broadcasts which are utilized extensively by businesses and the public.*
- *Wis. Stats. §§ 66.0404 and 66.0406 limit the authority of local government to regulate mobile service facilities and support structures and radio broadcast services and facilities.*
- *If oversized, mobile support structures can have an adverse impact on the value of nearby property.*

The purpose of this section is to:

- *Accommodate communication, radio and television generation needs while protecting the public health, safety and welfare.*
 - *Minimize adverse visual impacts of the associated ground structures with screening requirements.*
 - *Minimize adverse impacts of such structures on the value of nearby property.*
1. **Title.** This section shall be cited as: Section 15.365, St. Croix County Mobile Tower Siting.
 2. **Statutory Authorization.** Except as otherwise noted, this Section is adopted through powers granted in Wis. Stat. § 59.69 for the purpose of implementing Wis. Stats. §§ 66.0404 and 66.0406.
 3. **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 subsections 3.b and c below, Mobile Support Structures and Radio and Television Broadcasting Studios are permitted in all [Zoning Districts](#), with a Land Use Permit.

- b. **Mobile Support Structures in Floodplain Overlay District.** The County is required by Wis. Stat. § 87.30 and Wisconsin Administrative Code NR 116 to adopt and enforce its floodplain zoning ordinance, which is codified as Section 15.270. In addition, the placement of electrical and mechanical equipment in a floodplain is regulated by SPS 321.33(5) of the state's construction standards. Nothing in this Section shall alter or affect the obligations arising from any of those provisions.
- c. **Mobile Support Structures in The Public Right-of-Way.** Pursuant to the County's authority under Wis. Stat. § 59.54(6), 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 section:
 - 1. Amateur Radio Antennas constructed for use by licensed amateur radio operators up to:
 - a. 60 feet high, or
 - b. 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.

4. **Permit Process**

- a. **Permit Required.** A land use permit is required for a new mobile support structure and facilities, a Class 1 Co-Location or a Class 2 Co-Location.
- b. **Land Use Permit Application for a Mobile Support Structure & Facilities, a Class 1 Co-location or a Class 2 Co-location**
 - 1. A properly completed application for a land use 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 County.
 - 2. The application must be signed by both the property owner and the applicant or his/her agent.
 - 3. The information required by § 15.590 shall be provided for new mobile support structures and facilities and Class 1 Co-Locations.
- c. **Permit Decision & 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 or Class 1 co-location, which contains all of the information required under this ordinance, 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 Zoning Administrator 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 90-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 section, 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 land 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 & Appeal Process for Class 2 Co-locations**

1. If an applicant submits to the department an application for a permit for a Class 2 co-location, which contains all of the information required by § 15.590, 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 5 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 Zoning Administrator 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 45-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 relevant permit.
 - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

5. Standards

- a. **Setbacks.** The setback for mobile service support structures and facilities shall meet the provisions of § 15.242.
- b. **Aeronautical Safety.** The County 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 C.F.R. 17.7(b)] that is above an imaginary surface extending outward and upward at any of the following slopes:
 - a. 100 to 1 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 kilometers (3,200 feet) in actual length, excluding heliports.
 - b. 50 to 1 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 kilometers (3,200 feet) in actual length, excluding heliports.
 - c. 25 to 1 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 & Facilities.** Any mobile support structure and facilities which is not used for the use for which the permit was granted for 12 consecutive months must be removed and the site restored within 3 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 8 feet below grade. If removal and restoration are not completed, the County 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 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 6 foot high coniferous trees to provide 80% opacity 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 6-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 acknowledgment 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 subsection 5.c of this section.
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 a 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 land use permit issued under this section shall commence within 1 year from the date of approval and be substantially completed or implemented within 2 years.
2. Applicants can request extensions of one or both deadlines, for periods up to 6 months, from the Zoning Administrator.
3. The total time granted for extensions shall not exceed 6 years.

g. Permit Revocation. Where the terms or conditions on any land 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 31st, a transmission facility information report, on a county- 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 2-year renewal of the performance bond in a form acceptable to the Zoning Administrator in an amount sufficient to provide for removal of the wireless mobile support structure and facilities. The bond amount is a maximum of \$20,000.

i. Safety Inspection. If the county 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 County that an inspection is required.

6. Effective Date. This Section is effective on August 15, 2017.

Effective on: 11/11/2022

15.370 Nonmetallic Mining

Purpose: *Nonmetallic Mining is permitted as a conditional use or a temporary use in the AG-2, R-1, and I-2 districts and is regulated by Chapter 14 of the County Code of Ordinances. This section protects public health, safety and general welfare and ensures that Nonmetallic Mining is compatible with the applicable district, while accommodating these uses as an important industry that contributes to the County's economic well-being.*

1. **Applicability.** This section applies to Nonmetallic Mining.
2. **General Standards.** Non-metallic mining operations shall comply with:
 - a. Chapter 14 of the County Code of Ordinances, and
 - b. Wis. Stat. Chapter 295, subchapter I, and rules promulgated under that subchapter as well as with local ordinances adopted under Wis. Stat. §§ 295.13 or 295.14,
 - c. applicable provisions of this Section, and

- d. any requirements of the State Department of Transportation concerning restoration of nonmetallic mineral mine sites.
3. **AG-2 District.** In the AG-2 district, the applicant shall demonstrate that:
 - a. The operation and its location:
 1. considered alternative locations outside of the AG-2 District, or
 2. is specifically approved for the location under state or federal law.
 - b. The operation is reasonably designed to minimize the conversion of land around the mine site from agricultural or open space uses to other land uses.
 - c. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - d. The owner or operator will restore the mine site to agricultural uses, consistent with a reclamation plan calling for such type of restoration once the nonmetallic mineral mining operation has been completed.
4. **Temporary Nonmetallic Mining.** Temporary Nonmetallic Mining operations are allowed if the operation:
 - a. Extracts a total of 10,000 cubic yards or less of material, and
 - b. does not exceed 60 days in duration, and
 - c. obtains a Land Use Permit in accordance with § 15.555.

Effective on: 12/1/2019

15.371 Private One-Room Schoolhouse

1. **Applicability.** This section applies to any one-room structure used for private religious and educational instruction.
2. **Standards.**
 - a. Maximum capacity of 37 occupants.
 - b. The use shall comply with St. Croix County sanitary wastewater requirements.

Effective on: 11/11/2022

15.373 Roadside Stands

Purpose: This section provides for the regulation of structures near the public right-of-way used to sell farm products and agriculture goods, to enable that use while protecting rural character and roadway safety.

1. **Applicability.** This section applies to any structure in a street yard used to sell farm products
2. **Standards.**
 - a. The maximum ground area covered by a roof shall be 300 sq. ft.
 - b. The structure shall not be permanently fixed to the ground and shall be readily removable in its entirety.
 - c. The structure shall not be fully enclosed.
 - d. The structure shall be used solely for the sale of farm products produced on the premises or adjoining premises.
 - e. The structure shall be sited to allow vehicles to safely exit and enter the public roadway. Vehicles should be able to turn around on the parcel before exiting.

Effective on: 12/1/2019

15.375 Short-Term Rentals

Purpose: This section identifies County and State regulations allowing for the short-term rental of principal residential dwellings.

1. **Applicable Regulations.** Short-Term Rentals are regulated by Wis. Admin. Code Ch. [ATCP 72](#) Hotels, Motels and Tourist Rooming Houses and also by Wis. Stat. § 66.1014.
2. **Registration and Licensing.** The owner of a Short-Term Rental Property shall annually obtain a tourist rooming house license from the Department of Agriculture, Trade and Consumer Protection. These licenses are locally issued by the St. Croix County Public Health Department - Licensing and Inspections. The license year for all licenses is from July 1 to June 30 of the following year.

Effective on: 11/11/2022

15.380 Signs

Purpose and Findings:

The Board of Supervisors finds that:

- *Exterior signs have a substantial impact on the character and quality of the environment.*
- *Signs provide an important medium through which individuals may convey a variety of messages.*
- *Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety threat is particularly great for signs that are structurally inadequate, or that may confuse or distract drivers or pedestrians, or that may interfere with official directional or warning signs.*
- *Signs can also threaten the public welfare by creating aesthetic concerns and detriments to property values. Such aesthetic concerns and detriments to property values are particularly great when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or views, or when one or more signs add or increase commercialism in noncommercial areas.*
- *The ability to erect signs serving certain functions, such as an address sign or a sign announcing that the property on which it sits is for sale or for lease or a sign used to indicate areas not available (or available) for public use, is an integral part of nearly every property owner's ability to realize the fundamental attributes of property ownership. The same cannot be said for signs serving other functions, such as billboards erected so as to be visible from public rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that location by the public's substantial investment in rights-of-way and other public property.*
- *Signs serving certain other functions, such as small off-premise signs that are in place for fewer than four days, are necessary to enable visitors or residents to efficiently reach their intended destinations. Experience teaches that citizens often plan as if such signs will be present in those settings, so in the absence of such signs, frustration and disorientation will result, and time and fuel will be wasted.*
- *No signs that exceed the size or spacing limitations of this section constitute a customary use of signage in the County.*
- *The County's land-use regulations have included the regulation of signs in an effort to foster adequate information and means of expression and to promote the economic viability of the community, while protecting the County and its citizens from a proliferation of signs of a type, size, location and character that would adversely impact upon the aesthetics of the community or threaten health, safety or the welfare of the community. The appropriate regulation of the physical characteristics of signs in the County and other communities has had a positive impact on the safety and the appearance of the community.*
- *The County, in the establishment of an Adult Establishment regulations (§ 15.310), identified its intent to protect the health, safety, general welfare and morals of the residents of St. Croix County, to preserve the quality of family life, to preserve the rural and urban characteristics of its neighborhoods in St. Croix County and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment upon minors and the criminal activity and disruption of public peace associated with such establishments, while also giving due consideration to civil rights of persons partaking in such entertainment, it continues to be the intent of the Adult Establishment regulations and this section to regulate the advertisement of such establishments of adult entertainment.*

The purpose of this section is to:

- *Regulate signs in a manner that does not create an impermissible conflict with statutory, administrative, or constitutional standards, or impose an undue financial burden on the County.*
- *Provide for fair and consistent enforcement of the sign regulations set forth in this section under the zoning authority of the County.*
- *Improve the visual appearance of the County while providing for effective means of communication and orientation, particularly in those settings in which the need for such communication or orientation is greater, consistent with constitutional guarantees and the County's Findings and other Purposes.*
- *Maintain, enhance and improve the aesthetic environment of the County, including its scenic views and rural character consistent with the St. Croix County Comprehensive Plan and the purpose of each zoning district, by preventing visual clutter that is harmful to the appearance of the community, protecting vistas and other scenic views from spoliation, and preventing or reducing commercialism in noncommercial areas.*
- *Regulate the number, location, size, type, illumination and other physical characteristics of signs within the County in order to promote the public health, safety and welfare.*

1. **General Provisions**

a. **Applicability.** This subsection applies to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided by this section.

b. **Substitution Clause & Sign Content**

1. Subject to the landowner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any provision to the contrary in this ordinance. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.
2. All noncommercial speech is considered on-premise signage and is entitled to the privileges that on-premise signs receive under this section.
3. No commercial speech is allowed on a sign, other than a message drawing attention to a business or service legally offered on the premises, except as allowed in subsection 3.d.

c. **Signs in the Public Right-of-way**

1. No sign or its structural components shall be erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property, except for the following, which may be placed without a permit:
 - a. Public signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to posting legal notices, identifying property, or to direct or regulate pedestrian or vehicular movements or pertaining to traffic control or safety.
 - b. Signs, red reflective with white lettering, maximum size 20 inches wide by 12 inches high, if they are located to the right of the driveway (to a person facing the driveway from the road) at the right-of-way line, and parallel to the road.
 - c. Signs posted or placed by a public utility or communications franchise holder near one or more of its poles, lines, pipes or facilities.
 - d. Signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way, to ensure safety.
2. Unauthorized signs erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property may be removed by the County or town in which the sign is located at the sign owner's expense.

d. **Signs Exempt from Regulation.** The following signs are exempt from regulation under this section:

1. Incidental signs.

2. Interior signs located completely within a building and not visible from outside the building.
 3. Up to three flags on a single lot or parcel containing only non-commercial speech the combined area of which is less than 100 square feet in size. Flags not within this definition are deemed freestanding signs subject to permit. For purposes of this paragraph, a "single lot" includes but is not limited to an area to which a member of a condominium association, cooperative association, or residential real estate management association has a separate ownership interest or a right to exclusive possession or use.
 4. Signs that are traffic control devices and are permitted or allowed by the Wisconsin Manual on Uniform Traffic Control Devices published by the Wisconsin Department of Transportation.
 5. Governmental signs erected by or on behalf of a government body to carry out an official duty or responsibility, including but not limited to posting legal notices, identifying public property and indicating a public use, except for such signs in the Lower St. Croix Riverway Overlay District (see subsection 2.f.4 below).
 6. Temporary freestanding signs, containing no commercial speech, two square feet or less in size in farm fields.
 7. Temporary freestanding signs, containing no commercial speech, 36 square inches or less in size in any lawn.
- e. **Suspension Of Certain Size, Shape, Placement and Content Restrictions During an Election Campaign Period**
1. Subject only to the exceptions in subsection 5. below, during an election campaign period, signs containing noncommercial speech may be placed upon residential property notwithstanding any other restriction in this section of the size, shape, placement or content of any sign.
 2. For purposes of this subsection, "**election campaign period**" means:
 - a. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required and ending on the day of the election.
 - b. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
 3. If the owner of the property has rented some or all of the property to another, the renter may exercise the right in any area of the property that he or she occupies exclusively, and the owner of residential property may exercise the right in any portion of the property not occupied exclusively by a renter. The terms of a lease or other agreement under which the residential property is occupied shall control in determining whether property is occupied exclusively by a renter.
 4. If another part of this section, including the substitution clause provisions of subsection 1.b, creates a right to erect or display a particular type of sign, this subsection does not in any way limit the exercise of that right, whether or not the sign is erected or displayed during an election campaign period.
 5. Exceptions
 - a. No owner or renter may place a sign that is contrary to a size, shape, or placement regulation of this section if:
 1. Such regulation is necessary to ensure traffic or pedestrian safety, or
 2. The sign has an electrical, mechanical or audio auxiliary.
 - b. This section shall not affect the County's authority to enforce any regulation against a sign that is prohibited from being erected or displayed under Wis. Stat. §§ 13.02, 12.035, or 84.30.
- f. **Prohibited Signs.** All signs, other than those permitted herein, shall be prohibited, including but not limited to:
1. Signs that fail to satisfy one or more of the applicable regulations set forth in subsections 1 and 2.
 2. Beacons, except those associated with emergencies and aircraft facilities.
 3. Bench signs.
 4. Bus shelter signs.
 5. Flying signs, such as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or hot air means that are attached to the property, ground or other permanent structure.

6. Inflatable signs that are attached to the property, ground or other permanent structure, including but not limited to balloons.
7. Signs and components and elements of faces of signs that move, shimmer, or contain reflective devices.
8. Signs which emit any odor, noise or visible matter other than light.
9. Signs painted directly on a building, fence, tree, stone or similar object, except those on windows or buildings as allowed in subsections 3.a and 3.b.5.
10. Off-premise signs, except as allowed in subsections 1.e, 3.d and 4.a.
11. Pornographic signs.
12. Portable signs.
13. Protruding Building signs and Perpendicular Building signs except as allowed in subsections 3.b.5.f.2 and 5.
14. Roof signs.
15. Signs on utility poles.
16. No advertising message or sign shall be affixed to any transmission facility.
17. A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in that location is its use as a sign.

2. Standards

a. Placement Standards

1. Signs shall not be placed on any property without the property owner's written approval.
2. Building signs shall be placed below the roof line.
3. No person shall place a sign which will obstruct or interfere with a driver's or pedestrian's ability to see a road, highway, traffic sign, signal, railway crossing, crossroad or crosswalk. No sign or its structural components shall be erected or temporarily placed within the vision triangle of a road or highway.
4. Double faced signs shall be placed back-to-back (parallel) with not more than 18 inches between facings.

b. Dimensional Standards

1. Every portion of any sign and its structural components and mounting devices must meet the specified setbacks.
2. Signs shall be set back at least 10 feet from any right-of-way.
3. Signs shall be set back at least 20 feet from all side and rear yard lot lines.
4. Signs over 100 square feet shall be at least 500 feet from any preexisting residence or residential district.
5. Freestanding sign(s) shall be separated from other structures by a minimum of 10 feet, measured from edge of roof overhang to sign.
6. The maximum height of any freestanding sign shall be 20 feet above the average elevation at the site of the sign.
7. Sign area or size will be measured by the smallest square, rectangle or combination thereof which will encompass the entire sign, including the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. It will not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this Section.
8. Multi-faced signs shall not exceed 2 times the allowed square footage of single-faced signs.

c. Illumination Standards

1. Externally illuminated signs shall have a shielded light source which is downward directed.
2. Illuminated signs shall be designed so as not to direct any light or produce glare onto adjacent properties or toward navigable waters.

3. The County may specify the hours a sign may be illuminated and limit its brightness while illuminated. The hours of illumination or brightness limitations may be established at any time, including during the life of the sign.
4. The lighted portions of an auxiliary canopy shall be backlit and considered sign area, which will be limited by the wall sign regulations of the underlying zoning district.
5. Signs and sign components and elements of faces of signs shall not flash, move, travel or use animation.
6. Unless a sign's only illumination is external and uncolored, the following additional regulations shall also apply to that sign:
 - a. No illuminated off-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted.
 - b. No illuminated on-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted.
 - c. A sign that regularly or automatically ceases illumination for the purpose of causing the color or intensity to have changed when illumination resumes shall fall within the scope of the prohibitions of subsections a and b above.
 - d. The scope of subsection 6's prohibitions include, but are not limited to, any sign face that includes a video display, LED (Light Emitting Diode) lights that change in color or intensity, 'digital ink,' and any other method or technology that causes the sign face to present a series of two or more images or displays, except for the following:
 1. A change in the image or display that is limited to once every one (1) minute period.
 2. The images or messages displayed between the transition are static and each transition from one display to the next is instantaneous and without special effects (e.g. scrolling messages or flashing messages).
 3. The images or messages displayed are complete in themselves, without continuation in content from one display to the next.

d. Construction & Maintenance Standards

1. All signs, supports and accessories and construction shall meet applicable State of Wisconsin building codes and the Uniform Sign Code and the International Building Code as published by the International Code Council, to ensure that the signs and their construction are structurally sound and safe.
2. Sign display surfaces shall be properly coated or covered, attached and maintained.
3. All signs using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached.
4. All signs, supports and accessories shall be maintained in good repair.
5. When any use is discontinued for a period of 180 consecutive days, all signs and sign supports relating to that use shall be removed.
6. Signs that are in structural disrepair or damaged and are left without repair for 60 consecutive days shall be removed.

e. Sign Maintenance & Repair

1. Signs and their structural components may be maintained or repaired with a land use permit for sign maintenance and repair, provided there is no enlargement or alteration to the sign, mounting device(s) or structural components of the sign.
2. A permit is not required if the only change is to a sign's message or copy, provided there is no enlargement or alteration to the sign or structural components of the sign. This does not relieve the owner of the need to comply with every applicable legal requirement other than the duty to obtain a permit.

f. Overlay Districts and Use Regulations

1. Signs in the overlay districts or in Use Regulations are allowed subject to the standards and permitting requirements of the underlying zoning district.

2. An On-Premise Sign for an Adult Establishment under § 15.310 is allowed subject to the standards of the underlying zoning district, and a land use permit is required for all permanent signs.
3. An On-Premise Sign in the Shoreland Overlay Districts under § 15.260 is allowed subject to the following additional standards:
 - a. A land use permit for signage is required for all permanent signs.
 - b. Any sign visible from the water shall be set back 75 feet from the Ordinary High Water Mark (OHWM).
 - c. Maximum area of any such sign shall be 32 square feet.
4. An On-Premise Sign in the Lower St. Croix Riverway Overlay District § 15.265 is allowed, subject to the following additional standards:
 - a. A land use permit for signage is required for all permanent signs.
 - b. Either:
 1. The sign must be approved by State or local government and be necessary for public health or safety, or
 2. The sign must be used only to indicate areas that are available or not available for public use; or
 3. The sign must not be visible from the river and must be legally allowed or permitted in the underlying zoning district.
5. An On-Premise Sign in the Floodplain Overlay District (§ 15.270) is allowed subject to the following additional standards:
 - a. A land use permit for signage is required for all permanent signs.
 - b. Any sign in the Floodway District shall meet the standards of §§ 15.270.4, 5, 6 and 9.
 - c. Any sign in the Floodfringe District shall meet the standards of §§ 15.270.4, 5, 7 and 9.

3. Sign Types

- a. **Signs Permitted by Zoning District.** The following tables identify the signs allowed in each zoning district, and the circumstances in which certain types of signs are permitted if those signs are not prohibited as set forth in subsection 1.f. above, satisfy all other applicable regulations set forth in subsections 1 and 2 and satisfy the specific requirements that are identified by sign type in subsections 3.b, c and d below.

Table 15.380.1 Permanent Signs Permitted By Zoning District						
Zoning District	Sign Type					
	On-Premise Freestanding	On-Premise Building	On-Premise Area or Neighborhood	On-Premise Agricultural	On-Premise Home Occupation	Additional Standards May Apply
R-2, R-3	A/LUP	N	LUP	A	A	Yes
AG-1	A/LUP	LUP	N	A	A	Yes
AG-2	A/LUP	LUP	N	A	A	Yes
R-1	A/LUP	N	LUP	A	A	Yes
CON	A/LUP	N	N	N	N	Yes
C-1, C-2, C-3	LUP	LUP	LUP	N	N	Yes
I-1, I-2	LUP	LUP	LUP	N	N	Yes

Key:

A = Allowed without permit but subject to compliance with all other applicable regulations of this section.
LUP = Land use permit for signs required but subject to compliance with all other applicable regulations of this section.

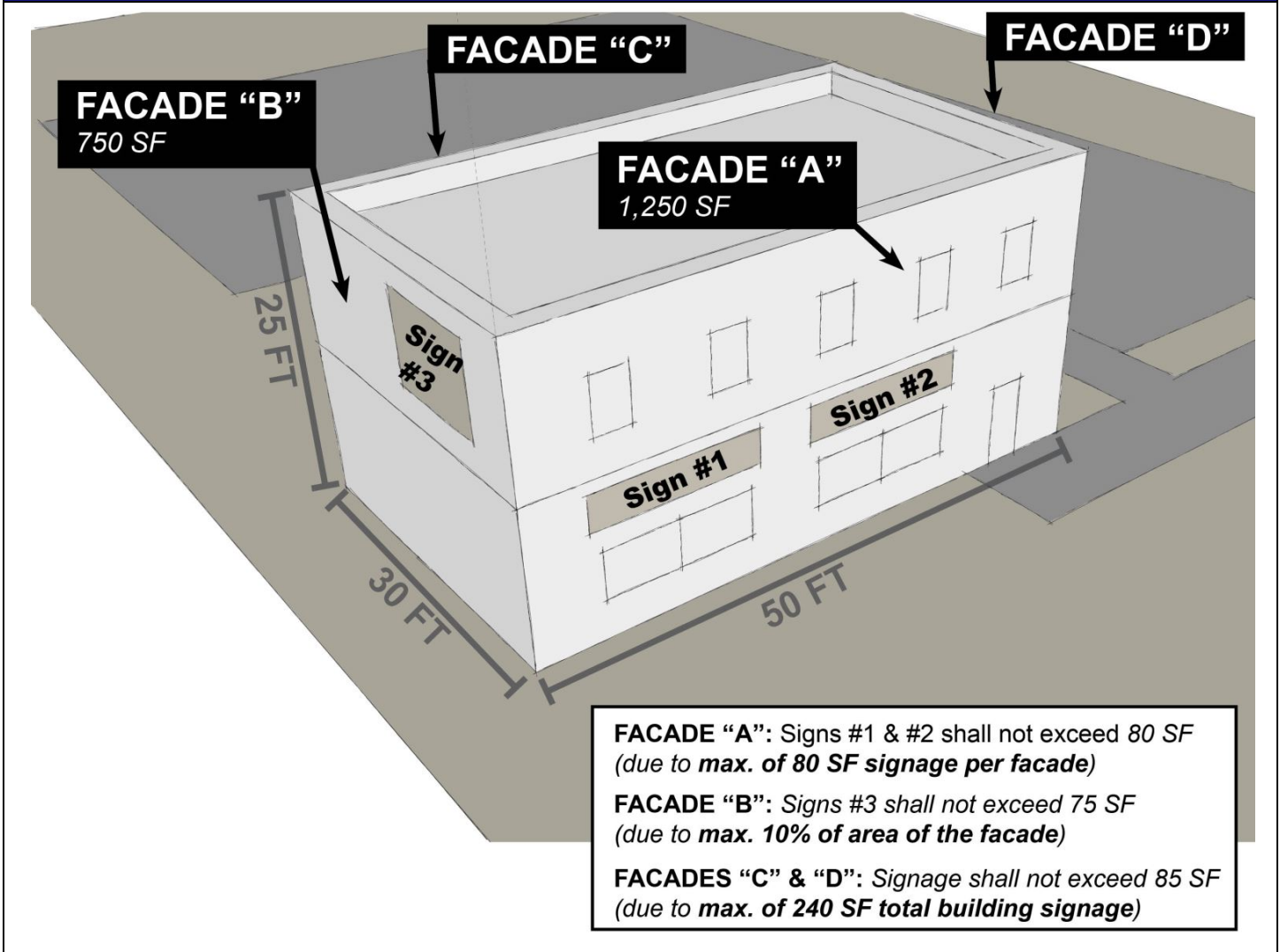
A/LUP = Either allowed without a land use permit or allowed with a land use permit subject to compliance with all other applicable regulations of this section.

N = Not permitted

**Table 15.380.2
Permanent Sign Standards**

Sign Type	Standard					
	Number	Size	Height	Type	Permit	Additional Standards
On-Premise Residential	1/Lot or Parcel	6 sf	6'	Freestanding	A	Yes
On-Premise Nonresidential	1/Frontage	32 sf/sign 64 sf total	6'-12'	Monument	LUP*	Yes
On-Premise Commercial	1/Frontage	80 sf/sign 120 sf total	20'	Freestanding	LUP*	Yes
On-Premise Industrial	1/Frontage	80 sf/sign 120 sf total	20'	Freestanding	LUP*	Yes
On-Premise Building	Unlimited on 3 Faces	80 sf/face 240 sf total	N/A	Wall/Window	LUP	Yes
On-Premise Area or Neighborhood	1/Entrance	32 sf/sign	20'	Freestanding	LUP	Yes
On-Premise Agricultural	1/Frontage	32 sf/sign 64 sf total	20'	Freestanding	A	Yes
On-Premise Home Occupation	1/Lot or Parcel	2 sf/sign minor 6 sf/sign major	6'	Freestanding	A LUP*	Yes

Figure 15.380.1 Wall Sign Area Calculation



Key:

A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

LUP = Land use permit for signs required but subject to compliance with all other applicable regulations of this section.

LUP* = These uses may also require a Conditional Use Permit

**Table 15.380.3
Temporary Sign Standards**

Sign Type	Standard					
	Number	Size	Height	Type	Permit	Timeframe
On-Premise Construction	2/Site	80 sf total	12'	Freestanding	A	Yes
On-Premise Development	1/Frontage	64 sf	12'	Freestanding	A	Yes
On-Premise Real Estate	1/Frontage	6 sf/sign residential	6'	Freestanding	A	Yes
		32 sf/sign nonresidential	12'			
On-Premise Employment	1/Frontage	6 sf	6'	N/A	A	Yes

Key:

A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

b. Permanent On-Premise Signs

1. Permanent on-premise signs that are not prohibited as defined in subsection 1.f. above are permitted subject to the standards in this section, if those signs satisfy all other applicable regulations set forth in subsection 2, and standards specific to the zoning district in which they are located as set forth in subsection 3.a. and below.
2. An On-Premise Sign is allowed on residential property in the AG-1 AG-2, R-1, R-2, R-3 and CON zoning districts subject to the following additional standards:
 - a. No permit is required.
 - b. One sign per lot or parcel.
 - c. Maximum area of any such sign shall be 6 square feet.
 - d. Maximum height shall be 6 feet.
 - e. Any such sign shall be a freestanding design.
 - f. Any such sign shall not be illuminated.
3. An On-Premise Sign is allowed on property used for nonresidential uses legally allowed or permitted in the AG-1, AG-2, R-1, R-2, R-3 and CON zoning districts subject to the following additional standards:
 - a. A land use permit for signage is required.
 - b. One sign per road or highway frontage.
 - c. Maximum area of any such sign shall be 32 square feet per sign.
 - d. Any such sign area shall not exceed 64 square feet in aggregate.
 - e. Maximum height shall be 6 feet in the R-1, R-2 and R-3 zoning districts and 12 feet in the AG-1, AG-2 and Conservancy zoning districts.
 - f. Any such sign shall be a monument design.
4. An On-Premise Sign is allowed in the C-1, C-2, C-3, I-1 and I-2 zoning districts subject to the following additional standards:
 - a. A land use permit for signage is required.
 - b. One sign per road or highway frontage.
 - c. Maximum area of any such sign shall be 80 square feet per sign.
 - d. Any such sign area shall not exceed 120 square feet in aggregate.
 - e. Maximum height shall be 20 feet.
 - f. Any such sign shall be a freestanding design.
5. An On-Premise Building Sign on a building used for agricultural, commercial or industrial purposes is allowed subject to the following additional standards:
 - a. A land use permit for signage is required.
 - b. Any number of signs may be installed on a building wall or window.
 - c. The total area of all building signs on any face shall not exceed 10 percent of the area of the facade, including wall and window, with a maximum allowable sign area of 80 square feet per face and 240 square feet in total.
 - d. The allowable area of building signs for multi-tenant buildings with individual entrances from the outside shall be calculated based on the exterior wall/window area of the space the tenant occupies. Each tenant frontage is considered a separate wall/window.
 - e. Auxiliary canopies are allowed building signs based on the surface area of the canopy (vertical surface below the roof line).
 - f. Location.

1. Building signs may be placed on not more than three walls/windows of rectangular shaped structures or not more than 75% of the major walls/windows on non-rectangular shaped structures.
 2. Signs may be attached flat against or pinned away from a building wall/window, but the sign face shall not extend or protrude more than 12 inches from the wall/window.
 3. Signs may be attached to the facade of a building but shall not extend above the roof line.
 4. Signs may be on a building canopy, awning or marquee. Such sign will be considered a building sign on the wall, canopy, marquee or awning on which it is attached.
 5. Signs may be perpendicular to a building wall but the sign face shall not project more than 24 inches from the wall.
6. An Area or Neighborhood Sign on property used for residential, commercial or industrial uses is considered an On-Premise Sign under this section is allowed subject to the following additional standards:
 - a. A land use permit for signs is required.
 - b. No more than one sign is allowed for every road or highway entrance to a development.
 - c. The maximum area of any such sign shall be 32 square feet per sign.
 - d. Any such sign shall be set back at least 10 feet from the right-of-way but no further than 20 feet from the right-of-way, unless incorporated into a county-approved entrance design.
 - e. Any such sign shall be a freestanding design.
 - f. Any such sign shall not be internally lighted.
 7. A sign on property on which agricultural products are legally grown and legally offered for sale is considered an On-Premise Sign under this section if it does no more than draw attention to a product legally offered on the premises, and is allowed subject to the following additional standards:
 - a. One sign per road or highway frontage.
 - b. Maximum area of any such sign shall be 32 square feet per sign.
 - c. Maximum cumulative sign area per sale location shall be 64 square feet.
 - d. Maximum height shall be 20 feet.
 - e. Any such sign shall be a freestanding design.
 - f. Any such sign shall not be illuminated.
 - g. Agricultural products shall be produced on the site.
 - h. Sign(s) for Seasonal Roadside Stands shall be placed when products are available.
 8. A sign on property on which a Minor or Major Home Occupation within the meaning of § 15.345 is lawfully taking place is considered an on-premises sign under this section if it does no more than draw attention to a product or service lawfully offered on the premises, and is allowed subject to the following additional standards:
 - a. One sign per home occupation, exterior or interior visible from the outside.
 - b. Minor Home Occupation sign maximum area shall be 2 square feet.
 - c. Major Home Occupation sign maximum area shall be 6 square feet.
 - d. Maximum height shall be 6 feet.
 - e. Any such sign shall be a freestanding design.
 - f. Any such sign shall not be illuminated.
 9. One additional On-Premise Sign shall be allowed in any zoning district subject to the following additional standards.
 - a. Maximum area of any such sign shall be 36 inches.
 - b. Only one such sign is allowed for every parcel.
 - c. Any such sign must be placed in one of the following three locations:
 1. On the front of the principal structure.

2. On the side of an authorized United States Postal Service mailbox.
 3. On one post which measure no more than 48 inches in height and 4 inches in width.
10. Two additional Freestanding On-Premise Signs shall be allowed on a parcel that includes a drive-through window, subject to the following additional standards:
- a. One sign may only be located within 6 feet of a lot line and within 6 feet of a curb cut, with a maximum area of 8 square feet.
 - b. Any second sign shall be facing the drive-through lane, with a maximum area of 30 square feet.
11. No on-premise sign may be placed without first obtaining the property owner's permission.

c. Temporary On-Premise Signs

1. Any sign that is authorized under this subsection because of the status or activity occurring on the parcel, but that remains in place after the status or activity that permitted its use is completed, may not remain in place unless it constitutes or becomes a lawful Permanent On-Premise Sign under the previous subsection, and a land use permit for that sign is obtained for that use.
2. The following temporary signs are permitted to be placed on the lot or parcel to which they refer without a land use permit for signs, subject to the applicable standards:
 - a. A Temporary On-Premise Sign is allowed on residential property in the Residence, AG-1 AG-2, R-1, and CON zoning districts subject to the following additional standards:
 1. No permit is required.
 2. Maximum area shall be 6 square feet.
 3. The maximum area of 6 feet may be used for one sign or divided among several otherwise compliant signs, so long as the total amount of area does not exceed 6 square feet.
 4. Maximum height shall be 6 feet.
 5. Any such sign shall be a freestanding design.
 6. Any such sign shall not be illuminated.
 - b. Up to 2 additional Temporary On- Premise Signs shall be allowed on a parcel where the principal structure is currently undergoing construction, subject to the following additional standards:
 1. Any such sign area shall not exceed 80 square feet in aggregate.
 2. Maximum height shall be 12 feet.
 3. Any such sign shall be a freestanding design.
 4. Any such sign shall be removed within 7 days of when construction is completed.
 - c. An additional Temporary On-Premise Sign erected on a non-residential development project, or erected on a residential development project at the time that the development includes 10 or more dwelling units for sale or lease, is allowed in any zoning district subject to the following additional standards:
 1. One sign per road or highway frontage for each project.
 2. Maximum area of any such sign shall be 64 square feet.
 3. Maximum height shall be 12 feet.
 4. Any such sign shall be a freestanding design.
 5. A sign shall be at least 200 feet from any pre-existing residence.
 6. A sign shall not be installed until construction has started or the project is approved by the County.
 7. Sign shall be removed when the project is 80% completed, sold or leased.
 - d. An additional Temporary On-Premise Real Estate sign on a parcel that is currently for sale or rent is allowed in any zoning district subject to the following additional standards:
 1. One sign per road or highway frontage.
 2. For residential property, the maximum sign area shall be 6 square feet and maximum sign height shall be 6 feet.

3. For residential property, the maximum sign area for a parcel including a model home shall be 32 square feet and the maximum sign height shall be 12 feet.
 4. For non-residential property, the maximum sign area shall be 32 square feet and maximum sign height shall be 12 feet.
 5. Any such sign shall be a freestanding design.
 6. Any such sign shall be removed within 7 days following the sale or lease of the property.
- e. An additional Temporary On-Premise Sign on non-residential property on a parcel occupied by a workplace for which one or more positions of employment are open is allowed subject to the following additional standards:
1. One sign per road or highway frontage.
 2. Maximum area of any such sign shall be 6 square feet.
 3. Maximum height shall be 6 feet.
 4. Any such sign shall be removed when all positions of employment on the property have been filled.
3. No on-premise sign may be placed without first obtaining the property owner's permission.
- d. **Temporary Off-Premise Signs**
1. A Temporary Off-Premise Sign is allowed, without a permit, in any zoning district, subject to the following additional standards.
 - a. The Sign may remain in place for no more than 4 continuous days, and then must be removed.
 - b. No off-premise sign may be placed without first obtaining the property owner's permission.
 - c. Maximum area of any such sign shall be 6 square feet.
 - d. Maximum height shall be 6 feet.
 - e. Any such sign shall be a freestanding design.
 - f. Signs shall be placed outside and may abut the right-of-way.
 - g. If the sign was manufactured to suit the design directions of a purchaser in bulk, no more than 5 such signs may be posted in the County at any one time, and only in full compliance with the remainder of this Section.
 - h. A person who places one or more Signs pursuant to this subsection and fails to remove the Sign or Signs after more than 4 days have passed since it was posted, and a 4-day grace period has passed, is subject to a civil fine under Chapter 1 Citation Ordinance of the St. Croix County Code of Ordinances.
 2. A Temporary Off-Premise Sign is allowed to remain in place for more than 4 continuous days only if a permit is obtained before the expiration of the 4-day period, and subject to the following additional standards:
 - a. The Sign may remain in place for no more than 4 continuous weeks, and then must be removed.
 - b. After the expiration of the 4-week period, the sign may not be posted unless a new permit is sought and obtained.
 - c. No off-premise sign may be placed without first obtaining the property owner's permission.
 - d. Maximum area of any such sign shall be 6 square feet.
 - e. Maximum height shall be 6 feet.
 - f. Any such sign shall be a freestanding design.
 - g. Signs shall be placed outside and may abut the right-of-way.
 - h. If the sign was manufactured to suit the design directions of a purchaser in bulk, no more than five such signs may be posted in the County at any one time, and only in full compliance with the remainder of this Section.
 - i. A person who places one or more Signs pursuant to this subsection and fails to remove the Sign or Signs after more than 4 continuous weeks have passed, and a 4-day grace period has also passed, is subject to a civil fine under Chapter 1 Citation Ordinance of the St. Croix County Code of Ordinances.

4. Administration

a. Nonconforming Signs

1. Nonconforming permanent freestanding signs lawfully existing on July 1, 2007 shall be allowed to continue in use, but shall not be altered other than to change the message relocated, added to, or repaired in excess of 50% of the assessed value of the sign, without being brought into compliance with this section.
2. Nonconforming permanent building signs lawfully existing on July 1, 2007 shall be allowed to continue in use, and may be repaired provided the repair does not increase the nonconforming aspect of the sign, but shall not otherwise be altered other than to change the message, relocated, or added to, without being brought into compliance with this section.
3. After a nonconforming sign has been removed, it shall not be replaced by another nonconforming sign.
4. If a nonconforming permanent sign's use is discontinued for a period of 12 months, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification by the Zoning Administrator.

b. **Permit Required.** A land use permit for signage is required prior to the improvement, erection, construction, reconstruction, enlargement or alteration of any sign, structural component or mounting device unless otherwise provided by this section.

c. **Land Use Permit for Signs.** A properly completed application for a land use permit for signs shall be made to the Zoning Administrator upon forms furnished by the County. The information required by § 15.590 shall be provided.

d. Permit Decision & Appeal Process

1. A land use permit for signs applicant or permit holder may appeal a determination or an order. Appeal procedures are established in § 15.560.
2. When a permit of any kind is required for a sign, the Zoning Administrator shall deny, approve with conditions, or approve without conditions such permit in an expedited manner no more than 30 days from the receipt of a complete application for such a permit, including the applicable fee.
 - a. If the permit is denied or approved with conditions, the County shall prepare a written decision within 10 days of its decision, stating a reason or reasons for the action and describing the applicant's appeal rights under § 15.560 and provide it to the applicant.
 - b. When the Board of Adjustment receives an appeal from the denial or approval with conditions of a permit required for a sign, the Board shall arrive at a decision on such an appeal no more than 90 days from the receipt of a complete application for such an appeal, including the applicable fee.
 - c. If the appeal is denied or approved with conditions, the County shall prepare a written decision within 10 days of its decision, stating a reason or reasons for the action and provide it to the applicant.
3. When a permit of any kind is required for a sign, and the permit application or permit appeal demonstrates that the sign would comply with all applicable requirements of this section, the permit application or permit appeal shall not be denied.

e. Expiration

1. Sign maintenance or construction authorized by a land use permit for signs issued under this section shall commence within 1 year from the date of approval and be substantially completed or implemented within 2 years, after which time the permit expires.
2. Prior to expiration of a permit, applicants can request extensions of up to 6 months from the Zoning Administrator.
3. The total time granted for extensions shall not exceed 1 year.

f. **Permit Revocation.** Where the terms or conditions on any land use permit for signage are violated, the permit may be revoked by the Zoning Administrator. The Board of Adjustment may revoke a conditional use permit.

Effective on: 11/11/2022

15.381 Skiing Facilities

Purpose: This section, along with other parts of the zoning ordinance, has been created to regulate skiing facilities, to provide development standards for this type of use, and to regulate, manage and protect the unique and steeper terrain in which skiing facilities are inherently located upon.

1. **Applicability.** This section applies to Skiing Facilities.
2. **General Standards.** Skiing Facilities shall comply with:
 - a. Chapter 15 of the St. Croix County Code of Ordinances.
 - b. Wisconsin Administrative Code Ch. SPS 333 and ANSI B77.1-2011.
 - c. Wisconsin Administrative Code Ch. NR 151, Subchapter III, Non-Ag Performance Standards.
3. **Standards.**
 - a. The area(s) of site disturbance shall be limited to that necessary to accommodate proposed development, including access and supporting infrastructure and shall be stabilized and revegetated at the completion of construction and final grading.
 - b. Skiing Facilities shall conform with all applicable Development Standards set forth in Section 15.400 to 15.430 of this Chapter.
 - c. Structures shall be designed, to the maximum extent physically feasible, to conform to rather than alter existing slopes.
 - d. Conditions of approval under these standards may include, but are not limited to:
 1. Limitations on the total portion of the Skiing Facility site that may be cleared, regraded, filled, drained, excavated or otherwise modified.
 2. Performance bonds or other sureties acceptable to the St. Croix County Board of Adjustment to ensure that construction, stormwater management and erosion control systems and slope stabilization and revegetation are completed as approved.
 3. Deed restriction on the future use and subdivisions of land to preserve undeveloped areas and limit vegetation removal.
 4. Dedication of easements to protect remaining undisturbed slopes.
 5. Maintenance agreements that ensure permanent slope stabilization and stormwater management facilities are properly maintained.
 6. Modifications in required erosion prevention and stormwater management plans.
 7. The submission of monitoring and site inspection reports and professional certifications during and after the completion of construction.
 8. Construction materials that minimize the visibility of development on steep slopes.
 9. Replanting and vegetation screening requirements.
 10. Documentation that all required state and federal permits have been obtained to the start of site work.

Effective on: 11/11/2022

15.385 Solar Energy Systems (SES)

Purpose: 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. Stat. §§ 66.0401-66.0403, Wis. Stat. §§ 196.491 and this section.

1. **Applicability.** This section applies to solar collectors and solar energy systems.
2. **Types.**
 - a. **Small SES.** Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electric energy, which is incidental and subordinate to a permitted use on the same parcel or on a contiguous parcel of common ownership and is intended to supply thermal energy or electric power solely for on-site use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, excess electrical power generated and not presently needed for on-site use may be used by the utility company.
 - b. **Large SES.** Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy which is intended for off-site consumption.
3. **Standards.**
 - a. **Setbacks.** Any portion of the SES shall not encroach within five (5) feet of any property line and within 25 feet of any road right-of-way.
 - b. **Height restrictions.** A SES shall not exceed 35 feet in height. A building mounted SES may extend six feet above the allowable height limit.
 - c. **Glare.** The SES shall be positioned so glare does not create any unsafe conditions.
 - d. **Installer.** All SES shall be installed by a North American Board of Certified Practitioners (NABCEP) certified solar installer or other person qualified to perform such work.
 - e. **Code Compliance.** A SES shall comply with all applicable State of Wisconsin electrical codes and the National Electric Code. A SES that will connect to a commercial structure or a multi-unit dwelling shall comply with the State of Wisconsin Commercial Building Code, when necessary. Other applicable SES shall comply with the Uniform Dwelling Code.
 - f. **Structural integrity.** The structure upon which the proposed SES is to be mounted shall have the structural integrity to carry the weight and wind loads of the SES.
 - g. **Notification.** Upon issuance of a conditional use permit, all large SES shall notify the Public Service Commission of Wisconsin.
4. **Permits.**
 - a. Small SES shall be permitted by right in all zoning districts provided standards in 15.385.3 are met.
 - b. Large SES under 100 Megawatts shall require a conditional use permit, prior to construction, and may be permitted in all zoning districts and subject to the regulations and requirements in this section.
 - c. Large SES 100 Megawatts or greater are reviewed by the Public Service Commission of Wisconsin (PSC) and must receive a certificate of public necessity from the PSC under Wis. Stat. §§ 196.491. If the PSC grants the project a certificate of public necessity, that approval preempts local ordinances.
5. **Limits on restrictions.** The Board of Adjustment shall review a conditional use permit for a Large SES under 100 Megawatts and apply the criteria set forth in subsection a through c below in lieu of criteria set out in 15.550. No restriction shall be placed, either directly or in effect, on the installation or use of a Large SES, unless the restriction satisfies one of the following conditions:
 - a. Serves to preserve or protect the public health or safety.
 - b. Does not significantly increase the cost of the system or decrease its efficiency.
 - c. Allows for an alternative system of comparable cost and efficiency.
6. **Application.** The following information shall be provided on all SES applications:
 - a. Name and contact information of the applicant, owner and installer.
 - b. The legal description, and address of the site.
 - c. A description of the scope of work.
 - d. Solar system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan and means of interconnecting with the electrical grid.

- e. Site layout, including the location of property lines, structures, SES and the total extent of system movements and interconnection points with the electrical grid.
 - f. Installer's qualifications and signature certifying the SES will be installed in compliance with this section and all other applicable codes.
 - g. Submittal requirements outlined in Table 15.590.1 regarding a Conditional Use Permit for a SES.
7. **Additional Application requirements for a Large SES:**
- a. Percentage of land coverage by the SES.
 - b. Structures on adjacent properties and distance from boundary of SES project.
 - c. A decommissioning and site restoration plan providing reasonable financial assurance the Large SES will be removed at the end of its useful life.
8. **Recommended Application Submittal Items for a Large SES:**
- a. Copies of Property Leases.
 - b. Preliminary Engineering Design.
 - c. Vegetation Plan.
 - d. Market Impact Analysis.
 - e. Glare Analysis Study.
 - f. Visual Analysis Study.
 - g. Pre-Construction Sound Report.
 - h. Wetland and Waterway Report/Navigability Determinations.
 - i. Cultural Resources Report.
 - j. Certified Endangered Resources Review.
 - k. Electric and Magnetic Field (EMF) Study.

Effective on: 11/11/2022

15.390 Temporary Structures and Uses

1. Temporary Residential Uses.

- a. **Applicability.** This section applies to the occupancy of a vehicle for residential purposes, as provided below. This subsection supersedes any contrary provisions of this Chapter.
- b. **Standards**
 1. **Generally.** No person shall place, occupy or use a trailer, van, mobile home, recreational vehicle, tent, bus, truck, automobile or similar apparatus for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for that occupancy.
 2. **Temporary Placement**
 - a. The owner of a parcel who holds a valid building permit and sanitary permit for construction of a principal structure may apply for and obtain approval by a Land Use Permit, for temporary placement and occupancy of a travel trailer or manufactured home during construction on condition of connecting the unit to the use of a legal sanitary system.
 - b. The Zoning Office shall send a copy of the Land Use Permit to the town wherein the lot is located.
 - c. All residential occupancy of the travel trailer or manufactured home shall cease when the principal home is capable of occupancy. Additionally, when the residence becomes occupied, the manufactured home shall be removed from the property.

- d. Temporary occupancy shall not exceed 1 year, unless an extension is granted by the St. Croix County zoning office.

2. Temporary Signs. Refer to § 15.380.

Effective on: 11/11/2022

15.395 Wind Energy Systems

Purpose: The purpose of this Chapter is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code Ch. PSC 128 as a local ordinance to establish local regulations on the installation, siting, use and decommissioning of wind energy systems that are authorized by, compliant with, and are no more restrictive than the rules promulgated by the Wisconsin Public Service Commission and that serve to preserve and protect the public health, safety, and welfare. For the purposes of this chapter, Large Wind Energy Systems are systems that have a total installed nameplate capacity of 300 kilowatts or greater and consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts. Systems with a total installed nameplate capacity of greater than 100 Megawatts may not be regulated by this ordinance. The Public Service Commission of Wisconsin (PSC) has siting authority for systems over 100 Megawatts. Small Wind Energy Systems are systems that have a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

1. Application Exemptions and Fees.

a. For Small Wind Energy Systems:

1. The exemptions listed under Wis. Admin. Code PSC § 128.60 and modifications under PSC § 128.61 shall apply to an application that is submitted for a Small Wind Energy System.

b. For All Wind Energy Systems:

1. Costs of review and processing: For all Wind Energy Systems the owner shall reimburse the department for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of PSC § 128.32(5). In the event the county establishes a fee consistent with Wis. Stat. § 59.69 and PSC § 128.32(5), said fee will be charged in lieu of reimbursement.
2. The established fee or reimbursement requirements consistent with PSC § 128.32(5) shall include the requirement that the applicant shall pay all reasonable costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review. Source: Wis. Admin. Code PSC § 128.32(5).
 - a. The department is authorized to contract with one or more engineers, environmental specialists, planners, and other consultants and experts to perform necessary services in connection with this ordinance.
 - b. The corporation counsel is authorized to contract with outside legal counsel to perform services in connection with this ordinance.
3. The Department shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.
4. The Department may require the owner of a Wind Energy System to submit up to 50% of the total estimated amount of the fee or reimbursement for the wind energy system application under PSC §128.32(5) before issuing a written decision consistent with PSC §128.32(3), if the county gives written notice to the owner of its intent to do so within 10 days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.
5. The Department shall invoice the applicant for the reasonable costs incurred pursuant to this chapter. The applicant will be provided 30 days from the date of the invoice to reimburse the county.

2. Permit, Application, and Filing Requirements.

- a. For Small Wind Energy Systems - An owner shall file a land use permit application with the department that, at a minimum, includes the following information:
 1. Wind Energy System description and maps showing the locations of all proposed wind energy facilities. (This may include the description and maps for alternative wind energy facility locations.)
 2. Technical description of wind turbines and wind turbine sites.
 3. Timeline and process for constructing the Wind Energy System.
 4. Information regarding anticipated impact of the Wind Energy System on local infrastructure.
 5. Information regarding noise anticipated to be attributable to the Wind Energy System.
 6. Information regarding shadow flicker anticipated to be attributable to the Wind Energy System, consistent with PSC §128.15, with the exception of PSC §§128.15(1)(c), 3(b)-(e) and (5) which do not apply to Small Wind Energy Systems.
 7. Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System.
 8. Information regarding the anticipated effects of the Wind Energy System on airports and airspace.
 9. Information regarding the anticipated effects of the Wind Energy System on line-of-sight communications, consistent with PSC § 128.16, with the exception of PSC §§ 128.16(2)-(4) which do not apply to Small Wind Energy Systems.
 10. A list of all state and federal permits required to construct and operate the Wind Energy System.
 11. Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the Wind Energy System, including a process for assessing road damage caused by Wind Energy System activities and for conducting road repairs at the owner's expense.
 12. A representative copy of all notices issued consistent with PSC §§ 128.105(1) and 128.30(5), except as provided by PSC § 128.61.
- b. For Large Wind Energy Systems - An owner shall file a conditional use permit application with the department that, at a minimum, includes the following information:
 1. All information required under §§ 15.395.2.a.1-6 and 8-12 of this chapter.
 2. Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System (For example, information may include the anticipated effects to applicable environmental conditions and/or development limitations within 0.5 miles).
 3. A representative copy of all notices issued under PSC §§ 128.105(1), 128.30(5), and 128.42(1), which are:
 - a. Pre-application notice - At least 90 days before an owner files an application to construct a Wind Energy System, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 1. Landowners within one mile of the planned wind turbine host properties.
 2. Political subdivisions within which the Wind energy System may be located.
 3. Emergency first responders and air ambulance service providers serving the political subdivisions within which the Wind Energy System may be located.
 4. The Wisconsin Department of Transportation.
 5. The Wisconsin Public Service Commission.
 6. The Wisconsin Department of Natural Resources.
 7. The Wisconsin Department of Agriculture, Trade and Consumer Protection.
 8. The Office of the Deputy Secretary of the U.S. Department of Defense.
 - b. Notice of process for making complaints - Before construction of a Wind Energy System begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 miles of any wind energy system facility. An owner shall include in the notice the requirements under PSC § 128.40(1) for submitting a complaint to the owner, a petition for review to the political

subdivision, and an appeal to the commission, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance and decommissioning.

- c. A copy of all emergency plans developed in collaboration with appropriate first responders under PSC § 128.18(4)(b). An owner may file plans using confidential filing procedures as necessary.
- d. A decommissioning and site restoration plan providing reasonable financial assurance that the owner will be able to comply with PSC § 128.19.

c. For all applications - Evidence shall be included for all applications to show that, on the same day an owner filed an application under this ordinance, the owner used commercially reasonable methods to provide written notice of the filing of the application to property owners and residents located within one mile of the proposed location of any Wind Energy System facility. The notice shall include all of the following:

1. A complete description of the Wind Energy System, including the number and size of the wind turbines.
2. A map showing the location of all proposed Wind Energy System facilities.
3. The proposed timeline for construction and operation of the Wind Energy System.
4. Locations where the application is available for public review.
5. Owner contact information (including the contact person(s), primary phone number, and email).

3. Local Regulations.

- a. **Airports and Heliports.** The owner shall comply with any restrictions established for public use airports or heliports under Wis. Stat. §§ 114.135 or 114.136. If no such restrictions are effective, wind turbine height and setback distances shall comply with the Federal Aviation Administration obstruction standards in 14 CFR Part 77.
- b. **Farmland Preservation Zoning Districts.** No conditional use permit or land use permit application for a wind energy system shall be approved by the St. Croix County Board of Adjustment or Zoning Administrator within the Farmland Preservation Zoning Districts (AG1 and AG2), unless such application meets the applicable standards and conditions identified in Wis. Stat. §§ 91.46(4) (a-e) as shown below.

1. The use and its location in the farmland preservation zoning districts are consistent with the purposes of the farmland preservation zoning districts.
2. The use and its location in the farmland preservation zoning districts are reasonable and appropriate considering alternative locations or are specifically approved under State or Federal Law.
3. The use is reasonably designed to minimize conversion of land at or around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to, agricultural use.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

c. Abandonment and Decommissioning. Section 15.395, 3 ,c, 1-3 below apply to both Large and Small Wind Energy Systems, whereas §§15.395, 3, c, 4 applies solely to Large Wind Energy Systems.

1. A wind energy system that is at the end of its useful life and/or does not generate electricity for a continuous period of 360 days will be deemed abandoned and the department may send a Notice of Abandonment to the owner. Exemptions under PSC § 128.60 and modifications under PSC § 128.61 apply to all Small Wind Energy Systems.
2. If, within 30 days of receipt of a Notice of Abandonment, the owner provides the department with information showing to the department's satisfaction that the wind energy system has not been abandoned, the department will withdraw the Notice.
3. Unless the department withdraws the Notice of Abandonment, a wind energy system tower must be decommissioned as prescribed by PSC § 128.19. If the owner fails to remove a wind energy system and reclaim the site, the county may remove or cause the removal of the wind energy system and arrange for the reclamation of the site.

4. For Large Wind Energy Systems.

- a. An owner with a nameplate capacity of one megawatt or larger shall provide the county with and maintain proof of financial assurance of the owner's ability to pay the actual and necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by choosing to provide a bond, deposit, escrow account, irrevocable letter of credit, or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities, consistent with PSC § 128.19(3).
 - b. An owner shall provide the county with three (3) estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the county shall not exceed the average of the three estimates.
 - c. An owner shall establish financial assurance that is acceptable to the county and that places the county in a secured position, subject to § 15.395.3.c.4.b. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC § 128.19(5), or the county otherwise approves the release of funds, whichever occurs first.
 - d. An owner shall establish financial assurance that allows the county to access funds for the purpose of decommissioning the wind energy system if the owner does not decommission the wind energy system when decommissioning is required Source PSC § 128.19(3)(c)(4).
 - e. The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated cost to decommission the wind energy system is at least 10 percent more or less than the amount of financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required but shall not adjust the financial assurance required under this paragraph more often than once in a five-year period.
 - f. The county may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.
 - g. Except as provided in § 15.395.3.c.4.h., if a wind energy system was constructed on land owned by a person or persons other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to pre-construction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications needed to comply with DNR requirements.
 - h. If a wind energy system was constructed on a brownfield, as defined in Wis. Stat. § 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stat. § 238.13(1)(d).
- d. **Lighting Criteria.** A wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration. An owner shall use shielding or control systems approved by the Federal Aviation Administration to reduce visibility of light when viewed from the ground.
- e. **Noise Criteria.** For both Large and Small Wind Energy Systems.
1. The noise generated by the operation of a wind energy system may not exceed 50 db(A) during the daytime hours and 45 db(A) during the nighttime hours as measured at the outside wall of a non-participating residence or occupied community building that existed when the owner gave notice pursuant to PSC § 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC § 128.05(1). Nighttime

hours are the hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

2. The owner of an adjacent nonparticipating residence or adjacent occupied community building may relieve the owner of the wind energy system of the requirement to meet any of the noise limits in this section by written contract as provided in PSC §§ 128.14(5) and (6).
3. The owner shall provide the notice as prescribed by PSC § 128.61(4).
4. If an owner receives a complaint of a violation of the noise standards contained in PSC § 128.14 and the owner has not provided the department with the results of an accurate test conducted within two (2) years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC § 128.50(2).

f. Ownership Changes.

1. For Small Wind Energy Systems. The owner shall provide the county with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of the change.
2. For Large Wind Energy Systems. The owner shall provide the county with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of the change. Notwithstanding the timing of notice of change in ownership of the wind energy system set forth above, the notice shall include information showing that the financial responsibility specified in § 15.395.3.c of this Chapter was assumed by the new owner, upon effective date of the change.

g. Setbacks and Siting Criteria. An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships. Source: PSC § 128.13(1)(c).

1. For Small Wind Energy Systems: Shall comply with the minimum setback distances shown in Table 2 to PSC § 128.13 included in PSC § 128.61, which are:

Description	Setback Distance *
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Residences	None
Nonparticipating Residences	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution lines - not including utility service lines to individual houses or outbuildings	1.0 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

* Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

- a. The owner of an adjacent nonparticipating residence or adjacent occupied community building may waive the applicable turbine setback distances as described in PSC § 128.61(3)(b).

2. For Large Wind Energy Systems: Shall comply with the minimum setback distances shown in Table 1 of PSC § 128.13, which are:

Description	Setback Distance *
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Residences	1.1 times the maximum blade tip height

Nonparticipating Residences	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	1.1 times the maximum blade tip height
Overhead Communication and Electric Transmission or Distribution lines - not including utility service lines to individual houses or outbuildings	1.1 times the maximum blade tip height
Overhead Utility Service Lines - Lines to individual houses or outbuildings	None

* Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or residence or to the nearest point on the property line or feature, as applicable.

- a. The owner of a nonparticipating residence or occupied community building may waive the applicable wind turbine setback distances of this chapter for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance in this chapter from a nonparticipating property line.

h. Notice of Federal or State Agency Consultation.

1. For Large Wind Energy Systems: In the event the owner has consulted with and received any nonbinding recommendations for constructing, operating, or decommissioning of the wind energy system from any state or federal agency, the owner shall provide the county with information about the consultation and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system, within 30 days of receiving such recommendations. Source PSC § 128.33(1).

4. Local Procedure.

- a. **All applications regulated by this chapter** may be subject to additional conditions and restrictions consistent with but no more restrictive than those in Wis. Stat. § 66.0401(1m) and authorized by, and consistent with, Wis. Admin. Code Ch. PSC 128. Where such conditions are considered and applied on a case-by-case basis: as well as satisfying one of the following:

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.

- b. **Small Wind Energy Systems** shall be processed as a land use permit.

1. This section does not apply to Small Wind Energy Systems subject to standards and conditions within the farmland preservation zoning districts. See §15.395.3.b.

- c. **Large Wind Energy Systems** shall be processed as a conditional use permit.

1. In addition to conditions established pursuant to §15.395.4.a. the Zoning Administrator or Board of Adjustment may require the owner of a Wind Energy System to offer monetary compensation to the owner of a nonparticipating residence consistent with PSC § 128.33(3) and may be subject to the monetary compensation requirements of PSC § 128.33(3m).

- d. **Application Processing.**

1. Within 45 days of receiving the application, the department shall notify the applicant whether the application is complete and, if it's not, what the applicant must do in order to make it complete.
 - a. The applicant shall provide the additional information specified in the notice to the department within 60 days of the date of the notice.
 - b. The owner may file a new application at a later date; there is no limit to the number of times that an owner may file an application.
 - c. An application shall be deemed complete if it complies with the filing requirements specified in §15.395.2 of this ordinance and of PSC §§ 128.30(2) and 128.50(1).

2. As soon as reasonably possible after receiving a complete application, the department shall publish a class 1 notice, under Wis. Stat. Ch. 985, stating that an application for approval has been filed with the county.
 - a. For Large Wind Energy Systems. The application will be forwarded to the Board of Adjustment for issuance of a conditional use permit under § 15.550 of this ordinance and reviewed under the criteria of this Sec. §15.395. Notwithstanding the provisions of § 15.550, the application shall be determined to be complete if it meets the requirements under PSC §§ 128.30(2) and 128.50(1).
 - b. For Small Wind Energy Systems. The department shall make the application available for public review consistent with PSC §128.30(6)(a) and shall accept written comments on the application for a minimum period of 10 days following the date of the published notice. The county may hold one public meeting to obtain comments and inform the public about the proposed wind energy system.
3. The county shall make a record of its decision making on an application, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the county in connection with the application for approval.
4. The county shall base its decision on an application on written findings of fact that are supported by the evidence in the record.
 - a. For Large Wind Energy Systems. For Wind Energy Systems with a nominal capacity of at least one megawatt, the county may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under Wis. Stat. §§ 66.1001 (2)(b) and (f), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of a comprehensive plan that is updated as required under Wis. Stat. § 66.1001 (2)(i). This provision applies to Wind Energy Systems that have a nominal capacity of at least one megawatt. Wis. Stat. § 66.0401 (4)(f)(2).
5. The county shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The county may extend this time period in writing provided the extension is done during the initial 90-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:
 - a. An extension of up to 45 days if the county needs additional information to determine whether to approve or deny the application.
 - b. An extension of up to 90 days if the applicant makes a material modification to the application.
 - c. An extension of up to 90 days for other good cause specified in writing by the county.
 - d. If the county fails to act within the initial 90 days, or within any extended time period, the application is considered approved.
6. The decision made by the county to deny an application shall be made in writing to the applicant and must include the reasons for denial.
7. The county shall provide a written decision to the applicant and the Public Service Commission. Said decision shall contain findings of fact supported by evidence in the record.

5. Modification to an Approved System.

- a. An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Zoning Administrator and/or Board of Adjustment. An owner shall submit an application for a material change for an approved wind energy system to the county. The county may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.
- b. An application for material change is subject to PSC § 128.35.
- c. At its discretion, the county may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.

6. Post Construction Filing Requirements (applicable only to Large Wind Energy Systems).

- a. Within 90 days of the date a wind energy system commences operation, the owner shall file with the department and the Wisconsin Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.
- b. An owner shall label each wind turbine location described in its filing and shown on the map of the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC § 128.18(1).

7. Compliance Monitoring (applicable only to Large Wind Energy Systems and subject to PSC § 128.36).

- a. The department may contract with a third-party inspector to monitor and report to the department regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the department. The owner shall reimburse the county for the reasonable cost of the inspector.
- b. At any time following completion of construction, the department may contract with consultants or experts it deems necessary to monitor compliance by the owner with conditions of the permit and to assess when wind energy system facilities are not maintained in good repair and operation.
 1. At a minimum, the owner shall provide the department an annual report regarding maintenance checks and any maintenance performed on each turbine within the approved wind energy system.
 2. The public shall have access to any reports or assessments produced pursuant to this section.
 3. The owner of the wind energy system shall reimburse the county for reasonable costs associated with monitoring and/or assessment.

8. Decommissioning Review.

- a. An owner shall file notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.
- b. The department shall conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC § 128.19(1)(a) and, for Large Wind Energy Systems, whether the owner has complied with its site restoration obligations under PSC § 128.19(4) when applicable.
- c. The owner shall cooperate with the county by participating in the decommissioning review process and, for Large Wind Energy Systems, ensure the obligations under PSC § 128.19(3) are met.

9. Appeals.

- a. A decision of the department to determine that an application is incomplete under §15.395.4, or to approve or disapprove a wind energy system under §§15.395.2 or 15.395.3, or an action of the county to enforce a restriction on a wind energy system, may be appealed only as provided in this section.
- b. Any aggrieved person seeking to appeal a decision or enforcement action specified under §§15.395.2, or 15.395.3 may begin the administrative appeal process as set forth in §15.560.
 1. If the person is still aggrieved after the administrative review is completed, the person may file an appeal with the Wisconsin Public Service Commission (WPSC). No appeal to the WPSC under this section may be filed later than 30 days after the county has completed its administrative review process. For purposes of this section, if the county fails to complete its administrative review process within 90 days after an aggrieved person begins the review process, the county is considered to have completed the process on the 90th day after the person began the process.
 2. Rather than beginning an administrative review under §15.395.9, an aggrieved person seeking to appeal a decision or enforcement action of the county specified in §15.395.4, may file an appeal directly with the WPSC. No appeal to the WPSC under this section may be filed later than 30 days after the decision or initiation of the enforcement action.
 3. An applicant whose application for approval is denied under § 15.395.9 may appeal the denial to the WPSC. The WPSC may grant the appeal notwithstanding the inconsistency of the application for approval with the

political subdivision's planned residential or commercial development if the WPSC determines that granting the appeal is consistent with the public interest.

10. Complaints.

- a. Complaint process for wind energy systems. The owner of a Small Wind Energy System is exempt from the provisions of §15.395.10.4-6 and 8.
 1. An aggrieved person who has made a complaint to the owner in accordance with PSC § 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.
 2. The petition for review must be filed with the department within 90 days of the date of the original complaint and shall contain the following:
 - a. Name, address, and telephone number of the person filing the petition.
 - b. Copy of the original complaint to the owner.
 - c. Copy of the owner's original response.
 - d. Statement describing the unresolved complaint.
 - e. Statement describing the desired remedy.
 - f. Any other information the complainant deems relevant to the complaint.
 - g. Notarized signature of the person filing the petition.
 3. The department shall forward a copy of the petition to the owner by certified mail within 10 days of the department receiving the petition.
 4. The owner shall file a written answer to the petition with the department and provide a copy of its answer to the complainant with 30 days of its receipt of the petition. The answer must include the following:
 - a. Name, address, and telephone number of the person filing the answer.
 - b. Statement describing the actions taken by the owner in response to the complaint.
 - c. Statement of the reasons why the owner believes the complaint has been resolved or why the complaint remains unresolved.
 - d. Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
 - e. Any other information the owner deems relevant to the complaint.
 - f. Notarized signature of the person filing the answer.
 5. The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the department as each deems appropriate.
 6. The department may request such additional information. from the complainant and the owner as it deems necessary to complete its review.
 7. The department may retain such consultants or experts as it deems necessary to complete its review.
 8. The department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
 9. The decision of the department and enforcement action is subject to review under Wis. Stat. § 66.0401(5).
- b. Additional process for Large Wind Energy Systems.
 1. An owner shall comply with the notice requirements contained in PSC § 128.42(1).
 2. An owner shall, before construction of a Large Wind Energy System begins, provide the department with a copy of the notice issued pursuant to PSC § 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
 3. An owner shall, before construction of a Large Wind Energy System begins, file with the department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. the owner shall keep the name and telephone number of the contact person on file with the department current.

Effective on: 11/11/2022

15.396 To 15.399 Reserved.

Effective on: 12/1/2019

DEVELOPMENT STANDARDS

Contents:

- 15.400 General Provisions
- 15.405 Access Management & Driveways
- 15.410 Building Height
- 15.415 Grading and Land Disturbance
- 15.420 Screening, Landscaping & Tree Preservation
- 15.425 Lot Development
- 15.430 Parking and Loading
- 15.431 To 15.499 Reserved.

15.400 General Provisions

Purpose: this Subchapter establishes development standards that apply to land uses and zoning permit applications that are subject to this Chapter. These standards:

- *implement the Comprehensive Plan;*
 - *implement the purposes established for the zoning regulations;*
 - *ensure that new development, structures, and land uses mitigate their impacts on affected neighborhoods, the natural environment, and affected infrastructure where indicated in the applicable standard; and*
 - *provide uniform methods for the application of the dimensional, site design, civic space, landscaping, and infrastructure standards established in this Chapter.*
1. **Applicability.** This Article applies to:
 - a. all zoning districts, and
 - b. unless otherwise provided, any application for a rezoning, conditional use permit, land use permit, zoning permit or certificate of occupancy.
 2. **Modification.**
 - a. The Zoning Administrator may modify any other provision of this Article where specifically authorized.
 - b. A modification is permitted only if it:
 1. Is consistent with the Comprehensive Plan, and
 2. Is consistent with the public interest, and
 3. Will not place an unnecessary burden on the County or surrounding properties.
 3. **Review Criteria.** The Department shall review all land uses as outlined in the "Use Table" (15.285.2) to ensure compliance with applicable zoning regulations. A site plan shall be submitted to the Department for review. Depending on the scope and complexity of the project, the Zoning Administrator may require a Land Use Permit application to be submitted. The site plan shall identify and comply with the following:

- a. The suitability of the location of buildings and structures to the physical character of the site and adjacent land uses including, but not limited to, site coverage, paved areas landscaped areas, building areas, building height, building setbacks and open spaces.
- b. The existing natural topographic and landscape features of a site shall be incorporated into the site plan. Such plan shall include all prudent and necessary steps required to protect environmentally sensitive areas of the site and surrounding area during and after construction.
- c. The layout of the site relative to public street access, arrangement and improvement of interior roadways, overall circulation, parking and loading.
- d. Driveways to the site shall be located in a manner to minimize traffic congestion and difficult turning movements.
- e. The adequacy of the proposed water supply and sanitary disposal in accordance with Chapter 12 (Sanitary) of the St. Croix County Code of Ordinances.
- f. The adequacy of the drainage pattern and storm sewers to accommodate stormwater run-off both on-site and on nearby properties based on plans submitted to ensure compliance with NR 151, Subchapter III - Non-Agricultural Performance Standards.
- g. The adequacy of erosion control plans to prevent construction erosion from leaving the site in compliance with the Wisconsin DNR Stormwater Construction and Post-Construction Technical Standards.

Effective on: 11/11/2022

15.405 Access Management & Driveways

Purpose. This section promotes the public safety, welfare and convenience by easing congestion on the public roads, by controlling access to public roads, and by establishing setbacks from roads and road rights-of-way.

1. Applicability

- a. This section applies to all land abutting all freeways and expressways, principal arterials, minor arterials, major collectors, minor collectors, subcollectors and access roads.
- b. Access points shall not exceed the number allowed in this section along any class of road.
- c. Structures and signs that are permitted adjacent to state and federal highways may also require permits from Wisconsin Department of Transportation (WisDOT).
- d. This section does not apply to the portion of a road located on a city, village or other county boundary.
- e. The Zoning Administrator will require approval from WisDOT for setbacks, road connection and driveway access to state and federal highways, and development on land that adjoins state and federal highways. WisDOT may require additional standards not identified in this ordinance.
- f. The Zoning Administrator will require approval from the St. Croix County Highway Department for setbacks, road connection and driveway access to county highways, and development on land that is adjoining county highways. The County Highway Commissioner may require additional standards not identified in this ordinance.
- g. The minimum standards in this section apply to all roads, unless the town with jurisdiction establishes its own standards for town roads.

2. **Measurements.** All distances in this section are measured horizontally, unless otherwise indicated.

3. **Road Classification System.** This section classifies roads for purposes of applying the standards in this section.

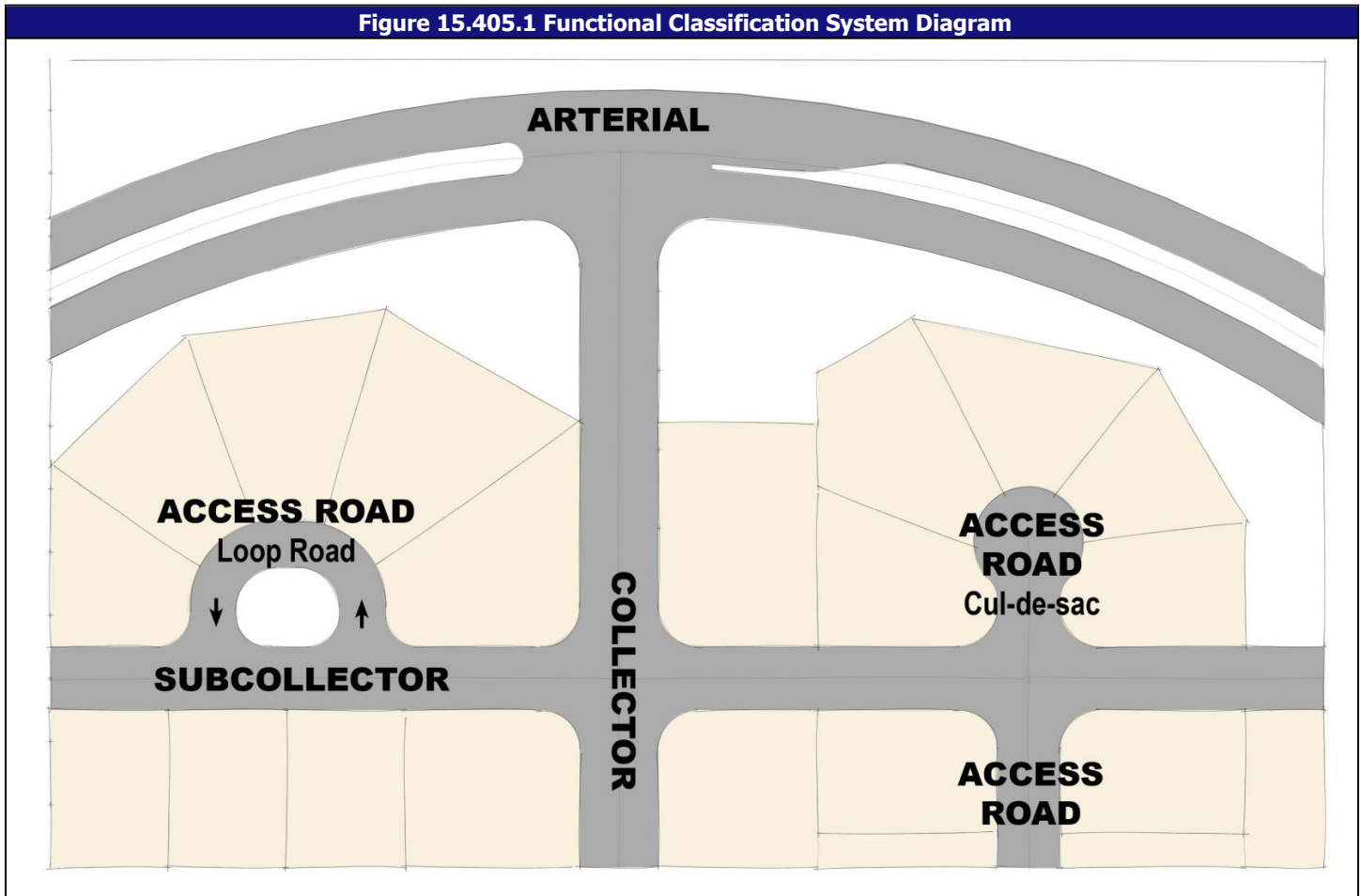
a. Determination of Road Classification

1. Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a 4-category hierarchy. The classifications, in descending order, are arterial, collector, subcollector and access roads (see subsection b and Figure 15.405.1, below).

2. The functional/jurisdictional classification of existing roads are located on the St. Croix County Official Functional Classification Road Map available from the Community Development Department, Highway Department, or WisDOT.
 3. The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems. Their current functional classification applies to this section.
 4. The Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads.
 5. Residential roads may fall into any of these classifications except arterials.
- b. **Description of Functional Classifications.** The functional descriptions of each of these classifications follow:
1. **Arterials.** Arterials provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials (see below).
 - a. **Principal arterials.** Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four-lane divided highways and two-lane highways.
 - b. **Minor arterials.** Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra-regional and inter-area travels. Minor arterials may include four-lane divided highways, two-lane highways and county trunk highways.
 2. **Collectors.** Collectors provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors (see below). As the principal road within residential or commercial areas, collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. Because a collector's function is to promote the free flow of traffic, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses.
 - a. **Major collectors.** Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways.
 - b. **Minor collectors.** Minor collectors provide service to remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density to collect traffic and bring all developed areas within a reasonable distance of a higher-order road.
 3. **Subcollectors.** Subcollectors connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential lots but also carries some through traffic to access roads. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all town roads in the original town road grid system, and town roads identified as through roads or subcollectors on a town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.
 4. **Access roads.** Access roads are designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low speed and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974, and roads not otherwise classified and located in unincorporated hamlets (including Boardman, Burkhardt, Cylon, Emerald, Erin Corners, Forest, Hersey, Houlton, Huntington, Jewett, Johannesburg and New Centerville).
 - a. **Cul-de-sac roads.** Roads that are closed at one end with turnarounds not platted for extension.
 - b. **Loop roads.** Loop roads are short, one-way through roads that turn back to the originating road.

- c. **Temporary dead-end roads.** Roads that terminate in a "T" turn-around and are platted for future extension.
- d. **Private Roads.** Roads located on private property and providing access to 3 or more properties.

Figure 15.405.1 Functional Classification System Diagram



4. Setbacks

a. Setbacks from Roads or Highways

1. No structure shall be located between the setback lines established by this section and the road right-of-way, except as provided in subsection c below.
2. The setbacks established in Table 15.405.1 below do not apply to lots with platted setbacks shown on a recorded map. Lots with setbacks on the face of a recorded map must meet the setbacks as shown in the recorded plat.
3. Road or Highway Setbacks shall meet the following requirements.

Table 15.405.1 Road or Highway Setback Requirements

Functional Classification	Setback from Right-of-Way
Freeways & Expressways	50 feet
Principal and Minor Arterials	50 feet
Major and Minor Collectors	50 feet
Subcollectors	50 feet
Access Roads	50 feet
One-Way Access Roads	50 feet
Permanent Cul-de-sacs	50 feet
Loop Roads	50 feet

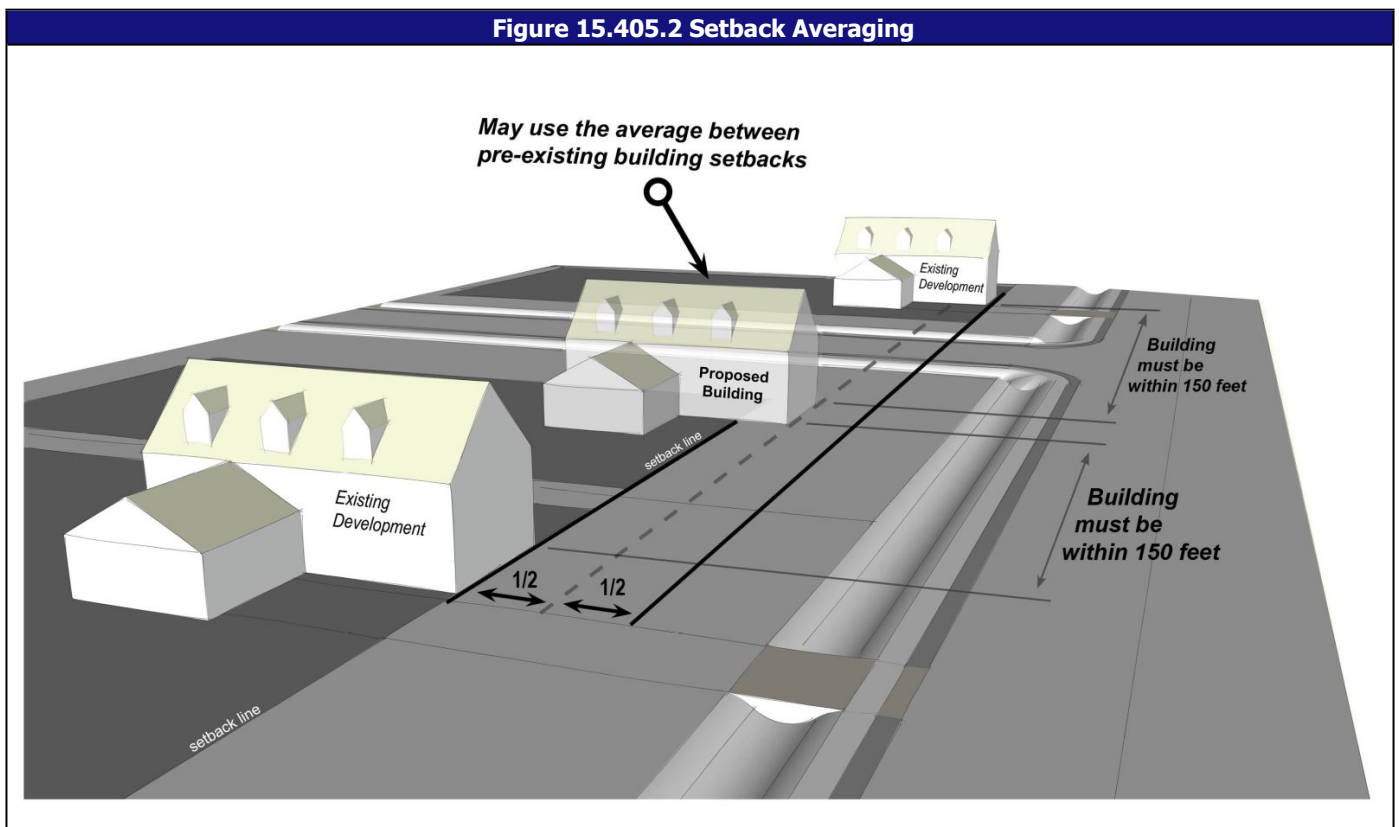
Table 15.405.1 Road or Highway Setback Requirements

Functional Classification	Setback from Right-of-Way
Access, One-Way, Cul-de-sacs and Loop Roads in Conservation Design Development	35 feet
Private road serving 3 or more parcels	50 feet from the edge of private easement or private road designation shown on Certified Survey Map or plat.

b. Average Setbacks

1. This subsection applies to buildings that are proposed to be erected or moved between existing buildings that have setback lines less than those established by this section and were lawfully constructed.
2. The Zoning Administrator may issue a permit for the proposed building if its setback is at least the average of the setbacks of the nearest adjoining existing buildings within 150' on either side of the locations of the proposed building. If no building exists on the adjoining lot, the setback line shall be used.

Figure 15.405.2 Setback Averaging



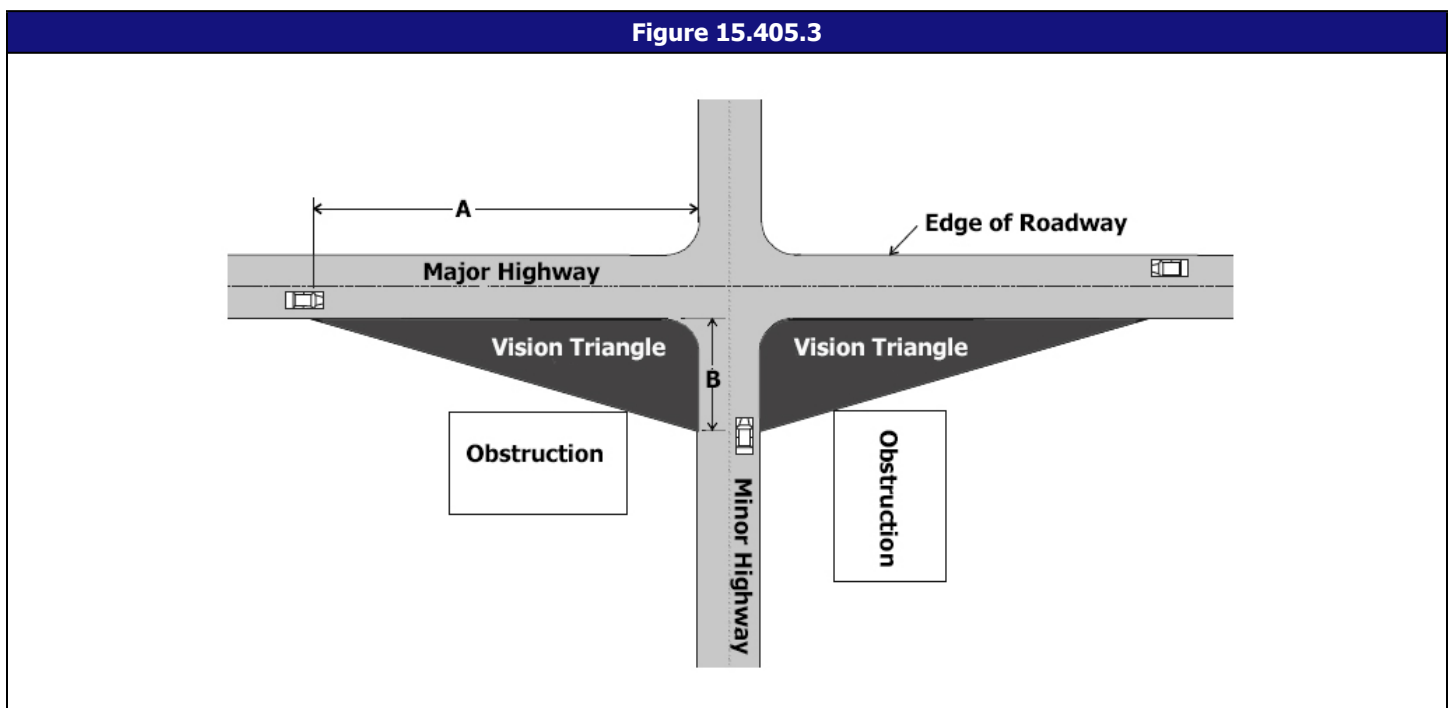
c. Structures Permitted Within Setback Lines. Structures and signs may be placed between the setback line and the right-of-way on all highways and roads if:

1. The Zoning Administrator, in conjunction with the St. Croix County Highway Department, determines that the road's line of sight is not impaired, and
2. The structure is:
 - a. An open fence.
 - b. A parking lot located at least 20 feet from the established highway or road right-of-way.
 - c. A telecommunication or power transmission pole or line, or a microwave radio relay structure (this includes all appurtenances thereto that are readily removable as a unit, including public utility equipment housing or structures).
 - d. A well, septic tank, or drainfield dispersal cell.

- e. A landscaping, retaining wall or utility structure that does not obstruct the line of sight.
- f. A nonpermanent structure less than 35 square feet in area.
- g. A frontage or service road constructed according to plans approved by the jurisdiction having authority over the highway or road.
- h. A sign, but only as allowed under (§ 15.380 Signs).

5. Intersection Visibility (Vision Triangle)

- a. The vision triangle is bounded by the highway or road edge of roadway and a line connecting points on the highway edge of roadway as shown in Figure 15.405.3.
- b. A vision triangle is established for each quadrant of every uncontrolled or yield-controlled public highway or road intersection.
- c. No structure shall be located within a vision triangle.



- d. Vision triangles shall meet the standards in Table 15.405.2:

Table 15.405.2 Vision Triangle Standards				
	Posted Speed Limit			
	60 mph or greater	55 mph	50 or 45 mph	40 mph or less
Major Intersecting Highway or Road, Distance "A"	600 feet	500 feet	400 feet	300 feet
Minor Intersecting Highway or Road, Distance "B"	175 feet	160 feet	150 feet	120 feet

Major intersecting highway or road = Through traffic, which does not stop at the intersection.

Minor intersecting highway or road = Controlled traffic, which stops at the intersection.

- e. A visual triangle is established in each quadrant of an at grade intersections of a road with a railroad. Each vision triangle is established by a supplementary setback line, which is a straight line connecting points located on the setback lines along the road and the railroad right-of-way lines and 100 feet back from the intersection of the road setback lines and the railroad right- of-way.

- f. No building, fence, structure, vegetation or any other object preventing a line of sight through a vision triangle may be placed within a vision triangle.
- g. The vision triangle for an intersection may be expanded by the Zoning Administrator to fit site conditions with the approval of the Wisconsin Department of Transportation or the St. Croix County Highway Department.

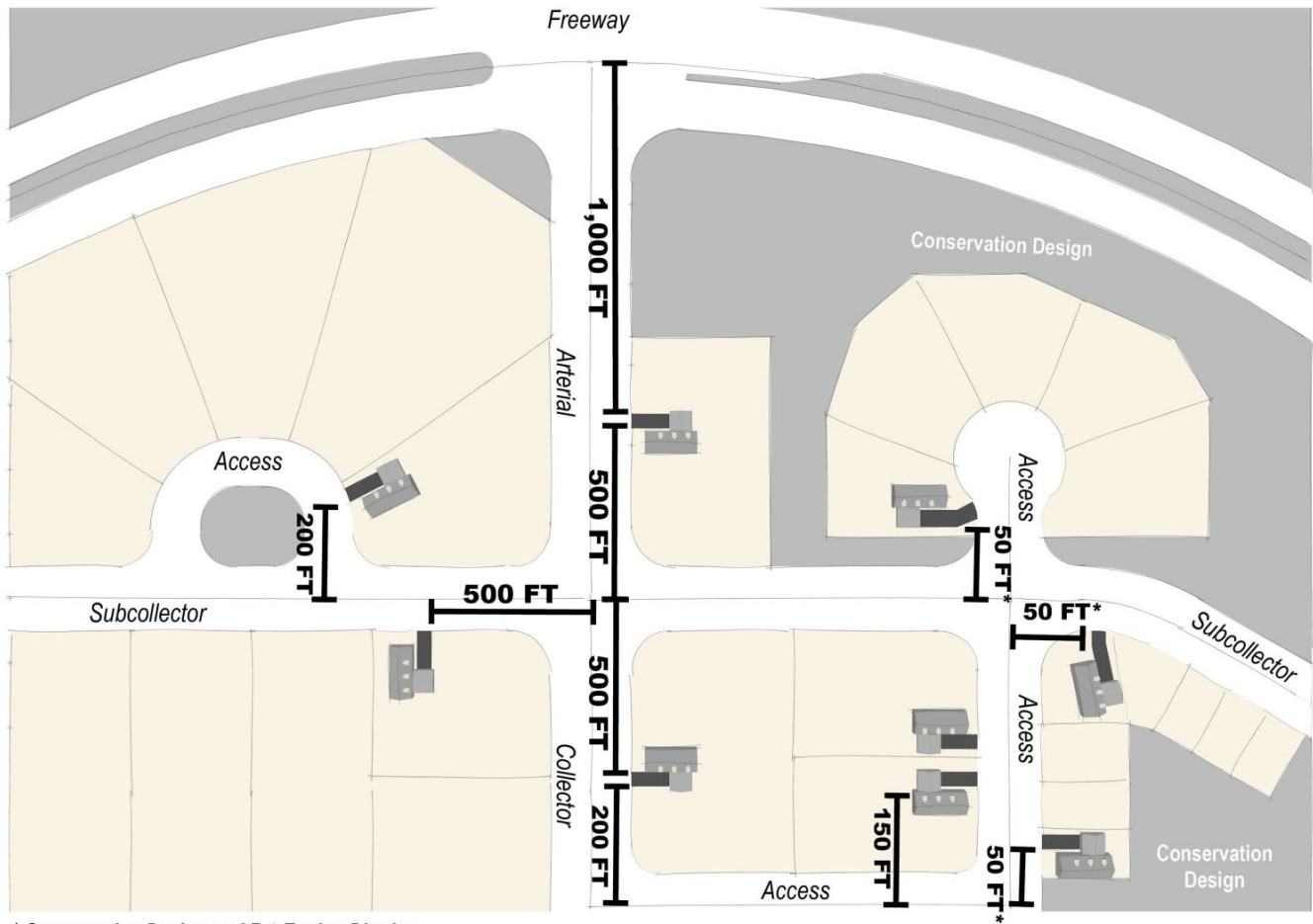
4. Road Access and Driveway Separation

- a. No parcel may be improved for residential, commercial or industrial use unless it has direct access to a public roadway or permanent easement access to a public roadway.
- b. All driveway accesses installed, altered, changed, replaced or extended shall meet the following requirements:
 - 1. Driveway access openings for vehicular ingress and egress shall not exceed 30 feet at the right-of-way line and 50 feet at the roadway surface.
 - 2. Applicants are advised that driveway access to all roads under state and federal jurisdiction require WisDOT approval. [Note: *WisDOT may require greater distances than those in the charts below.*]
 - 3. Driveway access to all roads under county jurisdiction must be approved by the St. Croix County Highway Department. Greater distances than those in the charts below may be required or lesser distances than those in the charts below may be allowed pursuant to Wisconsin Statutes [§ 86.07](#) and the [WisDOT Facilities Development Manual](#).
 - 4. All driveway accesses must meet the minimum standards in Table 15.405.3. All distances shall be measured from the centerline to the centerline, unless otherwise noted.

Table 15.405.3 Driveway Separation for Intersecting Highways and Roads

Functional Classification of Intersecting Road or Highway	Minimum Distance from Centerline for Driveways on the Following Highways or Roads:				
	Freeways & Expressways	Principal & Minor Arterials	Major & Minor Collectors	Subcollector	All Access Roads
Freeways, Expressways & Ramp Termini	No Access Allowed	1000 feet	1000 feet	1000 feet	1000 feet
Principal & Minor Arterials	No Access Allowed	500 feet	500 feet	500 feet	500 feet
Major & Minor Collectors	No Access Allowed	500 feet	500 feet	500 feet	200 feet
Subcollectors	No Access Allowed	500 feet	500 feet	200 feet	200 feet
Access Roads	No Access Allowed	500 feet	500 feet	200 feet	150 feet
Subcollectors or Access Roads where zoning allows residential lots narrower than 150 feet	No Access Allowed	500 feet	500 feet	200 feet	50 feet

Figure 15.405.4 Driveway Separation from Intersecting Highways and Roads (Diagram Not To Scale)



* Conservation Design and R-3 Zoning District

Table 15.405.4 Driveway Access Separation Requirements

Functional Classification	Minimum Distance Between Driveways, Measured from Centerline to Centerline
Freeways & Expressways	N/A No Direct Private Access
Principal & Minor Arterials	N/A Very Limited Private Access
Major & Minor Collectors	500 feet Very Limited Private Access
Subcollectors	200 feet Limited Private Access
Subcollectors within Conservation Design Development	50 feet Limited Private Access
	Minimum Distance Between Driveways, Measured from the Edge of the Surface Mat to the Lot Line
Two-Way Access Roads	10 feet
One-Way Access Roads	10 feet
Bulb of a Cul-de-sac	5 feet
Curve of a Loop Road	5 feet

- Where there are at least 2 lots or parcels along a road with insufficient frontage to meet minimum access driveway separations, a service road of not less than 50 feet of right-of-way shall be provided along the entire frontage of each lot or parcel.

6. Where crossovers in divided road or highway medians have been established, access driveways shall be placed directly opposite them.
7. Driveway access to state or federal highways must be approved by the Wisconsin Department of Transportation.
8. Driveway access to county highways must be approved by the St. Croix County Highway Department before the Zoning Administrator will consider and approve any request for highway access.
9. The Zoning Administrator may require joint driveway accesses, where deemed necessary.
10. The Zoning Administrator may approve an alternative driveway access separation distance for an individual driveway on previously platted lots or to fit site conditions and engineering standards based upon the recommendation of the Wisconsin Department of Transportation or the St. Croix County Highway Department.
11. Commercial and industrial land use lots or parcels shall not exceed 2 driveway accesses with a maximum width of 35'.
12. Residential land use lots or parcels shall have a maximum of one driveway access with a minimum width of 12' and a maximum width of 24'. A second driveway may be permitted subject to the following process:
 - a. Access is desired to another portion of the parcel that is not reasonably accessible from the primary driveway due to site layout, topography or other conditions.
 - b. The owner shall file a Land Use Permit application and corresponding fee with the Department. The application shall include submittal requirements specified in table 15.590.1 for Land Use Permit applications. The Zoning Administrator may waive submittal requirements not related to the second driveway request.
 - c. The Department and/or St. Croix County Highway department shall review the request and determine if a second driveway can be approved based on site layout, topography, and/or other limitations. The owner shall accommodate a site visit for St. Croix County staff to review the property, if one is determined to be needed.
 - d. A second driveway may be approved if it does not comply with setback requirements from the primary driveway on the same parcel.
 - e. The second driveway shall meet setback requirements to intersections and to driveways on other parcels.
 - f. The Department will prepare a written response of approval or denial, consistent with 15.555, Land Use Permits, within 60 days of receiving a completed application and forward it to the applicant.
 - g. The applicant shall obtain approval of the controlling jurisdiction of the roadway before the Land Use Permit for the second access can be issued.
13. Driveway accesses shall meet the following standards:

Table 15.405.5 Driveway Access Standards	
Maximum grade at any point along the driveway	12%
Maximum grade within 50' of the centerline of the intersecting road	2%
Radius of curvature (min) for deflections of at least 7°	100' from centerline
surface/mat (min)	12'

14. Where a lot or parcel fronts on two existing State or County highways, driveway access shall be from the lower functionally classified highway unless this section and other County ordinance standards cannot be met.

Effective on: 11/11/2022

15.410 Building Height

Purpose: the zoning districts establish maximum heights for buildings and structures. This section describes how to measure building height and exemptions to height limitations.

1. **Measurement.** Building height is 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. The average ground elevation shall be calculated with an accurate drawing of the proposed structure with finished grade contours and spot elevations at each of the four outermost corners of the structure; Add up the spot elevations and divide by four to calculate the average ground elevation.
2. **Exceptions**
 - a. The regulations of this Chapter relating to building or structure height and the size of yard and other open spaces are subject to the following exceptions:
 1. Religious assemblies, schools and other public and quasi-public buildings may be erected to a height up to 60 feet or 5 stories if the required street, side and rear setbacks increase at least 1 foot for each additional foot of height above the height limit otherwise established for the district.
 2. Chimneys, cooling towers, church steeples or spires, cupolas, tanks, water towers, ski lift structures, television antennas, microwave radio relay or broadcasting towers, masts or aerials, farm silos, barns and other farm structures and necessary mechanical appurtenances are exempt from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the County, or of other jurisdictions such as the Federal Aviation Administration (FAA).
 3. The Shoreland Overlay (SO) and Lower St. Croix Riverway Overlay (SCR) districts have different structure height regulations.

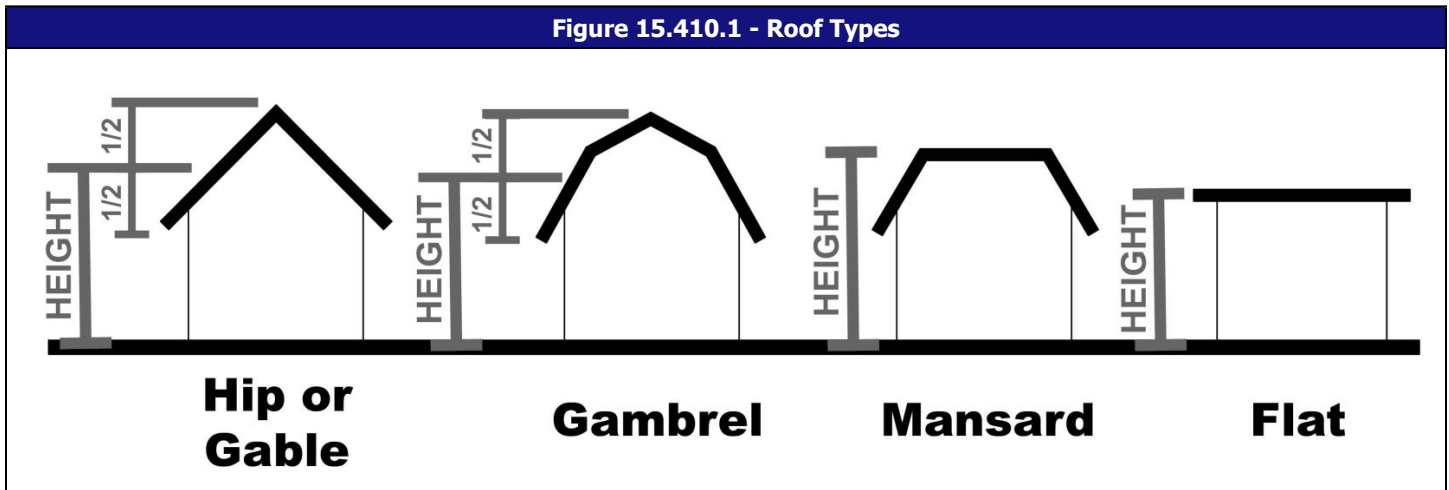
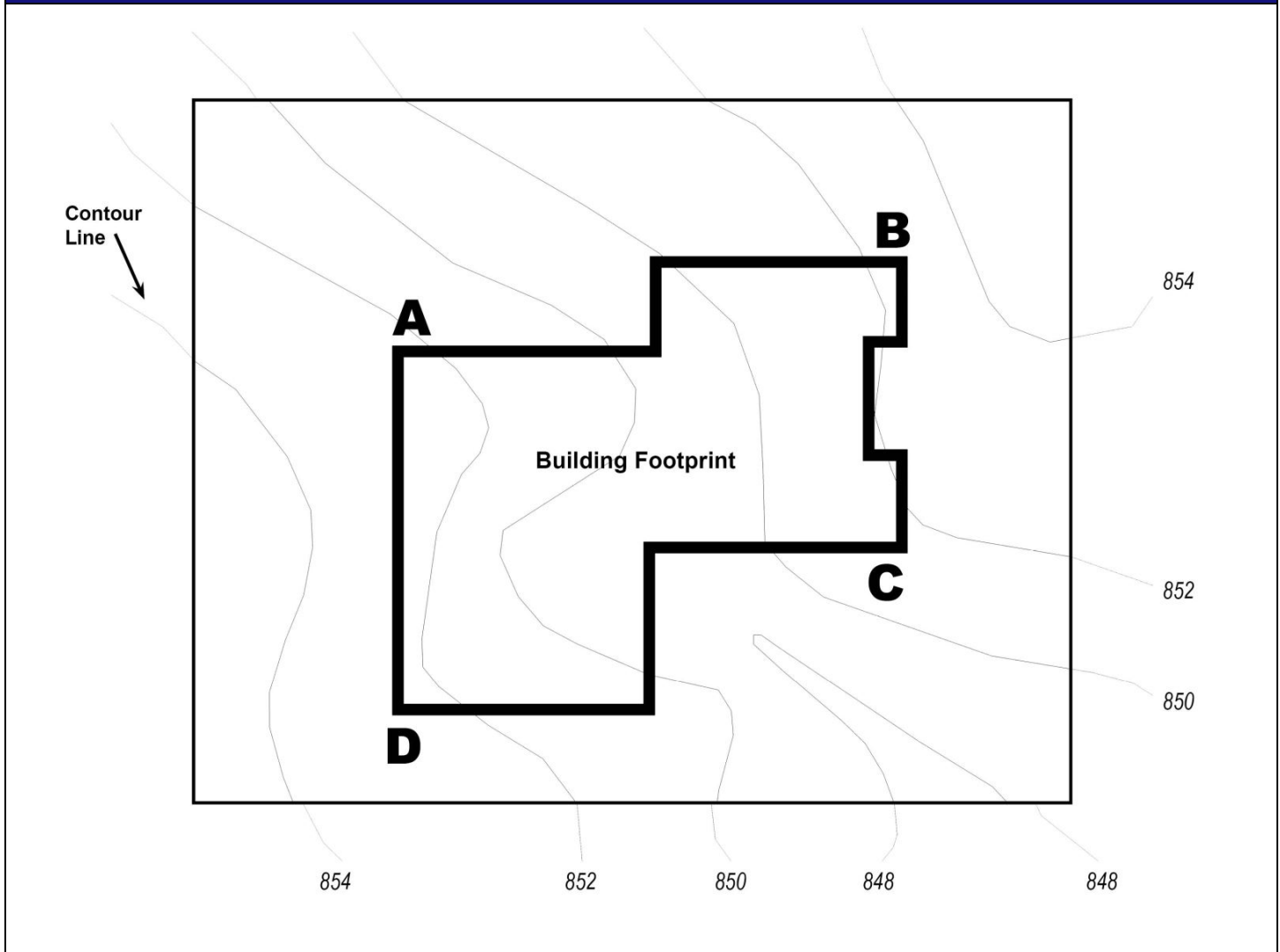


Figure 15.410.2 - Average Ground Elevation Calculation



Effective on: 11/11/2022

15.415 Grading and Land Disturbance

Purpose: this section establishes standards for grading to mitigate the impacts of development on water resources and stormwater runoff, and to avoid erosion.

1. Applicability

- This section applies to construction or land disturbance activities above the thresholds specified in this section.
- Slopes as described in this section are measured over a horizontal distance of 50 feet. The 50-foot segment will be selected by County staff to include any slope segment inclusive of the proposed disturbance, using a County-generated slope map.

2. Standards and Prohibitions. All permitted construction or land disturbance activities subject to this section require:

- a land use permit, and
- an erosion and sediment control plan that incorporates Best Management Practices (BMPs) that meet or exceed the Wisconsin Department of Natural Resources (WDNR) [Stormwater Management Technical Standards](#).

[Note: refer to §15.590 (Submittal Requirements) for contents of erosion and sediment control plan.]

3. **Requirements and Prohibitions.** The following requirements or prohibitions apply to construction or land disturbance activities indicated below:

Table 15.415.1 Grading and Land Disturbance Requirements			
Requirement	Slope / Type of Construction		
	> 10,000 sf on 12-19.99% slopes	> 20-24.9% Slopes or Public improvements affecting slopes 25-29.9%	slopes 25% and greater (other than public improvements) public improvements on slopes 30% and greater
	* = required X = development prohibited		
An approved Land Use Permit and Erosion Control Plan as provided above	*	*	X
A stormwater management plan shall be submitted and shall meet the performance standards described in Wisconsin Administrative Code NR 151 Subchapter III, Non-Ag Performance Standards.		*	X
The property owner shall execute and record an affidavit describing the approved stormwater management plan and maintenance requirements with the County Register of Deeds within 30 days after construction is completed.		*	X
The affidavit shall alert subsequent purchasers of the land of the maintenance requirements of the plans.		*	X
The property owner shall submit a copy of the affidavit along with a record drawing and photos of the stormwater retention/detention devices and drainage ways to the Zoning Administrator.		*	X
Construction may not proceed until the Zoning Administrator has approved the plans.		*	X

4. **Exceptions.** Exceptions to the prohibition of development on slopes 25% or greater may include the following, subject to obtaining applicable Conditional Use Permit and/or Land Use Permit approvals: Operations and facilities associated with Skiing Facilities (Commercial) and limited to Ski Slopes/Trails, Snowmaking Equipment, Ski Lifts, Terrain Parks and Ski Slope/Trail Lighting. Exceptions also include a ski chalet structure and related parking facilities provided development on slopes of 25% or greater does not exceed 21,780 square feet. No more than 50% of a ski chalet structure can impact slopes of 25% or greater. The overall impact to slopes should be the minimum amount needed to accommodate the proposed use.

Effective on: 11/11/2022

15.420 Screening, Landscaping & Tree Preservation

Purpose: this section establishes specifications for planting and landscape areas. The County finds that this section promotes the public health, safety and general welfare by:

- *increasing compatibility with adjacent land uses by requiring a buffer or screen between uses;*
- *minimizing the harmful impact of noise, dust, debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by adjoining or nearby uses;*
- *preserving scenic views and/or otherwise enhancing the rural landscape as seen from perimeter roads;*
- *minimizing soil erosion;*

- *reducing flood hazards and managing stormwater by providing leaf canopies that help reduce erosion caused by falling rain, porous surface areas where rain water lands and evaporates, and roots that take up water and create soil conditions that promote infiltration;*
- *promoting ground and surface water stabilization and decreasing the adverse impact of the water table fluctuations caused by the removal of vegetation;*
- *protecting air quality which is significantly affected by the natural clearing of the atmosphere by the trees through particulate matter interception and the release of oxygen into the atmosphere as a byproduct of photosynthesis, and by absorbing carbon dioxide and supplying oxygen;*
- *reducing the effects of noise, glare, dust, and other objectionable activities generated by some land uses, including avoiding the increase in noise pollution created by the removal of buffer trees;*
- *protecting existing vegetation from greater wind velocities by planting trees or avoiding the removal of buffer trees;*
- *safeguarding and enhancing property values by promoting compatibility and avoiding the adverse aesthetic and ecological effects of tree removal;*
- *stabilize the urban wildlife habitat and ecosystem balance;*
- *buffering and screening adjacent properties;*
- *promoting and improving the County's image, charm and beauty, including the character of its neighborhoods and commercial areas;*
- *providing shade and reducing urban heat islands;*
- *preserving the economic base attracted to the County by its natural beauty; and*
- *promoting aesthetically pleasing developments that preserve the appearance and character of the community.*

[Note: Subdivision plats are subject to the landscaping and screening requirements of Chapter 13.H.]

1. **Applicability**

a. **This section applies:**

1. where landscaping is required by the applicable zoning district

[Note: The following zoning districts require landscaping: Residential (R-3 only), Commercial (C-1, C-2, C-3), and Industrial (I-1 and I-2)]

2. to parking lots containing 5 or more parking spaces and located in or adjacent to residential districts R-2 or R-3.

2. **Landscaping Plans.** If this Section requires landscaping, the applicant shall provide a Landscaping Plan. [refer to §15.590 (Submittal Requirements) for contents of erosion and sediment control plan.]

3. **Tree Protection Encouraged.** Property owners are encouraged to protect and retain existing trees, shrubbery and grasses not located in rights-of way, drainageways, vision triangles, and the like, and to protect and preserve trees during construction.

4. **Alternative Requirements.** The Zoning Administrator may approve alternative landscaping requirements if:

- a. the applicant preserves a unique native landscape such as a native prairie, oak savannah or woodland, and the decision maker determines that the native landscape has at least an equivalent area and durability as the landscaping normally required by this section, or
- b. the applicant provides alternative landscape treatments that have a buffering or screen capacity equal to or greater than required by this section, or
- c. the applicant demonstrates unique site constraints that inhibit compliance with this section and provides alternative landscape treatments appropriate to those constraints

5. **Required Landscaping**

- a. **Generally.** Landscaping shall occupy the minimum percent of a lot or parcel as provided in the applicable zoning district. All of the buffer and parking lot landscaping required by this section shall be provided, even if those requirements exceed the minimum percentage required.
- b. Any required landscape area shall be planted with any combination of perennial plants, woody shrubs and/or trees, but excluding mowed turf grass. Required landscape areas shall be planted at a sufficient density of plants to achieve 80% ground coverage within 3 full growing seasons. The use of mulch or landscape stone is required in the first three years to prevent erosion and weed growth and is encouraged thereafter.
- c. **Civic Space Credits**
 - 1. **Qualifying Civic Space.** The following civic space types are credited toward up to 10% of the landscaping required by this section:
 - a. Bio-retention or rain gardens;
 - b. Greenways;
 - c. Pedestrian walkways;
 - d. Plazas;
 - e. Squares;
 - f. Courtyards; and
 - g. Greens.
 - 2. **Minimum Specifications.** To qualify for a landscaping credit, a civic space shall have a minimum total area of 300 square feet.

6. Location and Design of Plantings

- a. Table 15.420.1 indicates required landscaping locations. Required landscaping locations (R) must be provided if those plantings exceed the minimum percentage required by this section. Optional landscaping locations (O) may include landscaping that is needed to meet the minimum percentage required, or landscaping that exceeds the percentage required.
- b. This section does not prohibit landscaping in other locations.

Table 15.420.1 Landscaping Location	
Location	Required (R) or Optional (O)
Road setback areas	R
Side and rear yards	O
Buffers (see subsection ***** below)	R
Parking Perimeter Landscaping	R
Parking Interior Landscaping	R

- c. Landscaping may overlap drainage and/or utility easements. However, plantings shall not:
 - 1. impede the flow of water within a drainage easement, or
 - 2. obstruct any portion of an existing or dedicated public road or right-of-way.
- d. Where space allows, landscape plantings shall be placed in an informal, random pattern to create a naturalized landscape.

7. Planting Material Specifications

- a. **Applicability.** This subsection applies to all landscaping required by this section.
- b. **Generally**

1. Size specifications and landscape materials shall conform to the American Standard for Nursery Stock.
2. Areas to be landscaped shall be prepared, improved and planted as specified by current Wisconsin Department of Transportation standards as specified in the [Facilities Development Manual \(FDM\)](#).

8. Species and Materials

- a. The landscaped buffer area may contain any combination of preserved natural vegetation or newly installed plantings.
- b. Landscape materials shall allow growth to the required height and opacity.
- c. Landscape species shall be indigenous or proven adaptable to the climate but shall not be invasive species as identified by the Wisconsin Department of Natural Resources.
- d. Landscape species should include a mix of trees and shrubs and can also include herbaceous materials such as grasses, vines, aquatic plants, wildflowers, tall-grass prairie, and other vegetative materials.
- e. The landscape plantings shall include low-maintenance, drought and salt tolerant species.
- f. Landscape materials shall be tolerant of heat, drought, salt, or other conditions that could degrade quality and survivability.

9. **Plant Size.** Minimum plant size shall be as specified in Table 15.420.2. To determine trunk size, caliper inches are measured 6 inches above ground level.

Table 15.420.2 Plant Size	
Plant Type	Minimum Size
Trees	
Evergreen	4' in height
Deciduous Overstory	1-½ caliper inches
Deciduous Ornamental	1 caliper inches
Shrubs	
Evergreen or Deciduous	18" in height

a. **Preservation Credits**

1. *Purpose: Preserving existing healthy, native, non-invasive vegetation should always take precedence over planting new vegetation and is encouraged by crediting preservation toward these landscaping requirements.*
2. Preservation of existing trees or shrubs count toward the landscaping required by this section if:
 - a. For road setback, parking area perimeter or residential buffers, they meet an opacity of at least 80 percent, and
 - b. they meet the minimum plant sizes specified in Table 15.420.2 above.

10. Screening.

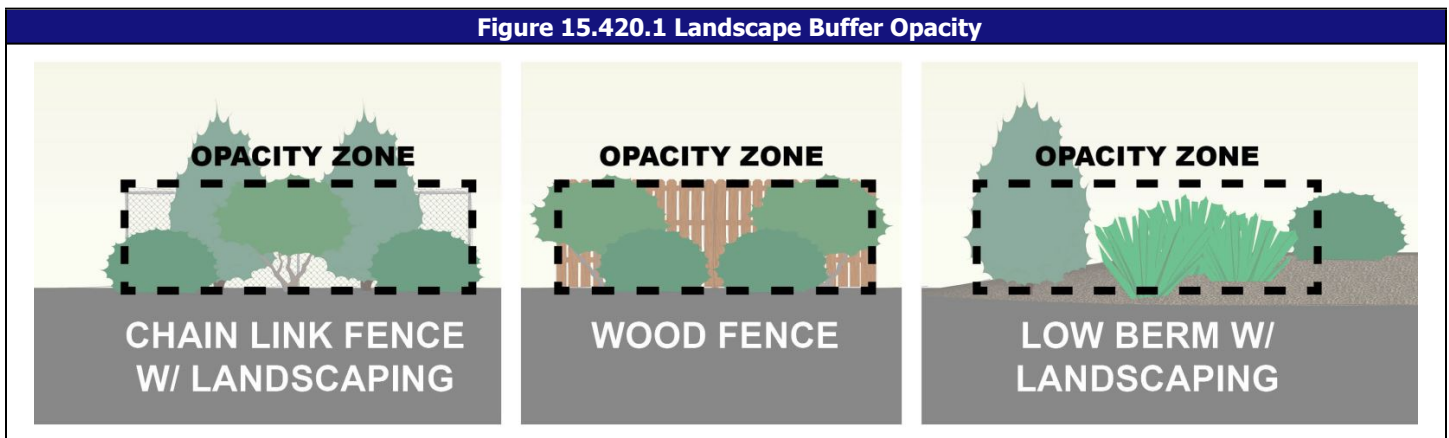
a. **Applicability**

1. Screening is required in Parking Perimeter and Residential Buffer landscaping areas.
2. Any trash or recycling containers not otherwise stored inside an approved structure shall be screened with a combination of fences or walls.

b. **Berms, Fences or Walls**

1. **Generally.** If a berm, fence or a wall is used where allowed by this section:
 - a. it shall be visually dominated by planted vegetation as viewed from the street or neighboring lot, and
 - b. within 36 months or 3 growing seasons after planting,
 1. the planted vegetation shall attain 50 percent coverage within the opacity zone, which is the first 4 feet or 6 feet above the surrounding ground level, as required by this ordinance, and
 2. newly planted vegetation shall be established on the residential or existing use side of the fence or wall.

2. **Berms.** In addition to subsection b.1. above, berms shall comply with the following requirements:
 - a. If berms are used to supplement or replace some of the planting requirements the width of the landscaped area must be adequate to accommodate the size of the berm, based on the berm slope, crown, height and form.
 - b. The applicant shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the buffer area screen.
 - c. Berms shall contain side slopes not exceeding 4 feet of horizontal distance to one foot of vertical distance (4:1) with a maximum height of 6 feet.
 - d. Berms shall be natural in appearance and undulating wherever possible.
3. **Fences and Walls.**
 - a. If used to screen exterior trash or recycling containers, fences or walls shall be no less than 6 feet in height and no greater than 8 feet in height and shall be 100% opaque.
 - b. If used as part of Parking Perimeter or Residential Buffer landscaping requirements, fences and walls shall be at least 80% opaque.
- c. **Hedges/Combinations.** If a hedge or hedge/berm combination is used, the approved vegetative material shall be at least 2 feet in height at time of planting or capable of growing to that height in the first growing season. Vegetative material of sufficient screening density shall be spaced according to growth needs of the species to attain the height required for its screening purpose and 80% opacity at maturity.



11. Requirements for Specific Landscaping Locations

a. Street Setback Landscaping

1. **Applicability.** A landscaped area shall be provided in the street setback area.
2. **Location / Size.** Street Setback Landscaping shall extend at least 10 feet in depth for at least half of the street right-of-way frontage.
3. **Content.** Street setback landscaping may include vegetated planting areas, berms, fences or walls, subject to the design constraints of this section.
4. **Design**
 - a. The street setback area shall include at least one shade tree per 100 feet of street frontage.
 - b. All plantings shall be appropriately spaced according to growth requirements of the species and shall not obscure street-facing windows or doors at maturity.
 - c. Street Setback Landscaping is limited to 2 feet in height within the vision clearance triangle of a driveway access or road/railroad intersection (see § 15.405).

b. Parking Perimeter Landscaping

1. **Applicability.** This section applies to parking lots containing 5 or more parking spaces and located in or adjacent to residential districts R-2 or R-3.
 2. **Location / Size.**
 - a. A landscaped buffer at least 10 feet in width shall abut the perimeter of parking lots/pavements.
 - b. If an area is newly planted, the landscaped buffer shall include plants with a minimum height of 18 inches at the time of planting. If plants are preserved, they must be shrubs or trees in order to count toward the requirement.
 3. **Content.** Parking perimeter landscaping may include vegetated planting areas, berms, fences or walls consistent with the preceding section on Screening.
 4. **Design**
 - a. **Opacity.** The buffer shall attain 80 percent opacity at maturity.
 - b. **Height.** Parking Perimeter Landscaping shall be maintained at a minimum height of 4’.
 - c. **Planting.** Parking Perimeter Landscaping shall contain –
 1. one 2-1/2 caliper overstory tree per 60 linear feet of parking lot frontage, or
 2. a combination of deciduous and coniferous shrubs and a decorative wall or fence made of wood, brick or ornamental iron railing, with a minimum height of 3 feet.
- c. **Parking Interior Landscaping**
1. **Applicability.** This section applies to parking lots containing 5 or more parking spaces in the C-3, I-1 and I-2 zoning districts.
 2. **Location / Size.** Rows of parking shall be broken every 10 spaces by a landscape median at least 7 feet in width.
 3. **Content.** Parking perimeter landscaping may include vegetated planting areas, berms, fences or walls.
 4. **Design.** At least 1 indigenous shade tree is required per median. The remainder of the median shall consist of shrubs and ground cover.
- d. **Residential Buffers**
1. **Applicability.**
 - a. For purposes of this section, a “buffer” means a yard along the perimeter of a lot or development, that includes landscaping, fencing, and/or berms that are designed to minimize visual, noise, lighting, stormwater, and related impacts on adjacent uses and surrounding areas.
 - b. The buffer shall consist of an area of land located within and along the outer perimeter of a lot or boundary line.
 2. **Location / Size**
 - a. The following districts shall maintain a buffer between the County (R-1, R-2, and R-3), City and Village residential districts.
 - b. The minimum buffer width is as follows:

Zoning District for property requiring a buffer	Adjoining District		
	R-1	R-2	R-3
R-3	5'	5'	5'
C-1	5'	5'	10'
C-2	5'	5'	10'
C-3	10'	10'	15'
I-1	10'	10'	15'
I-2	10'	10'	20'

- c. **Content.** Residential buffers may include vegetated planting areas, berms, fences or walls.

d. **Design**

1. The residential buffer shall reach 6 feet in height within three full growing seasons.
2. The landscaped buffer shall attain 80 percent opacity at maturity.
3. The landscaped buffer area may include vegetated planting areas, berms, fences or walls consistent with the preceding section on Screening.

12. **Timing of Installation.** If a subdivision plat is not required, plantings and screening shall be installed prior to issuance of a certificate of occupancy. The applicant may propose, and the Zoning Administrator may approve, alternative timing for installation of landscaping subject to a schedule specified in a Developer's Agreement, a condition of zoning or conditional use permit approval, or another legally enforceable condition or agreement.

13. **Maintenance**

- a. Existing healthy trees and shrubs shall be properly protected from construction activities in accordance with sound conservation practices.
- b. Financial assurances shall cover the cost of installation of plant materials and replacement of all dead, dying, defective or diseased plant material for a period of 18 months.

Effective on: 11/11/2022

15.425 Lot Development

Purpose: This section includes standards and rules of interpretation for applying the lot area, setbacks and yards requirements for the zoning districts established in this Chapter.

1. **Generally.** A lot, yard or other open space provided for a building to comply with this chapter does not count as part of a lot, yard or other open space required for another building.

2. **Lot Area**

a. **Generally.** This subsection applies to any zoning district that establishes a minimum lot area requirement. [Note: The following zoning districts include minimum lot area requirements: AG-1, AG-2, R-1 (Standard Design), R-2 (Standard Design), R-3 (Standard Design), C-1, C-2, C-3, I-1, and I-2. The Lower St. Croix Riverway (SCR) includes additional standards for net lot area.]

b. **Lot Area.** Lot area is the contiguous area within lot lines, excluding any street, highway, access easement or railroad right-of-way.

3. **Setbacks and Yards.** The following standards apply to setbacks and yards within the applicable zoning districts where setbacks are established as indicated below:

a. **Generally.** Every part of a required yard shall be open to the sky and unobstructed, except for permitted encroachments.

b. **Street Setback.** A street yard extends the full width of the lot and is measured between the street right-of-way to the nearest principal building. The street setback is a line contiguous to the nearest part of the main building (excluding permitted encroachments) from the street right-of-way.

c. **Rear Setback.** A rear yard extends the entire width of the lot and is measured from the rear lot line to the rear setback. The rear setback is a line contiguous to the nearest part of the main building (excluding permitted encroachments) from the rear lot line.

d. **Side Setback**

1. A side yard extends from the front yard to the rear yard and is measured from the side lot line to the side setback. The side setback is a line contiguous to the side wall of the main building.

2. When an accessory building is constructed as part of the main building or constructed on one side of the main building, the side yard requirements apply to the accessory building.

3. For lots less than 80' wide and of record at the date of the passage of this Chapter:

- a. the aggregate width of the side yards is equivalent to 3" for each foot of the lot width, and
- b. no single side yard shall be less than 40% of the aggregate width, and

- c. the buildable width of any lot shall not be reduced to less than 24'.
- e. **Corner Lots.** A corner lot is considered to have a front yard on each lot line abutting a street, and a side lot line abutting an interior lot.
- f. **Encroachments.** The features designated and as conditioned below may encroach into a required yard subject to height limitations, vision triangle requirements (§ 15.405) and building code separation requirements.

Table 15.425 Encroachments			
Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback from property line
Arbors (maximum footprint of 80 sf and maximum height of 12')	Any yard	No restriction	--
Accessory buildings (not otherwise listed)	Rear yard	No restriction	5'
Basketball goal	Any yard	No restriction	--
Balconies (open) at second floor or higher levels, wing walls, stoops, landings, patios, and decks	Any yard	5'	--
Bird houses, dog houses	Any yard	No restriction	--
Ordinary projections of sills, belt courses, cornices, buttresses, eaves, chimneys, buttresses, eaves, spouts/gutters, brackets, pilasters, grill work, trellises and similar architectural features	Any yard	20"	--
Canopies, Freestanding	Street/rear	--	10'
Canopies having a roof area up to 60 sf	Street/rear	6' into yard	--
Clothes line (up to 2 poles)	Rear/Side	No restriction	--
Equipment, ancillary (Residential or Commercial districts)	Interior Side/Rear	No restriction	--
Fences, walls, poles, posts and other customary yard accessories, ornaments and furniture	Any yard	No restriction	--
Open fire escapes / enclosed outside stairways / handicap ramps required by the building code	Any	3½'	--
	Rear	--	5'
Flag Pole	Any	No restriction	--
Garages, attached or detached and loaded from an alley	Rear	No restriction	--
Gates	Any	No restriction	--
Heating and cooling units	Side/Rear	No restriction	20"
Landscaping, lawns, berms, trees, shrubs	Any yard	No restriction	--
Light Poles	Any yard	No restriction	--
Mailboxes	Any yard	No restriction	--
Playground equipment, trampolines	Any yard	No restriction	--
Open pools, screened or enclosed pools, spas, and uncovered decks or patios, up to 20 feet from a dwelling unit on an abutting lot	Rear/Side	No restriction	--
Overhanging roof, pier, awnings, marquees, and second-story balconies, steps, structural overhangs or projections enclosing habitable living space, or similar architectural features	Any yard	Shall not extend within a planting strip or tree well area	5'
Parking spaces (except as otherwise permitted as part of an approved shared parking design for adjacent non-residential parcels)	Any yard	No restriction	Minimum 20' from street ROW, 5' from other property lines, and outside of required buffers
Porches, residential unenclosed and covered	Street/rear	6 feet into yard	--
Projecting overhangs on the ground floor not listed above	Any yard	No restriction	3'
Projecting windows such as bays, bows, oriels, or dormers	Any yard	5'	20" or as required by building code
Ramps for citizens with disabilities	Any yard	No restriction	--
Retaining Walls	Any yard	No restriction	--
Sidewalks	Any yard	No restriction	--

Table 15.425 Encroachments

Feature	Yards where encroachment is permitted	Maximum Encroachment	Minimum Setback from property line
Steps, uncovered	Street	No restriction	--
Stormwater detention or retention facilities or ditches, unless the Zoning Administrator finds that underground stormwater management facilities are not currently available	Rear (R-3, C-3), Any yard (all other districts)	No restriction	--
Vending Machines, ATMs	Any yard	No restriction	--

4. Reasonable Accommodation for Disabled Persons

- a. Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:
 - 1. Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access may be approved.
 - 2. No use, structure or other relaxation of standards may be approved that would violate or undermine the stated purposes of this Section.
 - 3. The land use permit will expire and the structure removed once the property is no longer primarily used by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities. Routine maintenance is allowed.
- b. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.
- c. The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the land use permit.

5. Outlots. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

Effective on: 11/11/2022

15.430 Parking and Loading

Purpose: This section provides safety, comfort and convenience to parking lot users, pedestrians and motorists. These standards:

- *reduce the effect of parking demand on traffic movement on adjacent streets, and*
- *prevent the occurrence of undesirable conditions caused by the construction of parking lots which would adversely affect adjacent property owners; and*
- *establish minimum levels of parking to capture vehicular traffic while avoiding the undesirable effects of excessive parking, and*
- *consistent with the Comprehensive Plan, discourage excessive paved surfaces, and*
- *ensure that parking does not interfere with pedestrian, bicycle, or other modes of transportation.*

1. Applicability. All uses regulated by this Chapter shall provide off-street parking and loading consistent with the standards established in this section.

2. Generally

- a. An off-street parking space shall have a minimum width of 9 feet and minimum area of 162 sf. This excludes ingress and egress driveways that connect with a public thoroughfare. A single stall in any garage may replace a required parking space.
- b. Where four or more off-street parking spaces are provided and an access aisle is necessary, that aisle shall meet the following minimum width standards

Table 15.430.1 Parking Lot Aisle Minimum Width	
Angle of Parking (degrees)	Width of one-way drive aisle (feet-inches)
0	12-0
45	12-10
60	14-6
75	17-10
90	24

- c. A private garage may be rented to private passenger vehicles for persons who do not reside on the premises, up to the following amounts:
 - a. Garage with capacity of up to 2 vehicles: 100%
 - b. All other: 50%
- d. No commercial motor vehicle exceeding 5 tons rated capacity shall be stored in a private garage in an R-2 or R-3 district.
- e. No building for which off-street parking space is required may be added to, structurally altered or converted in use, to encroach upon or reduce the parking spaces below the required minimum.
- f. No parking spaces required under this section may be used for another purpose.
- g. Parking spaces are not allowed in the vision clearance triangle.
- h. For all non-residential uses along a County road or street with a speed limit greater than 25 MPH, parking shall be configured so that ingress to and egress from the parcel can be achieved by driving forward, including space to turn around on the parcel as necessary. Parking spaces with direct access from the right-of-way will not be permitted in these circumstances.
- i. All parking spaces and access drives and lanes shall be graded to prevent the accumulation of surface water.

3. Paving

- a. Parking spaces and access lanes in the following districts shall be provided with a dust free, bituminous or concrete paved surface adequate for the proposed vehicle use: R-3, C-3, I-1, I-2. Storage and staging areas in the I-1 and I-2 districts shall be provided with such a paved surface or a gravel surface as described in this section.
- b. Parking spaces and access lanes in the following districts shall be provided with a gravel surface adequate for the proposed vehicle use and appropriate to the subsurface soil conditions, typically including a base of 3" stones with fines and topped with 3/4" crushed stone: AG-1, AG-2, R-1, R-2, C-1, C-2.
- c. Unpaved field areas may be used for special event parking up to 30 days per year and up to 9 consecutive days if the ground is dry and maintained with living vegetative ground cover (e.g. grass) to prevent erosion. Access to such field areas must be provided via an approved paved or gravel driveway to reduce the tracking of mud or other materials onto the public roadway. If vegetative ground cover cannot be maintained, a gravel surface shall be provided consistent with this section and as approved by the County.

4. Landscaping. Refer to § 15.420.

5. Lighting. Lighting on parking lots located in or adjacent to an R-1, R-2 or R-3 district shall be shielded to prevent glare or illumination of adjoining property in those districts.

6. Required Off-Street Parking Spaces.

- a. For purposes of Table 15.430.2, "sf" means the entire gross floor area of all buildings in which the use is conducted. Outdoor spaces are excluded from consideration, unless indicated otherwise in the table. For buildings with multiple distinct uses, the gross floor area is allocated by use and parking spaces are calculated accordingly.

- b. Any use not specifically named shall be assigned to the most appropriate classification as provided in § 15.285. If an appropriate classification is not apparent, the Zoning Administrator may consult the most current version of the Parking Generation Manual by the Institute of Transportation Engineers (ITE).

15.430.2 Parking Spaces Required	
Use Category	Parking Spaces Required
AGRICULTURE	
Agriculture, Aquaculture	--
Agriculture, Beekeeping	--
Agriculture, Crop or Forage Production	--
Agriculture, Enrolled Land	--
Agriculture, Floriculture	--
Agriculture, Forest Management	--
Agriculture, Fur Farm	--
Agriculture, Keeping Livestock	--
Agriculture, Sod or Christmas Tree Production	--
Agriculture, Wholesale Nursery	--
Agricultural Resource Production (including sawmills)	1 per 500 sf
Animal Production, Other	--
Community Garden	--
Community Supported Agriculture	--
Crop/Limited Agriculture	--
Grazing	--
Greenhouse	--
Harvesting of Wild Crops	--
Livestock Facility (< 200 animal units) (§ 15.360; L where required by Table 15.360.1)	--
Livestock Facility (200-499 animal units) (§ 15.360; L where required by Table 15.360.1)	--
Livestock Facility (> 500 animal units) (§ 15.360; L where required by Table 15.360.1)	--
Manure Storage	--
Pick-Your-Own Operations	--
Raising of Chickens and Ducks	--
Raising of Waterfowl, Fowl, and Fish	--
Stock Yard or Livestock Auction Facility	--
NATURAL RESOURCES	
Filling, Draining, or Dredging of Wetlands	--
Undeveloped Natural Resources and Open Space Land Use	--
RESIDENTIAL	
Residences	
Caretaker Unit	2 per dwelling
Conservation Design Development (§ 15.325)*	2 per dwelling
Dwelling, Rental or Secondary	2 per dwelling
Dwelling, Single-Family	2 per dwelling
Dwelling, Two-Family	2 per dwelling
Manufactured Home	2 per dwelling
Mobile Home Park	2 per dwelling
Mobile Home	2 per dwelling
Modular Home	2 per dwelling
Multifamily Dwelling	2 per dwelling
Temporary Residence	2 per dwelling
Group Living	

15.430.2 Parking Spaces Required

Use Category	Parking Spaces Required
Community Living Arrangement (9-15 persons)	1 + 1 per 4 bedrooms
Community Living Arrangement (> 15 persons)	1 + 1 per 4 bedrooms
Foster Home / Adult Family Home	1 per dwelling
Life Care or Continuing Care Service	1 per 4 bedrooms
Retirement Housing Service	1 per 2 dwelling units
Skilled-Nursing Service (<i>above intermediate level nursing care</i>)	1 per 4 bedrooms
LODGING	
Boarding House	1 per 2 guest rooms
Bed and Breakfast	1 per 2 guest rooms
Campground, Private	2 per campsite
Campground, Public	2 per campsite
Motels and Hotels	1 per guest room
Seasonal Rustic Shelter/Primitive Rural Hunting Cabin	--
Short-Term Rental	1 per dwelling (<i>provided as part of the dwelling unit - no additional parking required</i>)
ART, ENTERTAINMENT, & RECREATION	
Adult Establishment (§ 15.310)*	1 per 400 sf
Agricultural Entertainment (< 15 days) (§ 15.315)	5 + 1 per 400 sf
Agricultural Entertainment (> 15 days) (§ 15.315; L if > 100 persons during 24 hour period)	per approved event plan or conditional use permit
Amusement or Theme Park	15 per acre
Drive-In Theater	1 per 400 sf
Farm Exhibition (< 5 days)(§ 15.315; L if > 100 persons during 24 hour period)	5 + 1 per 400 sf
Farm Exhibition (> 5 days)(§ 15.315; L if > 100 persons during 24 hour period)	5 + 1 per 400 sf
Game Arcade	1 per 400 sf
Golf Course	6 per hole
Hiking, Biking, and Bridle Trails	--
Indoor Recreational Facility	1 per 400 sf
Miniature Golf	15 per acre
Museum	1 per 400 sf
Outdoor Entertainment Facility - including all athletic courts and fields	1 per 3 users (participants and spectators) at maximum capacity, plus one stall per two employees
Outdoor Recreational Facility - including all athletic courts and fields	1 per 3 users (participants and spectators) at maximum capacity, plus one stall per two employees
Racetrack	1 per 4 seats
Stadium, Arena, or Conference Center	1 per 4 seats
Theater, Movie, or Performing Arts	1 per 300 sf
Zoos, Botanical Gardens, Arboreta, and similar uses	12 per acre
COMMERCIAL/MIXED USE	
Animal Services	
Game Management	1 per 1,500 sf
Kennel, Commercial	1 per 1,500 sf
Stable, Commercial	1 per 400 sf
Veterinary Clinic	1 per 1,500 sf
Automotive	
Automotive Parts, Accessories, and Tire Stores	1 per 500 sf
Automotive Service, Repair, and Towing	1 per 500 sf

15.430.2 Parking Spaces Required

Use Category	Parking Spaces Required
Car Wash	--
Dealerships (Motor, Off-Road, Watercraft, and Implements)	1 per 500 sf
Service Station	1 per 500 sf
Truck Service, Repair, and Towing	1 per 500 sf
Day Care	
Child Care Home, Family (< 8 children)	1 per 350 sf
Child Care Center (Wis.Stat. § 48.65)	1 per 350 sf
Group Day Care	1 per 350 sf
Financial Services	
Financial or Investment Institution	1 per 400 sf
Food & Beverage Sales/Service	
Bar or Tavern	1 per 100 sf, including outdoor seating area dimensions
Grocer	1 per 500 sf
Liquor Store	1 per 400 sf
Restaurant	1 per 100 sf, including outdoor seating area dimensions
Roadside Produce Stand	5 spaces
Sales - Processed or Preserved Agricultural Products and Produce	1 per 500 sf
Mixed Uses	
Vertical Mixed Use (retail or office on ground floor, residential on upper floors)	1 per 400 sf retail/office + 1.5 per dwelling
Office, Business & Professional	
Courier and Messenger Service	1 per 400 sf
Office	1 per 400 sf
Plant or Livestock Genetic Laboratory	1 per 1,500 sf
Postal Service	1 per 800 sf
Personal/Business Services	
Barber or Beauty Shop	1 per 400 sf
Business Support Services	1 per 400 sf
Funeral Home	1 per 150 sf of group seating or assembly areas
Indoor Maintenance and Repair of Goods and Equipment	1 per 400 sf
Laundry	1 per 400 sf
Retail Sales	
Contractor Sales and Service	1 per 1,500 sf
Convenience Store	1 per 300 sf
Drug Store/Pharmacy	1 per 400 sf
Garden Center	1 per 400 sf plus 1 per 1,000 sf of outdoor sales area
Landscape Supply and Contracting Business (Plant or Tree Nursery)	1 per 1,000 sf
Notion, Variety, or Gift Shop	1 per 400 sf
Retail Sales and Service (< 2500 sf)	1 per 400 sf
Retail Sales and Service (> 2500 sf)	1 per 400 sf
Riding Supply	1 per 500 sf
Miscellaneous Commercial	
Agricultural Supply	1 per 400 sf
Business Conducted By Owner/Operator of Farm	--
Farm-Related Exhibition, Sale, or Event (5 days or less)	--
Farm-Related Exhibition, Sale, or Event (more than 5 days)	--
Home Occupation, Major	--

15.430.2 Parking Spaces Required	
Use Category	Parking Spaces Required
Home Occupation, Minor	--
Motion Picture or Sound Recording	1 per 500 sf
Sale or Storage of Agricultural Byproducts	--
INFRASTRUCTURE	
Transportation/Parking	
Airstrip	--
Motor Freight Terminal	--
Parking Facility	--
Taxi and Limousine Service	1 per 1,000 sf
Transit System	--
Utilities	
Air Conditioning and Steam Supply	1 per 1,500 sf
Biopower Facility	--
Dam*	--
Electric Generating Facility (Large Scale)	--
Electric Generating Facility (Small Scale)	--
Flowage Area*	--
Irrigation and Industrial Water Supply	--
Power Plant*	--
Solar Collector / Solar Energy System	--
Utility, Major	--
Utility, Minor	--
Wind Energy System (§ 15.395)*	--
Wired Communication/Cable Facility*	--
Communications Uses	
Radio and Television Broadcasting Studio	--
Mobile Support Structures and Facilities (§ 15.365; may require L)*	--
Waste-Related	
Hazardous Waste Collection, Treatment, and Disposal	--
Salvage Yard	1 per employee of largest shift plus 1 per 0.75 acres of lot area
Septic Tank and Related Services	--
Solid Waste Collection, Treatment, and Disposal	--
Solid Waste Processing or Transferring	--
PUBLIC, CIVIC, & INSTITUTIONAL	
Assembly	
Governmental, Institutional, or Nonprofit Community Use	1 per 300 sf
Club or Lodge	1 per 300 sf
Religious Institution	1 per 300 sf
Civic and Open Space	
Cemetery	--
Historic or Natural Resource	--
Open Space	--
Park	--
Educational Services	
Personal Instruction Services	--
Private One-Room Schoolhouse	--
School (public or private)	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)

15.430.2 Parking Spaces Required

Use Category	Parking Spaces Required
Technical or Trade School	4 per classroom or office; 1 per 150 sf of group seating area (auditorium, gymnasium, etc.)
Public Administration / Institutional	
Library	1 per 400 sf
Correctional or Military Institution*	1 per 500 sf
Hospital*	1 per 400 sf
Medical Clinic*	1 per 400 sf
Public Safety	1 per 800 sf
Social Services and Non-Profit Organizations	
Child and Youth Services	1 per 400 sf
Elderly and Disabled Services	1 per 400 sf
Family Services (food, emergency, etc.)	--
INDUSTRIAL/PRODUCTION	
Manufacturing & Employment	
Agricultural Products Processing	1 per 500 sf
Asphalt Plant	1 per 500 sf
Brewery or Distillery	1 per 500 sf
Building Construction Services	1 per 500 sf
Composting, Commercial	1 per 500 sf
Forest Products Processing	1 per 500 sf
Heavy Construction Services	1 per 500 sf
Industry, Heavy	1 per 500 sf
Industry, Light	1 per 500 sf
Manure Processing Facility	1 per 500 sf
Recycling Facility	1 per 500 sf
Renewable Fuel Manufacturing	1 per 500 sf
Slaughterhouse	1 per 500 sf
Winery	1 per 500 sf
Mining & Natural Resource Extraction	
Heavy Industrial Mining	--
Metal Extraction	--
Non-Metallic Mineral Extraction	--
Warehousing, Storage & Distribution	
Contractor Storage Yard	1 per 1,500 sf
Dead Stock Hauling Service	--
Propane Storage and Distribution	--
Seasonal Storage	--
Self Storage Facility	--
Warehouse (Greater than 20,000 sf)	1 per 1,500 sf
Warehouse (Less than 20,000 sf)	1 per 1,500 sf
Wholesaling	1 per 1,500 sf
Wrecking and Demolition Service	1 per 1,500 sf
MISCELLANEOUS	
Accessory Structures & Uses	--
Portable Storage Unit	--
Notes: sf = gross sf building area of the principal structure unless otherwise indicated; "--" = not applicable	

6. **Shared Parking.** Two or more uses on different, adjacent parcels may share off-street parking provided the number of stalls shall not be less than the sum of the requirements of the individual uses computed separately. If the owners can demonstrate that hours of parking use will not overlap for certain land uses, the total number of stalls may be reduced to eliminate excess parking spaces, at the discretion of the Zoning Administrator. Any such exception shall be documented in a Shared Parking Plan filed with the Department.

7. **Loading**

- a. **Applicability.** Off-street truck loading facilities shall be provided and maintained for any Commercial/Mixed Use or Industrial/Production use that is subject to the minimum parking requirements in a Commercial or Industrial District.
- b. **Amounts of Off-Street Truck Loading Facilities Required.** Off-street truck loading facilities shall be provided in the minimum amount required by Table 15.430.3 for all structures subject to this section.

Table 15.430.3 Loading Spaces Required	
Gross Floor Area (sf)	Required Number of Spaces (see subsection c below for classification)
0 up to and including 12,500	1 (small)
12,501 up to and including 25,000	2 (small)
25,001 up to and including 40,000	1 (large)
40,001 up to and including 100,000	2 (large)
For each additional 80,000 over 100,000	1 (large)

c. **Size Categories.** There are 2 sizes of off-street truck loading spaces, "large" and "small":

Table 15.430.4 Loading Space Size Categories		
Minimum Specifications	Size Category	
	Large	Small
Overhead Clearance (min)	14'	10'
Width (min)	12'	10'
Length (min) (excludes access or maneuvering area, platform, and other appurtenances)	50'	20'

d. **Location**

- 1. Off-street truck loading facilities shall be located on the same building site where the structure they serve is located.
- 2. Shared Loading Facilities as permitted below may be located off-site and within 300 feet of the structure they serve.
- 3. Access, maneuvering area, ramps and other appurtenances shall be:
 - a. furnished off the street right-of-way, and
 - b. arranged so that vehicles are not required to back from the street into the loading area or to back from the loading area into the street.
- 4. **Loading Specifications.** Off-street truck loading facilities shall be constructed, maintained, and operated in accordance with the following specifications:
 - a. **Drainage and Surfacing.** Loading areas shall be properly graded for drainage, surfaced with concrete, asphaltic concrete, or asphalt and maintained in good condition, free of weeds, dust, trash, and debris.
 - b. **Lighting.** Lighting facilities shall be arranged so that the source of light does not shine directly into adjacent residential properties or into traffic.
 - c. **Entrance and Exits.** Loading areas shall be provided with entrances and exits located to minimize traffic congestion or backing from the street into the area.
 - d. **Circulation.** Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than 200 cars, provision shall be made to maintain separate circulation routes within the facilities.

5. Shared Loading Facilities

- a. Off-street truck loading facility requirements for 2 or more structures may be satisfied by the permanent allocation of the requisite number of spaces for each use in a common truck loading facility, cooperatively established and operated ("shared loading facility").
- b. The total number of spaces required for the shared loading facility designated is at least the sum of the individual requirements. The Zoning Administrator may approve a lesser number of spaces, considering the respective times of usage of the truck loading facilities by the individual users, the character of the merchandise, and related factors.
- c. To eliminate a multiplicity of individual facilities, to conserve space where space is at a premium, to maximize efficiency and capacity, and to promote orderly development generally, the Zoning Administrator may approve a Shared Loading Plan that groups off-street truck loading facilities cooperatively for a number of truck loading generators within close proximity. The Zoning Administrator shall obtain consent for the group from the participants in the Shared Loading Plan.

Effective on: 11/11/2022

15.431 To 15.499 Reserved.

Effective on: 12/1/2019

PROCEDURES

Contents:

- 15.500 General Provisions
- 15.505 General Procedural Requirements & Authority
- 15.510 Pre-application
- 15.515 Completeness Review
- 15.520 Notice Provisions
- 15.525 Public Hearings
- 15.530 Town Recommendation
- 15.535 Specific Processes
- 15.540 Text Amendments
- 15.545 Rezoning
- 15.550 Conditional Use Permits
- 15.555 Land Use Permits
- 15.560 Appeals
- 15.570 Variances
- 15.571 To 15.574 Reserved.

15.500 General Provisions

Purpose: This Subchapter -

- *Establishes the workflows associated with zoning and subdivision plat processes, and*
- *Assures that the processes comply with state law, and*
- *Assigns decision making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants, and*
- *For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.*

1. **Generally.** This Subchapter applies to any application for zoning approval in St. Croix County.

2. **Permits and licenses.** If a use is subject to this Subchapter, no permit, license, or other document of approval shall be issued by any County department, agency or board until the Zoning Administrator certifies that it complies with this Chapter.

Effective on: 12/1/2019

15.505 General Procedural Requirements & Authority

1. **Common Procedures.** This Subchapter sets up rules for **Procedures**, such as pre-application, neighborhood notification, notices and public hearings. It then describes the process for specific land use decisions. The Procedures all have a common workflow and description, as follows:

Table 15.505-1	
Element	What does this mean?
Applicability	The type of development or situation that is subject to the process.
Initiation	This is how the applicant begins the process, including which department or official receives the application.
Completeness	This is how St. Croix County determines that the application has sufficient information to be processed.
Notice	This describes the type of notice, and how it is provided.
Decision	This states who approves the application, and the type of proceeding that leads to the decision.
Approval Criteria	These are any standards that apply to the application. All applications are subject to this Chapter and zoning district regulations.
Subsequent Applications	If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property.
Appeals	This provides a way to review an application that is denied, or that have conditions that the applicant disagrees with.
Scope of Approval	This states the activities that the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use.
Recordkeeping	This states how the formal decision of approval is maintained.

2. **Summary.** The processes established in this Subchapter are summarized below:

Table 15.505-2 General Procedural Requirements							
Process	Agency				Notice		Reference
	ZA	CDC	CB	BOA	Publication	Mail	
Text Amendment	I	R-PH	D		*	*	15.540
Rezoning	I	R-PH	D		*	*	15.545
Conditional Use Permit	I			D-PH	*		15.550
Land Use Permit	D			A-PH			15.555
Appeal	I			D-PH			15.560
Variance	I			D-PH			15.570

Note: this table is a general summary. Refer to the referenced sections for the specific procedure. If there is any conflict between the text section referenced here and this Table, the text section controls.

Building permits and certificates of occupancy are issued by the Towns subject to the applicable building code.

Key:

ZA = Zoning Administrator

CDC = Community Development Committee

CB = County Board of Supervisors

BOA = Board of Adjustment

I = intake, review and referral

R = Recommendation

D = Decision

A = Appeal

PH = public hearing

* = required

[] = notice is required for specific situations as indicated in the referenced [Procedures](#)

Effective on: 12/1/2019

15.510 Pre-application

1. **Applicability.**

- a. This section applies to any of the following applications:
 1. Rezoning,
 2. Conditional use permits, and
 3. Appeals or variances,
- b. The Zoning Administrator may waive the pre-application meeting upon finding that the applicant/agent has sufficient familiarity with the approval process that a pre-application meeting would not serve a valid purpose.

2. **Timing.** The pre-application meeting shall occur

- a. at least 10 days before the application is filed.

3. **Meeting Contents**

- a. The applicant shall provide, in writing, a brief overview of the project, including proposed location, uses, densities, project layout, and design features.
- b. Zoning Administrator will provide information and comments at the pre-application meeting, but will not take formal action on the application. In addition to providing verbal information, the Zoning Administrator may provide a Pre-application meeting checklist.
- c. The applicant's and Zoning Administrator's comments are for purposes of information, but are not binding on either the County or the applicant.
- d. The pre-application meeting shall include the following:
 1. A discussion of technical studies, plans and other information deemed relevant to the specific application request,
 2. Discussion of the anticipated level of citizen interest,
 3. Identification of Town notification and neighborhood meeting requirements, if applicable,
 4. A discussion of the general project consistency with the Comprehensive Plan, and
 5. A discussion on the submittal date for the application along with projected public hearing and meeting dates with applicable boards or committees.

Effective on: 11/11/2022

15.515 Completeness Review

1. **General Requirements**

- a. Applications filed under this Subchapter must include the information required by the Submittal Requirements in 15.590. All applications shall be made on forms prepared by the Zoning Administrator. The Department will not process incomplete applications.
- b. An application is not complete until all required items are submitted (see Submittal Requirements in 15.590).

- c. Review for completeness of application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this Chapter.
- d. An application is not complete unless it is accompanied by the required fee. The Board of Supervisors may establish fees for all applications required in this Subchapter by resolution.

2. Completeness Review Process

- a. When applications are filed, the Zoning Administrator will review them for completeness.
- b. The time period to process an application does not commence until the Zoning Administrator determines that the application contains all the information required on the initial checklist.
- c. The Zoning Administrator will determine whether any additional information is needed to complete the review of the application and will transmit the determination to the Applicant.
- d. If the Zoning Administrator determines that additional information is necessary, the Zoning Administrator will provide to the applicant a list and description of the information necessary to complete the review. The Zoning Administrator and the decision-making agency are not obligated to further review the application until the required information is provided.
- e. The Zoning Administrator or the decision-making agency may provide submission deadlines for materials required in support of any application provided for in the Submittal Requirements. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the decision-making agency.

Effective on: 11/11/2022

15.520 Notice Provisions

1. Generally

- a. State law establishes various requirements for public notice. Unless otherwise provided, the notice established in this Subchapter is as provided in 15.520.1 below.
- b. This Chapter does not prohibit the Zoning Administrator from providing additional notice not required by this Subchapter or state law.

Table 15.520.1 Type and Description of Notice

Type of notice	Description
Publication	Class 2 notice under Wis. Stat. Ch. 985, unless otherwise provided.
Mail	The Zoning Administrator will mail the notices. Regular mail is sufficient, unless certified mail is required by a specific process or state law.
Electronic Transmission	<ul style="list-style-type: none"> ▪ The County may communicate with the applicant or persons requesting notice by electronic transmission. ▪ Electronic transmission may include email, or communication through social media or online notification procedures established by the Zoning Administrator.

- 2. **Required Information.** Notice shall include the following information, unless the process includes a different requirement:
 - a. A brief summary of the proposed ordinance or application,
 - b. Time, date, and place of the public hearing or meeting;
 - c. The type of land use or development decision that is being considered;
 - d. A telephone point of contact within the Department; and
 - e. The Zoning Administrator’s website address (URL); and
 - f. the address or location of the subject parcel.
- 3. **Failure to Provide Notice.** The failure of St. Croix County to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this Chapter, and no person may challenge an action for lack of notice where the County has complied with the applicable State law governing notice.

Effective on: 11/11/2022

15.525 Public Hearings

A public hearing gives interested parties an opportunity to be heard. The specific processes for providing testimony and conducting the hearing are established by the agency that conducts the hearing.

Effective on: 12/1/2019

15.530 Town Recommendation

Purpose: This Section establishes a process for the Towns to review and submit a recommendation on applications.

1. **Applicability.** This section applies to any of the following applications:
 - a. Rezoning, or
 - b. Conditional use permit, or
 - c. Variances to the Board of Adjustment.
2. **Submittal.** The Town may provide a written recommendation on the application.
3. **Time of Recommendation.** The Town's recommendation should be submitted at or before the public hearing. If the Town fails to submit a recommendation, the public hearing shall occur without a Town recommendation.

Effective on: 11/11/2022

15.535 Specific Processes

Sections 15.540 through 15.574 set out processes for specific types of permits or decisions required by this Chapter.

Effective on: 12/1/2019

15.540 Text Amendments

Purpose: This section establishes processes for the County Board to amend this Chapter. Three (3) major steps occur:

- *The Community Development Committee holds a hearing and makes recommendations to the County Board.*
- *The County Board votes on the proposal.*
- *In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the County Board.*

The procedures in this Section are subject to state law, including Wis. Stats. §§ 59.69, 87.30 and subchapter V of Ch. 91.

1. Applicability

- a. **Generally.** This section applies to:
 1. Any amendment to the text of this Chapter, or
 2. Any comprehensive revision, as defined in subsection b. below.
- b. **Comprehensive Revisions.** A comprehensive revision may be adopted as a single ordinance by the County Board, following its normal amendment procedure. For purposes of this subsection, a "comprehensive revision" is defined in Wis. Stat. § 59.69(5)(d).

2. Initiation

- a. A petition for amendment to this Chapter may be filed by:
 1. any property owner in the area affected by the amendment,
 2. the town board of any town where Chapter is in effect,
 3. any member of the County Board, or
 4. any member of the Community Development Committee (CDC).

- b. The applicant shall present the petition to the Department.
- c. The Department shall refer the petition to the CDC with notice to the County Board.
- d. Upon receipt of the petition, the CDC shall set a time and place for a public hearing on the petition and shall publish notice of the application.

3. **Completeness.** See § 15.515.

4. **Notice**

- a. The notice required by Table 15.540.1 applies to any amendment.
- b. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the CDC hearing.

Table 15.540.1 Notice Required for Text Amendments			
Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes - certified mail	Town Clerk of each town affected by the proposed amendment	10 days before the CDC hearing 7 days after adoption subject to subsection 9.a.2 below
Electronic Transmission	Optional	--	--

5. **Decision**

a. **CDC Action**

- 1. **Public Hearing.** The CDC shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed amendment.
- 2. **CDC Recommendation**
 - a. If the CDC action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall submit a proposed ordinance with its recommendations to the County Board.
 - b. If the CDC action is unfavorable to the petition, the CDC shall report its recommendations of denial to the County Board along with a statement of its reasons.
 - c. The report to the County Board shall contain the CDC recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.
 - d. A copy of the CDC's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days after the submission of those findings and recommendations are sent to the County Board.

b. **Town Board Disapproval of CDC Action**

- 1. If the majority of Town Boards of Towns affected by a proposed text amendment submits a certified copy of an adopted resolution disapproving the proposed change, the CDC shall not recommend approval. The CDC may only recommend disapproval or approval with modifications.
- 2. The resolutions must be filed with the CDC at the time of or within 10 days after the public hearing.
- 3. This subsection does not apply to amendments affecting the Shoreland, St. Croix Riverway, or Floodplain Overlay districts.

c. **County Board Action.** The County Board shall:

- 1. refuse to deny the petition as recommended by the CDC and refer the petition to the CDC with instructions to draft an ordinance approving the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance.

2. refuse to adopt the ordinance submitted or amended by the CDC, or
 3. adopt the ordinance submitted by the CDC or with amendments.
- d. **Town Board Disapproval of County Board Action.** The County Clerk shall provide notice of text amendments that do not affect Shoreland, St. Croix Riverway, or Floodplain Overlay districts notice to the town clerks of all towns affected by the proposed change. Disapproval or approval of the proposed change shall occur by action of a majority of the town boards subject to and affected by the amending ordinance.
6. **Approval Criteria**
- a. Amendments to this Chapter are committed to the County Board's legislative discretion, and subject to any applicable requirements of state or federal law.
 - b. The zoning amendment shall be consistent with the Comprehensive Plan. [See Wis. Stat. § 66.1001(3)(j)]
7. **Appeals.** A text amendment is not appealable.
8. **Scope of Approval**
- a. **Generally.** The following procedures apply to all amendments specified in Wis. Stat. § 91.38, or that affect district boundary lines and provisions other than the Shoreland, St. Croix Riverway, or Floodplain Overlay districts:
 1. If the amending ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town boards of a majority of the towns affected at or within 10 days of the hearing before the CDC, the ordinance is effective on passage.
 2. The County Clerk shall submit all other amending ordinances that affect district boundary lines to the town clerk of each town with land affected by the amendment. The ordinance shall be submitted in duplicate by certified mail within 7 days after adoption. The ordinance is effective 40 days after adoption unless the town boards of a majority of towns affected files with the County Clerk a certified copy of a resolution disapproving the ordinance. If a majority of town boards approve the ordinance, the ordinance is effective upon the receipt of the approving town boards resolutions by the County Clerk.
 - b. **Comprehensive Revision.** A comprehensive revision (see subsection 1.b above) may provide that the existing County zoning ordinance remains in effect for the shorter of up to 1 year or until the revision is approved by the Town Board. If a Town Board fails to approve the comprehensive revision within 1 year, neither the comprehensive revision nor the prior County zoning is effective in that town.
9. **Recordkeeping**
- a. The County Clerk shall:
 1. record in its office the date when amending ordinances become effective, and
 2. notify the town clerk of all towns of the effective dates, and
 3. make a report to the County Board, which shall be printed in the proceedings of the County Board.
 - b. Amending ordinances which affect portions of this chapter which apply to shorelands and floodplains shall be printed in the proceedings of the County Board.

Effective on: 11/11/2022

15.545 Rezonings

Purpose: This section establishes processes for the County Board to amend the Zoning Map for a specific property or area. Three (3) major steps occur:

- *The Community Development Committee holds a hearing and makes recommendations to the County Board.*
- *The County Board votes on the proposal. The County Board's vote is subject to a protest petition, which triggers a supermajority voting requirement.*
- *In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the County Board.*

The procedures in this Section are subject to state law, including Wis. Stats. §§ 59.69, 87.30 and § 91.48

1. **Applicability.** This section applies to any change in the district boundaries (also referred to as a "rezoning"), other than a Comprehensive Revision as defined in § 15.540.
2. **Initiation**
 - a. A rezoning is initiated by filing a petition for amendment to this Chapter. A petition for amendment to this Chapter may be filed by:
 1. any property owner in the area affected by the amendment,
 2. the town board of any town where Chapter is in effect,
 3. any member of the County Board, or
 4. any member of the Community Development Committee (CDC).
 - b. The applicant shall present the petition to the County Clerk.
 - c. The County Clerk shall refer the petition to the CDC with notice to the County Board.
 - d. Upon receipt of the petition, the CDC shall set a time and place for a public hearing on the petition and shall publish notice of the application.
3. **Completeness.** See § 15.515.
4. **Notice**
 - a. The notice required by Table 15.545.1 applies to any rezoning.
 - b. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the CDC hearing.
 - c. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all the petitions to rezone land out of the AG-1 or AG-2 districts by sending:
 1. a copy of the CDC's hearing notice on the petition, and
 2. the disposition of the petitions, through:
 3. the proceedings of any County Board meeting that involves a vote on the rezoning ordinance), or
 4. a recording of a receipt of town board resolutions on the amendment.

Table 15.545.1 Notice Required for Rezonings			
Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	Yes - certified mail	Town Clerk of each town affected by the proposed rezoning	10 days before the CDC hearing 7 days after adoption subject to subsection 9.a.2 below
Electronic Transmission	Optional	--	--

5. **Decision**
 - a. **CDC Action**
 1. **Public Hearing.** The CDC shall conduct a public hearing and shall recommend approval, approval with modifications, or disapproval of the proposed amendment.
 2. **CDC Recommendation**

- a. If the CDC action is **favorable** to the proposed amendment as originally sought in the petition or with **modifications**, it shall submit a proposed ordinance with its recommendations to the County Board.
- b. If the CDC action is **unfavorable** to the petition, the CDC shall report its recommendations of denial to the County Board along with a statement of its reasons.
- c. The **report to the County Board** shall contain the CDC recommendations, proof of publication of the notice of public hearing, proof of notice of hearing to town clerks, and copies of all town board resolutions that were received.
- d. A copy of the CDC's findings and recommendations on every proposed **shoreland** amendment shall be sent to the district office of the Department of Natural Resources within 10 days they are sent to the County Board.

3. **Town Board Disapproval of CDC Action**

- a. If the Town Board of a Town affected by a proposed rezoning submits a certified copy of an adopted resolution disapproving the proposed change, the CDC shall not recommend approval. The CDC may only recommend disapproval or approval with modifications.
- b. The resolutions must be filed with the CDC at the time of or within 10 days after the public hearing, unless an extension is requested pursuant to Wis. Stat. §59.69(5)(e)3m.
- c. This subsection does not apply to amendments to this chapter affecting the Shoreland, St. Croix Riverway, or Floodplain Overlay districts.

4. **County Board Action**

- a. The Board may notice and conduct a hearing on the proposed rezoning.
- b. The County Board shall:
 1. adopt the ordinance submitted by the CDC or with amendments, or
 2. refuse to adopt the ordinance submitted or amended by the CDC, or
 3. refuse to deny the petition as recommended by the CDC and refer the petition to the CDC with instructions to draft an ordinance approving the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance.
- c. A protest petition may be processed, and has the effect, as provided in Wis. Stat. § 59.69(5)(e)5g

5. **Town Board Disapproval of County Board Action.** See subsection 9 below.

6. **Approval Criteria**

a. **Generally**

1. A rezoning committed to the County Board's legislative discretion, and subject to any applicable requirements of state or federal law.
2. The rezoning shall be consistent with the Comprehensive Plan. [*See Wis. Stat. § 66.1001(3)(j)*]

b. **Agricultural Districts (AG-1 & AG-2)**

1. The following standards apply to any petition to rezone land out of the AG-1 or AG-2 districts:
 - a. The standards of Wis. Stat. § 91.48, and
 - b. There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning, and
 - c. The burdens on the County or Town for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable, and
 - d. The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas, and

- e. The soil productivity rating has been considered in the location of the area proposed for rezoning.
2. These standards shall be read into the record of the meeting of the CDC, the County Board, and the town board before votes may be taken to approve the rezoning. The report accompanying the County Board ordinance and the Town Board Resolution of approval, or the ordinance and resolutions themselves, shall contain findings that the rezoning meets standards in subsection 1 above.
7. **Subsequent Applications.** There are no limits on refiling a rezoning.
8. **Appeals.** A rezoning is not appealable.
9. **Scope of Approval.** The following procedures apply to all rezonings that affect district boundary lines and provisions other than the Shoreland, St. Croix Riverway, or Floodplain Overlay districts:
 - a. The County Clerk shall submit all other rezoning ordinances to the town clerk of each town with land affected by the amendment. The ordinance shall be submitted in duplicate by registered mail within 7 days after adoption. The ordinance is effective 40 days after adoption unless the town board files with the County Clerk a certified copy of a resolution disapproving the ordinance. If the town board approves the ordinance, the ordinance is effective upon the receipt of the approving town board resolution by the County Clerk.
 - b. If the rezoning ordinance makes **only the change sought** in the petition and if the petition was **not subject to a disapproval resolution by the town board** of the town affected at or within 10 days of the hearing before the CDC, the ordinance is effective on passage.
10. **Recordkeeping**
 - a. The County Clerk shall:
 1. record in its office the date when rezoning ordinances become effective, and
 2. notify the town clerk of all towns of the effective dates, and
 3. make a report to the County Board, which shall be printed in the proceedings of the County Board.
 - b. Rezoning ordinances which affect portions of this chapter which apply to shorelands and floodplains shall be printed in the proceedings of the County Board.

Effective on: 11/11/2022

15.550 Conditional Use Permits

Purpose: Conditional uses are those that have a special nature or impacts, and depend on specific circumstances, such that it is impractical to determine in advance where or when they should be permitted. This Chapter provides a public hearing by the Board of Adjustment to determine whether they meet the criteria of this Chapter.

1. **Applicability.** This section applies to any use designated as a conditional use by the applicable zoning district, or any other situation designated by this Chapter as a conditional use.
2. **Initiation**
 - a. An application for approval of a conditional use permit is filed with the Zoning Administrator.
 - b. Conditional Use permit applications can include single parcels of land or groupings of parcels contiguous or noncontiguous.
3. **Completeness.** See § 15.515.
4. **Notice**
 - a. The notice required by Table 15.550.1 applies to any conditional use permit.
 - b. The Zoning Administrator shall notify the Wisconsin Department of Agriculture, Trade and Consumer Protection of any conditional use application involving lands in the AG-1 and AG-2 Districts, by sending the Department:
 1. a copy of the hearing notice published for the application, and
 2. the disposition of the application through a copy of the Board of Adjustment's written decision.

- c. When the matter concerns the **Shoreland Overlay (SO)**, **Lower St. Croix Riverway (SCR)** or **Floodplain Overlay (FO)**, the Board shall submit to the Wisconsin Department of Natural Resources:
 1. a copy of the notice and application so that it is received at least 30 days before the hearing, and
 2. a copy of the decision within 10 days after it is rendered.

Table 15.550.1 Notice Required for Conditional Use Permits			
Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	No	--	--
Electronic Transmission	Optional	--	--

5. Decision

- a. **Public Hearing.** The Board of Adjustment shall hold a public hearing. Upon the hearing, a party may appear in person or by agent or attorney.
 - b. **Time to Act Upon Application.** The Board shall act on an application in the manner described above within 90 days of receiving the application unless information is required by the Board as provided below.
 - c. **Action.** After the hearing is closed, the Board will approve, approve with conditions, or deny the conditional use permit.
 - d. **Determination in Writing**
 1. The conditions of approval or reasons for disapproval shall be stated in writing by the Board of Adjustment and made a permanent part of the minutes.
 2. The Board shall produce its decision in writing within 10 days after its decision, stating its reasons for the action. The Zoning Administrator shall provide the written decision to the applicant.
 - e. **Majority Rule.** A **majority vote** of the board of adjustment is required to decide in favor of the applicant.
 - f. **Requests for Additional Information.** Before passing upon an application for a conditional use, the Board of Adjustment may require the applicant to furnish further relevant information (see Submittal Requirements, § 15.590). The requirement may apply to specific points or may include an environmental impact statement as described in the Submittal Requirements.
 - g. **Written Decision.** The Board shall render its decision in writing, setting forth the findings of fact and conclusions of law.
6. **Approval Criteria.** The Board of Adjustment shall approve a conditional use if it finds, based on substantial evidence, that it complies with all of the following standards or can be made to comply with reasonable conditions:
- a. The proposed use complies with all applicable standards of the zoning district, the Development Standards, and any applicable Use Regulations.
 - b. The proposed use will not cause a reduction of the property values in the affected neighborhood. For purposes of this section, the "affected neighborhood" includes any area within:
 1. A contiguous residential subdivision, and
 2. Any other area where a person demonstrates that their property would be adversely affected by the proposed conditional use.
 - c. The proposed use would not constitute a nuisance by reason of noise, dust, smoke, odor, lighting, water or air contaminants, traffic, stormwater runoff quantity or quality, pests, or similar factors.
 - d. The use does not violate the spirit or intent of this chapter.
 - e. The use is not contrary to the public health, safety or general welfare.

- f. The following conditional uses in the AG-1 and AG-2 zoning districts shall meet appropriate criteria from Wis. Stat. §91.46(5):
 1. Community Garden.
 2. Community Supported Agriculture.
 3. Hiking, Biking and Bridle Trails.
 4. Museum.
 5. Club or Lodge.
 6. Religious Institution.
 7. Historic or Natural Resource.
 8. Private One-Room Schoolhouse.
7. **Subsequent Applications.** There are no limits on refiling a conditional use permit.
8. **Appeals.** A conditional use permit is not appealable to a County agency. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).
9. **Scope of Approval**
 - a. **Generally.** The land use and structures permitted and the conditional use approved apply only to the structures, use and property described in the approved conditional use permit application, subject to any modifications approved by the Board of Adjustment.
 - b. **Conditions.** The Board of Adjustment may make the granting of an application for a conditional use contingent upon express conditions as it considers necessary to comply with the criteria listed in subsection 6 above. These conditions may include, but are not limited to, specifications of:
 1. The period of time in which all or part of the use may be permitted.
 2. Increased setback and yard dimensions.
 3. Specified sewerage disposal and water supply facilities.
 4. Specified stormwater management facilities.
 5. Lighting control.
 6. Screening and landscaping
 7. Location and design of property access.
 8. Operational control.
 9. Sureties.
 10. Deed restrictions.
 11. Location of docks, piers or other structures, signs, etc.
 12. Location and amount of parking facilities.
 13. Type of construction.
 14. Type of shore cover.
 - c. **Termination.** Where a conditional use does not continue in conformity with the conditions of the original approval, the Board of Adjustment may terminate the use after a public hearing and notice to affected parties.
10. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved conditional use, along with all conditions of approval. The applicant shall maintain the record as certified by the Zoning Administrator at the location of the conditional use.

Effective on: 11/11/2022

15.555 Land Use Permits

Purpose: Land Use Permits are required to provide for the administrative review of compliance with this Chapter, and where specifically required by individual sections of this Chapter. Land Use Permits do not require a public hearing but are appealable to the Board of Adjustment.

1. **Applicability.** This section applies to any use or situation that requires a land use permit by the applicable zoning district, use regulation, or any other situation where this Chapter requires a land use permit.

Note: this Chapter requires a land use permit for the following uses or situations:

- *Agricultural Entertainment or Farm Exhibition anticipated to have attendance of more than 100 persons during a 24-hour period (§ 15.315)*
- *Animal Waste Storage Facility (Code of Ordinances, Chapter 11)*
- *Asphalt Plant that is limited in duration to the project in which its products are used*
- *Contractor Storage Yard*
- *Farm Exhibition*
- *Filling, Draining, or Dredging of Wetlands*
- *Floodplain development (where indicated by the Floodplain Overlay District ordinance)*
- *Grading & Filling, 12-24.9% Slopes (§ 15.415)*
- *Livestock Facilities (where required by § 15.360)*
- *Lower St. Croix Riverway District development (where indicated by the Lower St. Croix Riverway District ordinance)*
- *Mobile support structures, radio broadcast services and facilities, and co-locations (where required by § 15.365)*
- *Museum*
- *Nonmetallic Mining Operations (Code of Ordinances, Chapter 14)*
- *Private One-Room Schoolhouse*
- *Shoreland Overlay development (where indicated by the Shoreland Overlay District ordinance)*
- *Signs (where required by § 15.380)*
- *Small Wind Energy Systems*
- *Temporary Occupancy (§ 15.390)*

5. **Initiation.** An application for approval of a land use permit is filed with the Zoning Administrator.
6. **Completeness.** See § 15.515.
7. **Notice.** Notice of the application is not required, unless specifically required for the use or situation by this Chapter.
8. **Decision**
 - a. **Consideration of Application.** The Zoning Administrator shall review the application for a land use permit when it is complete.
 - b. **Time to Act Upon Application.** Unless otherwise provided for the specific use or situation, the Zoning Administrator shall approve, approve with conditions, or deny the application within 30 days of receiving a complete application.
 - c. **Determination in Writing.** The Zoning Administrator shall state the conditions of approval or reasons for disapproval in writing.
 - d. **Requests for Additional Information.** Before passing upon an application for a land use permit, the Zoning Administrator may require the applicant to furnish further relevant information (see [Submittal Requirements](#), § 15.590).

9. **Approval Criteria.** The Zoning Administrator shall approve a land use permit if the proposed use complies with all applicable standards of the zoning district, the [Development Standards](#), and any applicable [Use Regulations](#).
10. **Subsequent Applications.** There are no limits on refiling a land use permit.
11. **Appeals.** A land use permit appealable to the Board of Adjustment as provided in § 15.560.
12. **Scope of Approval**
 - a. **Generally.** The land use and structures permitted and the use approved apply only to the structures, use and property described in the approved land use permit application, subject to any modifications approved by the Zoning Administrator.
 - b. A land use permit shall be made use of within one (1) year from the date the permit is approved. If the applicant has not initiated the use within one year of approval, the applicant may apply for up to two (2) six-month extensions. The first extension must be applied for prior to the expiration date of the permit. The second extension must be applied for prior to the expiration of the first extension. The applicant must submit the appropriate permit extension fee and documentation to the Zoning Administrator.
 - c. **Termination.** Where a use does not continue in conformity with the conditions of the original approval, the Zoning Administrator may initiate an [Enforcement](#) action (see § 15.765).
13. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved use or development, along with all conditions of approval. The applicant shall maintain the record as certified by the Zoning Administrator at the location of the conditional use.

Effective on: 11/11/2022

15.560 Appeals

Purpose: This section establishes a process for the Board of Adjustment to consider an appeal from an administrative official in administering or enforcing this Chapter.

1. **Applicability.** Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the county affected by any decision of the Zoning Administrator, or other administrative officer.
2. **Initiation**
 - a. The appeal shall be taken within a reasonable time, as provided by the rules of the Board of Adjustment.
 - b. The applicant shall file a notice of appeal specifying the grounds for the appeal with the officer from whom the appeal is taken and with the Board of Adjustment.
 - c. The officer from whom the appeal is taken shall forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
 - d. An appeal stays all proceedings in furtherance of the action appealed from, in accordance with Wis. Stat. § 59.694(5).
3. **Completeness.** See § 15.515.
4. **Notice.** The notice required by Table 15.560.1 applies to any appeal.

Table 15.560.1 Notice Required for Appeals			
Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Signs	No	--	--
Mail	No	--	--
Electronic Transmission	Optional	--	--

5. Decision

- a. **Public Hearing.** The Board of Adjustment shall hold a public hearing and render a decision as provided below.
- b. **Action**
 1. After the hearing is closed, the Board may **reverse or affirm, wholly or partly, or may modify** the order, requirement, decision or determination appealed from, and may make the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.
 2. The Board shall render its decision within a reasonable time.
 3. A **majority vote** of the Board of Adjustment is required to reverse any order, requirement, decision or determination of any an administrative official, or to decide in favor of the applicant.
 4. **Written Decision.** The Board shall render its decision in writing, setting forth the findings of fact and conclusions of law.
6. **Approval Criteria.** The Board of Adjustment may approve the appeal if the decision subject to the appeal:
 - a. Is the result of an incorrect interpretation of this chapter, or
 - b. Would violate Wisconsin or federal statutes, or
 - c. Would violate the applicant's state or federal constitutional rights..
7. **Appeals.** A Board of Adjustment's decision is not appealable. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).
8. **Scope of Approval.** If the appeal is approved:
 - a. the applicant may apply for any permits or approvals required for development or establishment of the use, building or structure, as provided in this Chapter and any order, requirement, decision or determination of the Board of Adjustment, or
 - b. if the appeal challenges an administrative action, the administrative action is terminated or reversed in accordance with the order, requirement, decision or determination of the Board of Adjustment.
9. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved appeal. The applicant and appellant shall maintain the record as certified by the Zoning Administrator.

Effective on: 11/11/2022

15.570 Variances

Purpose: This section establishes a process for the Board of Adjustment to vary a standard of this Chapter that is proven to create unnecessary hardship.

1. **Applicability.** This section applies to any request for a variance from this chapter.
2. **Initiation.**
 - a. The variance application shall be filed as an appeal (see § 15.560.2).
3. **Completeness.** See § 15.515.
4. **Notice.**
 - a. The notice required by Table 15.570.1 applies to any variance.
 - b. When the matter concerns the **Shoreland Overlay (SO), Lower St. Croix Riverway (SCR) or Floodplain Overlay (FO)**, the Board shall submit to the Wisconsin Department of Natural Resources:
 - a. a copy of the notice and application so that it is received at least 30 days before the hearing, and
 - b. a copy of the decision within 10 days after it is rendered.

Table 15.570.1 Notice Required for Variance

Type	Required?	To Whom?	When?
Publication	Yes - Class 2	--	Once each week for 2 consecutive weeks, with the last notice at least 1 week before the hearing
Mail	No	--	--
Electronic Transmission	Optional	--	--

5. Decision

- a. **Public Hearing.** The Board of Adjustment shall hold a public hearing and render a decision as provided below.
- b. **Action**
 1. After the hearing is closed, the Board may authorize or deny the variance.
 2. The Board shall render its decision within a reasonable time.
 3. A **majority vote** of the Board of Adjustment is required to reverse any order, requirement, decision or determination of any an administrative official, or to decide in favor of the applicant.
- c. **Written Decision.** The Board shall render its decision in writing, setting forth the findings of fact and conclusions of law.
- d. **Conditions.** In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards that conform with the purposes of this Chapter.

6. Approval Criteria

- a. The Board of Adjustment may approve the variance if the property owner demonstrates that the application complies with the requirements of Wis. Stat. § 59.694(7)(c).
- b. A variance shall not:
 1. Be granted for a hardship based solely on an economic gain or loss, or
 2. Be granted for a hardship which is self-created, or
 3. Damage the rights or property values of other persons in the area, or
 4. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure,
 5. Allow in any district uses not permitted in that district, or
 6. Otherwise violate Wisconsin law.
7. **Appeals.** A Board of Adjustment's decision is not appealable to a County agency. An applicant or aggrieved party may commence an action pursuant to Wis. Stat. § 59.694(10).
8. **Scope of Approval.** If the appeal is approved:
 - a. the applicant may apply for any permits or approvals required for development or establishment of the use, building or structure, as provided in this Chapter and any conditions of the variance and any provisions of this Chapter not affected by the order authorizing or denying the variance
9. **Recordkeeping.** The Zoning Administrator shall retain a record of any approved variance. The applicant shall maintain the record as certified by the Zoning Administrator.

Effective on: 11/11/2022

15.571 To 15.574 Reserved.

Effective on: 12/1/2019

SUBMITTAL REQUIREMENTS

Contents:

- 15.575 General Provisions**
- 15.580 Technical Plans or Studies**
- 15.585 Digital applications**
- 15.590 Application Checklists**
- 15.595 Fees**
- 15.596 To 15.599 Reserved.**

15.575 General Provisions

This Subchapter establishes the information that applications must include in order to be considered complete for review under the [Procedures](#).

Effective on: 12/1/2019

15.580 Technical Plans or Studies

Purpose: *In the administration of this chapter, the various boards and committees which are assigned decision-making responsibilities will occasionally confront proposed land use changes which have unusually significant consequences or which arouse unusually high levels of citizen interest. In those cases, the decision maker may find that the procedures specified in the sections of this chapter which govern the case do not allow a full and complete examination and articulation of the environmental and other impacts of the proposed change in use. This situation is expected since those procedures are generally tailored to the more average or routine cases and are designed to balance the need of the board or committee for information against the burdens which a more complete procedure imposes upon landowners. Therefore, this section provides a special procedure to handle more complex cases or applications.*

1. **Applicability.** This section applies to:
 - a. Proposed amendments to the County land use regulations governed by subchapter §§ [15.540](#) and [15.545](#).
 - b. Proposed conditional uses.
 - c. Variances and appeals governed by this section.
 - d. Proposed minor or full subdivisions to which the suitability standards of § 13.7.J of the subdivision regulations are applied.
2. **A determination that Impact Studies are Needed**
 - a. The board or committee which has before it a matter listed in this subsection may, for reasons stated in a written determination, decide that the particular application, petition or matter raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest is evidenced in the proposed use, change or amendment, or both. The determination shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data, and input from affected or interested persons.
 - b. The listing of impact questions can include items of data that this chapter already enables the board or committee to obtain, or it may include additional items of information that are relevant to the impact questions specified in the resolution.
 - c. The resolution may also assign responsibility for the acquisition of data on the specified impact questions to County agencies or officials, or to officials or agencies in other units of government who have or may be willing to assist or to the developer or applicant.
 - d. The resolution may set:
 1. a date for the return of the requested data and information, and
 2. the format in which the data is to be presented.
3. **Hearings on the Impact Studies**

- a. Following the return to the board or committee of the data called for in the resolution adopted under subsection 2 above, the board or committee shall cause the information to be compiled in the form of an impact report.
- b. The board or committee shall make the report available for scrutiny by the applicant or petitioner and by other interested persons or agencies and shall schedule and hold a public hearing on the findings of the report.
- c. The hearing shall be preceded by a Class 2 notice under Wis. Stat. Ch. 985.
- d. The board or committee shall afford persons attending the hearing an opportunity to comment on the report and to make recommendations as to the weight which the board or committee should give to the report or data in deciding the matter pending before it.

4. Suspension of Time Limits to Allow for Impact Study and Review

- a. Prior to commencing activities under this Section, the board or committee shall consult the sections under which it is operating and its legal counsel to determine the time limits, if any, which are placed upon its deliberations on the matter before it.
- b. Those time limits which are not specified in State law and which do not permit the board or committee sufficient time to conduct an impact review under this section may be suspended by passing the resolution described in subsection 2. This supersedes any contrary provision of this chapter.
- c. If the time limits set by State law conflict with the availability of reasonable time for an impact review, the board or committee may formally request that the applicant consent to a reasonable and adequate extension of time.

Effective on: 11/11/2022

15.585 Digital applications

Applications plans shall include a digital copy with different improvements and requirements shown on separate layers. The digital file shall be provided in *.DXF or *.DWG format compatible with AutoCAD or other software prescribed by the Zoning Administrator.

Effective on: 12/1/2019

15.590 Submittal Requirements and Application Checklists

1. Generally

- a. Table 15.590.1 provides the submittal information required for rezonings, conditional use permits, land use permits, appeals and variances.
- b. If Table 15.590.1 requires the same information for two separate applications, the information is required only once for one of the applications. If the information is revised and the applications are approved in sequence, the revised information is required for the successive application.

Table 15.590.1 Submittal Requirements						
Item	Text Amendment	Rezoning	Conditional Use Permit	Land Use Permit	Appeal	Variance
General						
Property Owner		*	*	*	*	*
Contractor/Agent	*	*	*	*	*	*
Contact information for property owner and contractor/agent (mailing address, daytime phone and mobile number, email)	*	*	*	*	*	*
Site Address		*	*	*	*	*
Property Location (Town, township, section and range)		*	*	*	*	*
Computer number		*	*	*	*	*
Parcel number		*	*	*	*	*
Application fee		*	*	*	*	*

Table 15.590.1 Submittal Requirements

Item	Text Amendment	Rezoning	Conditional Use Permit	Land Use Permit	Appeal	Variance
Proof of ownership (provide most recent tax bill from County Treasurer's office)		*	*			
For adjoining property (including property across roadways), names and mailing addresses of property owners		*	*			
Concurrent or related applications (e.g., Rezoning, Conditional Use permit, Land Division, Variance)				*		
Existing Conditions						
Area subject to application (acres)	*	*				
Metes and Bounds description or boundary description (prepared by a registered land surveyor)		*				
Recorded Warranty Deed			*	*		*
Existing zoning district		*	*			
Any Farmland Preservation agreement for the site		*				
Aerial Photo (from County website)		*				
Scaled map with exact boundaries of subject parcel		*				
Proposed Development						
Proposed zoning district		*	*	*		*
Drawing of short term or long term plans for the property identifying future use, density, layout, etc.		*				
Use requested			*	*		
Site Plan						
Signature indicating that the plan was prepared by a registered surveyor (unless waived by the Zoning Administrator)			*	*		*
Project location in the town			*	*		*
Lot/parcel dimensions with total lot area, property lines and all applicable setbacks			*	*		*
Location of existing access roads, right-of-way, road setbacks, and recorded easements			*	*		*
Topographic map (minimum of 2-foot contours			*			
Pre- and post-contours with grading limits (minimum 2-foot contours)			L	L		*
Location of all existing and proposed structures and their square footage and distance from setbacks			*	*		*
Location of existing and proposed POWTS, wells, driveways, parking areas, access, signs, and other features			*	*		*
Location and type of landscaping and trees as needed to determine compliance with § 15.420.			*			*
Location of navigable waterways with accurate OHWM, delineated wetlands, floodplains, bluff lines, slopes in excess of 12%, wooded areas, and any other unique limiting conditions of the property			*	*		*
Location of slopes 12% and greater (minimum contours to be determined by the Zoning Administrator)			*	*		*
Blufflines and slope preservation zones (Riverway) and setbacks from blufflines			*	*		*
Location of the OHWM of any abutting navigable waterways and all setbacks from the OHWM			*	*		*
Location and landward limit of all wetlands,				*		

Table 15.590.1 Submittal Requirements

Item	Text Amendment	Rezoning	Conditional Use Permit	Land Use Permit	Appeal	Variance
specifications and dimensions for areas of proposed wetland alteration						
Existing and proposed topographic and drainage features and vegetative cover				*		
Location of floodplain and floodway limits on the property			*	*		*
Any other unique limiting conditions of the property or information deemed necessary by the Zoning Administrator			*	*		*
Analyses						
Written analysis of how application complies with the approval criteria in Procedures		*	*		*	
Intersection Warrants Analysis if required, as prescribed by County Highway Department		*				
Statement of whether a private water or sanitary system is to be installed			L	L		
Detailed drawings (scale not greater than 1" inch = 200')			L	L		
Grading plan showing grading limits and pre and post contours			L	L		
Project schedule and contractor list			L	L		
Erosion control plan (Best Management Practices)			L	L		
Storm water management plan stamped by an engineer and including all runoff calculations				L		
Vegetation plan including schedule, seeding rates, and species size, type and location				L		
Other documents				L		

* = information required | L = information required if project involves land disturbance request

2. **Conditional Use Permits.** The following information is required for conditional use permits, in addition to the information provided in subsection 1:

- a. **Airstrips.** An application for a conditional use permit for an airstrip shall comply with the following:
 1. The application shall:
 - a. be in the names of and signed by all of the owners of the real estate on which the proposed airstrip is to be located, and
 - b. dated as of the date on which the applicant filed the application with the Zoning Administrator.
 2. The application shall contain the following information:
 - a. The names of the owners of the real estate on which the proposed airstrip is to be constructed or located.
 - b. The length of the proposed airstrip.
 - c. The types or models of all aircraft presently owned by the applicant and the type or model of any aircraft proposed to be purchased by the applicant in the foreseeable future.
 - d. The legal description and approximate acreage of the real estate owned by the applicant.
 - e. Statement indicating whether the proposed airstrip has been approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, including a copy of that approval.
 - f. Statement by the applicant indicating whether the applicant is proposing a personal or private airstrip.
 - g. Statement by the applicant indicating the actual or foreseeable intentions concerning the use of the airstrip in question.

- h. Statement by the applicant indicating that the applicant is strictly liable for any and all damage caused to any person or property by the operation of any aircraft to or from the airstrip in question.
 - i. Proof that that applicant has sufficient liability insurance for any and all airplanes presently owned by the applicant (include as an attachment).
 - j. Names and addresses of all owners of real estate which adjoins that owned by the applicant or is located closer than 1/2 mile from each boundary of the applicant's real estate.
 - k. An attachment with a drawing on plain white paper at least 15"x20" in size, drawn at a scale of 1"=250', with the proposed airstrip to be located at the center of the drawing containing the following:
 1. The boundaries of the real estate owned by the applicant.
 2. All section lines and quarter section lines in the vicinity of the airstrip in question.
 3. The location and length of the proposed airstrip.
 4. The distances from the proposed airstrip to any fixed object or structure within 500' of the airstrip.
 5. The heading and elevation of the proposed airstrip.
 6. The location of all public roads, overhead utility lines, waterways or other natural obstacles.
 7. The names of owners of all real estate shown on the drawing.
 8. The approximate location of any turkey or mink commercial operations, or any other livestock operation, on the drawing.
 9. The present use of all lands shown on the drawing.
 - l. A copy of the most recent aerial photograph from St. Croix County of the real estate in which the proposed airstrip is to be located.
- b. **Shoreland Overlay Districts.** For a conditional use permit application within the Shoreland Overlay (SO) or Lower St. Croix Riverway (SCR) districts, the Board of Adjustment may require the applicant to furnish the following information prior to rendering a decision, in addition to the information normally required:
1. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetative cover.
 2. Location of buildings, parking areas, traffic access driveways, walkways, piers, open spaces and landscaping.
 3. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of the operations.
 4. Specifications for areas of proposed filling, grading, lagooning or dredging.
 5. Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.
3. **Land Use Permit for Signs.** The following information is required in an application for a Land Use Permit for Signs:
- a. Applicant contact information.
 - b. Property owner contact information.
 - c. Property information, site address, legal description, tax identification number, zoning district.
 - d. Project information including a description of the sign plan for the site and total proposed signage, including all permanent and temporary signage.
 - e. A site plan, drawn to scale, to include:
 - f. Dimensions and area of the lot or parcel.
 - g. Location of all existing and proposed structures and signs with distances measured from the lot lines and right-of-way of all abutting roads or highways.
 - h. In the Riverway, Shoreland and Floodplain Overlay Districts, location of the bluffline, OHWM of any abutting navigable waterways, floodplain, floodway and floodfringe limits as determined from floodplain zoning maps used to delineate floodplain areas
 - i. Location of existing or future access driveways and roads or highways.
 - j. Conceptual drawings of all proposed signs with dimensions.

- k. Information on all lighting and electrical components.
- l. Method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.
- m. Contact information for whomever will be erecting the sign(s).
- n. Attach all related permits or permit applications.
- o. Calculations for compliance with the Uniform Building Code and the Uniform Sign Code for construction.
- p. Additional relevant information deemed necessary by the Zoning Administrator to apply all applicable ordinance requirements and standards, such as photos, cross-section drawings, specialized engineering plans and landscaping.
- q. If additional information is requested, the application shall not be considered a properly completed application and timeframes for processing shall not commence until the additional information is received.

4. **Erosion and Sediment Control Plan**

- a. An erosion and sediment control plan must be prepared by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, certified professional in erosion and sediment control, certified professional in storm water quality, certified soil tester, or other licensed professional acceptable to the Zoning Administrator.
- b. The erosion and sediment control plan shall include all the following items:
 - 1. Description of construction sequencing.
 - 2. Contact information for property owner, grading contractor, and erosion control subcontractor as applicable.
 - 3. Site map showing all of the following:
 - 4. Property boundaries.
 - 5. Existing and proposed buildings.
 - 6. The location of buildings on adjoining properties.
 - 7. Soil types.
 - 8. Grading limits.
 - 9. Pre and post construction 2-foot contours.
 - 10. Pre and post construction drainage patterns.
 - 11. The locations and quantities of all BMPs.
 - 12. Water bodies with OHWM and OHWM setback.
 - 13. Wetland boundaries.
 - 14. Existing and proposed wells and POWTS.
 - 15. Existing and proposed vegetation.

5. **Stormwater Management Plan**

- a. A stormwater management plan must be prepared and submitted by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, certified professional in erosion and sediment control, certified professional in storm water quality, certified soil tester, or other licensed professional acceptable to the Zoning Administrator.
- b. The stormwater management plan shall meet the performance standards described in Wisconsin Administrative Code Ch. NR 151 Subchapter III, Non-Ag Performance Standards.

6. **Mobile Support Structures (§ 15.365)**. Applications for new mobile support structures and facilities or Class 1 or 2 Co-Locations (see § 15.365) shall include the following information:

- a. The application must be signed by both the property owner and the applicant or his/her agent.
- b. The following information shall be provided for new mobile support structures and facilities and Class 1 Co-Locations:

1. 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.
 2. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose co-location. 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:
 - a. That co-location within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity.
 - b. That co-location is technically infeasible.
 - c. That co-location is economically burdensome to the mobile service provider.
 3. 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.
 4. If the application is 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 associated with the proposed modifications.
 5. A permit fee, not to exceed \$3,000.
- c. The following information shall be provided for a Class 2 Co-Location:
1. The location of the proposed mobile service facilities.
 2. A permit fee, not to exceed \$500.

Effective on: 11/11/2022

15.595 Fees

Fees for approvals required by this Chapter are established by ordinance of the Board of Supervisors and published on the County's website. [*Reference: Wis. Stat. § 59.696*]

Effective on: 12/1/2019

15.596 To 15.599 Reserved.

Effective on: 12/1/2019

NONCONFORMITIES & VESTED RIGHTS

Contents:

15.600 General Provisions

15.605 Nonconforming Uses

15.610 Nonconforming Lots

15.615 Nonconforming Structures

15.620 Nonconforming Site Improvements

15.625 Applications and Projects in Progress

15.626 To 15.699 Reserved.

15.600 General Provisions

Purpose and Findings: *The County finds that nonconformities adversely affect the orderly development and value of other property in a zoning district and should not continue unless restricted. This subchapter -*

- *Protects property rights by providing for the continuation of nonconforming buildings, structures, lots, site improvements, and applications, and*
 - *Specifies those circumstances and conditions under which those nonconformities may continue in order to implement the comprehensive plan, promote the purposes of the County's [Zoning Districts](#) and other requirements of this Chapter, and to protect neighboring residents and community character, and*
 - *Implements the statutory requirements for the State of Wisconsin to protect nonconformities (see Wis. Stat. §§ [59.69\(10\)](#) - (10m) and [66.10015](#), and Wisconsin common law on nonconformities and vested rights.*
1. **Applicability.** This subchapter applies to any nonconformity. A "nonconformity" means any nonconforming use, nonconforming lot, nonconforming structure, nonconforming site improvement, or application or project in progress on the effective date.
 2. **Effective Date.** For purpose of this subchapter, the "effective date" means the time that any ordinances that create a nonconformity take effect.
 3. **Record of Nonconforming Uses.** This subsection provides an alternate procedure, pursuant to Wis. Stat. § 59.69(10)(d), for establishing documentary evidence regarding (1) when the use was first established; (2) that the use at the time of establishment was done consistent with the rules and regulations in effect at that time, if any; (3) that it has continued continuously, without cessation of more than 12 continuous months; and (4) the nature of the use.
 4. **Registration.** A property owner may register a nonconforming use when applying for any other permit in this Chapter or may register when there is no application pending. The procedure is as follows: :
 - a. The applicant shall provide the registration on a form provided by the Zoning Administrator.
 - b. The applicant shall provide the following information:
 1. the specific uses that are the subject of the registration,
 2. when use in question was legally established;
 3. how the use does not comply with one or more of the requirements of this Chapter; and
 4. evidence that the use has continued from the date, or approximate date, of establishment to the date of registration without an interruption of more than 12 continuous months.
 - c. The Zoning Administrator shall take the following action:
 1. approve the registration,
 2. approve the application with conditions needed to establish that the use was lawfully established before the Effective Date,
 3. deny the registration on the grounds that the registration does not demonstrate the that the use is lawfully nonconforming, or
 4. take no action pending receipt of additional information needed to establish that the use is lawfully nonconforming.
 - d. The Zoning Administrator shall render its decision or no-action determination within forty (40) days after the date that a complete registration is filed.
 - e. If the registration is approved or conditionally approved, the Zoning Administrator shall notify the applicant in writing and shall list the use on the listing of nonconforming uses in the Community Development Department.
 - f. If the registration is denied, the applicant may file an appeal pursuant to § [15.560](#).
 - g. Disclaimer. Given the nature of the listing, the County does not warrant that the information is complete and/or accurate in all respects.

Effective on: 11/11/2022

15.605 Nonconforming uses

A nonconforming use (including any building, premises, structure, or fixture for any trade or industry for which the building, premises, structure, or fixture is used at the Effective Date), may continue subject to the following limitations:

1. **No Increase in Nonconformity.** Except as provided in subsection 2 below, no nonconforming use shall be expanded, enlarged or altered in any way which increases its nonconformity.
2. **Structural Alteration, Addition or Repair.** No structural alteration, addition or repair to any nonconforming use shall exceed 50% of its assessed value at the time of its becoming a nonconforming use, unless the use is permanently changed to a conforming use. This includes any existing building, premises, structure, or fixture used to carry on any prohibited trade or new industry within the district where the buildings, premises, structures, or fixtures are located. The value of alterations, additions and repair work shall include the value of all labor and material, even if contributed or provided without cash outlay.
3. **Discontinuance.** If any nonconforming use is discontinued for 12 consecutive months, any future use of the building, premise, structure or fixture shall conform to this Chapter.
4. **Nuisances.** Uses or their adjuncts which are or become nuisances are not entitled to continue as nonconforming uses.
5. **Conditional Uses.** Except as provided in subsection 4 above, any use which is permitted as a conditional use is not considered a nonconforming use.
6. **Specific Districts or Uses**
 - a. **Dwelling Units in AG-1/AG-2 Districts.** In the AG-1 and AG-2 districts, any dwelling unit lawfully existing as of January 1, 2014 may continue in residential use, and is exempt from any limitations imposed or authorized under Wisconsin's non-conformities statute (*Wis. Stat. § 59.69(10)*) if it remains residential and meets all applicable dimensional standards of the zoning district, and all other county ordinance requirements.
 - b. **Manufactured Home Communities.** A manufactured home community licensed under *Wis. Stat. § 101.935* that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:
 1. Repair or replacement of homes.
 2. Repair or replacement of infrastructure.
 - c. **Temporary Structures.** The continuance of the nonconforming use of a temporary structure is prohibited.

Effective on: 11/11/2022

15.610 Nonconforming Lots

1. **Generally.** A legal nonconforming lot may be used for an allowable use in the applicable zoning district, if that use complies with all other development standards of the applicable zoning district.
2. **Alteration of property boundary lines**
 - a. The location of a property boundary line of a legal nonconforming lot shall not be modified by any means, except as follows.
 - b. The Zoning Administrator may approve a change to a property boundary line for purposes of subsection 1 of this section if:
 1. the change will lessen the nonconformity, and
 2. the change is consistent with the intent of this Chapter.
 - c. All requirements of the County's subdivision regulations (Chapter 13 of the County Code of Ordinances) shall also be followed, which may be more restrictive.
 - d. If the boundary change is made and:

1. the resulting lot still does not conform to the requirements of this Chapter, the lot shall continue to be nonconforming, or
2. the resulting lot conforms to the requirements of this Chapter, the lot shall no longer be considered nonconforming.

Effective on: 12/1/2019

15.615 Nonconforming Structures

1. Damage or Destruction

- a. Damaged or destroyed nonconforming structures may be restored to the size, location and use that they had immediately before the damage or destruction occurred, without limitation as to the costs of repair reconstruction, or improvement, if all of the following apply:
 1. A Land Use Permit per § 15.555 is required.
 2. The nonconforming structure was damaged or destroyed after March 2, 2006.
 3. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.
 4. A landowner has demonstrated by a permit application and approval the scope, nature and extent of the damage, and the dimensions of the damaged structure and proposed restoration.
 5. Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed.
 6. Repair and reconstruction comply with applicable provisions of this Chapter and other County, State and Federal requirements.
- b. The size of a structure shall be allowed to be larger than the size it was immediately before the damage or destruction, if necessary for the structure to comply with applicable County, State or Federal requirements.
- c. **Boat Houses.** Maintenance and repair of nonconforming boat houses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of Wis. Stat. § 30.121.

Effective on: 11/11/2022

15.620 Nonconforming Site Improvements

1. Applicability.

- a. This section applies to Nonconforming Site Improvements.
- b. This section does not apply to minor repairs and renovations (less than 10% of the structural value of a structure or site improvements), which are considered conforming.

2. Generally.

On lots with nonconforming site improvements, no additions to, or exterior repairs or alterations of any building, structure or site improvement that exceeds that threshold provided in § 15.615.1 are allowed, unless:

- a. the nonconforming site improvements are brought into complete conformity with the regulations applicable to the use, building, structure or zoning district, or
- b. the activity is authorized by a land use permit.

3. Permitted Improvements.

When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site improvement, the Zoning Administrator may approve a nonconforming site permit allowing the addition, repairs or renovation if it finds that all of the following criteria apply:

- a. The nonconforming site improvement(s) is the only nonconformity pertaining to the property.
- b. Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible.
- c. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.

- d. The owner has committed to other site design measures to reduce the negative impacts associated with the nonconformity or to accomplish the purpose of the required site improvement.

Effective on: 11/11/2022

15.625 Applications and Projects in Progress

Purpose: Wisconsin follows a "bright-line" vested rights rule. This provides that a property owner's rights do not vest until the developer has applied for a building permit that conforms to the zoning or building code requirements in effect at the time of application. This section applies that rule, protecting the rights of property owners with vested rights while allowing County zoning administration to distinguish between applications that are vested and those that are subject to changes in zoning regulation.

1. **Situations Vested.** This Chapter, or an amendment to this Chapter, does not require any change in the plans, construction, size or designated use of any building or structure if:
 - a. the application for a building permit is filed that qualifies for vested rights under Wisconsin law, in that the application:
 1. strictly conforms to the requirements of this Chapter in effect at the time of that application, and
 2. is filed before the Effective Date, or
 - b. construction has started pursuant to a lawfully issued building permit, or
 - c. the particular use has commenced, or
 - d. bona fide construction contract is entered into before the effective date of this Chapter.
2. **Applications not Vested**
 - a. A valid land use permit, conditional use permit, or building permit issued prior to the Effective Date does not establish vested rights, and is subject to this Chapter and any applicable amendments to this Chapter.
 - b. An ordinance adopting an amendment to this Chapter may exempt categories of applications that are exempt from the application of the amendments based on their progress or expenditures committed toward completion of the project.

Effective on: 11/11/2022

15.626 To 15.699 Reserved.

Effective on: 12/1/2019

AGENCIES

Contents:

- 15.700 General Provisions**
- 15.705 Zoning Administrator**
- 15.710 Community Development Committee (CDC)**
- 15.715 Board of Adjustment**
- 15.716 To 15.749 Reserved.**

15.700 General Provisions

This Subchapter formally establishes committees, agencies or officials, or recognizes existing committees, agencies or officials, that administer this Chapter. It establishes the composition of those agencies, their jurisdiction, and related administrative matters.

Effective on: 12/1/2019

15.705 Zoning Administrator

1. **Created.** There is created the office of County Zoning Administrator with the powers and duties set forth in subsection 2 below.
2. **Powers and Duties.** The Zoning Administrator shall:
 - a. **Advise Applicants.** Advise applicants for permits as to the provisions of the chapter and assists them in preparing applications.
 - b. **Issue Permits.** Issue permits as provided for specific processes in this Chapter or the County Code of Ordinances, including:
 1. Land Use Permits (§ 15.555), and
 2. Septic Tank Permits (County Code of Ordinances, Chapter 12).
 - c. **Keep Records.** Keep records of all permits issued, inspections made, work approved and other official actions.
 - d. **Determine District Boundaries.** Determine questions of the exact location of district boundaries.
 - e. **Inspect Water and Sewage Systems.** Inspect new and existing water and sewage systems to determine compliance with applicable ordinances.
 - f. **Make On-site Investigations of Subdivisions.** Make on-site investigations required for subdivision administration as provided in County Code of Ordinances, Chapter 13.
 - g. **Access to Premises for Inspection Purposes.** Access any structure or premises to perform the duties provided in this Section. This power shall be exercised at a reasonable hour and after a 24-hour notice.
 - h. **Enforcement.** Take actions to enforce violations of this Chapter as provided in § 15.765.

Effective on: 12/1/2019

15.710 Community Development Committee (CDC)

1. **Created.** The Community Development Committee (CDC) is created as a standing committee of the County Board of Supervisors.
2. **Powers and Duties.** The CDC is organized and has the powers assigned by the *Rules And Bylaws of the Board of Supervisors, St. Croix County Wisconsin* (effective March 6, 2018, as amended). This includes the power and duty to act as the County Zoning Agency pursuant to Wis. Stat. § 59.69(2).

Effective on: 12/1/2019

15.715 Board of Adjustment

1. **Created.** A Board of Adjustment is created pursuant to Wis. Stat. § 59.694.
2. **Authorization and Composition.** The County Board Chairman shall appoint a Board of Adjustment consisting of 5 members and 2 alternates. All appointments shall be subject to confirmation by the County Board.
3. **Procedural Rules**
 - a. The Board of Adjustment shall select its own chairman and meet at the call of the chairman and at other times that the Board determines, at a fixed time and place.
 - b. All meetings of the Board of Adjustment shall be open to the public.
 - c. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator as a public record.
 - d. In the case of all appeals, the Board of Adjustment shall solicit and weigh information and comments from the CDC.
4. **Powers and Duties.** The Board of Adjustment shall:
 - a. Adopt rules that it considers desirable for the conduct of business, subject to the provisions of this Section and relevant State Statutes.

- b. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the [Enforcement](#) or administration of this chapter. All appeals are governed by § 15.560.
- c. Grant variances pursuant to § 15.570.
- d. Grant conditional uses pursuant to § 15.550.

Effective on: 12/1/2019

15.716 To 15.749 Reserved.

Effective on: 12/1/2019

ENFORCEMENT

Contents:

15.750 General Provisions

15.755 Violations

15.760 Penalties

15.765 Enforcement Procedures

15.770 Revocation of Permit or Approval

15.771 To 15.799 Reserved.

15.750 General Provisions

This section provides for enforcement and penalties for violations of this chapter. The County may initiate court action to enforce the chapter. An enforcement can result in a citation, court injunction, and/or forfeitures.

Effective on: 12/1/2019

15.755 Violations

1. **Declaration of Violations.** Any of the following are considered unlawful and a violation of this Chapter, and are subject to the enforcement remedies provided by § 15.760 and Wisconsin state law:
 - a. **Generally**
 1. Any of the following activities if they occur in a manner that does not conform to this Chapter, including the district where the land or structure is located:
 - a. The use or occupancy of any land, premises, building or structure,
 - b. The construction, placement, design, erection, moving, alteration, use or occupancy of a building or structure,
 - c. Establishing, changing, or expanding a use, building or structure,
 - d. Operating a use,
 - e. Designing, erecting, constructing, or altering a structure, or
 - f. Reducing or enlarging a building, site, or development area.
 2. Examples of ways that the activities described above may not conform to this Chapter include:
 - a. Buildings or structures that exceed the applicable height limits,
 - b. Buildings or structures with less lot area than required by this Chapter,
 - c. Buildings, structures or lots with larger, wider, narrower or smaller front, side and rear yards than required by the district where the structure is located.
 - b. **Development or use without, or inconsistent with, permit or approval.** Any activity that is not authorized or is inconsistent with all of the required permits, approvals, certificates and authorization required by this Chapter (see Procedures).

- c. **Development or use inconsistent with this Chapter.** Any use or activity that:
 1. is not allowed by the applicable zoning district,
 2. does not include any conditional use permit or other authorization required by the zoning district or this Chapter,
 3. does not comply with the dimensional standards or other regulations of the applicable district,
 4. does not comply with any applicable Development Standards,
 5. does not comply with any applicable Use Regulations, or
 6. that is a nonconformity, but:
 - a. was not lawfully established, or
 - b. is operated in a manner that becomes unlawful after it is lawfully established, or
 - c. does not comply with any lawful conditions relating to its operation, expansion, or continuation.
 - d. **Development or use inconsistent with conditions.** With regard to any term, condition or qualification placed by the County upon a required permit, certificate, rezoning, conditional use permit, variance, appeal, land use permit, or other form of authorization granted by the County to allow the use, development or other activity upon land or improvements of land:
 - a. Any non-compliance with the condition, by act or omission, or
 - b. failure to timely fulfill the condition.
 - e. **Making setbacks or yard nonconforming.** To reduce or diminish any lot area so that the setbacks, yards or open spaces are smaller than prescribed by this Chapter.
 - f. **Increasing use intensity.** To increase the intensity and/or density of use of any land or structure in a way that exceeds any limits prescribed by the applicable zoning district.
 - g. **Removing, defacing, obscuring notice.** To remove, deface or obscure, or otherwise interfere with, any notice required by this Chapter.
2. **Violations of Prior Regulations**
 - a. All violations of prior County zoning regulations as of the effective date of this Chapter, continue to be violations and are not considered legal nonconforming situations under this Chapter.
 - b. The County has the same authority to secure remedies for violations of those regulations to the same extent that it may secure civil remedies for violations of this Chapter.
 3. **Identification and Liability of Parties**
 - a. The following parties shall comply with all provisions of this Chapter which bear upon their area of competency and responsibility:
 1. owners of land or properties,
 2. occupants of land or premises,
 3. agents of owners or occupants including without limitation, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents, and
 4. lending institutions and insurers, and their agents.
 - b. Any person who violates or aids or abets in a violation of this Chapter is liable to prosecution or remedial action.
 - c. This Chapter applies fully to all public governmental and quasi-public and quasi- governmental lands, developments and activities unless specifically exempted by State or federal law.
 4. **Continuation a Separate Offense.** Each day a violation exists or continues is a separate offense.

Effective on: 11/11/2022

15.760 Penalties

1. **Citations.** For a violation, a citation may be issued pursuant to Chapter 1 of the St. Croix County Code of Ordinances.

2. **Forfeitures.** For a violation, a forfeiture of not less than \$100 nor more than \$500 may be imposed upon conviction or adjudication, plus the cost of prosecution for each violation if so ordered by the court.
3. **Injunctions/Restraining Orders.** As a substitute for or an addition to forfeiture actions, the Corporation Counsel may, on behalf of the County, seek enforcement of any and all parts of this Chapter by court actions seeking injunctive or restraining orders.
4. **Stop work.** With or without revoking permits, the County may stop work on any development, building, or structure on any land on which there is an uncorrected violation of a provision of this Chapter or a violation of a condition or qualification of a permit, certificate, approval or other authorization previously granted by the County.
5. **Other Remedies.**
 - a. 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 Wisconsin law.
 - b. In addition to the enforcement powers and remedies specified in this Section, the County may exercise any and all enforcement powers and remedies granted to it by Wisconsin state law.
6. **Cumulative.** These remedies are cumulative.

Effective on: 12/1/2019

15.765 Enforcement Procedures

1. Investigation and Notice of Violations

- a. **Zoning Administrator to Enforce Chapter.** The Zoning Administrator or designee shall inspect and investigate compliance of land use activities with the terms of this Chapter.
- b. **Notice of Violation.**
 1. The Zoning Administrator or designee shall:
 - a. inspect and investigate conditions that are or are likely to become a violation (as defined in § 15.755), and
 - b. immediately notify the parties responsible and potentially liable pursuant to § 15.755 above of the detected violation, and
 - c. is authorized to report the violation to the Corporation Counsel and to sign a complaint.
 2. **Contents of Notice of Violation.** The notice of violation shall include:
 - a. The person(s) responsible for the violation,
 - b. The nature of the violation,
 - c. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - d. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the Corporation Counsel or enforcement officials, State agencies or both.
- c. **Referral for Prosecution.** If an enforcement demand is issued under subsection c above and is not complied with, the Zoning Administrator may file a complaint and demand for prosecution, unless an administrative appeal is commenced and a stay order is issued pursuant to § 15.560.

2. Prosecution

- a. The Corporation Counsel shall prosecute violations of this chapter reported by the Zoning Administrator.
- b. Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to Wis. Stat. § 59.69(11) or other sections of the Wisconsin Statutes or common law.

Effective on: 12/1/2019

15.770 Revocation of Permit or Approval

1. Permits

- a. A permit may be revoked by the official issuing the permit at any time prior to the completion of the use, building, structure or sign for which the permit was issued, when any of the following conditions are present:
 1. There is departure from the plans, specifications or conditions as required under the terms of the permit,
 2. The permit was procured by false representation, or
 3. The permit was issued by mistake, or
 4. Any provision of this Chapter is being violated.
 - b. Written notice of the revocation shall be:
 1. served upon the owner, the owner's agent or contractor, or upon any person employed in the building or structure for which the permit was issued, or
 2. posted in a prominent location on the property, or
 3. sent by certified mail.
 - c. Where notice of revocation is served or posted, no further construction or use of the property shall proceed.
 - d. Any revocation of a permit may be appealed to the Board of Adjustment as provided in § 15.560.
2. **Conditional Use Permit, Variance or Appeal.** Where a conditional use, appeal or variance is approved subject to specified conditions and where those conditions are not complied with, the Board of Adjustment may conduct a hearing following procedures similar to those followed in considering the granting of a conditional use, appeal or variance. Finding of noncompliance with the conditions originally imposed is grounds for revocation.
 3. **Rezoning.** Where a rezoning is approved subject to specified conditions and where those conditions are not complied with, the CDC, Board of Supervisors, or Zoning Administrator may initiate a rezoning to the prior zoning district, or an appropriate zoning district, pursuant to § 15.545. The rezoning shall be processed as provided in § 15.545.

Effective on: 11/11/2022

15.771 To 15.799 Reserved.

Effective on: 12/1/2019

DEFINITIONS & RULES OF INTERPRETATION

Contents:

- 15.800 General rules of interpretation
- 15.805 Definitions
- 15.807 Acronyms
- 15.810 Interpretation of Zoning Map
- 15.815 Conflicting Rules
- 15.816 To 15.899 Reserved.

15.800 General Rules of Interpretation

Purpose: This subchapter contains basic rules on how this Chapter is interpreted. In addition to the general statements in this section, which primarily repeat rules of legal interpretation established by the State Legislature or by the courts, the reader should consult:

- § 15.805, which contains definitions of terms found throughout this Chapter;
 - § 15.807, which provides a list of acronyms used throughout this Chapter;
 - § 15.810, which provides rules for interpreting the Zoning Map and boundary determinations, and
 - § 15.815, which describes how to apply conflicting rules.
1. This Chapter shall be interpreted and applied as minimum requirements.

2. This Chapter shall be liberally construed in favor of the County.
3. This Chapter shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes.
4. The terms or words used in this Chapter shall be interpreted as follows:
 - a. Words used in the present tense include the future.
 - b. Words used in the singular include the plural and words used in the plural include the singular.
 - c. The words "shall" or "must" are mandatory. The word "should" is permissive.
 - d. "Building," "land" or "area" includes any part of a building, land or area unless otherwise provided.
 - e. "Including" or "includes" is without limitation because of enumeration, unless otherwise provided.
 - f. All distances, unless otherwise specified shall be measured horizontally.
5. Any reference to a building, structure or facility also refers to a part of the building, structure or facility.
6. Section references are to the County Code of Ordinances unless otherwise indicated.
7. All definitions that refer to Wisconsin Statutes or the Wisconsin Administrative Code shall incorporate any revisions or amendments to the statutory language or regulations.

Effective on: 12/1/2019

15.805 Definitions

This section defines key words and phrases used throughout this Chapter.

"A" Zones: Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Effective on: 12/1/2019

Abut: To share a property line or lie directly across a street or stream. Includes "adjacent," "adjoin," "adjoining" or "abutting."

Effective on: 11/11/2022

Access and Viewing Corridor: A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Accessory Structure: A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached).

IBC reference: Carports, fences more than 6 feet (1829 mm) high, private garages, retaining walls, sheds.

Effective on: 11/11/2022

Accessory Use: A use subordinate to, serving, and customarily incidental to the principal use on the same lot or parcel. An accessory use is subordinate in area, extent and purpose to the principal building or use served. Accessory uses include, but are not limited to, Home Child Care, Home Occupations, and Roadside Stands.

Effective on: 12/1/2019

Adult Bath House: An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner, or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities" as defined in this ordinance.

Effective on: 11/11/2022

Adult Body Painting Studio: An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.

Effective on: 12/1/2019

Adult Bookstore: An establishment having as a substantial or significant portion of its stock-in-trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.

Effective on: 12/1/2019

Adult Cabaret: An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.

Effective on: 12/1/2019

Adult Establishment: An "adult establishment" as defined by the applicability section of § 15.310.

Effective on: 12/1/2019

Adult Massage Parlor: An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.

Effective on: 12/1/2019

Adult Mini-Motion Picture Theater: An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

Effective on: 12/1/2019

Adult Modeling Studios: An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

Effective on: 12/1/2019

Adult Motion Picture Theater: An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.

Effective on: 12/1/2019

Adult Motion Picture Theater (Outdoor): A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".

Effective on: 12/1/2019

Adult Novelty Shop: An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, "specified sexual activity" as defined herein or stimulating such activity.

Effective on: 12/1/2019

Adult Video Store: An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.

Effective on: 12/1/2019

Agricultural Accessory Building or Structure: Any building or structure that performs an incidental function in support of the primary agricultural use of property and which is customarily associated with the primary agricultural use of the property.

Effective on: 12/1/2019

Agricultural Accessory Use: A use that is incidental to and customarily associated with an agricultural use of property. To be deemed incidental, a use must not be the principal use of the property but is one that is minor in significance to the principal use and which has a reasonable relationship to the principal use. To be deemed customary, a use must be commonly and by long practice established as being reasonably associated with the primary agricultural use. See. [15.305](#).

Effective on: 12/1/2019

Agricultural Entertainment: A farm-based enterprise or business that combines the elements and characteristics of agriculture and tourism. Agricultural Entertainment includes a wide array of farm and farm-related activities, including outdoor recreation (nature based tourism, fishing, hunting, wildlife study, horseback riding); educational experiences (day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums); entertainment (harvest festivals, barn dances, "petting" farms); and hospitality services (weddings, overnight farm or ranch stays). The uses listed in this definition apply only to C-2 and state certified zoning districts, AG-1 and AG-2.

Effective on: 11/11/2022

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.

IBC reference: Factory Industrial Group F-1 including bakeries, food processing establishments and commercial kitchens (not associated with restaurants, cafeterias and similar dining facilities more than 2,500 sf in area), tobacco.

Effective on: 12/1/2019

Agricultural Related Use: A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose: (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district. (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district. (c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district. The uses listed in this section apply only to state certified zoning districts, AG-1 and AG-2.

Effective on: 12/1/2019

Agricultural Resource Production: The production of end products from materials grown or extracted from the owners of agricultural land (excluding uses listed under the Mining & Natural Resource Extraction category in § [15.285](#), [Use Table](#)).

Effective on: 11/11/2022

Agricultural Supply: An establishment primarily engaged in the retail sales, sale or rental of farm tools and implements, feed, grain, tack, animal care products, large implements (such as tractors and combines), and other farm supplies. This includes food sales and farm machinery repair services.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Air Conditioning and Steam Supply: An establishment that produces or distributes steam, heated air, cooled air, geothermal steam, or trailer-mounted air conditioning units used as back-up cooling systems. Distribution may be through pipes or mains.

Effective on: 12/1/2019

Airstrip: Any area of land or water which is used, or intended for use, for the landing and take-off of aircraft. This includes any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located in those areas. [Source: Wis. Stat. § 114.002 (7)]

IBC reference: Airport traffic control towers; aircraft hangars, accessory to a one- or two-family residence.

Effective on: 12/1/2019

Alpine Skiing: The action of traveling over snow on skis, especially as a sport or recreation. Alpine skiing would be recognized as downhill skiing, as opposed to Nordic skiing.

Effective on: 11/11/2022

Alcoholic Beverage: fermented malt beverages or intoxicating liquor.

Effective on: 12/1/2019

Amateur Radio Antenna: A freestanding or building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission.

Effective on: 12/1/2019

Amusement or Theme Park: An establishment primarily engaged in operating a variety of attractions, such as mechanical rides, water rides, games, shows, theme exhibits, refreshment stands, and picnic grounds.

IBC reference: Amusement Park structures.

Effective on: 11/11/2022

Animal Production, Other: Establishments raising animals and insects (except cattle, hogs and pigs, poultry, sheep and goats, and Aquaculture, or other animals separately listed under Agriculture - Keeping Livestock or Livestock Facilities) for sale or product production.

IBC reference: Livestock shelters.

Effective on: 12/1/2019

Animal Unit: As defined in Wisconsin Administrative Code Chapter NR 243.

Effective on: 12/1/2019

Animal Waste: Manure, milking center waste and other organic waste generated by a livestock facility. [Source: Wis. Admin. Code ATCP §51.01(43)]

Effective on: 11/11/2022

Animal Waste Storage Facility: One or more animal waste storage structures, 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. [Source: Wis. Admin. Code ATCP §51.01(43)]

Effective on: 11/11/2022

Animal Waste Storage Structure: A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. It does **not** include:

1. equipment used to apply waste to land, or
2. for purposes of §§ ATCP 51.12 (2) (manure storage structure setbacks) and 51.14 (odor):
 - a. A structure used to collect and store animal waste under a livestock housing facility, or
 - b. A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

[Source: Wis. Admin. Code ATCP §51.01(44)]

Effective on: 11/11/2022

Animal Waste Utilization: The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Wisconsin Administrative Code Chapter NR 151, NRCS Conservation Practice Standard Code 590, and other designated water quality standards adopted by the State of Wisconsin or the County.

Effective on: 12/1/2019

Antenna: Communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.

Effective on: 12/1/2019

Applicant: Any person who applies for a permit or rezoning under this Chapter.

Effective on: 12/1/2019

Aquaculture: Aquaculture conducted for the purpose of an income or livelihood. "Aquaculture" means the controlled cultivation of aquatic plants and animals, using "normal aquaculture activities" as defined in Wis. Stat. § 281.36.

Effective on: 11/11/2022

Asphalt Plant: A building and associated equipment used for to produce materials used in the construction or maintenance of public roads, and that is limited in duration to the project in which its products are used. Also referred to as a "Ready-Mix Concrete Plant."

Effective on: 12/1/2019

Attached: A building having any portion of one (1) or more walls in common with adjoining buildings.

Effective on: 12/1/2019

Automotive Parts, Accessories, and Tire Stores: Establishments that are principally engaged in the retail sale of parts, accessories, and supplies used for the repair, maintenance, and modification of motor vehicles.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Bar or Tavern: A building or part of a building open to the public, where alcoholic beverages are sold at retail for consumption on the premises. The following are not considered a bar or tavern:

1. a restaurant where alcoholic beverages are sold only at tables and only in conjunction with meals;
2. a club not open to the public where alcoholic beverages are sold in conjunction with the operation of the club;
3. premises where alcoholic beverages are sold by established organizations in conjunction with the operation of a picnic, fair or other amusement enterprise.

IBC reference: Taverns and bars, night clubs.

Effective on: 11/11/2022

Barber or Beauty Shop: An establishment that provides personal appearance care services to individual consumers. Includes services that provide appearance care not otherwise listed, such as nail salons, tanning salons, ear piercing services, steam or Turkish baths, massage parlors, tattoo parlors, and non-medical diet and weight reducing centers.

IBC reference: Barber and beauty shops.

Effective on: 11/11/2022

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year. (See also Regional Flood)

Effective on: 12/1/2019

Base Flood Elevation: An elevation equal to that which reflects the height of the base flood as defined above.

Effective on: 12/1/2019

Basement: Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

Effective on: 12/1/2019

Base Zoning District: The zoning districts that generally apply throughout the unincorporated County, including AG-1, AG-2, R-1, R-2, R-3, C-1, C-2, C-3, I-1, and I-2 (§§ 15.220 through 15.251 of this Chapter) and CON (§ 15.275 of this Chapter).

Effective on: 12/1/2019

Bed and Breakfast: Any place of lodging that -

1. provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients,
2. Provides no meals other than breakfast and provides that breakfast only to renters of the place,
3. Is the owner's personal residence,
4. Is occupied by the owner at the time of rental,
5. Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.

[Source: Wis. Stat. § 97.01]

In the AG-2 district, a bed and breakfast occurs in an existing dwelling located on a farm and shall constitute an Agricultural Accessory Use.

Effective on: 11/11/2022

Bedrock: The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.

Effective on: 12/1/2019

Beekeeping: 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 honeybee, *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.

Effective on: 11/11/2022

Best Management Practice (BMP): A practice or industry standard designed to minimize environmental damage.

Effective on: 12/1/2019

Biopower Facility: An establishment engaged in the production, distribution, and sale, both retail and wholesale, of energy generated by biomass. "Biomass" is a resource that derives energy from wood or plant material or residue, biological waste, crops grown for use as a resource or landfill gases. "Biomass" does not include garbage, as defined in Wis. Stat. § 289.01(9), or nonvegetation-based industrial, commercial or household waste. [Source: Wis. Stat. § 196.378]

Effective on: 11/11/2022

Biopower Facility, Farm-Based: A facility that provides energy from biomass and originates from materials grown or produced on the farm, primarily for use on the farm. "Biomass" is a resource that derives energy from wood or plant material or residue, biological waste, crops grown for use as a resource or landfill gases. "Biomass" does not include garbage, as defined in Wis. Stat. §289.01(9), or non-vegetation-based industrial, commercial or household waste. [Source: Wis. Stat. §196.378]

Effective on: 11/11/2022

Bluffline, Riverway: A line along the top of the slope preservation zone, as defined by NR118. There can be more than one bluffline.

Effective on: 12/1/2019

Bluffline, Shoreland: The top of a steep slope that is 25% or greater (over a horizontal distance 50 feet). The top is identified either where there is a clearly identifiable break in the slope, or at the uphill end of the first 50-foot horizontal segment to reach 18% in average slope.

Effective on: 12/1/2019

Board of Adjustment: The St. Croix County Board of Adjustment.

Effective on: 12/1/2019

Boarding House: A building where, for compensation, meals and lodging are provided for more than 3 guests not members of a family, and that are not transients. A "Boarding House" includes any building other than a hotel or motel where lodging only is provided for compensation. Examples include fraternities, sororities, or dorms. This use type does not include a hotel, motel, or multi-family building. A multifamily building includes separate dwelling units occupied by a single household, while a boarding house includes separate households sharing kitchen facilities. This does not include migrant labor camps, which are defined, conditioned and permitted by Wis. Stat. § 59.69(4e). Also referred to as a "Lodging House."

IBC reference: Residential board and care facilities, boarding houses (transient) with more than 10 occupants, boarding houses (nontransient) with more than 16 occupants, boarding houses (non-transient) with 16 or fewer occupants, boardinghouses (transient) with 10 or fewer occupants, lodging houses with five or fewer guest rooms.

Effective on: 12/1/2019

Boathouse: A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.

Effective on: 12/1/2019

Brewery: A facility for the manufacture of fermented malt beverages, as defined in Wis. Stat. § 125.02, and associated authorized activities, as described in Wis. Stat. § 125.29.

Effective on: 12/1/2019

Building: A structure used, designed or intended for the protection, shelter, enclosure or support of person, animals or property. When a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.

Effective on: 12/1/2019

Building Construction Services: An establishment primarily engaged in the construction or remodeling of both residential and nonresidential buildings.

Effective on: 12/1/2019

Building Envelope: The three-dimensional space within which a structure is built.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Business Support Services: Establishments that provide routine support functions that businesses and organizations traditionally do for themselves, such as: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site computer rental, and office product sales.

IBC reference: Print shops.

Effective on: 12/1/2019

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by this Chapter and approved by the WI DNR pursuant to Wis. Stat. § 30.11, and which allows limited filling between this bulkhead line and the OHWM, except where the filling is prohibited by the floodway provisions of this Chapter.

Effective on: 12/1/2019

Business Conducted By Owner/Operator of Farm: The operation of a use listed under the "office" category or the sale of items listed in the "retail sales and service" or "notion, variety, or gift shop" category, within the principal dwelling or a farm building.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Camper Cabin: A structure that is a hard sided shelter, is 400 square feet or less in area, can be relocated if necessary and does not have interior plumbing, sewer and water.

Effective on: 11/11/2022

Campground, Private: Any parcel of land owned by a private entity which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 2 or more camping units, wherein a fee is charged for use. See § 15.322.

Effective on: 12/1/2019

Campground, Public: Any parcel of land owned by a public entity which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 2 or more camping units, wherein a fee is charged for use. See § 15.322.

Effective on: 12/1/2019

Camping Unit: A camper cabin or 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, pick-up truck, tent, yurt or other mobile recreational vehicle.

Effective on: 11/11/2022

Car Wash: Establishments primarily engaged in cleaning, washing, and/or waxing automotive vehicles, such as passenger cars, trucks, and vans, and trailers.

IBC reference: Car wash.

Effective on: 12/1/2019

Caretaker Unit: a dwelling that is accessory to a Self Storage Facility, and occupied by:

1. the person who owns or is employed by the Self Storage Facility to care for and protect the property, and
2. that person's family.

Effective on: 11/11/2022

Cemetery: A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Certificate of Compliance: A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure complies with all of the provisions of this Chapter.

Effective on: 12/1/2019

Chairlift: A type of aerial lift, which consists of a continuously circulating steel cable loop strung between towers, carrying a series of chairs, typically with skier or snowboarding passengers.

Effective on: 11/11/2022

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

Effective on: 12/1/2019

Child and Youth Services: An establishment primarily engaged in providing nonresidential social assistance services for children and youth. These establishments provide for the welfare of children in areas such as adoption and foster care, drug prevention, life skills training, and positive social development.

Effective on: 12/1/2019

Child Care Center: A facility where a person provides care and supervision for less than 24 hours a day for at least 4 children under the age of 7 who are not related to the provider. This includes any "Family childcare center" licensed by the Wisconsin Department of Children and Families under Wis. Stat. § 48.65, and Wis. Admin. Code Ch. DCF 250.

IBC reference: Day care.

Effective on: 11/11/2022

Child Care Home, Family: A dwelling licensed as a childcare center by the Department of Children and Families under Wis. Stat. § 48.65 where care is provided for not more than 8 children. [Source: Wis. Stat. § 66.1017] These are certified by the Wisconsin Department of Children and Families pursuant to Wisconsin Administrative Code DCF 250.

Effective on: 11/11/2022

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 free-standing support structure for the facility but does need to engage in substantial modification.

Effective on: 11/11/2022

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 free-standing support structure for the facility or engage in substantial modification.

Effective on: 11/11/2022

Club or Lodge: A building owned, rented, or leased by a non-profit association of persons for the exclusive use of its members and guests. This includes fraternal organizations, clubs, lodges, banquet halls, community halls, or other meeting facilities of private or non-profit groups that are primarily used by group members. This includes any "club" as defined by Wis. Stat. Chapter 125.

IBC reference: banquet halls, community halls.

Effective on: 12/1/2019

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent undeveloped land.

Effective on: 12/1/2019

Co-Location: Class 1 or class 2 collocation or both.

Effective on: 12/1/2019

Commercial: Open to the public for a fee or operated with the intention of making a profit.

Effective on: 12/1/2019

Commercial Speech: Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

Effective on: 12/1/2019

Committee: The St. Croix County Community Development Committee.

Effective on: 12/1/2019

Community Garden: A site operated and maintained by a group (such as a homeowner's association, condominium association, or membership association) to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or off-site sale of items grown on the site.

Effective on: 11/11/2022

Community Living Arrangement: A place where adults who are not related to the operator or administrator and who do not require care above intermediate level nursing care reside and receive care, treatment or services that are above the level of room and board but that include no more than 3 hours of nursing care per week per resident ([Wis. Stat. § 50.01-\(1g\)](#)).

IBC reference: Group homes, halfway houses, social rehabilitation facilities.

Effective on: 12/1/2019

Community Supported Agriculture: 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.

Effective on: 12/1/2019

Compliant Building Location: An area on a lot where a building could be located in compliance with all applicable requirements of this Chapter.

Effective on: 12/1/2019

Composting, Commercial: A composting facility that handles organic material from businesses and/or government entities.

Effective on: 11/11/2022

Conditional Use: A use that would not be appropriate generally or without restriction throughout the zoning district, but would not be detrimental to the public health, safety or general welfare with appropriate conditions.

Effective on: 12/1/2019

Conservation Design Development: A subdivision or development that complies with § 13.7.K of the County Code of Ordinances. This type of development provides the controlled, sustainable development of land, which allows for commercial and residential development while ensuring the protection of natural environmental features such as open spaces and vistas.

Effective on: 12/1/2019

Conservation Practice: A facility or practice that is designated to prevent or reduce soil erosion, prevent or reduce non-point pollution, or achieve or maintain compliance with soil and water conservation standards; it includes a nutrient management plan.

Effective on: 12/1/2019

Construction Permit: A written document issued by the Zoning Administrator authorizing design, location, enlargement, construction and/or reconstruction of an animal waste storage facility.

Effective on: 12/1/2019

Contiguous: Adjacent to or sharing a common boundary.

Effective on: 12/1/2019

Contractor Sales and Service: An establishment engaged in: (1) providing building property maintenance services including but not limited to extermination and pest control; janitorial services; plumbing; carpet and upholstery cleaning; lawn, pool and garden care; snow plowing and removal; packing and crating; security services; locksmiths; building equipment and machinery installation; excavation; and tree trimming and removal, or (2) selling equipment to establishments engaged in the services listed above.

Effective on: 12/1/2019

Contractor Storage Yard: The outdoor portion of a lot or parcel that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If permitted to be used in this manner, the entire lot or parcel is classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations for a Contractor Storage Yard. [See §§ 15.285 (Use Table), 15.330 (Contractor Storage Yard Use Regulations)]

Effective on: 11/11/2022

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.

Effective on: 12/1/2019

Correctional Institution: Any building or area that is used to confine persons who are either arrested, incarcerated, imprisoned, or otherwise detained or incarcerated by any law enforcement or immigration agency, or a private entity under contract to a law enforcement or immigration agency. This does not include uses that are exempt from County zoning pursuant to state law. [See Wis. Stat. § 301.046(1)(Community residential confinement); Wis. Stat. § 301.048(4)(b)(Intensive sanctions program); Wis. Stat. § 301.13 (community correctional residential centers initially established prior to July 2, 1983)].

IBC reference: Correctional centers, detention centers, jails, prerelease centers, prisons, reformatories.

Effective on: 11/11/2022

Courier and Messenger Service: An establishment that provides air, surface, or combined courier delivery services of parcels and messages within or between metropolitan areas or urban centers. These establishments may form a network including local, and point-to-point pick up and delivery.

Effective on: 12/1/2019

Crawl Space: An enclosed area below the first usable floor of a building, generally less than 5 feet in height, used for limited access to plumbing and electrical utilities. Also referred to as a "**crawlway.**"

Effective on: 12/1/2019

Crop or Forage Production: Growing or producing crops or forage for the purpose of an income or livelihood. "Crop" means a cultivated plant that includes any of the following: (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans; (b) Fruits, including apples, grapes, cranberries, cherries, and berries; (c) Vegetables, including tomatoes, carrots, sweet corn, and squash; (d) Plants raised for culinary, medicinal, or aesthetic purposes, including herbs and spices, ginseng, and ornamental shrubs and trees; (e) Plants raised for energy production, including switchgrass, or textile use, including cotton or bamboo; or as defined by Wis. Admin. Code Ch. ATCP 49. "Forage" means bulky food for animals when taken by browsing or grazing.

IBC reference: Agricultural buildings, barns, grain silos, accessory to a residential occupancy.

Effective on: 11/11/2022

Crop/Limited Agriculture: An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops, horticultural and limited animal products (including flowers, trees, bees and apiary products, and chickens) for off-site sale in locations where retail sales are an allowed use. Crop/limited agriculture may be a principal or accessory use.

Effective on: 12/1/2019

Dam: Any artificial barrier in or across a watercourse which has the primary purpose of impounding or diverting water. A dam includes all appurtenant works, such as a dike, canal or powerhouse. [Source: Wisconsin Administrative Code NR 333.03] A "dam" includes a levee.

Effective on: 12/1/2019

Dead Stock Hauling Service: An establishment that collects dead animals for disposal, processing or rendering.

Effective on: 12/1/2019

Dealerships (Motor, Off-Road, Watercraft, and Implements): Establishments primarily engaged in retailing or leasing new and used automobiles and light trucks, such as sport utility vehicles, passenger and cargo vans, and/or manufactured homes.

IBC reference: Motor vehicle showrooms.

Effective on: 12/1/2019

Decision Making Agency: The agency or entity with final authority to render a decision to approve, approve with conditions, or deny an application required by the Procedures. For example, the Board of Supervisors is the Decision-Making Agency for text amendments and rezonings, and the Board of Adjustment is the Decision-Making Agency for appeals and variances.

Effective on: 11/11/2022

Deck: An unenclosed exterior structure that has no roof or sides but has a permeable floor that allows the infiltration of precipitation.

Effective on: 11/11/2022

Density: the number of dwelling units per gross acre.

Effective on: 12/1/2019

Department: The St. Croix County Community Development Department, unless otherwise indicated.

Effective on: 12/1/2019

Detached: A building having open space on all sides, and that is not an attached building.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Diameter at Breast Height (DBH): The width of a tree as measured at 4.5 feet above the ground surface.

Effective on: 12/1/2019

Disabled: Having a physical or mental impairment that substantially limits one or more major life activities.

Effective on: 12/1/2019

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

Effective on: 11/11/2022

District: Parcels or sections of St. Croix County, Wisconsin, for which the regulations governing the use of land and buildings are uniform.

Effective on: 12/1/2019

Dock, Pier or Wharf: Structures extending into the water to facilitate the launching or mooring of watercraft or for fishing during the open water season.

Effective on: 12/1/2019

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Effective on: 12/1/2019

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 vehicle.

Effective on: 12/1/2019

Drug Store/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.

IBC reference: Drug stores.

Effective on: 12/1/2019

Dryland Access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Effective on: 12/1/2019

Duly Licensed: The use or activity has obtained all required licenses or permits from local, state or federal agencies with jurisdiction to license or permit the use or activity.

Effective on: 12/1/2019

Dwelling: A room or suite of rooms occupied or capable of being occupied as an independent and separate housekeeping establishment by only 1 family, and which contains independent cooking, bathroom and sleeping facilities.

Effective on: 11/11/2022

Dwelling, Rental or Secondary: A dwelling in existence on a farm as of January 1, 2014 and no longer utilized in the operation of the farm.

Effective on: 12/1/2019

Dwelling, Multifamily: A building or portions thereof designed for and used by 3 or more 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. Includes any townhouse/rowhouse or triplex.

IBC reference: Apartment houses, hotels (nontransient), motels (nontransient), convents, dormitories, fraternities and sororities, and monasteries.

Effective on: 12/1/2019

Dwelling, Single-Family: A detached dwelling designed for or occupied exclusively by one family. This includes any community living arrangement for up to 8 persons pursuant to Wis. Stat. § 59.69(15)(c).

Effective on: 12/1/2019

Dwelling, Two-Family: A detached or semidetached building designed for and occupied exclusively by 2 families.

IBC reference: Buildings that do not contain more than two dwelling units.

Effective on: 12/1/2019

Earth-tone: Colors that harmonize with the natural surroundings on the site during leaf on conditions.

Effective on: 12/1/2019

Elderly and Disabled Services: An establishment primarily engaged in providing nonresidential social assistance services to improve the quality of life for the elderly, persons diagnosed with intellectual and developmental disabilities, or persons with disabilities. The establishment may provide for the welfare of these individuals in such areas as day care, non-medical homemaker services, social activities, group support, and companionship.

Effective on: 11/11/2022

Electric Generating Facility: Electric generating equipment and associated facilities that, together, constitute a complete facility for the generation of electricity. "Electric generating equipment" means any of the following: (1) an electric generator, (2) a machine that drives an electric generator, including an engine, turbine, water wheel, or windmill, (3) Equipment that converts a fuel or source of energy into energy that powers a machine that drives an electric generator, including a boiler, but not including a nuclear reactor. (4) A fuel or photovoltaic cell. [Source: Wis. Stat. § 196.52]

Effective on: 11/11/2022

Electric Generating Facility (Large Scale): An electric generating facility designed for nominal operation at a capacity of 100 megawatts or more [See Wis. Stat. § 196.491] This does not apply to testing activities undertaken by an electric utility for purposes of determining the suitability of a site for the placement of an electric generating facility, to the extent prohibited by statute.

Effective on: 12/1/2019

Electric Generating Facility (Small Scale): An electric generating facility designed for nominal operation at a capacity of less than 100 megawatts [See Wis. Stat. § 196.491]

Effective on: 12/1/2019

Encroachment: Any fill, structure, equipment, building, use, accessory use or development in the floodway.

Effective on: 12/1/2019

Enrolled Land: Land that is enrolled in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

Effective on: 12/1/2019

Establishment: A place of business, government, or nonprofit activity.

Effective on: 12/1/2019

Excavation: any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the resulting conditions.

Effective on: 11/11/2022

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

Effective on: 12/1/2019

Facility: A structure or place which is built, installed, or established to serve a particular purpose.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Family Services: An establishment primarily engaged in at least one of the following: collecting, preparing, and delivering food for the needy; providing short-term emergency shelter, temporary residential shelter, transitional housing, volunteer construction or repair of low-cost housing, and/or repair of homes for individuals or families in need; or providing food, shelter, clothing, medical relief, resettlement, or counseling to victims of domestic or international disasters or conflict.

Effective on: 11/11/2022

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

Effective on: 11/11/2022

Farm Animals: Dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.

Effective on: 12/1/2019

Farm Exhibition: see Farm-Related Exhibition, Sale, or Event.

Effective on: 12/1/2019

Farm-Related Exhibition, Sale, or Event: An exhibition, sale or event that is accessory to a farm or agricultural use, or that directly promote the County's agricultural economy. Examples include auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities but not to exceed 5 calendar days per calendar year. This use must comply with Wis. Stat. § 91.01(1).

Effective on: 11/11/2022

Farmland, Prime: Land identified within the county's certified farmland preservation plan as having Land Evaluation Scores (LESA) greater than 66 points.

Effective on: 12/1/2019

Farmland, Protected: Lands that are considered to be any of the following: located in a farmland preservation zoning district as certified under Wis. Stat. Ch. 91, covered by a farmland preservation agreement under Wis. Stat. Ch. 91, covered by an agricultural conservation easement under Wis. Stat. § 93.73, or otherwise legally protected from nonagricultural development.

Effective on: 11/11/2022

Farm Residence: A single-family dwelling, manufactured home or modular home that is the only residential structure on the farm and occupied by any of the following:

1. An owner or operator of the farm
2. A parent or child of an owner or operator of the farm
3. An individual who earns more than 50% of his or her gross income from the farm

Effective on: 11/11/2022

Federal Emergency Management Agency: The federal agency that administers the National Flood Insurance Program.

Effective on: 12/1/2019

Fence: Any non-masonry vertical structure constructed to prevent physical or visual access to a parcel or portion thereof.

Effective on: 12/1/2019

Fill: any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

Effective on: 12/1/2019

Filling, Draining, or Dredging of Wetlands: The act of altering existing wetlands through their filling, draining, or dredging, as follows:

- "Filling" means the activities referred to in the definition of "discharge of fill material" in 40 CFR 232.2 in a wetland, regardless of whether the wetland is a "water of the United States."
- "Draining" means any human activity that diverts or reduces wetland groundwater and/or surface water sources.

- "Dredging" means the activities referred to in the definition of "discharge of dredged material" in 40 CFR 232.2 in a wetland, regardless of whether the wetland is a "water of the United States."

Effective on: 12/1/2019

Filtered View of the St. Croix River: A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.

Effective on: 12/1/2019

Financial or Investment Institution: An establishment primarily engaged in the dealing of monetary transactions such as deposits, loans, investments and currency exchanges.

IBC reference: Banks.

Effective on: 12/1/2019

Flag: Any fabric, bunting or other lightweight material that is secured or mounted so as to allow movement caused by the atmosphere.

Effective on: 12/1/2019

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

1. The overflow or rise of inland waters,
2. The rapid accumulation or runoff of surface waters from any source, or
3. The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm or other unanticipated force of nature.

Includes "**Flooding.**"

Effective on: 11/11/2022

Flood Frequency: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Effective on: 12/1/2019

Floodfringe: The portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Effective on: 12/1/2019

Flood Hazard Boundary Map: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered "A" Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Effective on: 12/1/2019

Flood Insurance Rate Map: A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by FEMA.

Effective on: 12/1/2019

Flood Insurance Study: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered "A" Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Effective on: 12/1/2019

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Effective on: 12/1/2019

Flood Profile: A graph or a longitudinal line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Effective on: 12/1/2019

Floodproofing: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Effective on: 12/1/2019

Flood Protection Elevation: An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood.

Effective on: 12/1/2019

Flood Storage: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Effective on: 12/1/2019

Floodway: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

Effective on: 12/1/2019

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

Effective on: 11/11/2022

Footprint: The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Flowage Area: A body of water formed by overflowing or damming.

Effective on: 12/1/2019

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, forest nurseries (growing trees for reforestation, and gathering forest products).

Effective on: 12/1/2019

Forest Products Processing: A facility used for the dry processes of chipping, grinding, sawing, and planing of cut trees, which changes them for consumer use. This use does not include any wet processing such as paper manufacturing. May include warehousing and packaging as secondary uses.

Effective on: 12/1/2019

Foster Home / Adult Family Home: A dwelling that is the primary domicile of a foster parent who is licensed under Wis. Stat. § 48.62 or a dwelling that has been certified as an adult family home under Wis. Stat. § 50.032(1m)(b).

IBC reference: Adult day care, foster care facilities, care facilities that provide accommodations for five or fewer persons receiving care, residential board and care facilities.

Effective on: 12/1/2019

Foundation: The underlying base of a building or other structure, including pillars, footings, and concrete and masonry walls.

Effective on: 11/11/2022

Freeboard: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development, and aggregation of the river or stream bed.

Effective on: 11/11/2022

Freight Terminal: A facility where freight brought to the lot by motor truck or rail is assembled and/or sorted for routing in intrastate and interstate shipment by motor truck or rail. "Freight" includes commodities that are prepared for shipment, including palletized and containerized materials.

Effective on: 11/11/2022

Frontage: That side of a lot abutting on a street or road and ordinarily regarded as the front of the lot. To determine yard requirements on corner lots, all sides of a lot adjacent to streets are considered frontage, and yards shall be provided as indicated in § 15.425.

Effective on: 12/1/2019

Funeral Home: An establishment primarily engaged in preparing the dead for burial or interment and conducting funerals. Includes cemeteries.

IBC reference: funeral parlors.

Effective on: 12/1/2019

Fur Farm: A commercial operation that raises and harvests wild game and fur producing animals for fur, including such animals as deer, elk, mink and chinchilla.

Effective on: 12/1/2019

Game Arcade: An indoor structure, open to the public, that contains coin-operated games, rides, shows, and similar entertainment facilities and devices. Also known as an "amusement arcade."

IBC reference: Amusement arcades.

Effective on: 12/1/2019

Game Management: A commercial and duly licensed operation raising and harvesting wild game for meat, including animals such as deer and elk.

Effective on: 12/1/2019

Garden Center: An establishment where retail and wholesale garden 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, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Effective on: 12/1/2019

Golf Course: A tract of land laid out with at least 9 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.

Effective on: 12/1/2019

Governmental, Institutional, or Nonprofit Community Use: A building or land area not otherwise defined in this Chapter, that:

1. Is used to administer, oversee, or manage public programs exercising executive, legislative, or judicial authority, or
2. Nonprofit and civic functions described in 26 U.S.C. § 501(c) such as grant making, charitable trusts or fundraising, 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,
3. 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, exhibition halls.

Effective on: 11/11/2022

Grading: filling, placing or moving of rock and soil material.

Effective on: 12/1/2019

Grazing: The use of public and/or private land for the free range feeding of livestock (cattle, pigs, sheep, etc.). Unlike Keeping Livestock, grazing does not involve buildings or structures (other than fences used to confine the livestock).

Effective on: 12/1/2019

Greenhouse: A building constructed for the propagation of food crops (e.g., fruits, melons, tomatoes), mushrooms, or other plants under glass or protective cover. This definition does not include private greenhouses with no commercial sales.

IBC reference: Greenhouses.

Effective on: 11/11/2022

Grocer: The sale of agricultural, food and dairy products not produced or grown on the premises.

Effective on: 12/1/2019

Ground Cover: Small plants such as mosses, forbs, ferns, grasses, and undershrubs growing on a forest floor.

Effective on: 12/1/2019

Groundwater: Any of the Waters of the State occurring in a saturated subsurface geological formation of permeable rock or soil. [See Wis. Stat. § 281.75]

Effective on: 12/1/2019

Group Day Care: A facility where a person for less than 24 hours a day provides care and supervision for 9 or more children who are not related to the provider. It includes preschools and nursery schools, and any "group childcare center" licensed by the licensed Wisconsin Department of Children and Families under Wis. Stat. § 48.65, Stats., and Wis. Admin. Code Ch. DCF 251.

IBC reference: Day care, day care facilities, child day care.

Effective on: 11/11/2022

Habitable Structure: Any structure used or designed for occupation by humans for the purpose of cooking, eating, sleeping, recreation and general living periods.

Effective on: 12/1/2019

Harvesting of Wild Crops: The use of machinery to reap the fruit and/or seed produced by wild plants on undeveloped public and/or private land. Unlike Agriculture - Crop or Forage Production, Harvesting of Wild Crops does not involve buildings or structures, or the use of seeds or fertilizers to propagate plant growth.

Effective on: 11/11/2022

Hazardous Waste Collection, Treatment, and Disposal: A site or structure for the treatment, storage or disposal of hazardous waste as defined by Wis. Stat. § 291.01 and includes all the contiguous property under common ownership or control surrounding the site or structure.

Effective on: 11/11/2022

Heavy Construction Services: Establishments that engage in the construction of infrastructure projects such as bridges, roads, and dams, and industrial and other nonbuilding construction.

Effective on: 12/1/2019

Heavy Industrial Mining: Any "nonmetallic mining site" as defined by Wisconsin Administrative Code NR § 135.03 that has a particularly high impact on the environment and nearby properties including frac sand mining, mining that impacts the groundwater table, and mining operations that involve loud or noxious material processing. This includes, but is not limited to, the following:

1. The operation of an establishment that is engaged in excavating or otherwise removing from the land any sand or sandstone by any means, including any associated stripping of overburden, removal of sand or sandstone washing, screening, sorting, beneficiation, drying, loading, stockpiling or other processing or preparation of sand or sandstone for any use other than construction aggregate.
2. Extraction from the earth of sand, sandstone bedrock, fluvial sands, alluvial sands or aggregates for offsite use or sale of industrial sand products including associated activities such as drilling, blasting, excavation, stripping, grading and dredging of such materials and removing, relocating or disposing of overburden and other wastes of the mining process.
3. Stockpiling of industrial sand products, rail transloading of industrial sand products, non-metallic mining waste materials, or topsoil intended for use in reclaiming a non-metallic mine site.
4. Manufacturing or processing operations on the mining site that involve the use of equipment for crushing, screening, separation, beneficiation, classification, washing dewatering, drying coating, or blending of the industrial sand or products obtained by extraction from the mining site.
5. Reclamation of the mine site.

Effective on: 11/11/2022

High Flood Damage Potential: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Effective on: 12/1/2019

Highway: Any arterial, as defined by § 15.405.

Effective on: 12/1/2019

Hiking, Biking, and Bridle Trails: A linear corridor that is a public right-of-way or private easement reserved for recreation and travel by foot, bicycle, horseback, or other forms of non-motorized travel.

Effective on: 12/1/2019

Historic or Natural Resource: Any of the of the following uses that are preserved for the uses listed below by a local, state or federal agency, or a conservation easement:

- An Historic Structure, and
- Any land that is preserved for scenic, scientific or wildlife use.

Effective on: 12/1/2019

Historic Structure: any structure that is:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs approved by the Secretary of the Interior; or

- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved program.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Home Occupation, Major: A "Major Home Occupation" as defined by § 15.345.

Effective on: 12/1/2019

Home Occupation, Minor: A "Minor Home Occupation" as defined by § 15.345.

Effective on: 12/1/2019

Hospital: A facility that provides 24-hour continuous inpatient medical and nursing service to patients. This includes any "hospital" as defined by Wis. Stat. § 50.33. [Note: hospitals are approved by the Wisconsin Department of Health Services pursuant to Wisconsin Administrative Code Chapter DHS 124.]

IBC reference: Hospitals and psychiatric hospitals.

Effective on: 12/1/2019

Hotel or Motel: A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients and where there is no permanent occupancy of any unit except by the owner, his agent or employees. Includes any "hotel" as defined by Wis. Stat. § 97.01.

IBC reference: Hotels (transient), motels (transient), vacation timeshare properties.

Effective on: 12/1/2019

Household Pet: Any animal commonly found in a residence as a pet. Examples include dogs, cats, birds, and other small animals, if they are not raised or reared for commercial resale.

Effective on: 12/1/2019

HUD Code: The federal construction code for manufactured homes, codified at 42 USC 5401 to 5425 and the corresponding regulations implemented by HUD (24 CFR part 3280).

Effective on: 12/1/2019

Hunting Facilities (with compost toilets only): Land used for: (1) commercial hunting and trapping; (2) operating commercial game preserves, such as game retreats; or (3) operating hunting preserves. Buildings may include only compost toilets and are not connected to a public or private water or sewer system.

Effective on: 11/11/2022

Impervious Surface: Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs including overhangs, roads, sidewalks, patios, driveways and parking lots, including gravel surfaces.

Effective on: 12/1/2019

Increase In Regional Flood Height: A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Effective on: 12/1/2019

Indoor Maintenance and Repair of Goods and Equipment: An establishment operating inside a building that repairs and services small engines or small motors (such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, and shoes).

Effective on: 12/1/2019

Industry, Heavy: A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in storage of or manufacturing processes using toxic, corrosive, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, such as smoke, noise, soot, dirt, vibration, and odor. Examples include the leather and allied products, chemicals, plastics, rubber products, primary and fabricated metals, machinery, automobiles and transportation equipment, and petroleum and coal products refining.

IBC reference: Aircraft (manufacturing, not to include repair), Factory Industrial Group F-1 including automobiles and other motor vehicles, bicycles, boats, business machines, cameras and photo equipment, construction and agricultural machinery, disinfectants, dry cleaning and dyeing, engines (including rebuilding), leather products [such as tanneries], machinery, metals, millwork (sash and door), photographic film, plastic products, recreational vehicles, shoes, soaps and detergents, trailers, wood distillation, ceramic products, foundries, glass products, gypsum, metal products (fabrication and assembly), any building, structure or use classified as High-Hazard Group H.

Effective on: 12/1/2019

Industry, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of those products, but excluding basic industrial processing, which activities are conducted wholly within an enclosed building. Examples include textiles and clothing mills, industrial launderers, and manufacturing of paper and printing materials, furniture, electronics, jewelry, silverware, toys, games, musical instruments, office supplies, and signs. Includes research laboratories not otherwise listed.

IBC reference: Laboratories: testing and research; Factory Industrial Group F-1 including appliances, athletic equipment, beverages (over 16-percent alcohol content), beverages (up to and including 16-percent alcohol content), brooms or brushes, canvas or similar fabric, carpets and rugs (includes cleaning), clothing, electronics, furniture, hemp products, jute products, laundries, musical instruments, optical goods, paper mills or products, printing or publishing, textiles, upholstery, woodworking (cabinet), or ice.

Effective on: 12/1/2019

Indoor Recreational Facility: A recreational use that occurs inside a building. Examples include indoor tennis, racquetball, skating rinks, driving ranges, curling, dance schools, ice arenas, shooting ranges, pool hall, bowling alleys, and health clubs.

IBC reference: Dance halls (not including food or drink consumption), gymnasiums (without spectator seating), indoor swimming pools (without spectator seating), Indoor tennis courts (without spectator seating), pool and billiard parlors, arenas, skating rinks, swimming pools (inside of a building), tennis courts (inside of a building).

Effective on: 12/1/2019

Inland Wetlands: Wetlands at least 1 acre in size, located throughout unincorporated St. Croix County that are not within a shoreland.

Effective on: 12/1/2019

Institutional: A nonprofit or quasi-public use. See examples in the Use Table, § 15.285.

Effective on: 12/1/2019

Irrigation and Industrial Water Supply: A water treatment plant and water supply systems that provide irrigation and industrial supply only. The water supply system may include pumping stations, aqueducts, or distribution mains.

Effective on: 12/1/2019

Junction: The point upon which 2 highway centerlines, or a highway centerline and the centerline or a railway right-of-way, meet.

Effective on: 12/1/2019

Junk: Items, materials, or products that are no longer used as originally intended and, though capable of being repaired or converted to another use, are not actually still being used.

A motor vehicle is junk if it meets any of the following criteria:

1. It is not currently registered; or
2. It is not capable of operation, lawful or otherwise, on public highways of Wisconsin.

This definition does not apply to a vehicle licensed as an antique or special interest vehicle under Wis. Stat. §§ 341.265 or 341.266, or to any one parts car, if the vehicle(s) is stored as required by Wis. Stat. § 341.266(4).

Effective on: 12/1/2019

Karst Feature: An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, disappearing streams, sinkholes, springs, seeps or swallets.

Effective on: 12/1/2019

Keeping Livestock: Keeping livestock (other than Livestock Facilities) for the purpose of an income or livelihood.

IBC reference: Livestock shelters.

Effective on: 12/1/2019

Kennel, Commercial: An establishment, structure or premises where 5 or more adult dogs or cats, six months of age or older, are bred and raised for sale, taken in and sheltered for adoption, boarded, groomed and/or trained as a service.

IBC reference: kennels and pounds.

Effective on: 12/1/2019

Land Disturbance Activity: Any alteration or disturbance that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, filling, grading, trenching, excavating and removal of ground cover.

Effective on: 12/1/2019

Land Division: As defined in § 13.13 of the County Code of Ordinances.

Effective on: 12/1/2019

Landscape Architect: A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.

Effective on: 12/1/2019

Landscape Supply and Contracting Business: The onsite propagation and growing of plants, shrubs, trees, or vines for retail sales. Products raised onsite may be sold onsite. Retail sales of any other products are not allowed. Garden centers are not included. Includes any plant nursery or tree nursery.

Effective on: 11/11/2022

Laundry: An establishment primarily engaged in operating coin-operated or similar self-service laundries and dry cleaners; providing dry cleaning and laundry services and supplying, on a rental or contract basis, laundered items. Does not include industrial launderers, which are classified as Light Industrial.

IBC reference: Dry cleaning and laundries (pick-up and delivery stations and self-service).

Effective on: 11/11/2022

Library: An establishment primarily engaged in providing library or archive services. "Library or archive services" refers to maintaining collections of documents and facilitating their use as required to meet the informational, research, educational, or recreational needs of the general public or customers. Libraries may also acquire, research, store, preserve, and generally make accessible to the public historical documents, photographs, maps, audio material, audiovisual material, and other archival material of historical interest.

IBC reference: Libraries.

Effective on: 12/1/2019

Life Care or Continuing Care Service: Church or social welfare organization run retirement centers. Residents turn over some or all of their assets in exchange for housing, personal care, convenience care, and some health care.

Effective on: 12/1/2019

Lift: A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.

Effective on: 12/1/2019

Limited Commercial Recreational Activities: Activities that are subordinate to a primary agricultural use of the property, compatible with the agricultural use on that and surrounding properties, and not likely to attract related commercial uses.

Effective on: 11/11/2022

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

Effective on: 11/11/2022

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

Effective on: 12/1/2019

Livestock Auction Facility: A Stock Yard where livestock are held for sale or transfer by auction, consignment, or other means.

IBC reference: Livestock shelters.

Effective on: 11/11/2022

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 12-month period. It includes all 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. [*Source: Wisconsin Administrative Code ATCP § 51.01(19)*]

IBC reference: Livestock shelters.

Effective on: 11/11/2022

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. [*Source: Wisconsin Administrative Code ATCP § 51.01(20)*]

Effective on: 11/11/2022

Loft: A floor level located more than 30 inches above the main floor, open to the main floor on one or more sides with a ceiling height of less than 6 feet 8 inches and used as a living or sleeping space.

Effective on: 12/1/2019

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

Effective on: 11/11/2022

Lot, Corner: A lot that:

1. is located at the intersection of 2 streets, where any 2 corners have an angle of 120° or less, or
2. is bounded by a curved street, and the chord within the limits of the lot line forms an angle of 120° or less.

Effective on: 11/11/2022

Lot, Interior: A lot other than a corner lot.

Effective on: 11/11/2022

Lot Line: A line bounding a lot.

Effective on: 12/1/2019

Lot, Reverse Corner: A corner lot where the rear lot line abuts the side lot line of another lot.

Effective on: 12/1/2019

Lot Width: The shortest distance between the side lot lines and the setback lines.

Effective on: 12/1/2019

Low Flood Damage Potential: Structures that are not designed for human habitation, have a small footprint (about 500 square feet or less) and are designed to minimize damages resulting from floods. Examples include open sided park shelters, parking areas, camping sites, picnic areas and playground equipment.

Effective on: 12/1/2019

Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway: The area described in Wisconsin Administrative Code NR §118.02 (1).

Effective on: 11/11/2022

Magic Carpet: A type of conveyor or surface lift often found in beginner learning areas of skiing facilities for its ease of use.

Effective on: 11/11/2022

Major Subdivision: As defined in § 13.13 of the County Code of Ordinances.

Effective on: 12/1/2019

Management Zones: The Lower St. Croix Riverway management zones established in Wisconsin Administrative Code NR § 118.04.

Effective on: 11/11/2022

Manufactured Home: A dwelling that is designed to be used as a dwelling and that is certified by HUD as complying with the HUD Code. (Source: Wis. Stat. § 101.91)

Effective on: 12/1/2019

Manure: Excreta from livestock kept at a livestock facility. "Manure" includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations. [Source: Wisconsin Administrative Code ATCP §51.01(23)]

Effective on: 11/11/2022

Manure Processing Facility: A facility that specializes in the processing of livestock manure into fertilizer and other byproducts.

Effective on: 12/1/2019

Manure Processing Facility, Farm-Based: A facility that specializes in the processing of livestock manure, generated on the property of the farm operation and processed into fertilizer and other products for use or sale as part of the farm operation.

Effective on: 11/11/2022

Manure Storage: An impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural wastes. [Source: Wisconsin Administrative Code NR 151.015]

Effective on: 12/1/2019

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Effective on: 12/1/2019

Marquee Sign: Any sign attached to, in any manner, or made a part of a marquee.

Effective on: 12/1/2019

Medical Clinic: A use that provides ambulatory, out-patient or in-patient medical care including but not limited to health maintenance, diagnosis, therapy or treatment of disease, pain, injury, deformity, mental illness and addiction.

IBC reference: Ambulatory care facilities, clinic-outpatient, alcohol and drug centers, detoxification facilities.

Effective on: 12/1/2019

Metal Extraction: An area that includes mine sites and where metallic minerals are mined, with equipment for dressing and beneficiating ore through crushing, grinding, washing, drying, sintering, concentrating, calcining, leaching, or similar activities. Beneficiating may be performed at mills operated in conjunction with the mines, or at mills operated separately.

Effective on: 11/11/2022

Military Institution: Any building or area used for state or national security and operated by a state or federal government, or a private entity under contract to a state or federal national security agency. Examples include military base or training sites and armories.

Effective on: 12/1/2019

Miniature Golf: A theme-oriented recreational facility where a novelty version of golf is played with a putter and a golf ball, typically comprised of nine or 18 putting greens, each with a "cup" or "hole," where patrons in groups pay a fee to move in consecutive order from the first hole to the last. Miniature golf may include artificial playing surfaces and obstacles such as bridges and tunnels.

Effective on: 12/1/2019

Minor Subdivision: As defined in § 13.13 of the County Code of Ordinances.

Effective on: 12/1/2019

Mitigation: Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management. Mitigation should compensate for loss of shoreland vegetation when development or improvements occur.

Effective on: 12/1/2019

Mobile Home: A dwelling that is built in a factory, but that does not comply with the HUD Code and is not a modular home. This includes any "mobile home" as defined by Wis. Stat. § 101.91.

Effective on: 12/1/2019

Mobile Home Park: Any area or tract of land designed for the installation of Mobile Homes or Manufactured Homes on spaces or lots offered for lease or rent, together with necessary accessory buildings, driveways, walks, screening and other required adjuncts.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Mobile Service Provider: A person who provides mobile service.

Effective on: 12/1/2019

Mobile Service Support Structure: A freestanding structure that is designed to support a mobile service facility.

Effective on: 12/1/2019

Model Home: A dwelling unit that has never been occupied for residential purposes, temporarily open for inspection by the general public in order to sell that unit or similar dwelling units that can be constructed for sale or rental in a particular subdivision or other residential development approved by the County. Model homes may also incorporate sales or rental offices for dwellings within that development.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Modular Home: A dwelling that is built in a factory, but that complies with the applicable state or local building code.

Effective on: 12/1/2019

Motion Picture or Sound Recording: An establishment that produces and distributes motion pictures and sound recordings by contracting with performers, creating the film or sound content, and providing technical post production services, distributing film or recordings to exhibitors (such as theaters and broadcasters) rather than through the wholesale and retail distribution chain.

IBC reference: Motion pictures and television filming (without spectators).

Effective on: 12/1/2019

Museum: An establishment that preserves and exhibits objects, sites, and natural wonders of historical, cultural, or educational value. Includes any planetarium or aquarium.

IBC reference: art galleries, museums.

Effective on: 12/1/2019

Native Vegetation: Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to publications about native vegetation available from the Wisconsin Department of Natural Resources, such as the [Wisconsin Native Plants](#) manual published in August 2016.

Effective on: 12/1/2019

Navigable Waters: All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. [See Wis. Stat. § 281.31(2)(d)]

Under Wis. Stat. § 281.31(2m), shoreland ordinances required under Wis. Stat. § 59.692 do not apply to lands adjacent to farm drainage ditches if:

1. Those lands are not adjacent to a natural navigable stream or river, and
2. Those parts of the drainage ditches adjacent to those lands were non-navigable streams before ditching.

Effective on: 12/1/2019

Net Project Area: Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.

Effective on: 12/1/2019

New Construction: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by the County and includes any subsequent improvements to those structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to those structures.

Effective on: 12/1/2019

Noncommercial Speech: Any message that is not commercial speech, which includes messages concerning political, religious, social, ideological, public service and informational topics.

Effective on: 12/1/2019

Nonconforming Lot: A lot that at the time of creation conformed to the applicable existing regulations including lot size, dimensions, lot configuration, and other dimensional and design standards, but is now inconsistent with this Chapter. Typically, a nonconforming lot is smaller than the minimum lot area required by the applicable zoning district.

Effective on: 12/1/2019

Nonconforming Sign: Any sign which was lawful prior to July 1, 2007, but which does not comply with the terms of this Chapter (or its amendment).

Effective on: 11/11/2022

Nonconforming Site Improvement: A situation that occurs when, on the effective date of this Chapter or an amendment to this Chapter:

1. an existing site improvement on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks and landscaping) that no longer conforms to the applicable regulations of this Chapter, or
2. the lot does not include site improvements required by this Chapter for any existing use, building or structure on the lot.

Effective on: 12/1/2019

Nonconforming Structure: A dwelling or other building that existed lawfully before the current Chapter was enacted or amended, but that does not conform with one or more of the development regulations in the current Chapter. For purposes of this definition, "development regulations" means any part of this Chapter that applies to elements including setback, height, lot coverage, and front, rear and side yards. [Reference: Wis. Stat. § 59.69(10e) and (10m)]

Effective on: 12/1/2019

Nonconforming Use: A use of land, a dwelling, or a building that existed lawfully before the current Chapter was enacted or amended, but that does not conform with the use restrictions in the current Chapter. [Reference: Wis. Stat. § 59.69(10)(ab)]

Effective on: 12/1/2019

Non-Flood Disaster: A fire, ice storm, tornado, windstorm, mud slide, or other destructive act of nature, but not including a flood.

Effective on: 11/11/2022

Nonmetallic Mining: Means all of the following:

1. Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic mining does not include removal from the earth of products or commodities that contain only minor incidental amounts of nonmetallic minerals, such as commercial sod, agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.
2. Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping or dewatering.

Effective on: 11/11/2022

Nonresidential Property: A property where dwelling units for personal residences are not allowed as the principal use.

Effective on: 12/1/2019

North American Vertical Datum (NAVD): Elevations referenced to mean sea level datum, 1988 adjustment.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Obstruction to Flow: Any development that (alone or together with any future development) blocks the conveyance of floodwaters in a manner that causes an increase in regional flood height.

Effective on: 12/1/2019

Off-Site: Located outside the lot or parcel lines of the principal use.

Effective on: 12/1/2019

Office: A building used as the place of business for 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.

IBC reference: Electronic data processing, Professional services (architects, attorneys, dentists, physicians, engineers, etc.).

Effective on: 12/1/2019

Official Floodplain Zoning Map: That map, adopted and made part of this Chapter, as described in § 17.270.2.

Effective on: 12/1/2019

Open Space: An open space with natural vegetation and landscaping, and that is designed and reserved for passive recreational, educational, cultural, or aesthetic uses such as picnic areas, garden plots, or walking and jogging trails.

Effective on: 11/11/2022

Open Space Use: For purposes of § 15.270, those uses having relatively low flood damage potential and not involving structures.

Effective on: 11/11/2022

Operation Permit: A signed document issued by the Code Administrator authorizing operation, closure or use conversion of an animal waste storage facility or part thereof.

Effective on: 12/1/2019

Ordinary High-Water Mark (OHWM): 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 characteristic.

Effective on: 11/11/2022

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.

Effective on: 12/1/2019

Outdoor Entertainment Facility: A facility with recreation or entertainment activities that host 10 or more people at one time and that generate noise and/or light. This includes activities such as:

1. Amphitheaters;
2. Batting cages;
3. Driving ranges;
4. Go-kart tracks;
5. Lighted athletic fields;
6. Shooting ranges;
7. Marinas.

Effective on: 11/11/2022

Outdoor Recreation Facility: A facility with recreation activities that host 10 or more people at one time and that do not typically generate noise and/or light. This includes activities such as:

1. Arboretums, wildlife sanctuaries, forests, and other natural areas which may be used for walking or hiking;
2. Archery ranges;
3. Athletic fields without lighting
4. Jogging, cycling, tot-lots, fitness trails, playing fields, playgrounds, outdoor swimming or wave pools, and tennis courts;
5. Outdoor roller or ice-skating rinks,
6. Paint ball;
7. Riding stables; and
8. Zip lines.

Effective on: 11/11/2022

Outlot: A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use.

Effective on: 11/11/2022

Overstory: The upper forest canopy layer.

Effective on: 12/1/2019

Parcel: Contiguous land under single ownership.

Effective on: 12/1/2019

Park: Any land reserved for recreational, cultural, or aesthetic use (such as a picnic area) by a public agency, conservation easement, or a legally enforceable covenant or restriction. This includes any mini-park, neighborhood park, community park, special use park, school park, county park, state forest, state park, as defined by Appendix E of the 2011–2016 Wisconsin Statewide Comprehensive Outdoor Recreation Plan (Wisconsin Department of Natural Resources)

Effective on: 12/1/2019

Parking Facility: A tract or building where automobiles are parked or stored temporarily, but not including wrecked automobiles or other vehicles or stored during repair.

Effective on: 11/11/2022

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.

Effective on: 12/1/2019

Pennant: Any flag.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Personal Instruction Services: Establishments that primarily instruct individuals, one on one or in small group settings. Examples include exam preparation and tutoring, or personal instruction in a variety of skills such as art, music, and dancing.

IBC reference: Training and skill development not within a school or academic program (including, but not limited to, tutoring centers, martial arts studios, gymnastics and similar uses regardless of the ages served, not classified as Group A).

Effective on: 12/1/2019

Pick-Your-Own Operation: An agricultural use wherein fruits or vegetables grown on-site are sold directly to consumers who pick the farm products themselves.

Effective on: 12/1/2019

Plan Revision: A modification to an approved application where a valid permit is in effect.

Effective on: 12/1/2019

Plant or Livestock Genetic Laboratory: An establishment primarily engaged in performing physical, chemical and other analytical testing services directly relating to genotyping, selective breeding, hybridization, grafting, or mutation of plants or livestock.

IBC Reference: Laboratories: testing and research.

Effective on: 12/1/2019

Pollution: Contaminating or rendering unclean or impure the land and/or Waters of the State, or making those features injurious to public health, harmful for commercial or recreation use or deleterious to fish, bird, animal or plant life.

Effective on: 12/1/2019

Porch: A building walkway with a roof over it, providing access to a building entrance.

Effective on: 12/1/2019

Portable Storage Unit: A transportable, standardized, reusable vessel or container, or receptacle that is originally and specifically designed for or is used in stowing, packing, shipping, moving, or transporting freight, articles, goods or commodities, is designed for or is capable of being mounted or moved on a truck, and is located at site for temporary storage of personal property, or any similar device. Examples include "Pack-Rat", "PODS®," or shipping container ("CONEX").

Effective on: 12/1/2019

Postal Service: An establishment that sorts, routes, and delivers mail.

IBC reference: Post offices.

Effective on: 12/1/2019

Power Plant: A facility that converts one or more energy sources, including but not limited to water, natural gas, geothermal, fossil fuels, biomass, wind or solar, into electrical energy or steam. A power generation plant may also perform either or both of the following: (a) operation of a transmission system that conveys the energy or steam from the generation facility to a power distribution system; or (b) operation of a distribution system that conveys energy or steam from the generation facility or the transmission system to final consumers. This does not include an oil refinery.

IBC reference: Electric generation plants.

Effective on: 11/11/2022

Principal Dwelling: The main dwelling on a lot where the property's principal use is located. Principal dwelling includes attached garages and porches.

Effective on: 12/1/2019

Principal Structure: The main building or other structure on a lot where the property's principal use is located. Principal structure includes attached garages and porches.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Private One-Room Schoolhouse: A one-room structure used for education and / or religious instruction. See § 15.371

Effective on: 12/1/2019

Professional Engineer: One who is trained, registered and professionally engaged in a specific branch of engineering pursuant to Wis. Stat. § 443.04.

Effective on: 11/11/2022

Propane Storage and Distribution: An establishment that maintains a propane gas system for storage, wholesale or retail distribution. A "Propane gas system" means an assembly consisting of one or more containers that has a total water capacity of at least 100 gallons and a means of conveying propane gas from the container or containers to a point of connection with devices used to consume the propane gas. A "propane gas system" includes all piping and other components associated with the assembly that are used to control the quantity, flow, pressure, and physical state of the propane gas. [Source: Wis. Stat. § 101.16]

Effective on: 12/1/2019

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

Effective on: 12/1/2019

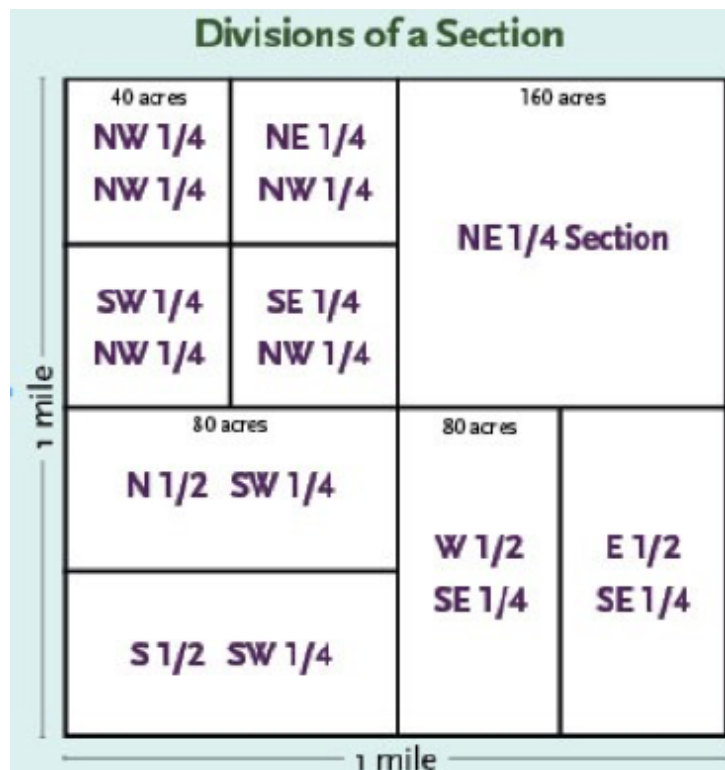
Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Quarter-Quarter ($\frac{1}{4}$ - $\frac{1}{4}$): A federal subdivision of a Public Land Survey System Section, commonly known as a "forty." A Quarter-Quarter ($\frac{1}{4}$ - $\frac{1}{4}$) is nominally 40 acres.



Effective on: 12/1/2019

Racetrack: A measured course where animals or machines are entered in competition against one another or against time, such as auto, dog, and horse races, and tracks used only to train animals. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, "shakedown" tracks, or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.

Effective on: 12/1/2019

Radio and Television Broadcasting Studio: A building or structure that provides over the air or satellite delivery of radio and television programs of entertainment, news, talk, and similar media, or studios for the audio or video recording or filming of musical performances, radio or television programs, or motion pictures. This does not include uses classified as "Mobile Support Structures and Facilities."

IBC reference: Television and radio studios admitting an audience, radio and television stations.

Effective on: 12/1/2019

Raising of Chickens and Ducks: Buildings primarily used for breeding, hatching, and raising chickens and ducks, and that are not used for residential purposes.

Effective on: 12/1/2019

Raising of Waterfowl, Fowl, and Fish: Buildings primarily used for breeding, hatching, and raising waterfowl, minnows and other similar lowland animals, fowl, and fish, and that are not occupied for residential purposes.

Effective on: 12/1/2019

Reasonable Accommodation: Allowing a disabled person to deviate from the strict requirements of this Chapter if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

Effective on: 12/1/2019

Reasonably Safe from Flooding: Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Recreation: The pursuit of leisure-time activities. Includes "recreational."

Effective on: 12/1/2019

Recycling Facility: A facility that accepts recyclable materials and may perform some processing activities. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. The facility may include power-driven processing equipment to process recyclable materials. The facility receives and processes only residential and commercial recyclables such as food and beverage containers and paper.

Effective on: 12/1/2019

Regional Flood: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent (1%) chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Effective on: 12/1/2019

Religious Institution: A place of religious worship and instruction. Accessory uses requiring independent approval include (1) an associated private school, and (2) a childcare in the main building or the same lot as the Religious Institution that accepts customers not attending the Religious Institution, recreational facilities, dormitories or other facilities for temporary or permanent residences. Childcare facilities located in the main building that are used only during worship services, for persons attending the service, are considered accessory to the church and do not require independent approval. For purposes of this section, "religious worship" includes any "religious exercise" as defined by the Religious Land Use and Institutionalized Persons Act (RLUIPA), 42 U.S.C. § 2000cc-5.

IBC reference: Places of religious worship.

Effective on: 11/11/2022

Removal of Topsoil and Peat: The grading or removal of topsoil or peat for compensation by excavating, stripping or any other process. "**Topsoil**" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth. "**Peat**" means organic matter, excluding coal, formed by the partial decomposition of plant material under saturated conditions.

Effective on: 12/1/2019

Renewable Fuel Manufacturing: Establishments that manufacture, store, and distribute renewable fuel. "Renewable Fuel" means biodiesel, biogas, ethanol fuel, or renewable fuel, as defined by the federal Renewable Fuel Standard (40 CFR § 80.1101).

Effective on: 12/1/2019

Replat: A plat which changes the boundaries of a recorded plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded plat without changing the exterior boundaries of such block, lot or outlot is not a replat. [See § 13.6 of the County Code of Ordinances]

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Restaurant: An establishment primarily engaged in (1) providing food services to patrons who order and are served while seated and pay after eating ("**Sit-down Restaurant**"), or (2) providing food through a drive-through window in 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 (compare definition of "Bar or Tavern") or presenting live entertainment (such as a "**Dinner Club**"). This includes any "**Brewpub**" as defined by Wis. Stat. Ch. 125.

IBC reference: restaurants, cafeterias and similar dining facilities (including associated commercial kitchens).

Effective on: 11/11/2022

Retail Sales and Service: The sale of goods, wares, or merchandise directly to the ultimate consumer. Examples include the sale or service of goods and/or services such as general merchandise (such as clothing, luggage, jewelry, and shoes), electronics, furniture, lumber or building supplies, hardware, flowers, art, antiques, pets and pet supplies, health supplies, cosmetics, optical goods, and music or sports equipment. Includes personal services not otherwise listed, such as non-veterinary pet care (such as boarding, grooming, sitting, and training pets), photofinishing, and fitness training.

IBC reference: department stores, markets, retail or wholesale stores, sales rooms.

Effective on: 12/1/2019

Retirement Housing Service: Housing intended and operated for persons 55 years of age or older, consistent with 24 C.F.R. §§ 100.304—100.307.

Effective on: 12/1/2019

Rezoning: an amendment to this Chapter that changes district boundary lines, including any change to the zoning map that reclassifies an area from one zoning district to another.

Effective on: 12/1/2019

Riding Supply: An establishment primarily engaged in the retail sales of equestrian supplies such as grooming supplies, bridles, and saddles.

Effective on: 12/1/2019

Road: A public way for vehicular traffic. Includes any highway, or any collector, subcollector, or access road as defined by § 15.405.

Effective on: 12/1/2019

Road Classification System: See § 15.405.

Effective on: 12/1/2019

Roadside Stand: A structure in a street yard used for the sale of farm products. See § 15.373.

Effective on: 12/1/2019

Rope Tow: A surface lift that requires skiers/snowboarders to keep their skis/snowboards on the snow while holding onto a rope which pulls them up the hill.

Effective on: 11/11/2022

Routine Vegetation Maintenance: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require a land disturbing activity.

Effective on: 12/1/2019

Sale or Storage of Agricultural Byproducts: An establishment that primarily engages in the storage and wholesale sale of secondary organic materials produced from the raising of animals and crops as part of agronomic, horticultural, silvicultural, or livestock operations. This includes, but is not limited to, animal manure, liquid manure, bedding materials, plant stalks, leaves, and other vegetative matter and byproducts from the on-farm processing of fruits, vegetables, dairy and other food products.

Effective on: 12/1/2019

Sales - Processed or Preserved Agricultural Products and Produce: The sale of food or dairy products grown on the premises that are processed, packaged, canned, or otherwise preserved for retail sales.

Effective on: 12/1/2019

Salvage Operation:

A commercial use with outdoor junk storage and on-site sales. See § 15.352.

Effective on: 12/1/2019

School: A public, parochial, or private institution which provides an educational program for:

1. one or more grades between kindergarten and grade twelve (12) and (such as elementary schools, grade schools, middle schools, junior high schools, or high schools); or
2. post-secondary education, offering courses in general, technical, or religious education, in buildings owned or leased by the institution for administrative and faculty offices, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, athletic facilities, dormitories, fraternities, and sororities.

Includes any Charter School or Private School.

IBC reference: Lecture halls, educational occupancies for students above the 12th grade, educational.

Effective on: 11/11/2022

School, Charter: A school under contract with a school board under Wis. Stat. § 118.40 or with one of the entities under Wis. Stat. § 118.40 (2r) (b), or a school established and operated by one of the entities under Wis. Stat. § 118.40 (2r) (b).

Effective on: 12/1/2019

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

IBC reference: Lecture halls, educational occupancies for students above the 12th grade, educational.

Effective on: 11/11/2022

Search Ring: A shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

Effective on: 12/1/2019

Seasonal Rustic Shelter/Primitive Rural Hunting Cabin: A structure that is not used as a dwelling, is used principally for recreational hunting activity, does not exceed 2 stories in height, and is not provided with water or sewage facilities. [Wis. Stat. § 101.61]

Effective on: 11/11/2022

Seasonal Storage: Seasonal storage for compensation of recreational equipment and motor vehicles owned by persons other than those persons residing on the premises, and fully enclosed in an agricultural accessory structure and compliant with Wis Stats. 91.01 (1). This shall not include the storage of a dealer's inventory. No more than 30% of an agricultural accessory structure may be used for seasonal storage.

Effective on: 11/11/2022

Selection Cut: The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.

Effective on: 12/1/2019

Self Storage Facility: Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area. A Self Storage Facility may include a Caretaker Unit as an accessory use.

Effective on: 12/1/2019

Semidetached: A building that abuts or shares a wall, on a side lot line, with another building on an adjoining lot and where the remaining sides of the building are surrounded by open areas or street lines.

Effective on: 12/1/2019

Septic Tank and Related Services: Establishments primarily engaged in (1) pumping (i.e., cleaning) septic tanks and cesspools and/or (2) renting and/or servicing portable toilets.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Service Station: An establishment that primarily dispenses or retails automotive fuels and that has pumps and storage tanks. A Service Station may or may not be in combination with a Convenience Store or Food Mart. A Service Station may provide incidental services such as automotive repair, automotive oils, replacement parts and accessories, or food and beverage sales. A Service Station may provide battery, tire and similar services, but does not include buildings or premises where the business is incidental to the conduct of a public garage used to repair or store motor vehicles.

IBC reference: Motor fuel-dispensing facilities.

Effective on: 12/1/2019

Setback: The minimum horizontal distance between a structure (excluding roof eaves) and any of the following:

1. Ordinary High-Water Mark (OHWM),
2. a bluffline,
3. side and rear lot lines, or
4. streets or roads.

Effective on: 11/11/2022

Setback Line: A line established parallel to a highway, lot line, lake or stream, or other place, to define limits within which any or certain buildings, structures or uses may not be constructed, maintained or carried on (except as specifically provided in this Chapter). "Within a setback line" means between the setback line and the highway, lot line, lake or stream to which the setback line is parallel.

Effective on: 12/1/2019

Shelterwood Cut: A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.

Effective on: 12/1/2019

Shoreland: Lands within the following distances from the Ordinary High-Water Mark of navigable waters (whichever distance is greater):

- 1,000' from a lake, pond, or flowage; and
- 300' from a river or stream or to the landward side of the floodplain.

Effective on: 11/11/2022

Shoreland-Wetland District: The zoning district, created as a part of the shoreland overlay districts section, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this chapter.

Effective on: 12/1/2019

Short-Term Rental Agent: The person or firm designated by the owner of a Short-Term Rental Property who is available as the 24-hour contact during any period of rental or lease transaction.

Effective on: 12/1/2019

Short-Term Rental Property: Any residential property where a principal dwelling unit or a portion of a principal dwelling unit is rented or leased by a Tourist or Transient for fewer than 29 consecutive days. This definition excludes Bed and Breakfast Establishments. *[Ref. Wis. Stat. § 66.0615(1)(dk)]*

Effective on: 12/1/2019

Short-Term Rental Tenant: Any person who rents or leases a Short-Term Rental Property.

Effective on: 12/1/2019

Sign: A display, illustration, structure or device that has a visual display visible from a public right-of-way and designed to identify, announce, direct or inform.

Effective on: 12/1/2019

Sign, Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same Lot as the light source. Includes any light with one or more beams that rotate or move.

Effective on: 12/1/2019

Sign, Building: Any single-faced sign painted on, attached to or erected against the exterior wall of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

Effective on: 12/1/2019

Sign Component: Any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.

Effective on: 12/1/2019

Sign, Freestanding: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including, but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign or monument sign.

Effective on: 12/1/2019

Sign, Incidental: A sign that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam standing at ground level at a location on the public right-of-way or on other private property.

Effective on: 12/1/2019

Sign, Monument: A freestanding sign where the base of the sign structure is on the ground.

Effective on: 12/1/2019

Sign, Off-Premise: A sign which meets any one or more of the following criteria:

1. it is used to direct attention to a commodity, product, service, activity or any other person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the premises upon which the sign is located: or
2. the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e. it is general advertising for hire.

Effective on: 12/1/2019

Sign, On-Premise: A sign which only displays a commodity, product, service, activity or any other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is located, or a noncommercial speech.

Effective on: 12/1/2019

Sign, Perpendicular Building: Any sign perpendicularly attached to a building or wall in such a manner that its leading edge extends no more than 24 inches beyond the surface of such building or wall.

Effective on: 11/11/2022

Sign, Pornographic: Any sign that, in whole or in part, is obscene or pornographic as defined in Miller v. California and subsequent decisions, or shows specified anatomical areas or specified sexual activities as defined in § 15.310.

Effective on: 12/1/2019

Sign, Portable: Any sign -

- not permanently attached to the ground or other permanent structure,
- a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels;
- signs converted to A-or T-frames;
- balloons used as signs;
- umbrellas used for advertising; and
- signs attached to or painted on vehicles parked and visible from the public right-of-way, unless the vehicle is used for transportation in the normal day-to-day operations of the business.

Effective on: 12/1/2019

Sign, Property Address: A reflective red sign with white lettering that identifies the property address at a minimum and may provide limited additional information such as town name and road name.

Effective on: 12/1/2019

Sign, Protruding Building: Any sign attached flat against a building wall and not extending or protruding more than twelve (12) inches from the wall.

Effective on: 11/11/2022

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Effective on: 12/1/2019

Sign, Temporary: Any sign that is used only for a limited period of time and is not permanently mounted.

Effective on: 12/1/2019

Silvicultural Thinning: A woodland management practice which, for the purposes of this chapter, the quality of adjacent surface water is maintained or improved through responsible cutting in shorelands and long-lived species are perpetuated, and provision is made for efficient methods of slash disposal.

Effective on: 12/1/2019

Single-Family Residence: see Dwelling, Single-Family.

Effective on: 12/1/2019

Site Plan: A plan prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, uses, drives, parking, drainage, landscape features and other principal site development improvements for a specific parcel of land.

Effective on: 11/11/2022

Skiing Facilities: The commercial use of land for Alpine Skiing/Snowboarding to include:

1. All operations customarily and incidental to alpine skiing/snowboarding including, but not limited to, food service, ski/snowboard instruction, equipment rental, retail sales (ski shops) and ski patrol/first aid.
2. All facilities and structures customary and incidental to alpine skiing/snowboarding/snow tubing including, but not limited to, ski trails, ski lifts, terrain parks, skier service chalets, shelters, maintenance buildings and ski racing facilities.
3. All equipment customary and incidental to alpine skiing/snowboarding/snow tubing including, but not limited to, grooming, snowmaking and lighting. For the purpose of this ordinance, the principal building shall be considered the skier service chalet with the greatest floor area.

Effective on: 11/11/2022

Ski Chalet: The use of land and buildings as part of an approved skiing facility to provide services included within the definition of skiing facilities. In addition, the ski chalet use would include, constituting an incidental, but not primary use, the following: the use of the ski chalet and adjoining premises for functions such as weddings, retirement parties, class reunions, or similar activities.

Effective on: 11/11/2022

Ski Lift: Surface or aerial lifts designed to transport skiers/snowboarders up slopes to access ski/snowboard slopes and trails. Ski Lifts may include chair lifts, rope tows and magic carpets or similar facilities.

Effective on: 11/11/2022

Skis: A pair of long narrow pieces of hard flexible material, typically pointed up at the front, fastened under the feet for gliding over the snow.

Effective on: 11/11/2022

Ski Slopes/Trails: A slope or trails suitable for skiing or snowboarding. In general, beginner slopes are between 6% and 25%. Intermediate slopes are between 25% and 40% and difficult slopes are 40% and up.

Effective on: 11/11/2022

Ski Slope/Trail Lighting: The use of floodlights - including LED lamps to illuminate ski slopes/trails to allow night skiing or to provide for better visibility during overcast conditions during daytime hours.

Effective on: 11/11/2022

Skilled-Nursing Service: An establishment primarily engaged in providing inpatient nursing and rehabilitative services, with a 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.

IBC reference: Assisted living facilities, congregate care facilities, nursing homes, congregate living facilities (transient) with more than 10 occupants, congregate living facilities (transient) with more than 10 occupants, congregate living facilities (non-transient) with 16 or fewer occupants, congregate living facilities (transient) with 10 or fewer occupants, congregate care facilities.

Effective on: 12/1/2019

Slaughterhouse: A plant or premises, including retail premises, where livestock or poultry are slaughtered for human consumption, or where meat or poultry products are processed, but does not include the premises of a person who is the owner of the livestock or poultry to be slaughtered or of the meat or poultry products to be processed, if the resulting product is for exclusive use by the owner, members of the owner's household, or the owner's nonpaying guests and employees. [Source: Wis. Stat. § 97.42, except that this definition includes facilities that are subject to poultry inspection pursuant to 21 USC § 451 to 695]

Effective on: 12/1/2019

Slope: the net vertical rise over horizontal run, expressed as a percentage, which represents a relatively homogeneous surface incline or decline over the area disturbed.

Effective on: 12/1/2019

Slope Preservation Zone: The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.

Effective on: 12/1/2019

Small Regeneration Cut: A harvest of not more than one-third of the contiguous forested ownership within a 10-year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.

Effective on: 12/1/2019

Snowboard: A board resembling a short, broad ski used for sliding downhill on snow.

Effective on: 11/11/2022

Snowboarding: The sport or pastime of sliding downhill on a snowboard.

Effective on: 11/11/2022

Snowmaking: The production of snow, usually for alpine ski trails.

Effective on: 11/11/2022

Snowmaking equipment: Equipment to produce snow by forcing water and pressurized air through a "snow gun" also known as a "snow cannon".

Effective on: 11/11/2022

Sod or Christmas Tree Production: Sod or Christmas Tree Production conducted for the purpose of an income or livelihood. "Sod production" means an establishment engaged in growing turf grass for harvesting and sale. "Christmas tree production" means an establishment engaged in growing balsam fir, blue spruce, Douglas fir, Fraser fir, living Christmas tree, noble fir, pine, white pine, or similar species for harvesting and sale on a seasonal basis.

Effective on: 11/11/2022

Soil and Water Conservation and Stream Bank Protection: Management practices that conserve or stabilize soil, water, or stream banks and provided that do not involve structures, fill, soil or peat removal, disruption of the natural flow of any water course, or alteration of the natural topography.

Effective on: 12/1/2019

Solar Collector: A device, structure or a 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. Stat. § 66.0403]

Effective on: 12/1/2019

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

Effective on: 12/1/2019

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

Effective on: 11/11/2022

Solid Waste Processing or Transfer: A facility for the collection, processing or temporary storage of solid waste prior to offsite disposal, not to exceed one year.

Effective on: 12/1/2019

Solid Waste Collection, Treatment, and Disposal: A facility for solid waste treatment, solid waste storage or solid waste disposal as defined in Wis. Stat. § 289.01. This includes commercial, industrial, municipal, state and federal establishments or operations such as sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include:

- a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes,
- a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes, or
- a salvage operation

[Source: Wis. Stat. § 289.01]

IBC reference: Refuse incineration.

Effective on: 12/1/2019

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Effective on: 12/1/2019

Specified Sexual Activities: Any of the following: (1) Human genitals in a state of sexual stimulation or arousal, (2) Acts of human masturbation, sexual intercourse or sodomy, (3) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast, (4) Flagellation or torture in the context of a sexual relationship, (5) Masochism, erotic or sexually oriented torture, beating or the infliction of pain, (6) Erotic touching, fondling or other such contact with an animal by a human being, (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.

Effective on: 12/1/2019

Stable, Commercial: A commercial establishment that trains, rides, or boards horses, mules, donkeys, and other equines for compensation.

IBC reference: Stables.

Effective on: 11/11/2022

Stadium, Arena, or Conference Center: A structure with tiers of seats rising around a field or court, designed for viewing athletic events, entertainment and other public gathering purposes such as conventions, circuses, or concerts. Includes a convention center or conference facility.

IBC reference: bleachers, grandstands, stadiums.

Effective on: 12/1/2019

Start of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Effective on: 12/1/2019

State Subdivision: As defined in § 13.13.

Effective on: 12/1/2019

Stock Yard: A building or buildings whose purpose is the temporary storage of livestock while they await sale, slaughter, or transport.

IBC reference: Livestock shelters.

Effective on: 12/1/2019

Stormwater Runoff: The waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

Effective on: 12/1/2019

Story: The vertical distance between:

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

Effective on: 12/1/2019

Story, Half: A story under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2' above the floor of the story.

Effective on: 12/1/2019

Street: A public or private thoroughfare which affords a primary means of access to abutting property. A "street" includes a road or highway.

Effective on: 12/1/2019

Street Line: A dividing line between a street and the abutting lot.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

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 doorsills 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 dry wall on the interior, are not included in the definition of structural component.

Effective on: 11/11/2022

Structural Erosion Control Measure: A retaining wall or other man-made structure whose primary function is to control erosion.

Effective on: 12/1/2019

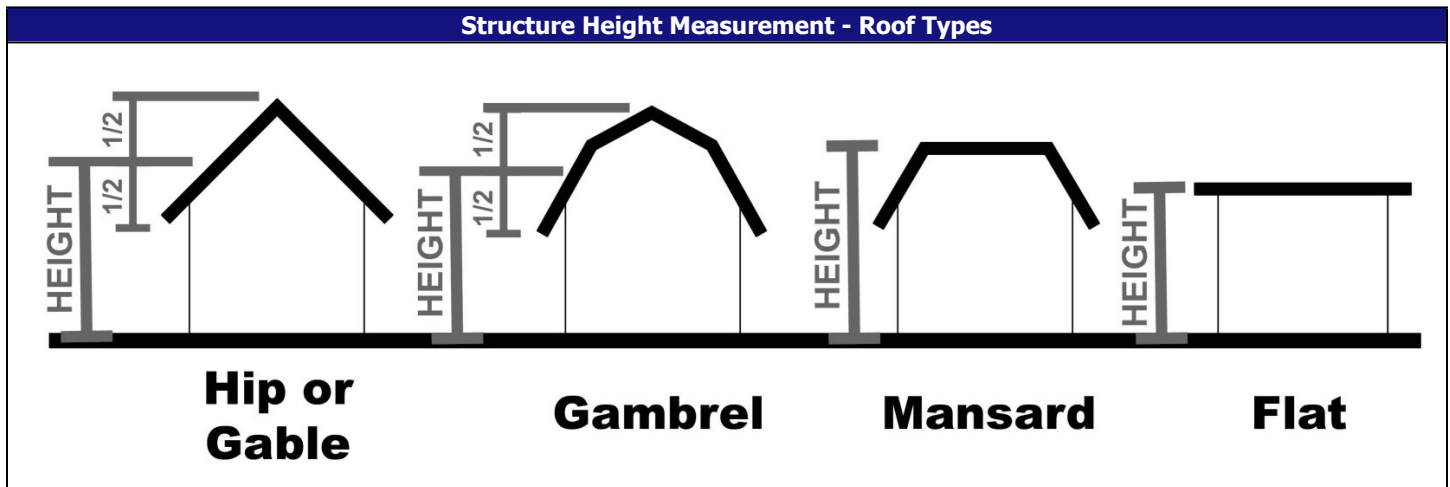
Structure: Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a riverbed, stream bed or lake bed or upon another structure. Structure includes swimming pools, hot tubs, patios, decks and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

For purposes of the Shoreland Overlay (SO) District (§ 15.260), "structure" means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

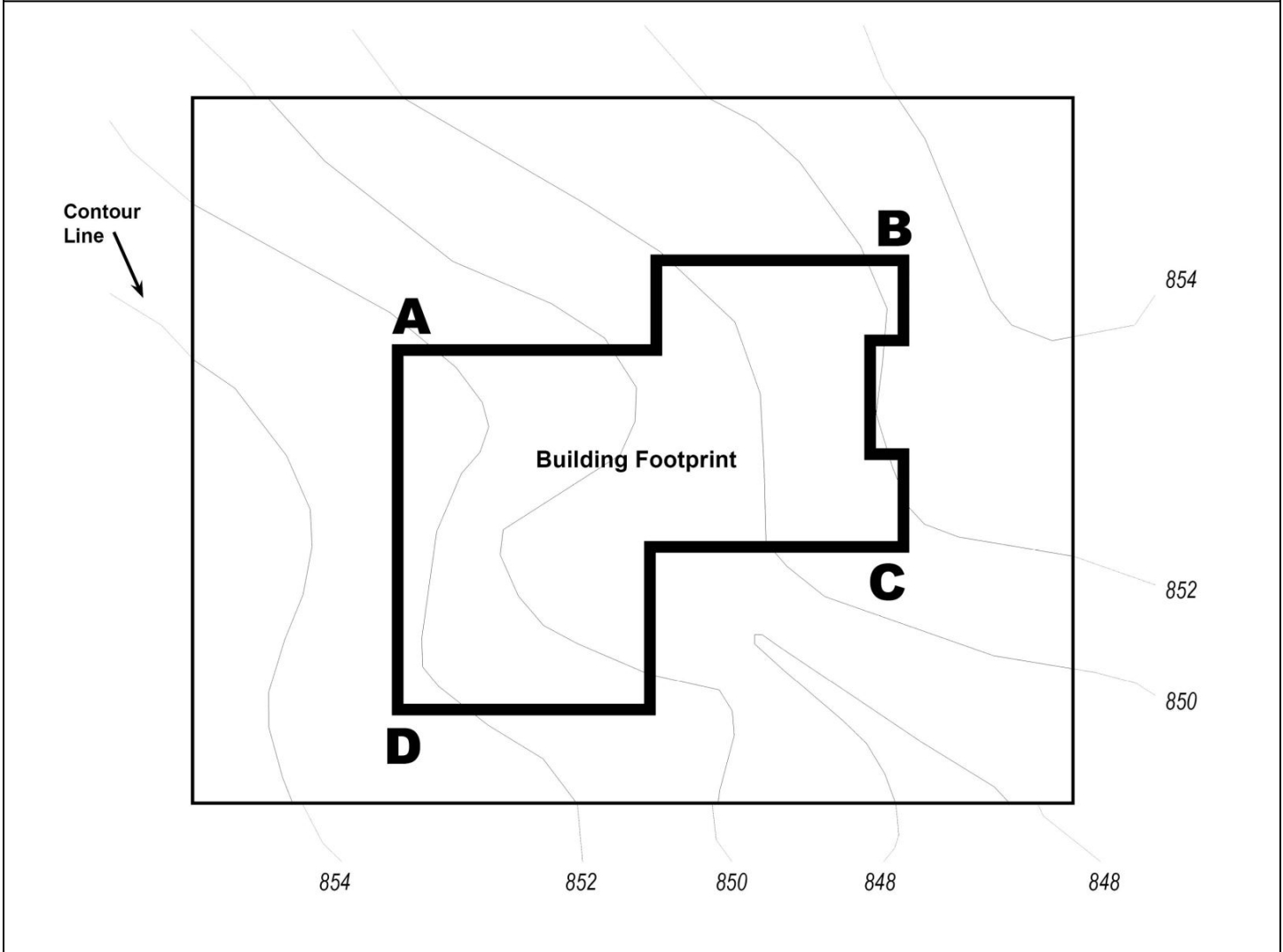
Effective on: 11/11/2022

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, except as otherwise specified in the SO and SCR districts. This measurement shall exclude chimneys.

The average ground elevation shall be calculated with an accurate drawing of the proposed structure with finished grade contours and spot elevations at each of the four outermost corners of the structure. Add up the spot elevations and divide by four to calculate the average ground elevation.



Structure Height Measurement - Average Ground Elevation Calculation



Effective on: 11/11/2022

Subdivision: As defined in § 13.13.

Effective on: 12/1/2019

Substantial Damage: Damage of any origin sustained by a structure, if the cost of restoring the structure to its pre-damaged condition is at least 50% of the equalized assessed value of the structure before the damage occurred.

Effective on: 12/1/2019

Substantial Evidence: Facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

Effective on: 12/1/2019

Substantial Modification: For purposes of § 15.365 (Telecommunications Facilities), the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.

3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

Effective on: 12/1/2019

Successional Climax Forest: Plant community dominated by native trees representing the culminating stage of natural succession for that specific locality and environment. Also referred to as old growth forest specific to the Lower St. Croix Riverway, including oak forest, maple-basswood forest, and white-pine forest.

Effective on: 12/1/2019

Support Structure: For purposes of § 15.365 (Telecommunications Facilities), an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.

Effective on: 11/11/2022

Surface Lifts: Lifts that drag, yank or pull skiers up a slope along the ground as opposed to in the air; See Rope Tow and Magic Carpet.

Effective on: 11/11/2022

Taxi and Limousine Service: An establishment that provides passenger transportation using automobiles, vans, or specialty and luxury passenger vehicles such as limousines or luxury sedans. Services are generally provided on a reserved basis, and vehicles are stored at the site. This use does not operate over regular routes and on regular schedules.

Effective on: 12/1/2019

Technical or Trade School: A school that offers vocational and technical training in a variety of technical subjects and trades.

Effective on: 12/1/2019

Temporary Hot Mix Plant: A facility with equipment that mixes asphalt coatings, petroleum lubricating oils, and other related byproducts to produce blacktopping for roads and streets.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Terrain Park: A maintained area with a variety of snow-based activities including jumps, half-pipes, rails and other obstacles.

Effective on: 11/11/2022

Text Amendment: an amendment to this Chapter that does not affect district boundary lines, including any amendment that is not a rezoning.

Effective on: 12/1/2019

Theater, Movie, or Performing Arts: A building that is designed and used for live presentations by actors and actresses, singers, dancers, musicians, and other performing artist, or that displays motion pictures indoors.

Effective on: 11/11/2022

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

Effective on: 12/1/2019

Tourist: A person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business, or employment. [Reference: Wis. Admin. Code ATCP § 72.03 (19)]

Effective on: 11/11/2022

Townhouse/Rowhouse: A type of structure that: (1) has three or more separate dwelling units divided vertically, and (2) where dwelling unit has separate ground floor entrances to a front and rear yard.

Effective on: 12/1/2019

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 2 points, other than wireless communication service facilities.

Effective on: 12/1/2019

Travel Trailer (*also referred to as a "Mobile Recreational Vehicle"*): A vehicle which is:

- built on a single chassis,
- 400 square feet or less when measured at the largest horizontal projection,
- designed to be self-propelled,
- designed to be carried or permanently towable by a licensed, light-duty vehicle,
- licensed for highway use if registration is required, and
- is not designed primarily for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

This definition does not apply to:

- A Manufactured Home or Mobile Home that is towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, or
- A temporarily placed Manufactured Home or Mobile Home.

Effective on: 12/1/2019

Transit System: Passenger services provided by public, private, or nonprofit entities such as the following surface transit modes: commuter rail, rail rapid transit, light rail transit, light guideway transit, school bus, express bus, special needs transportation, charter bus, and local fixed route bus.

IBC reference: Waiting areas in transportation terminals.

Effective on: 12/1/2019

Truck Service, Repair, and Towing: Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to freight vehicles and trucks equal to or exceeding 12,000 pounds gross weight.

Effective on: 12/1/2019

Understory: The layer formed by the crowns of smaller trees beneath the forest canopy.

Effective on: 12/1/2019

Undeveloped Natural Resources and Open Space Land Use: Land withheld from development due to future natural resource extraction or to facilitate agriculture and recreational uses that require open green spaces such as livestock grazing, parks, and conservation.

Effective on: 12/1/2019

Unnecessary Hardship: Special conditions affecting a particular property, which were not self-created, and that 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.

Effective on: 12/1/2019

Utility, Major: Includes any:

- Building or other structure used for water supply or wastewater treatment, or the production of steam, air conditioning, hot water or potable water for consumption by the general public.
- Electric substation and distribution facility with a nominal capacity exceeding 115KV.
- Water treatment and purification (WTP) facility or water pumping plant with a capacity of > 10 MGD.
- Sewage treatment plant.
- Transmission pipeline to transport products, such as crude oil, natural gas, refined petroleum products, or slurry.

IBC reference: Tanks, towers.

Effective on: 12/1/2019

Utility, Minor: Includes any:

- 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 115KV.
- 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.

This use does not include a service garage or storage yard, either as a primary use or accessory to the utility. In AG-1 and AG-2, this category includes facilities that are either (a) required by state or federal law to be located on a specific site in the AG-1 or AG-2 district, or (2) are authorized to be located in a specific site under state, federal or local laws or regulations that expressly exempt its location from the requirement for a conditional use permit.

IBC reference: Telephone exchanges, tanks, towers.

Effective on: 12/1/2019

Variance: An authorization by the Board of Adjustment for the construction, modification or maintenance of a building or structure in a manner that deviates from dimensional standards (not uses) contained in this Chapter.

Effective on: 12/1/2019

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, semi-trailer, watercraft, mobile home or other motorcraft, whether it is self-powered or remains capable of travel in its present state.

Effective on: 11/11/2022

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

IBC reference: kennels and pounds.

Effective on: 12/1/2019

Vertical Mixed Use: A multi-story building whose ground floor is comprised of retail spaces and contains single family dwelling units on the floors above.

IBC reference: Live/work unit.

Effective on: 12/1/2019

Vision Clearance: An unoccupied triangular space at the intersection of highways or streets with railroads. Such vision clearance triangles shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in § 15.405.

Effective on: 12/1/2019

Visually Inconspicuous: Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.

Effective on: 12/1/2019

Warehouse: A facility that stores and distributes products, supplies, and equipment, and that is characterized by trucking activity and storage of material in open areas or enclosed buildings for distribution to freight vehicles.

IBC reference: Any building, structure or use classified as Storage Group S.

Effective on: 12/1/2019

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.

Effective on: 12/1/2019

Watershed: An entire land area contributing runoff or surface water to a watercourse or body of water.

Effective on: 12/1/2019

Waters of the State: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person. [Source: Wis. Stat. § 281.01(18)]

Effective on: 12/1/2019

Water Surface Profile (or Flood Profile): A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

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. [Source: Wis. Stat. § 23.32]

Effective on: 12/1/2019

Wholesaler: An establishment that provides goods and services to other businesses, and that is not otherwise defined in this Chapter.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Wind Energy System: As defined in Wis. Stat. § 66.0403.

Effective on: 12/1/2019

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

Effective on: 12/1/2019

Wired Communication/Cable Facility: A transmission facility and infrastructure used to transmit voice, data, text, sound, and video over a wired telecommunications network. Examples of services include telephone services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.

Effective on: 12/1/2019

Wireless Communication Service: Any "mobile service facility," "mobile service provider" or "mobile service support structure" as defined by Wis. Stat. § 66.0404 and that is subject to § 15.365 of this Chapter.

Effective on: 11/11/2022

Wrecking and Demolition Service: An establishment that provides wrecking and demolition of buildings and structures, including underground tank removal and the dismantling of non-hazardous steel oil tanks. The establishment may sell materials derived from demolition operations.

Effective on: 12/1/2019

Yard: An open space on the same lot with a building, unoccupied and unobstructed from the ground upward (except as otherwise provided in this Chapter).

Effective on: 12/1/2019

Yard, Rear: The open space on a parcel between the primary building and the rear parcel boundary (the boundary typically opposite from and parallel to the street right-of-way).

Effective on: 12/1/2019

Yard, Side: The open space on a parcel between the primary building and a side parcel boundary (typically a boundary perpendicular to the street).

Effective on: 12/1/2019

Yard, Street: The open space on a parcel between the primary building and the street right-of-way

Effective on: 12/1/2019

Zoos, Botanical Gardens, Arboreta, and similar uses: Establishments that preserve and exhibit living plant and animal life displays, including those in natural areas or settings.

Effective on: 12/1/2019

15.807 Acronyms

Abbreviations and acronyms used in this Chapter have the following meanings:

Table 15.807 Acronyms	
$\frac{1}{4}$ - $\frac{1}{4}$	Quarter-Quarter or "forty"
ac	acre(s)
ATCP	Wisconsin Department of Agriculture, Trade and Consumer Protection
BMP	Best Management Practice
BFE	Base Flood Elevation
CDC	Community Development Committee
CFR	Code of Federal Regulations
ft or ' (e.g., 3')	foot or feet
DATCP	Wisconsin Department of Agriculture, Trade and Consumer Protection
DBH	Diameter at Breast Height
DNR or WDNR	Wisconsin Department of Natural Resources
du	dwelling unit(s)
EPA	United States Department of Environmental Regulation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
HUD	United States Department of Housing and Urban Development
IBC	The International Building Code, as adopted under Wisconsin Administrative Code SPS 361.05.

Table 15.807 Acronyms

max	Maximum
min	Minimum
NAVD	North American Vertical Datum
OHWM	Ordinary High Water Mark
RFE	Regional Flood Elevation
sf	Square feet
THOW	Tiny House on Wheels
USC	United States Code
USDA	United States Department of Agriculture
Wis. Stat.	Wisconsin Statutes

Effective on: 12/1/2019

15.810 Interpretation of Zoning Map

1. Generally

- a. The boundaries of the zoning districts established by this Chapter are shown on the Zoning Map.
- b. The Zoning Map, including all notations and references shown on the Zoning Map, is incorporated by reference and made a part of this Chapter. It is as much a part of this Chapter as if actually depicted within its pages.

2. Official Version

- a. The Zoning Map is a geographic coverage layer entitled "County Zoning" that is maintained under the direction of the Zoning Administrator as part of the County's geographic information system (GIS). This "County Zoning" geographic coverage layer constitutes the County's Zoning Map.
- b. The Zoning Map filed as provided in subsection 2.a above is the official version, and controls if differences occur between it and other copies.
- c. The Zoning Administrator will have up to 10 business days following a decision resulting in a change to the Zoning Map to revise the County Zoning GIS layer to reflect that change. Until the map is revised, staff can issue a copy of the amendment ordinance in response to any request for the official version of the zoning map.
- d. The County may maintain printed copies of the Zoning Map, attested by the Zoning Administrator, which become the Zoning Map if the Zoning Administrator certifies that the County's GIS is destroyed or corrupted.

3. Maintenance and Updates

- a. The Zoning Administrator shall direct revisions to the official zoning map to reflect its amendment as soon as possible after the effective date of zoning map amendments (rezonings).
- b. No unauthorized person may alter or modify the Zoning Map. The Zoning Administrator may authorize printed copies of the Zoning Map to be produced and maintain digital or printed copies of superseded versions of the Zoning Map for historical reference.

4. Boundaries

- a. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be the district boundary line.
- b. Except where otherwise indicated on the map, the district boundary line is measured at right angles to the nearest highway right-of-way line and shall be at least 300' in depth.
- c. If a commercial district is indicated on the district map as a strip paralleling the highway, the depth of that strip, unless otherwise indicated, is 200' measured at right angles to the right-of-way line of the street or highway to which it is adjacent. The length of each strip shall be as shown on the map. When the commercial district is located at the intersection of streets or highways, the length is measured from the intersection of each street or highway right-of-way line included in the district.
- d. For subdivided property, where not otherwise indicated and where the designations on the district map are approximately bounded by lot lines, the lot lines are the district boundary.

- e. Where district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, the district boundary lines are the rear line of the lots abutting those streets.
- f. For subdivided property, where not otherwise indicated, the district boundaries are property lines, section lines, quarter section lines, or quarter-quarter section lines.
- g. In unplatted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, are determined by use of the scale shown on the Zoning Map.
- h. For floodplains, the regional flood elevation for the point in question shall be the governing factor in locating the floodplain boundary on the land.
- i. Where the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question.

5. Disputes

- a. Whenever there is a dispute over the exact boundary of a district, the Board of Adjustment shall decide the matter as an appeal (§ 15.560).
- b. The person contesting the matter shall be given a reasonable opportunity to present his case to the Board of Adjustment and to submit their own technical evidence.

Effective on: 11/11/2022

15.815 Conflicting Rules

1. **Generally.** This chapter supersedes all inconsistent provisions of any County Zoning Ordinance enacted under Wis. Stat. § 59.97. However, when an ordinance adopted under a statute other than Wis. Stat. § 59.97 is more restrictive than this Chapter, that ordinance continues in full force and effect to the extent of the greater restriction, but not otherwise.
2. **Deeds or Permits.** This Chapter does not repeal, abrogate or impair any existing deed restrictions, easements, covenants or permits already issued. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

Effective on: 12/1/2019

15.816 To 15.899 Reserved.

Effective on: 12/1/2019

15.900 LEGAL PROVISIONS

Contents:

- 15.900 Relationship to Other Provisions of the County Code**
- 15.905 Zoning of Towns**
- 15.910 Private Restrictions**
- 15.915 Severability**
- 15.920 Repeal of existing ordinance**
- 15.925 Effective Date**
- 15.926 to 15.999 Reserved.**

15.900 Relationship to Other Provisions of the County Code

1. **Stricter Standards in this Chapter.** If this Chapter requires a greater width or size of yards or other open spaces, a lower height of buildings, a greater percentage of lot be left unoccupied, or other higher standards than are required in any other applicable statute, chapter or regulation, the provisions of this Chapter govern. This section does not apply to the extent that a Wisconsin or federal statute preempts local regulation.

2. **Stricter Standards in Other Statutes, Ordinances or Regulations.** If another applicable statute, ordinance, or regulation requires a higher standard than a provision of this Chapter, the other applicable statute, chapter or regulation governs.

Effective on: 12/1/2019

15.905 Zoning of Towns

1. **Town Board Approval and Existing Ordinance.** Except for §17.30, §17.36 and §17.40 all provisions of Chapter 17 in effect prior to the effective date of Chapter 15 (Comprehensive Revision) shall remain in effect in a town for a period up to one year or until the newly enacted Chapter 15 is approved by the town board, whichever period is shorter.
2. **Administration and Enforcement.** Chapter 17 shall also remain in effect for the limited purpose of administration and enforcement of the Lower St. Croix Riverway Overlay District (§17.36) and Floodplain Overlay District (§17.40), until such time as they are repealed and/or reenacted.

Effective on: 11/11/2022

15.910 Private Restrictions

1. **Stricter Provisions Apply.** This Chapter does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, where this Chapter is more restrictive or imposes higher standards than a private restriction, this Chapter controls. Where a private restriction is more restrictive or imposes higher standards than this Chapter, the private restriction controls if properly enforced by a person having the legal right to enforce the restrictions.
2. **Enforcement.** The County does not enforce private restrictions.

Effective on: 12/1/2019

15.915 Severability

If any section, clause, provision or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

Effective on: 12/1/2019

15.920 Repeal of existing ordinance

All provisions of Chapter 17 in effect prior to the effective date (§ 15.925) are repealed effective December 1, 2019, except as provided in § 15.905 (1) and (2). Those provisions of the existing ordinance which are subject to town approval shall be repealed in a town upon expiration of one year from the effective date of this ordinance or when the comprehensive revision is approved in a town, whichever occurs first.

Effective on: 12/1/2019

15.925 Effective Date

1. **Generally.** This Chapter takes effect on the 1st day of December, 2019.

Effective on: 12/1/2019

15.926 to 15.999 Reserved.

Effective on: 12/1/2019

ST. CROIX COUNTY CODE OF ORDINANCES

LAND USE AND DEVELOPMENT (CHAPTERS 11-21)

CHAPTER 17 ZONING

Contents:

- Subchapter I General Provisions (17.01-17.09)
- Subchapter III.V Lower St. Croix Riverway Overlay District (17.36)
- Subchapter VII Administration and Enforcement (17.70-17.72)

Subchapter I General Provisions

Contents:

- 17.01 INTRODUCTION AND DECLARATION.
- 17.02 COMPLIANCE.
- 17.03 INTERPRETATION.
- 17.04 SEVERABILITY.
- 17.05 ABROGATION AND GREATER RESTRICTIONS.
- 17.06 RELATIONSHIP TO TOWN ORDINANCES AND POWERS.
- 17.07 EFFECTIVE DATE.
- 17.08 DETERMINATION OF DISTRICT BOUNDARIES.
- 17.09 DEFINITIONS.

17.01 INTRODUCTION AND DECLARATION.

1. INTRODUCTION. This subchapter contains basic rules on how ordinances are to be interpreted. In addition to these general statements, which primarily repeat rules of legal interpretation established by the State Legislature or by the courts, the reader should consult §17.09 which contains definitions of terms found throughout the chapter.
2. DECLARATION. This chapter is enacted for the purpose of promoting the public health, safety and general welfare.

17.02 COMPLIANCE.

1. The use of any land or water, the size, shape and placement of lots, the use, size and locations of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning and dredging and any land, the cutting of shoreland vegetation and the subdivision of lots, shall be in full compliance with the terms of this chapter and other applicable regulations.
2. Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this chapter and obtain all necessary permits. State agencies are required to comply when §13.48(13), Wis. Stats., applies. The construction, reconstruction, maintenance and repair of State highways and bridges by Wisconsin Department of Transportation are exempt when §30.12(4)(a), Wis. Stats., applies.

17.03 INTERPRETATION.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes.

17.04 SEVERABILITY.

If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

17.05 ABROGATION AND GREATER RESTRICTIONS.

1. GENERAL SUPERSESSION. This chapter supersedes all inconsistent provisions of any County Zoning Ordinance enacted under §59.97, Wis. Stats. However, when an ordinance adopted under a statute other than §59.97 Wis. Stats., is more restrictive than this chapter, that ordinance shall continue in full force and effect to the extent of the greater restriction, but not otherwise.
2. NONIMPAIRMENT OF DEEDS. It is not otherwise intended by this chapter to repeal, abrogate or impair any existing deed restrictions, easements, covenants or permits already issued or ordinances, other than zoning, to the extent specified in sub. (1). However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
3. BUILDINGS UNDER CONSTRUCTION. Nothing in this chapter shall require any change in the plans, construction, size or designated use of any building or structure or part thereof on which construction has started or a particular use has been commenced or for the construction of a building or structure or part thereof upon which a bona fide construction contract has been entered into before the effective date of this chapter.

17.06 RELATIONSHIP TO TOWN ORDINANCES AND POWERS.

1. The following chapters and subchapters of this chapter are exempted by State statute from modification or veto by any town board:
 - a. Subchapter III Section 17.30 Shoreland Overlay Districts
 - b. Subchapter III.V Section 17.36 Lower St. Croix Riverway Overlay District
 - c. Subchapter IV Section 17.40 FLOODPLAIN OVERLAY DISTRICT
2. The following subchapters of this chapter are exempted by State statute from modification or veto by any town board insofar as they apply to Shoreland and Floodplain areas as defined in this chapter:
 - a. Subchapter I 17.01-17.08 General Provisions
 - b. Subchapter I 17.09 Definitions
 - c. Subchapter V 17.55-17.57 Off-Street Parking
 - d. Subchapter VI Section 17.60 Road or Highway Setbacks, Access and Driveways
 - e. Subchapter VI Section 17.65 Sign Regulation
 - f. Subchapter VII 17.70-17.72 Administration and Enforcement
 - g. Subchapter VIII 17.80-17.90 Wireless Communication Service and Other Transmission Facilities
3. Town Boards have approval power under §59.97, Wis. Stats., overall parts of this chapter specified in subs. (1) or (2).
4. Town subdivision ordinances may be adopted and enforced despite inclusion of the town under the County subdivision ordinance. In the event of inconsistency between town and County subdivision codes, the most restrictive rule shall apply.

17.07 EFFECTIVE DATE.

1. GENERAL ZONING. The term "effective date of this chapter", when it appears in sections of the chapter which appeared in the like form in ordinances enacted by the County Board on November 14, 1967, effective January 1, 1968, shall refer to the January 1, 1968, effective date of such ordinances. When the term appears in this chapter in a section which was not part of the preexisting ordinance, it shall mean November 15, 1974, which is the effective date of all parts of this chapter which differ in substance from the 1967-1968 version.
2. SHORELAND-WETLAND OVERLAY DISTRICT. The effective date of the shoreland-wetland provisions of this chapter shall be August 9, 1983.
3. INLAND-WETLAND OVERLAY DISTRICT. The effective date of the inland-wetland provisions of this chapter shall be April 1, 2014.

17.08 DETERMINATION OF DISTRICT BOUNDARIES.

The boundaries of the districts established by this chapter for general zoning are shown on the maps on file in the County Clerk's Office and the County Zoning Administrator's Office. The maps on file in the office of the County Zoning Administrator shall be the official version and shall control in any case where differences occur between it and other copies. All notations and references shown on the district maps are as much a part of this chapter as though specifically described herein. The Zoning Administrator shall periodically update all maps to reflect adopted changes.

1. When the district boundaries are either roads or streets, unless otherwise shown, and where the designation on the district map indicates that the various districts are bounded by a road or street line, the centerline of such road or street shall be the district boundary line.
2. Except where otherwise indicated on the map, it is intended that the district boundary line be measured at right angles to the nearest highway right-of-way line and be not less than 300' in depth. However, whenever a commercial district is indicated on the district map as a strip paralleling the highway, the depth of such strip, unless otherwise indicated, shall be 200' measured at right angles to the right-of-way line of the street or highway to which it is adjacent. The length of each strip shall be as shown on the map. When such commercial district is located at the intersection of streets or highways, the length shall be measured from the intersection of each street or highway right-of-way line included in such district.
3. For subdivided property, where not otherwise indicated and where the designations on the district map are approximately bounded by lot lines, such lot lines shall be construed to be the boundary of the district. Where district boundary lines are indicated as adjacent and parallel or approximately parallel to street lines, such district boundary lines shall be assumed to be the rear line of the lots abutting such streets.
4. For subdivided property, where not otherwise indicated, the district boundaries are property lines, section lines, quarter section lines, or quarter-quarter section lines. In unplatted areas of 10 acres or less, the district boundary lines, where not otherwise indicated, shall be determined by use of the scale shown on the district map.

17.09 DEFINITIONS.

This section contains brief definitions of key words and phrases used throughout this chapter.

1. Interpretation
 - a. For the purpose of administering and enforcing this ordinance, 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.
 4. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language.

A Zones: Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Access and Viewing Corridor: A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

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

Accessory Structure: A subordinate structure, the use of which is incidental to, customarily found in connection with, and located on the same lot as the principal structure or use of the property. Accessory structures include, but are not limited to, detached garages, sheds, barns, gazebos, swimming pools, hot tubs, fences, retaining walls and detached stairways and lifts; and impervious, pervious or porous driveways, parking lots, sidewalks, patios and decks (both detached and attached).

Accessory Use: A use subordinate to and serving the principal use 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 daycare, home occupations, and seasonal roadside stands.

Agricultural Accessory Building or Structure: Any building or structure that performs an incidental function in support of the primary agricultural use of property and which is customarily associated with the primary agricultural use of the property.

Agricultural Accessory Use: A use that is incidental to and customarily associated with an agricultural use of property. To be deemed incidental, a use must not be the primary use of the property but is one that is minor in significance to the primary use and which has a reasonable relationship to the primary use. To be deemed customary, a use must be commonly and by long practice established as being reasonably associated with the primary agricultural use. Additionally, an accessory use, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm that requires no buildings, structures or improvements other than those defined as being Accessory Structures and that employs no more than 4 full-time employees annually and does not impair or limit the current or future agricultural use of the farm or of other protected farmland on which it is situated. This includes seasonal "you-pick" and road side stands. The uses defined within this section are solely applicable to state certified zoning districts, AG-1and AG-2.

Agricultural Entertainment. A farm based enterprise or business that combines the elements and characteristics of agriculture and tourism. Agricultural Entertainment includes a wide array of farm and farm-related activities, including **outdoor recreation** (nature based tourism, fishing, hunting, wildlife study, horseback riding); **educational experiences** (day camps, hands-on chores, cannery tours, cooking classes, wine tasting, on-farm museums); **entertainment** (harvest festivals, barn dances, "petting" farms); and **hospitality services** (weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, "pick-your-own" operations, roadside stands, and farmers markets. The uses defined within this section are solely applicable to state certified zoning districts, AG-1and AG-2.

Agricultural Related Use: A facility, whether or not located on a farm, that has at least one of the following as a primary, and not merely incidental, purpose: (a) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the farmland preservation zoning district. (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district. (c) Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation district. The uses defined within this section are solely applicable to state certified zoning districts, AG-1and AG-2.

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.

Agriculture 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.

Animal Unit: As defined in Wisconsin Administrative Code Chapter NR 243.

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 or other organic 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.

Animal Waste Storage Structure: A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. It does not include equipment used to apply waste to land. For purposes of §§ ATCP 51.12 (2) (setbacks) and 51.14 (odor), does not include any of the following:

- a. A structure used to collect and store animal waste under a livestock structure (housing facility).
- b. A waste digester consisting of a sealed structure in which animal waste is subjected to managed biological decomposition.

Animal Waste Utilization: The application of animal waste on suitable land in a manner which will achieve compliance with livestock performance standards and prohibitions established in Wisconsin Administrative Code Chapter NR151, NRCS Conservation Practice Standard Code 590 and meet other designated water quality objectives. Land suitable for animal waste utilization excludes wetlands or lands below the OHWM, closed depressions, slopes in excess of 25% and other areas that may be determined as sensitive and adversely affecting surface water or groundwater quality.

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

Applicant: Any person who applies for a permit under this chapter.

Automotive Service, Repair, & 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.

Base Flood: A flood having a one percent chance of being equaled or exceeded in any given year. (See also Regional Flood)

Base Flood Elevation: An elevation equal to that which reflects the height of the base flood as defined above.

Basement: Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides. If occupied for living purposes shall be counted as a story.

Base Zoning District: The underlying zoning district as outlined in Subchapter II, §17.11 of this ordinance.

Bed and Breakfast: A place of lodging that meets the definition and standards found in Wisconsin Statutes §254.61.

Bedrock: The solid rock that underlies the soil and other unconsolidated material or that is exposed at the surface.

Best Management Practices (BMPs): Practices and industry standards designed to minimize environmental damage.

Bluffline: A line along the top of the slope preservation zone. There can be more than one bluffline.

Board Of Adjustment: The St. Croix County Board of Adjustment.

Boarding House: A building other than a hotel where meals or lodging and meals are furnished for compensation for 3 or more persons not members of a family, not open to transients, in contradistinction to hotels and restaurants.

Boathouse: A building or portion thereof used for the housing or care of boats and other associated marine equipment for noncommercial purposes and not permitted to be used for human habitation.

Building: A structure used, designed or intended for the protection, shelter, enclosure or support of person, animals or property. When a building is divided into separate parts by a division wall without openings, extending from the ground up, each part shall be deemed a separate building.

Building Envelope: The three-dimensional space within which a structure is built.

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.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by this ordinance and approved by the WI DNR pursuant to § 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

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 4 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, pick-up truck, tent or other mobile recreational vehicle.

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

Certificate Of Compliance: A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

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

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

Cluster Subdivision: A subdivision in which the lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent undeveloped land.

Commercial: Open to the public for a fee or operated with the intention of making a profit.

Commercial Speech: Any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

Committee: The St. Croix County Comprehensive Parks, Planning, and Zoning Committees.

Compliant Building Location: An area on a lot where a building could be located in compliance with all applicable ordinance requirements.

Conditional Use: A use that would not be appropriate generally or without restriction throughout the zoning district but would not be detrimental to the public health, safety or general welfare if appropriate conditions are imposed on the use.

Connecting Streets: Streets of cities and villages that connect State trunk highways as defined in §84.92(11), Wis. Stats.

Conservation Practice: A facility or practice that is designated to prevent or reduce soil erosion, prevent or reduce non-point pollution, or achieve or maintain compliance with soil and water conservation standards; it includes a nutrient management plan.

Construction Contractor: General contractors and operating builders engaged in the construction of residential, farm, industrial, commercial and/or other buildings. General building contractors who combine a special trade with the contracting are included.

Construction Permit: A written document issued by the Code Administrator authorizing design, location, enlargement, construction and/or reconstruction of an animal waste storage facility or part thereof.

Contiguous: Adjacent to or sharing a common boundary.

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 permitted to be 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.

Crawlways Or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height, used for limited access to plumbing and electrical utilities.

Deck: An unenclosed exterior structure that has no roof or sides, but has a permeable floor that allows the infiltration of precipitation.

Department: The Department of Natural Resources.

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.

Diameter at Breast Height (DBH): The width of a tree as measured at 4.5 feet above the ground surface.

Disabled: Having a physical or mental impairment that substantially limits one or more major life activities.

District: Parcels or sections of St. Croix County, Wisconsin, 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.

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

Dryland Access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling, Multiple: A building or portions thereof designed for and used by more than 2 families. Classification of a residential structure shall be determined by its present or projected occupancy and design and not by the characteristics of ownership and tenancy such as condominium arrangements.

Dwelling, One Family: A detached building designed for or occupied exclusively by one family.

Dwelling, Two Family: A detached or semidetached building designed for and occupied exclusively by 2 families.

Earth-tone: Colors that harmonize with the natural surroundings on the site during leaf on conditions.

Encroachment: Any fill, structure, equipment, building, use, accessory use or development in the floodway.

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

Family: The body of 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's tax assessment records.

Farm Animals: Dairy cattle, beef cattle, swine, sheep, horses, ducks, chickens, turkeys and animals or fowl of similar character and customarily maintained in a large parcel setting for food, recreational, breeding, zoological or similar purposes.

Farm Residence: A single family residence that is the only residential structure on the farm.

Farmland, Prime: Land identified within the county's certified farmland preservation plan as having Land Evaluation Scores (LESA) greater than 66 points.

Farmland, Protected: Lands that are considered to be any of the following: located in a farmland preservation zoning district as certified under ch. 91, Wis. Stats, covered by a farmland preservation agreement under ch. 91, Wis. Stats, covered by an agricultural conservation easement under s. 93.73, Wis. Stats, or otherwise legally protected from nonagricultural development.

Federal Emergency Management Agency (FEMA): The federal agency that administers the National Flood Insurance Program.

Filtered View of the St. Croix River: A view in which one can see the river through the vegetation, while any structure remains visually inconspicuous.

Flag: Any fabric, bunting or other flexible material that contains one or more colors, patterns symbols or words.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

1. The overflow or rise of inland waters,
2. The rapid accumulation or runoff of surface waters from any source,
3. The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm or other unanticipated force of nature.

Flood Frequency: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Floodfringe: That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Flood Hazard Boundary Map: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

Flood Insurance Rate Map (FIRM): A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood Insurance Study: A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Flood Profile: A graph or a longitudinal line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

Floodproofing: Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Flood Protection Elevation: An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see Freeboard).

Flood Storage: Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

Floodway: The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

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

Footprint: The land area covered by a structure at ground level, measured on a horizontal plane. The "footprint" of a residence includes attached garages and porches, but excludes decks, patios, carports and roof overhangs.

Forest Products Processing: A facility used for the dry processes of chipping, grinding, sawing, planning of cut trees, which changes them for consumer use. This use does not include any wet processing such as paper manufacturing. May include warehousing and packaging as secondary uses.

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

Freeboard: A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

Frontage: All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

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

Game Management or Fur Farm: A commercial operation raising and harvesting wild game and fur producing animals for meat and/or fur, including such animals as deer, elk, mink and chinchilla.

Garage, Private: An accessory building or space for storage only of not more than 3 private motor driven vehicles.

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

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, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Ground Cover: Small plants such as mosses, forbs, ferns, grasses, and undershrubs growing on a forest floor.

Groundwater: Any of the waters of the state, as defined in Wisconsin Statutes §281.01(18), occurring in a saturated subsurface geological formation of rock or soil.

Group Day Care: A facility licensed as a day care center by the State Department of Health and Social Services under Wisconsin Statutes § 48.65 where a person or persons provide group care. It includes preschools and nursery schools.

Habitable Structure: Any structure or portion thereof used or designed for occupation by humans for the purpose of cooking, eating, sleeping, recreation and general living periods.

Heavy Industry: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials or a use engaged in storage of or manufacturing processes using toxic, corrosive, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, such as smoke, noise, soot, dirt, vibration, odor, etc.

High Flood Damage Potential: Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

Historic Structure: Any structure that is either:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

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

Horse Production, Commercial: Training, riding, boarding and breeding horses for profit.

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

Household Pets: Animals commonly found in residence as pets, such as dogs, cats, birds, and other small animals, provided that they are not raised or reared for commercial resale.

Impervious Surface: Any land cover that prevents rain or melting snow from soaking into the ground, such as roofs including overhangs, roads, sidewalks, patios, driveways and parking lots, including gravel surfaces.

Increase In Regional Flood Height: A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Indoor Maintenance and Repair of Goods and Equipment: A use inside a building including repair and service of small engines or small motors, such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, shoes, etc.

Inland Wetlands: Wetlands one acre or greater in size, located throughout unincorporated St. Croix County that are not within a shoreland.

Indoor Recreation Facility: A use inside a building used for recreation, including but not limited to tennis, racquet ball, driving ranges, curling, dance schools, ice arenas, shooting ranges, pool hall, and health club.

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

Junction: The point upon which 2 highway centerlines, as herein established, or a highway centerline and the centerline or a railway right-of-way meet.

Junk: 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 it meets any of the following criteria:

- a. It is not currently registered.
- b. It is not capable of operation, lawful or otherwise, on public highways of Wisconsin and remain in that condition for more than 10 days after receipt of a registered or certified letter from the Zoning Administrator notifying the owner, occupant or custodian of the premises of the violation.
- c. No automobile licensable as an antique or special interest vehicle under §341.265, and §341.266 Wis. Stats., or any parts car thereof shall be considered junk, provided such vehicle is stored as required by §341.266(4), Wis. Stats.

Junkyard Or Salvage Yard: Any premises on which there is an accumulation of scrap metal, paper, rags, glass, lumber or other materials stored or customarily stored for salvage or sale.

Karst Feature: An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps or swallets.

Kennel Commercial: An establishment, structure or premises where five (5) or more adult dogs or cats, six months of age or older, are bred and raised for sale, boarded, groomed and/or trained as a service.

Land Disturbance Activity: Any alteration or disturbance that may result in soil erosion, sedimentation, or change in runoff including, but not limited to, filling, grading, lagooning, dredging, ditching, flooding, excavating and removal of ground cover.

Land Division: Any division of a parcel of land by the owner or the owner's agent, for the purpose of transfer of ownership or building development, which creates one or more parcels or building sites of 35 acres or less.

Landscape Architect: A person who has graduated with a major in landscape architecture from a college accredited by the American Society of Landscape Architects.

Lift: A mechanical device, either temporary or permanent, containing a mobile open top car including hand or guard rails, a track upon which the open top car moves, and a mechanical device to provide power to the open top car.

Light Industry: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, which activities are conducted wholly within an enclosed building.

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 12-month period. It 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 ordinance, except that an operator may elect to treat a separate species facility as a separate livestock facility.

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 animal waste storage structure. 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.

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

Lot: A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this chapter and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this chapter as to width and area for the district in which it is located. No land included in the street, highway, access easement or railroad right-of-way shall be included in computing lot area.

Lot, Corner: A lot located at the intersection of 2 streets, any 2 corners of which have an angle of 120° or less, or if bounded by a curved street in which case the chord within the limits of the lot line forms an angle of 120° or less.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines bounding a lot as herein described.

Lot Width: For the purposes of this chapter, the width of a lot shall be the shortest distance between the side lot lines and the setback lines.

Low Flood Damage Potential: Structures that are not designed for human habitation, have a small footprint (about 500 square feet or less) and are designed to minimize damages resulting from floods. Such structures include but are not limited to; open sided park shelters, parking areas, camping sites, picnic areas and playground equipment.

Lower St. Croix Riverway or Lower St. Croix National Scenic Riverway: The area described in § NR 118.02 (1).

Management Zones: The Lower St. Croix Riverway management zones established in § NR 118.04.

Manufactured Home: A factory- built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec 4501, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

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

Marquee: Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

Marquee Sign: Any sign attached to, in any manner, or made a part of a marquee.

Minor Subdivision: The creation of not more than 4 parcels much of which is 20 acres or less in size, as specified in §18.03(2).

Mitigation: Action taken to minimize the adverse impacts of development. Mitigation includes, but is not limited to, the installation of vegetative buffers, the removal of nonconforming structures from the shoreland setback area, and the implementation of best management practices for erosion control and storm water management. Mitigation should compensate for loss of shoreland vegetation when development or improvements occur.

Mobile Home: A vehicle designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction. A mobile home exceeding statutory size under s. 348.07(2) shall be considered a primary housing unit. A mobile home not exceeding the statutory size shall be considered a mobile recreational vehicle or travel trailer.

Mobile Recreational Vehicle or Travel Trailer: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured or mobile homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles." The term "mobile recreational vehicle" does not include a temporarily placed "manufactured" or "mobile" home.

Model Home: A dwelling unit that has never been occupied for residential purposes, temporarily open for inspection by the general public in order to sell that unit or similar dwelling units that can be constructed for sale or rental in a particular subdivision or other residential development approved by the County. Model homes may also incorporate sales or rental offices for dwellings within that development.

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

Native Vegetation: Those species of vegetation that occurred naturally in pre-settlement Wisconsin. Refer to the Original 1830's Vegetation Map of Wisconsin.

Navigable Waters: All natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under §281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under §59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. code, do not apply to lands adjacent to farm drainage ditches if:

- a. Such lands are not adjacent to a natural navigable stream or river.
- b. Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching or had no previous stream history.
- c. Such lands are maintained in nonstructural agricultural use.

Net Project Area: Developable land area minus slope preservation zones, floodplains, road rights-of-way, and wetlands.

New Construction: For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

Noncommercial Speech: Any message that is not commercial speech, which includes but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

Nonconforming Sign: Any sign which was lawful prior to July 1, 2007 but which does not comply with the terms of this ordinance (or its amendment).

Nonconforming Structure: A building or other structure whose location, dimensions or other physical characteristics do not conform to the standards of this ordinance but which was legally constructed or placed in its current location prior to the enactment of this ordinance or its amendment that made it nonconforming.

Nonconforming Use: Any use that does not conform to the land use restrictions in this ordinance, but which was legally established prior to the enactment of this ordinance or its amendment that made it nonconforming.

Non-Flood Disaster: A fire, ice storm, tornado, wind storm, mud slide, or other destructive act of nature, but not including a flood.

Non-residential Health Care Facility: A use that provides out-patient medical care including but not limited to health maintenance, diagnosis, therapy or treatment of disease, pain, injury, deformity, mental illness and addiction.

Nonresidential Property: A property where dwelling units for personal residences are not allowed as the principal use.

North American Vertical Datum (NAVD): Elevations referenced to mean sea level datum, 1988 adjustment.

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

Obstruction To Flow: Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

Official Floodplain Zoning Map: That map, adopted and made part of this ordinance, as described in § 17.40 B.

Open Space Use: Those uses having relatively low flood damage potential and not involving structures.

Operation Permit: A signed document issued by the Code Administrator authorizing operation, closure or use conversion of an animal waste storage facility or part thereof.

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 characteristic.

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, golf courses, club house, miniature golf, batting cages, driving range, paint ball and go-kart tracks.

Outlot: A lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

Overstory: The upper forest canopy layer.

Parcel: Contiguous land under single ownership.

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.

Pennant: Any lightweight plastic, fabric or other material whether or not containing a message of any kind, suspended from a rope, wire or string, usually in series, designed to move in the wind.

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

Plan Revision: A modification to an approved application where a valid permit is in effect.

Pollution: Contaminating or rendering unclean or impure the land and/or waters of the state or making the same injurious to public health, harmful for commercial or recreation use or deleterious to fish, bird, animal or plant life.

Porch: A building walkway with a roof over it, providing access to a building entrance.

Principal Structure: The main building or other structure on a lot that is utilized for the property's principal use. Principal structure includes attached garages and porches.

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

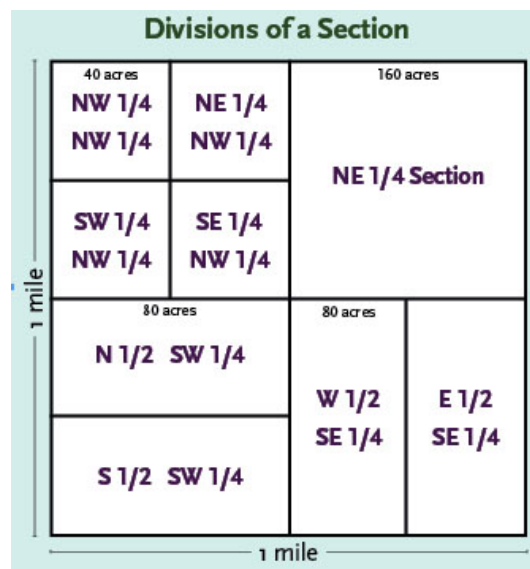
Professional Engineer: One who is trained, registered and professionally engaged in a specific branch of engineering pursuant to Wisconsin Statutes §443.04.

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

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

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

Quarter-Quarter (1/4-1/4): A federal subdivision of a Public Land Survey System Section, commonly known as a "forty." A **Quarter-Quarter (1/4-1/4)** is nominally 40 acres.



Reasonable Accommodation: Allowing a disabled person to deviate from the strict requirements of the county's zoning ordinances if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

Reasonably Safe From Flooding: Base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and any subsurface waters related to the base flood will not damage existing or proposed buildings.

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

Regional Flood: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRMS, the RFE is equivalent to the BFE.

Replat: A plat which changes the boundaries of a recorded plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded plat without changing the exterior boundaries of such block, lot or outlot is not a replat.

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

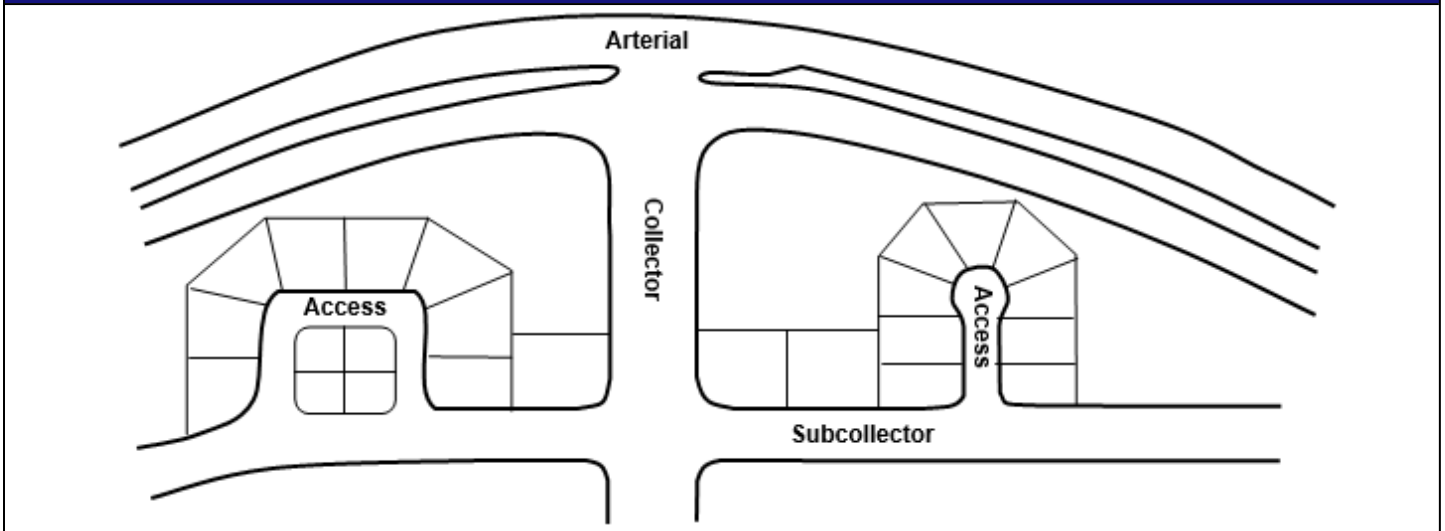
Retail Sales and Services: The provision of goods and/or services such as cards or gifts, clothing, video games, lumber or building supplies, hardware, sports equipment, etc.

Road: A public way for vehicular traffic; this term includes highways.

Road Classification System: Roads are classified based on many factors, including speed and volume of traffic. Road classifications fall into a four-category hierarchy. The classifications, in descending order, are arterial, collector, subcollector and access roads (see diagram below). The Wisconsin Department of Transportation (WisDOT) and the St. Croix County Highway Department determine arterial and major and minor collector road status on their respective systems and the current functional classification will be used. The St. Croix County Planning and Zoning Department, in conjunction with the appropriate municipal jurisdiction, determines subcollector and access roads. Classifications are shown on the St. Croix County Official Functional Classification Road Map. Residential roads may fall into any of these classifications except arterials. The functional descriptions of each of these classifications follow:

- a. Arterials provide for rapid speed and movement of high volumes of traffic between areas. An arterial road should have no private accesses on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways. There are two types of arterials, principal arterials and minor arterials. Principal arterials are those highway corridors that have trip length and travel density characteristics of an interstate or interregional nature. Principal arterials, in general, serve all urban areas greater than 5,000 population and may include: interstate highways, freeways, expressways, four-lane divided highways and two-lane highways. Minor arterials are those highways, which in combination with principal arterials, serve cities, communities and other major traffic generators providing intra-regional and inter-area travels. Minor arterials may include four-lane divided highways, two-lane highways and county trunk highways.
- b. Collectors provide for moderate speed and movement of medium volumes of traffic and distribute traffic from arterial roads. There are two types of collector roads, major collectors and minor collectors. As the principal road within residential or commercial areas, collectors carry relatively high traffic volumes and convey traffic from arterial roads to lower-order roads. A collector's function is to promote the free flow of traffic; as such, the roads should not have parking or private residential access. A collector's secondary function is to serve abutting land uses. Major collectors provide service to moderate sized communities and other intra-area traffic generators and link those generators to larger population centers and higher function highways. Minor collectors provide service to all remaining smaller communities and tie local traffic generators with the rural surrounding area. Minor collectors are spaced consistent with population density so as to collect traffic and bring all developed areas within a reasonable distance of a higher-order road.
- c. Subcollectors connect with access roads and convey traffic to major and minor collectors. Like an access road, a subcollector provides frontage and access to residential lots but also carries some through traffic to access roads. A subcollector is a relatively low speed, low-volume road. Subcollectors include all roads not identified as major or minor arterials, major or minor collectors or access roads. Generally, subcollectors are all town roads in the original town road grid system, and town roads identified as through roads or subcollectors on a town comprehensive plan or official map. Some roads in a subdivision may be subcollectors instead of access roads if the two ends of the road extend beyond the boundary of the subdivision and one end of the road eventually connects to another subcollector or higher order road.
- d. Access roads are designed to conduct traffic between individual parcels or lots and higher order roads. Access roads provide for low speed and low volumes of traffic and convey traffic to subcollector, collector and arterial roads. As the lowest-order road in the hierarchy, the access road usually carries little through traffic and includes short roads, cul-de-sacs and courts. Access roads include local roads within conventional subdivisions, local roads within Conservation Design Development subdivisions, cul-de-sacs, loop roads, lakeshore roads that existed prior to 1974, and roads, not otherwise classified located in unincorporated hamlets, including Boardman, Burkhardt, Cylon, Emerald, Erin Corners, Forest, Hersey, Houlton, Huntington, Jewett, Johannesburg and New Centerville.
 1. Cul-de-sac roads are closed at one end with turn-arounds not platted for extension.
 2. Loop roads are short, one-way through roads that turn back to the originating road.
 3. Temporary dead-end roads terminate in a "T" turn-around and are platted for future extension.

Functional Classification System Diagram



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

Routine Vegetation Maintenance: Normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require a land disturbing activity.

Salvage Operation: Operations in which substantial numbers of automotive vehicles, other machinery or equipment or parts thereof which are no longer usable as originally intended are accumulated and stored outside of buildings for purposes of ultimate repair, reuse, sale or trade.

School, Charter: A school under contract with a school board under Wisconsin Statute §118.40 or with one of the entities under §118.40 (2r) (b), or a school established and operated by one of the entities under §118.40 (2r) (b).

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

Selection Cut: The removal of selected trees throughout the range of merchantable sizes at regular intervals, either singly or in small groups, leaving a uniformly distributed stocking of desirable tree and shrub size classes.

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

Setback: The minimum horizontal distance between a structure and the OHWM, bluffline, side and rear lot lines, and roads.

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

Shelterwood Cut: A partial removal of mature trees leaving trees of desirable species and form to provide shade, seed source and a desirable seedbed for natural regeneration with the final removal of the overstory after adequate regeneration is established.

Shoreland: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000' from a lake, pond, or flowage; and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland-Wetland District: The zoning district, created as a part of the shoreland overlay districts subchapter, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made part of this chapter.

Sign: A display, illustration, structure or device that directs attention to an idea, object, product, place, activity, person, institution, organization or business.

Sign, Banner: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building at one or more edges. Flags that comply with §B.4.a.3) shall not be considered banners.

Sign, Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Sign, Building: Any single-faced sign painted on, attached to or erected against the exterior wall of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a window or painted on a window such that it can be read from the outside of the building.

Sign Component: Any element of a sign or its source of support (excluding a building), including but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, lightbulbs, diodes, or plastic copy panels on a sign do not constitute components.

Sign, Freestanding: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure, including, but not limited to, a ground mounted sign, detached sign, pole sign, pylon sign or monument sign.

Sign, Incidental: A sign that is not legible to a person of ordinary eyesight with vision adequate to pass a state driver's license exam standing at ground level at a location on the public right-of-way or on other private property.

Sign, Monument: A freestanding sign where the base of the sign structure is on the ground.

Sign, Off-Premise: A sign, which displays a commodity, product, service, activity or any other person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the premises upon which such sign is located.

Sign, Off-Premise Directional: A sign displayed for the sole purpose of assisting wayfinding through disclosure of no more than the name of a place, its distance from the sign and one directional arrow.

Sign, On-Premise: A sign which only displays a commodity, product, service, activity or any other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is located, or a noncommercial speech.

Sign, On-Premise Directional: A sign at the exit or entrance of a premises that has two or more driveways.

Sign, Pornographic: Any sign that, in whole or in part, is obscene or pornographic as defined in Miller v. California and subsequent decisions, or shows specified anatomical areas or specified sexual activities.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.

Sign, Projecting: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Sign, Property Address: A reflective red sign with white lettering that identifies the property address at a minimum and may provide limited additional information such as town name and road name.

Sign, Roof: Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.

Sign, Special Event: A sign that is temporary in nature and is not permanently mounted or attached to the ground or sign surface, and is used for special events, such as but not limited to, grand openings, promotions, seasonal sales, garage sales, craft sales, graduation or birthday parties, festivals or fairs.

Sign, Temporary: Any sign that is used only for a limited period of time and is not permanently mounted.

Silvicultural Thinning: A woodland management practice which, for the purposes of this chapter, the quality of adjacent surface water is maintained or improved through responsible cutting in shorelands and long-lived species are perpetuated and provision is made for efficient methods of slash disposal.

Single-Family Residence: A detached structure used for human habitation for one family.

Slope Preservation Zone: The area riverward from the bluffline where the slope towards the river is 12% or more, as measured horizontally for a distance of not more than 50 feet or less than 25 feet.

Small Regeneration Cut: A harvest of not more than one-third of the contiguous forested ownership within a 10-year period with each opening not exceeding 6 acres in size and not closer than 75 feet at their closest points.

Solid Waste Processing or Transfer: A facility for the collection, processing or temporary storage of solid waste prior to offsite disposal, not to exceed one year.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities: Any of the following:

- a. Human genitals in a state of sexual stimulation or arousal.
- b. Acts of human masturbation, sexual intercourse or sodomy.
- c. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
- d. Flagellation or torture in the context of a sexual relationship.
- e. Masochism, erotic or sexually oriented torture, beating or the infliction of pain.
- f. Erotic touching, fondling or other such contact with an animal by a human being.
- g. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in a. through f. above.

Start Of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Defined Subdivision: This shall mean the creation of 5 or more parcels or building site of 1½ acres each or less, as specified in §18.03(1).

Stormwater Runoff: The waters derived from rains falling or snowmelt or ice melt occurring within the drainage area, flowing over the surface of the ground and collected in channels, watercourses or conduits.

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

Story, Half: A story under any roof except a flat roof, the wall plates of which on at least 2 opposite exterior walls are not more than 2' above the floor of such story.

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

Street Line: A dividing line between a street and the abutting lot.

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 doorsills 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 dry wall on the interior, are not included in the definition of structural component.

Structural Erosion Control Measure: A retaining wall or other man-made structure whose primary function is to control erosion.

Structure: Any man-made object with form, shape and utility that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. 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. Structure does not include small objects that are easily moved by hand, such as lawn chairs, portable grills, portable picnic tables, bird feeders, birdhouses and birdbaths.

Structure Height Measurement: The vertical distance from the average ground elevation to the highest point of a flat roof, to the declivity of a mansard roof or to the average height of the highest gable of a gambrel, hip or pitched roof, except as provided for in §17.12(6). This measurement shall exclude chimneys.

Subdivision: The division of a lot, parcel or tract by the owner thereof, or his agent, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of 20 acres or less in area or where the act of division creates 5 or more parcels or building sites of 20 acres or less in area by successive division within a 5 year period, as specified in §18.03(1).

Substantial Damage: Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

Successional Climax Forest: Plant community dominated by native trees representing the culminating stage of natural succession for that specific locality and environment. Also referred to as old growth forest specific to the Lower St. Croix Riverway, including oak forest, maple-basswood forest, and white-pine forest.

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

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

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 2 points, other than wireless communication service facilities.

Truck Service, Repair, & Towing: Repairs, incidental body and fender work, replacement of parts and motor services, towing and steam cleaning to freight vehicles and trucks equal to or exceeding 12,000 pounds gross weight.

Understory: The layer formed by the crowns of smaller trees beneath the forest canopy.

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 ordinance.

Variance: An authorization by the Board of Adjustment for the construction, modification or maintenance of a building or structure in a manner that deviates from dimensional standards (not uses) contained in this ordinance.

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, semi-trailer, watercraft, mobile home or other motorcraft, whether or not it is self-powered or remains capable of travel in its present state.

Vision Clearance: An unoccupied triangular space at the intersection of highways or streets with railroads. Such vision clearance triangles shall be bounded by the intersecting highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in the Subchapter VI.

Visually Inconspicuous: Difficult to see, or not readily noticeable, in summer months as viewed from at or near the mid-line of the Lower St. Croix River.

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.

Watershed: An entire land area contributing runoff or surface water to a watercourse or body of water.

Waters of the State: Those portions of Lake Michigan and Lake Superior within the boundaries of Wisconsin, all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, water courses, drainage systems and other surface water or groundwater, natural or artificial, public or private within the state or under its jurisdiction, except those waters which are entirely confined and retained completely upon the property of a person.

Water Surface Profile or Flood Profile: A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow.

Well: An excavation 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.

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

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

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

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

Subchapter III.V Lower St. Croix Riverway Overlay District

Enacted July 1, 2005

AMENDED 7-1-07

AMENDED 10-1-14

Contents:

Section 17.36 Lower St. Croix Riverway Overlay District

Section 17.36 Lower St. Croix Riverway Overlay District

The Board of Supervisors of St. Croix County, Wisconsin, does ordain as follows: The St. Croix River Valley District, Subchapter III, Section 17.36 as amended on Jan. 1, 1976, Jul. 1, 1980, Oct. 1, 1986, and Feb. 15, 2000, is repealed and recreated as follows:

A. Title, Authority and Effective Date

1. Title

- a. This subchapter shall be cited as the "Lower St. Croix Riverway Overlay District" and hereinafter referred to as the "Riverway District."

2. Authority

- a. This subchapter is enacted pursuant to the authority granted by Wisconsin Statute § 30.27 and Wisconsin Administrative Code NR118.
- b. The County Zoning Administrator shall administer this subchapter pursuant to Wisconsin Statute § 59.69.
- c. Any mandatory amendments, repeals or recreations to the statutes pertaining to the subject matter of this subchapter are incorporated into this subchapter as of the effective date of amendment, repeal or recreation.

3. Effective Date

- a. This subchapter shall be effective on July 1, 2005. Ordinance No. 696/(2005) Amendments To Section 17.36, St. Croix River Valley District And Section 17.09, Definitions.

B. Purpose

1. Purpose

- a. The purpose of this subchapter is to promote the public health, safety, and general welfare by:
 1. Reducing the adverse effects of overcrowding and poorly planned shoreline and bluff area development.
 2. Preventing soil erosion and pollution and contamination of surface water and groundwater.
 3. Providing sufficient space on lots for sanitary facilities.
 4. Minimizing flood damage.
 5. Maintaining property values.
 6. Preserving and maintaining the exceptional scenic, cultural, and natural characteristics of the water and related land of the Lower St. Croix Riverway in a manner consistent with the National Wild and Scenic Rivers Act (P.L. 90-542), the Federal Lower St. Croix River Act of 1972 (P.L. 92-560) and the Wisconsin Lower St. Croix River Act (Wisconsin Statute § 30.27).

C. Applicability

1. Boundaries

- a. The Lower St. Croix Riverway District is an overlay zoning district; this subchapter applies in addition to other zoning regulations found in [Chapter 17](#) to any area falling within the Riverway District boundary.
- b. This subchapter applies to all unincorporated land in the State and Federal Zones of the Riverway District of St. Croix County. The boundaries of the Riverway District are shown in § 17.36 K. and are found in the Code Of Federal Regulations. The same boundaries are shown on the map identified as the St. Croix Riverway Overlay District Map, which is on file in the office of the Planning and Zoning Department. The legal description and maps referred to above are made a part of this subchapter.

- c. Within the unincorporated lands of St. Croix County, the Riverway District falls under the Rural Residential and Conservation Management Zones as defined in Wisconsin Administrative Code NR 118.04:
 1. The rural residential management zone is mostly single-family residences on large lots in a low-density rural environment, with little or no commercial development. Most of the district is wooded, with scattered residential structures. Residential lawns are limited near the river's shore and the shore area is primarily natural in appearance.
 - a. The rural residential management zone is established in all of the following locations:
 - i. In an area bounded on the north by the Arcola High Bridge and on the south by the north boundary of Sections 13 and 14, Township 29 North, Range 20 West in the North Hudson.
 - ii. In an area bounded on the north by the south corporate boundary of the City of Hudson, as it existed on June 1, 2004, to the north boundary of Pierce County.
 2. The conservation management zone is primarily natural and mostly wooded, with some single-family residences. Shoreline areas are natural and do not contain residential lawns.
 - a. The conservation management zone is established in the following location:
 - i. In an area bounded on the north by the south boundary of Polk County, and on the south by the Arcola High Bridge.

D. Interpretation

1. Compliance

- a. No development of land or water shall hereafter be implemented and no use, structure or part thereof shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with provisions of this subchapter and all other applicable local, State and federal regulations.

2. Abrogation

- a. If any provision of this subchapter conflicts with any provision of [Chapter 17](#), the more restrictive provision shall apply.
- b. This subchapter is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this subchapter imposes greater restrictions, the provisions of this subchapter shall take precedence.

3. Liberal Construction

- a. The provisions of this subchapter shall be liberally construed in favor of St. Croix County and shall not be construed to be a limitation or repeal of any other power now possessed or granted to St. Croix County.

4. Severability

- a. Should any portion of this subchapter be declared invalid or unconstitutional for any reason, by a court of competent jurisdiction, the remainder of this subchapter shall not be affected.

E. Limitation of Action

1. Claims

- a. Pursuant to Wisconsin Statutes § 59.69(14), a land owner, occupant or other person affected by this subchapter or amendment hereto who claims that this subchapter or amendment is invalid because procedures prescribed by the statutes or the subchapter were not followed in enacting this subchapter or amendment hereto shall commence a court action within six months after enactment of this subchapter or amendment or be forever barred.

F. Land Uses and Structures

1. Allowed Uses and Structures

- a. The following uses are allowed in the Riverway District without a permit:

1. Nonstructural conservancy and open space uses associated with maintaining the value of certain lands for natural areas, scenic preservation, recreation, wildlife management, water and soil conservation and other such purposes.
2. Nonstructural agricultural and forestry uses, including silviculture in compliance with Wisconsin Administrative Code Chapter NR 118.06(6).
3. Routine pruning of trees and shrubs to improve their health and vigor, provide a filtered view of the Lower St. Croix River, herein after referred to as "the river," prevent property damage, and removing trees that pose an imminent safety hazard to persons or structures.
4. Docks, piers, and wharves subject to Wisconsin Department of Natural Resources (WDNR) administrative rule standards and Army Corps of Engineers permit requirements.

2. **Permitted Uses and Structures**

- a. The following uses and structures are allowed in the Riverway District subject to the standards in § 17.36 H. and with a land use permit from the St. Croix County Zoning Administrator:
 1. Single-family residence and accessory uses and structures.
 2. Filling and grading less than 10,000 square feet outside of the slope preservation zone and greater than 40 feet from the slope preservation zone.
 3. Signs per § 17.36 H.2.
 4. Structural erosion control measures constructed outside of slope preservation zones.
 5. Rock riprap and other shoreland protection measures per § 17.36 H.6.
 6. Vegetation removal per § 17.36 H.8.
 7. Public parks, areas devoted to natural resource management and interpretation, waysides, rest areas, information areas, and scenic overlooks.
 8. Governmental structures used as information centers or for resource management to improve the fish and wildlife habitat, provided that they meet all other provisions of this subchapter.
 9. Accessory structures.

3. **CONDITIONAL Uses and Structures**

- a. The following uses and structures are allowed in the Riverway District with a conditional use permit subject to the standards in § 17.36 H. and approval by the St. Croix County Board of Adjustment:
 1. Land divisions.
 2. Wireless communication service and other transmission facilities.
 3. Stairways and lifts.
 4. Filling and grading less than 10,000 square feet in slope preservation zones that do not directly face the river and do not drain directly to the river.
 5. Filling and grading within 40 feet of a slope preservation zone.
 6. Filling and grading 10,000 square feet or more outside of the slope preservation zone.
 7. Structural erosion control measures in slope preservation zones.
 8. Public and private roads serving two or more properties or single-family residences.
 9. Bed and breakfast operations.
 10. Private, non-profit, nature-oriented educational facilities.
 11. Minor home occupations per § 17.155(5) of this ordinance.

4. **Prohibited Uses**

- a. Within the Riverway District, all uses or structures not listed as allowed, permitted, or conditional uses are prohibited.

G. **General Provisions**

1. **Minimum Lot Size**

- a. The minimum lot size shall be governed by the base-zoning district.
 - b. Minimum net project area for each lot shall be at least one acre.
 - c. If the lot is not served by a public sewer or common system, the lot shall have adequate room for one single-family residence and two POWTS.
2. **Minimum Lot Width**
- a. In the rural residential management zone, the minimum lot width shall be 200 feet measured at the building line and at the side of the lot nearest the river.
 - b. In the conservation management zone, the minimum lot width shall be 250 feet measured at the building line and at the side of the lot nearest the river.
3. **Density Standards**
- a. There may be no more than one principal structure on each parcel.
4. **Structure Height**
- a. The maximum structure height shall be measured between the average ground elevation and the uppermost point of the structure, excluding chimneys.
 1. The maximum height for principal structures in the rural residential management zone shall be 35 feet.
 2. The maximum height for principal structures in the conservation management zone shall be 25 feet.
 3. The maximum height for accessory structures in both management zones shall be governed by the base-zoning district.
 4. Wireless communication service and other transmission facilities must meet the height requirements in Subchapter VIII of this ordinance.
5. **Structure Setbacks**
- a. On structures existing prior to the effective date of this subchapter, all setbacks shall be measured on a horizontal plane from the foundation of the structure at the point of the structure that is nearest the Ordinary High Water Mark (OHWM), bluffline, or property line.
 1. On modifications or additions to existing structures, roof overhangs shall not encroach within the required setbacks more than three feet, and any cantilevered portions of the structure must meet the required setbacks.
 - b. On new structures constructed after the effective date of this subchapter, all setbacks shall be measured on a horizontal plane from the roof overhang and any cantilevered portions of the structure at the point of the structure that is nearest the OHWM, bluffline, or property line.
 - c. All structures except docks, piers, wharves, structural erosion control measures, stairways, and lifts shall meet the following:
 1. OHWM Setback: At least 200 feet from the OHWM of the Lower St. Croix River.
 2. Bluffline Setback: At least 100 feet from the bluffline in the rural residential management zone, and 200 feet from the bluffline in the conservation management zone.
 - a. Structures that do not meet the setback may be permitted within the bluffline setback area if they are set back at least 40 feet from the bluffline and meet all of the following standards:
 - i. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
 - ii. The structure is not located in a slope preservation zone.
 - iii. The structure utilizes building materials that are earth tone in color and of a non-reflective nature, except that windows may be made of ordinary window glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.
 - iv. The structure is visually inconspicuous.

3. Sideyard Setback: At least 25 feet from all exterior lot lines.

Dimensional Standards Summarized		
	Rural Residential	Conservation
Lot Size, Minimum	Governed by the Base Zoning District	Governed by the Base Zoning District
Net Project Area, Minimum	1 acre + room for 1 single-family residence and 2 POWTS	1 acre + room for 1 single-family residence and 2 POWTS
Lot Density, Maximum	1 single-family residence/lot	1 single-family residence/lot
Lot Width at Building Line, Riverward	200 feet	250 feet
Height, Principal Structure	35 feet	25 feet
Height, Accessory Structure	Governed by the Base Zoning District	Governed by the Base Zoning District
OHWB Setback	200 feet	200 feet
Bluffline Setback	100 feet, 40 feet with performance standards	200 feet, 40 feet with performance standards
Sideyard Setback	25 feet	25 feet

H. Performance Standards

1. Structure Color

- a. All new, expanded, or reconstructed structures shall be earth tone in color.
- b. Structures designated as historic buildings on local, State, or national historic registers or located in designated historic districts shall either be earth tone in color or colored appropriate to the period in history for which they are designated.

2. Signs

- a. Signs are allowed subject to the regulations of § 17.65.

3. Slope Preservation Zone

- a. No structures, except docks, piers, wharves, structural erosion control measures, stairways, and lifts may be placed in slope preservation zones.
- b. Slopes greater than 12 percent may not be altered to become less than 12 percent.
- c. No filling or grading is allowed in slope preservation zones that directly face and/or drain directly to the river, except the minimum required for installation of items in a. above.

4. Structural Erosion Control

- a. Except for rock riprap as allowed per § 17.36 H.6., structural erosion control measures above the OHWM and within the OHWM setback area and bluffline setback area are allowed with a land use permit if all of the following standards are met:
 1. The structural erosion control measure is constructed outside of the slope preservation zone.
 2. The Zoning Administrator determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
 3. The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.
 4. Storm water management and erosion and sediment control plans are submitted per § 17.36 H.7.
 5. The structural erosion control measure is designed in accordance with USDA Wisconsin Field Office Technical Guide (WIFOTG) SECTION IV or any subsequent revisions to USDA standards.
- b. Constructing, updating, maintenance or reconstruction of structural erosion control measures in slope preservation zones is allowed by a conditional use permit if all of the following standards are met:
 1. The Zoning Administrator determines that structural erosion control measures are necessary to address significant on-going erosion that nonstructural erosion control measures cannot control.
 2. The structural erosion control measure is constructed of natural materials and is made as visually inconspicuous as possible.

3. The person seeking to construct the structural erosion control measure submits and has approved by the Zoning Administrator all of the following items:
 1. A detailed construction plan with timelines and contact information.
 2. An erosion and sediment control plan per § 17.36 H.7.a-d and 17.36 H.7.f.
 3. A vegetation management plan per § 17.36 H.8.
 - c. The property owner shall execute and record an affidavit describing the approved structural erosion control measure and related maintenance requirements with the County Register of Deeds within 30 days after construction is completed.
 1. The affidavit shall alert subsequent purchasers of the land of the maintenance requirements of the structural erosion control measure.
 2. The property owner shall submit a copy of the affidavit along with an as-built drawing and photos of the completed structural erosion control measure to the Zoning Administrator.
- 5. Filling and Grading**
- a. Filling and grading outside of a slope preservation zone as described in § 17.36 F.2.a.2) are allowed with a land use permit if all of the following standards are met:
 1. No filling, grading, or draining of wetlands is allowed.
 2. No filling and grading activities within 40 feet of a slope preservation zone is allowed.
 3. Any vegetation that is removed is replaced with native vegetation.
 4. Filling and grading activities are designed and implemented in a manner to minimize erosion, sedimentation, tree damage, and impairment of fish and wildlife habitat.
 5. WDNR Storm water Construction Technical Standards are implemented.
 - b. Filling and grading in the areas described in § 17.36 F.3.a.4)-6 are allowed by conditional use permit if the following standards are met:
 1. All standards under a. above are met.
 2. The property owner shall submit a storm water management and erosion and sediment control plan per § 17.36 H.7.
- 6. Rock Riprap and Shoreland Protection**
- a. Rock riprap within a slope preservation zone and in the OHWM setback area is allowed with a land use permit if the Zoning Administrator determines that riprap is necessary to prevent erosion in flood-prone areas, and if all of the following standards are met:
 1. Either a State permit is granted for the riprap or statutory criteria or administrative rule standards are met and a State permit is not required for the riprap.
 2. The rock riprap is designed in accordance with the WI FOTG SECTION IV and any subsequent revisions to USDA standards, or approved by the Land and Water Conservation Department.
 3. Existing vegetation on the shoreline and in the water is maintained as much as possible without disturbance.
 4. All bare soil on the slope above the riprap shall be stabilized with a native seed mix, native vegetation, or mulch.
 5. Deep-rooted native vegetation shall be planted among the riprap to help stabilize it, screen it, and enhance wildlife habitat.
 6. The property owner shall be responsible for maintaining the riprap as follows:
 - a. Upon the first rainfall following installation of the riprap, an inspection shall be made.
 - b. Thereafter, rippapped areas shall be checked following large storms or floods, especially those that are near or exceed the storm frequency used in the design. Displaced riprap should be removed from its downstream location and new riprap placed according to the specifications above.

- b. The property owner shall execute and record an affidavit describing the approved riprap and maintenance requirements with the County Register of Deeds within 30 days after construction is completed.
 1. The affidavit shall alert subsequent purchasers of the land of the maintenance requirements of the riprap.
 2. The property owner shall submit a copy of the affidavit along with an as-built drawing and photos of the riprap to the Zoning Administrator.

7. Storm Water Management and Erosion and Sediment Control Plans

- a. Storm water management and erosion and sediment control plans shall be required to reduce runoff and sedimentation onto adjacent properties, down steep slopes, and into the river or other drainage ways for all of the following:
 1. Construction or modification of principal structures.
 2. Accessory structures greater than 100 square feet.
 3. Filling or grading allowed by conditional use permit.
- b. Plans must be prepared by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, Certified Professional in Erosion and Sediment Control (CPESC), Certified Professional in Storm Water Quality (CPSWQ), Certified Soil Tester, or other licensed professional acceptable to the County.
- c. All Best Management Practices (BMPs) shall meet or exceed the applicable WDNR Technical Standards for Storm Water Management or Erosion and Sediment Control.
- d. Storm water management plans must meet all of the following standards:
 1. Infiltrate 100% of the proposed impervious development storm water volume for the site for a 1.5-inch rainfall event.
 2. A model that calculates runoff volume and estimates infiltration such as RECARGA, SLAMM, P8 or equivalent may be used.
 3. Include measures to minimize and mitigate construction-related soil compaction.
 4. Include a maintenance schedule to ensure the long-term function of the storm water management measures.
 5. Infiltration requirements will be applied to the maximum extent practicable in areas limited by the following factors:
 - a. Soils with an infiltration rate less than 0.6 inches/hour measured at the bottom of the infiltration system.
 - b. Less than five feet of separation from the bottom of the infiltration system to the elevation of seasonal high groundwater or the top of bedrock.
- e. Erosion and sediment control plans shall include all of the following items:
 1. Description of construction sequencing including a timeline.
 2. Contact information for property owner, engineer, surveyor, grading contractor, and erosion control subcontractor as applicable.
 3. Site map showing all of the following:
 - a. Property boundaries.
 - b. Existing and proposed buildings.
 - c. Pre and post construction 2-foot contours.
 - d. Soil types.
 - e. Grading limits.
 - f. Pre and post construction drainage patterns.
 - g. The locations, quantities, and standard drawings of all BMPs.

- h. The location of buildings on adjoining properties.
 - i. Water bodies with OHWM and OHWM setback.
 - j. Wetlands.
 - k. Existing and proposed wells and POWTS.
- 4. Vegetation management plan showing existing and proposed vegetation per § 17.36 H.8. The plan shall indicate permanent and temporary stabilization methods for all disturbed areas including the rate, species, planting dates for all seed mixes; fertilizer rates; and mulching rates.
 - 5. Description of the winter suspension plan.
- f. Construction may not proceed until the Zoning Administrator has approved the plans.
 - g. The property owner shall execute and record an affidavit describing the approved storm water management, erosion and sediment control, and vegetative management plans and maintenance requirements for each with the County Register of Deeds within 30 days after construction is completed.
 - 1. The affidavit shall alert subsequent purchasers of the land of the maintenance requirements of the plans.
 - 2. The property owner shall submit a copy of the affidavit along with an as-built drawing and photos of the storm water retention/detention devices, drainage ways, and erosion and sediment control measures to the Zoning Administrator.

8. **Vegetation Management**

- a. Vegetation in the Riverway District shall be managed with the goals of:
 - 1. Maintaining the essential character, quality, and density of existing growth.
 - 2. Screening structures to make them visually inconspicuous.
 - 3. Preventing disturbance of environmentally sensitive areas such as but not limited to steep slopes, shorelines, and blufftop areas.
 - 4. Maintaining and restoring historically and ecologically significant plant communities and enhancing diversity.
 - 5. Maintaining and restoring native ground cover, understory, and overstory vegetation.
- b. Successional climax forest and pre-settlement oak savanna will be the preferred ecotypes.
- c. Vegetative screening of structures will take priority over restoration and maintenance of preferred ecotypes.
- d. Vegetation removal other than that allowed under § 17.36 F.1.a.2) and F.1.a.3) is allowed with a land use permit if all of the standards under e. below are met.
- e. All of the following vegetation management standards shall apply whenever vegetation is disturbed in the Riverway District:
 - 1. Vegetation on lands within the OHWM setback, bluff line setback, and the slope preservation zone shall be left undisturbed, except as provided for elsewhere in this subsection or as provided in §§ 17.36 H.4. and 11.
 - 2. Vegetation may not be disturbed or removed if it would disrupt the visually inconspicuous character of structures, reduce the quality or diversity of the plant community, or increase the potential for erosion, except as provided elsewhere in this subsection or as provided in §§ 17.36 H.4. and 11.
 - 3. Lawns within the OHWM setback areas, slope preservation zones, and bluffline setback areas may not be expanded.
 - 4. The growth and harvest of non-wood fiber crops, the removal of vegetation in order to allow permitted uses or structures or conditional use uses, the removal of State-designated noxious weeds, and the pruning or removal of vegetation to prevent insect infestation or disease that threaten large areas of vegetative cover per Wisconsin Statute § 66.96(2) are allowed.

5. Herbicide use shall be limited to direct topical application to cut stems to kill noxious weeds, exotic species, poison ivy, poison oak or poison sumac, or as a prescribed treatment within a forest stewardship management plan.
6. Compatible and comparable native species of vegetation shall be used for replacement or new plantings.
7. Noxious weeds, non-native invasive species, poison ivy, poison oak, or any other vegetation that is removed shall be replaced with native vegetation.
8. The practice of forestry shall be allowed on lands for which a forest stewardship plan has been developed under Wisconsin Statutes [Chapter 77](#), or Wisconsin Administrative Code Chapter NR 46 or 47, and on lands managed under forest stewardship.
 - a. Forest stewardship plans shall employ best management practices for water quality protection, erosion control, and generally accepted forest management guidelines and must be approved by a WDNR forester.
 - i. Generally accepted forest management guidelines are contained in *Wisconsin Forest Management Guidelines*, PUB-FR-226 2003, available from the WDNR.
 - b. Forest stewardship plans shall be submitted to the Zoning Administrator to be kept in a property file.
 - c. Cutting, harvesting or removing timber under this provision on land that is visible from the river during the time when the leaves are on the deciduous trees may only include the following practices:
 - i. Small regeneration cuts with boundaries designed to harmonize with naturally occurring shapes;
 - ii. Shelter wood cuts not to exceed the size, shape, spacing or timing of regeneration cuts; or
 - iii. Selection cuts leaving a residual timber stand of at least 60 square feet basal area.
 - f. In addition to any other penalties, the penalty for removing vegetation in violation of this subchapter shall include replacement of vegetation with native vegetation at the property owner's expense according to the following schedule:

Tree Replacement Schedule	
DBH of Existing Tree Removed	Number of Replacement Trees (2" DBH)
< 6 inches	1
Between 6 - 12 inches	3
Between 12 - 18 inches	4
Between 18 - 24 inches	5
Between 24 - 30 inches	7
Between 30 - 36 inches	10
> 36 inches	The equivalent of 2" DBH trees or greater needed to equal the DBH of the removed trees.

DBH=Diameter at Breast Height

9. POWTS

- a. Private on-site wastewater treatment systems shall be constructed in accordance with the requirements of Wisconsin Administrative Code Chapter Comm 83 and [Chapter 12](#), St. Croix County Sanitary Ordinance.

10. Land Divisions

- a. Land divisions are allowed by conditional use permit if all of the following standards are met:
 1. All lots proposed to be built upon shall meet the minimum lot size requirements per § 17.36 G., and shall be suitable for residential development in their existing condition without the need for a variance.

2. All lots are suitable for their proposed use and will not be subject to the potential for flooding, inadequate drainage, severe erosion, inadequate water supply or inadequate sewage disposal capabilities.
3. Use of lots will not be allowed if there exists unfavorable soil and rock formations, unfavorable topography, or any other feature that is likely to result in harm to the health, safety or welfare of future residents of the lots or of the local community.
4. The property owner shall consult with the State Historical Society concerning potential impacts to archeological sites and provide related documentation to the Zoning Administrator.
 - a. If the property is found to contain an archeological site, the applicant shall work with the Zoning Administrator to develop and implement a plan to avoid or mitigate impacts to the archeological site with assistance from the State Historical Society.
5. The property owner shall submit a storm water management plan and erosion and sediment control plan for filling and grading of 10,000 square feet or more per § 17.36 H.7.

11. **Wireless Communication and Other Transmission Facilities**

- a. Installation, reconstruction, modification and replacement of wireless communication service facilities is allowed by conditional use permit if Subchapter VIII, §§ 17.80-17.90 and all of the following standards are met:
 1. Construction and maintenance shall be conducted using techniques that minimize the cutting or pruning of vegetation in order to preserve mature vegetation and provide screening of the facilities. Erosion control measures shall be used.
 2. Wireless communication service facilities shall use building materials, colors, textures, screening and landscaping that blend the facilities with surrounding natural features or nearby structures and shall be visually inconspicuous.
 3. Wireless communication service facilities shall be of camouflage or stealth design, unless placed on existing structures.
 4. Wireless communication service facilities may not exceed a height of 50 feet or not more than 20 feet above the tallest structure or tree canopy within a 300 foot radius of the proposed wireless communication service facilities as measured horizontally, whichever is higher.
 5. New or reconstructed wireless communication service facilities may not be placed in slope preservation zones, floodplains or wetlands.
- b. Construction, updating, maintenance or reconstruction of transmission services is allowed by conditional use permit if Subchapter VIII, §§ 17.80-17.90 and all of the following standards are met:
 1. All new, updated or reconstructed transmission services shall be placed underground when determined to be technically feasible by the Zoning Administrator. If an applicant seeks to establish that underground placement is technically infeasible, the application shall explain in detail what factors make it infeasible.
 2. If underground placement is determined to be technically infeasible, overhead or above ground transmission services are permitted, but shall be designed to minimize the adverse visual impact on the scenic character of the Riverway District.
 3. New, updated or reconstructed transmission services shall be constructed and maintained using minimally invasive techniques for construction and maintenance, including erosion control. Existing transmission facilities shall be maintained using minimally invasive techniques for maintenance, including erosion control.
 4. Cutting or clearing of vegetation for transmission service maintenance may be conducted subject to the following standards:
 - a. An understory layer of vegetation shall be maintained to prevent erosion and allow succession.
 - b. Vegetation management shall protect the quality and diversity of the plant community and prevent erosion.

- c. Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth.
- d. The pruning of normal tree growth for safety reasons or to prevent interference with the transmission service and removal of noxious weeds is allowed.

12. Stairways

- a. Stairways are allowed by conditional use permit if all of the following standards are met:
 1. The stairway is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
 2. The tread width of the stairway may not exceed 48 inches.
 3. Landings are located at a vertical interval of not less than 20 feet and shall not exceed 40 square feet in area.
 4. Handrails may be permitted in conjunction with stairways and shall be painted or stained the same color as the stairways.
 5. Canopies or roofs are not allowed on stairways.
 6. Stairways, handrails and landings shall be anchored and supported above grade with pilings or footings.
 7. Stairways shall be constructed of unfinished wood or stone, or shall be painted or stained with earth-tone colors.
 8. Stairways shall be visually inconspicuous and shall be located in the most visually inconspicuous portion of the lot.
 9. Native vegetation plantings shall be used to form a vegetative canopy to screen the stairway from the river.
 10. Vegetation shall effectively screen stairways from the river within five years.
 11. Existing vegetation may be removed within one foot of either side of the stairway route and up to eight feet above the stairway floor.
 12. Only one stairway may be permitted on a lot that abuts the river.
 13. A plan shall be submitted to the Zoning Administrator and certified by a registered professional engineer or architect showing that the stairway components are securely anchored to prevent them from shifting and from causing accelerated erosion.

13. Lifts

- a. Lifts are allowed by a conditional use permit if all of the following standards are met:
 1. The lift is required to provide pedestrian access to the river because of steep, rocky, unstable or wet site conditions.
 2. No lift shall be designed for the transport of boats or machinery up or down the bluff face.
 3. The car of the lift may not exceed 4 feet by 6 feet. Cars may have handrails, but no canopies or roofs shall be allowed.
 4. Lifts shall be located in the most visually inconspicuous portion of the lot. Location of the transporting device or power source shall be visually inconspicuous.
 5. All visible parts of the lift shall be painted or finished in earth-tone, non-reflective colors and shall be visually inconspicuous.
 6. Native vegetation plantings shall be used to form a vegetative canopy to screen the lift from the river.
 7. Vegetation shall effectively screen lifts from the river within five years.
 8. Existing vegetation may be removed within one foot on either side of the lift route and up to 8 feet above the lift floor.
 9. Only one lift may be permitted on a lot that abuts the river.

10. A plan shall be submitted to the Zoning Administrator and certified by a registered professional engineer or architect showing that the lift components are securely anchored to prevent them from shifting and from causing accelerated erosion.

14. **Public and Private Roads**

- a. Construction, reconstruction or right-of-way maintenance for public roads and private roads serving two or more properties or single-family residences is allowed by a conditional use permit if all of the following standards are met:
 1. No new road may be constructed in slope preservation zones, in an area 40 feet landward of blufflines, within 200 feet of the river, within 100 feet of tributary watercourses, or in wetlands.
 2. Route design and construction or reconstruction shall minimize visual impacts by using terrain features to blend the road into the landscape, avoiding cuts and fills as much as feasible.
 3. New roads shall be visually inconspicuous.
 4. Reconstruction of existing roads shall be performed in a manner that does not increase visibility of the road from the river.
 5. Cutting or clearing vegetation for road right-of-way maintenance shall be conducted in accordance with the following standards:
 - a. Vegetation shall be managed to allow an understory layer to remain in place to prevent erosion and allow succession. Vegetation may not be disturbed in such a way that there would be reduced quality or diversity of the plant community or increased potential for erosion.
 - b. Herbicide use shall be limited to direct topical application to cut stems to prevent re-growth. The pruning of normal tree growth for safety reasons or to prevent interference with infrastructure and the removal of noxious weeds is allowed.
 - c. Mowing of a safety zone from the edge of the pavement back 15 feet or to the ditch bottom, whichever is less, and clearing intersection vision triangles is allowed. Other parts of the right-of-way may be mowed to control noxious weeds and undesirable brush only after July 15 of each year to avoid impacts to ground-nesting birds.
 - d. Cutting of trees more than 4 inches in diameter breast height is prohibited, except that trees that pose a hazard to public health or safety may be removed.
- b. Public entities may apply for a one-time conditional use permit for long-term maintenance of public road right-of-way, subject to all standards listed in a. above and to periodic monitoring.

15. **Bed and Breakfast Operations**

- a. A bed and breakfast operation is allowed by conditional use permit if all of the following standards are met:
 1. The bed and breakfast operation provides four or fewer rooms for rent to transient visitors.
 2. The bed and breakfast operation has sufficient parking spaces on site or on public roads for guests.

16. **Nature-Oriented, Educational Non-Profit Facilities**

- a. A nature-oriented, educational non-profit facility is allowed by conditional use permit if all of the following standards are met:
 1. The facility will not cause environmental pollution or erosion.
 2. The facility has sufficient parking on site or on public roads for patrons.

I. **Nonconforming Uses and Structures and Substandard Lots**

1. **Nonconforming Uses**

- a. These requirements shall take precedence over general zoning requirements for nonconforming uses in the Riverway District.
- b. A nonconforming use may not be expanded or enlarged.

- c. An increase in the volume, intensity or frequency of use is allowed if the land area or structure used for the nonconforming use are not expanded or enlarged, and if the owner provides a site plan and photographs of the site to the Zoning Administrator to be kept in a property file at the Planning and Zoning Department.
- d. A change from one nonconforming use to another nonconforming use is not allowed.
- e. If a nonconforming use is discontinued for a period of 12 consecutive months, any future use of buildings and premises shall conform to all of the requirements of the St. Croix County Zoning Ordinance.

2. **Nonconforming Principal Structures**

- a. These requirements shall take precedence over general zoning requirements for nonconforming structures in the Riverway District, except where those requirements are more restrictive, in which case the most restrictive requirements shall apply.
- b. Ordinary maintenance and repair of a nonconforming principal structure is allowed.
- c. Structural alteration, reconstruction and expansion of a nonconforming principal structure and replacement, improvement or structural alteration of the foundation is allowed by a land use permit if all of the applicable requirements in pars. d. and e. below are met.
- d. Reconstruction of Nonconforming Principal Structures.
 - 1. Nonconforming principal structures located within the OHWM setback area, bluffline setback area or slope preservation zone may be structurally altered or reconstructed and foundations may be replaced, improved or structurally altered if all of the following requirements are met:
 - a. The lot has an area of at least 7,000 square feet.
 - b. The altered or reconstructed structure will be visually inconspicuous or will be rendered so through mitigation per § 17.36 I.5.
 - c. The structure is altered or reconstructed in the same footprint as the pre-existing structure.
 - d. The reconstructed structure may not be any taller than the pre-existing nonconforming structure, except that a flat roof may be replaced with a pitched roof, and may not be taller than allowed per § 17.36 G.4.
 - e. The color of the structure complies with § 17.36 H.1.
 - f. The property owner submits a mitigation plan per § 17.36 I.5.
 - i. If a permit is issued for the reconstruction, the mitigation plan shall be approved, or modified and approved, by the Zoning Administrator.
 - ii. The mitigation plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.
 - g. Private on-site wastewater treatment systems are brought into compliance with the requirements of the St. Croix County Sanitary Ordinance.
 - h. The foundation of the structure may not be replaced, improved or structurally altered, unless all of the following standards are met:
 - i. It is being done in conjunction with the reconstruction of the structure,
 - ii. It is entirely located more than 50 feet from the OHWM, and
 - iii. It is not located in a slope preservation zone.
 - i. No filling and grading activities are allowed during the alteration or reconstruction, except for the minimum necessary to accomplish the alteration or reconstruction in compliance with other provisions of this subchapter, and as needed to upgrade a private on-site wastewater treatment system, to replace sewer or water laterals, or to install storm water or erosion control measures.
 - j. If the structure is located in a slope preservation zone, it may be reconstructed on the existing foundation only if WDNR storm water technical standards applicable to steeper sloped areas are implemented to control erosion.

e. Expansion of Nonconforming Principal Structures.

1. Nonconforming principal structures located in the OHWM setback area or bluffline setback area may be expanded and the pre-existing foundation may be replaced, repaired or structurally altered in conjunction with the expansion if all of the applicable following requirements are met:
 - a. Structures located wholly or partially within 50 feet of the OHWM may not be expanded.
 - b. Structures located wholly or partially within a slope preservation zone may not be expanded.
 - c. Structures entirely set back more than 50 feet from the OHWM but located wholly or partially less than 75 feet from the ordinary high water mark may be expanded **only** if there is no compliant building location available on the lot.
 - d. Structures entirely set back more than 75 feet from the ordinary high water mark may be expanded regardless of whether a compliant building location exists elsewhere on the lot.
 - e. The lot has an area of at least 7,000 square feet.
 - f. The expanded structure will be visually inconspicuous or will be rendered so through mitigation.
 - g. Any reconstructed portion of the nonconforming structure may only be reconstructed in the same footprint as the pre-existing structure. Notwithstanding the definition of "reconstruction" in NR 118.03(36), the pre-existing foundation of a structure that is more than 50 feet from the ordinary high water mark and is not within a slope preservation zone may be replaced, repaired or structurally altered in conjunction with the expansion of the structure.
 - h. For structures located wholly or partially within the OHWM setback area, the total footprint of the structure may not exceed 1500 square feet.
 - i. For structures located wholly or partially within the bluffline setback, but not within the OHWM setback area, the total footprint of the structure may not exceed 2000 square feet and the structure shall comply with all of the following requirements:
 - i. The structure is set back at least 40 feet from the bluffline.
 - ii. The structure does not protrude above the bluffline as viewed from at or near the mid-line of the river or from 250 feet riverward from the OHWM whichever is less.
 - iii. The structure is not located within the slope preservation zone.
 - iv. The structure uses earth-tone building materials that are of a non-reflective nature, except that windows may be made of ordinary glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.
 - v. The structure is visually inconspicuous.
 - j. Expansion is on the side of the structure farthest from the river or, if landward expansion is not possible, the expansion is parallel to the OHWM or bluffline.
 - k. The height of the altered or reconstructed structure complies with § 17.36 G.4.
 - l. The color of the structure complies with § 17.36 H.1.
 - m. The property owner submits a mitigation plan per § 17.36 I.5.
 - i. If a permit is issued for the expansion, the mitigation plan shall be approved, or modified and approved, by the Zoning Administrator.
 - ii. The mitigation plan shall be incorporated into the permit and the property owner shall be required to implement the mitigation plan as a permit condition.
 - n. Private on-site wastewater treatment systems are brought into compliance with the requirements of Wisconsin Administrative Code Chapter Comm 83.
 - o. Filling or grading is not allowed as part of the reconstruction or expansion except as necessary to reconstruct or build the expansion in compliance with other provisions of this subchapter, upgrade a private on-site wastewater treatment system, replace sewer or water laterals, or install storm water or erosion control measures.

Expansion of Nonconforming Principal Structures Summarized		
Distance from OHWM		
< 50 feet	50 - 75 feet	> 75 feet
No expansion.	Expansion only if no other compliant building location on lot.	Expansion up to a total footprint of 1,500 square feet.

3. Nonconforming Accessory Structures

- a. Ordinary maintenance and repair of nonconforming accessory structures is allowed.
- b. Nonconforming accessory structures may not be structurally altered, reconstructed or expanded, except that garages and storage sheds may be structurally altered, reconstructed or expanded if all of the following requirements are met where applicable:
 1. The entire garage or storage shed is not located in a slope preservation zone.
 2. The entire garage or storage shed is set back more than 75 feet from the OHWM.
 3. The garage or storage shed is not used for human habitation.
 4. The total footprint of all nonconforming accessory structures, other than existing driveways, within 75 feet of the OHWM, within a slope preservation zone or within the bluffline setback area may not exceed 500 square feet.
 5. All parts of the garage or storage shed shall be finished in earth-tone colors and materials that are non-reflective, except that windows may be made of ordinary window glass or non-reflective glass, but may not be made of glass designed to reflect more light than ordinary window glass.
 6. Mitigation measures are implemented and maintained per § 17.36 I.5.
 7. The structure is visually inconspicuous or will be rendered so through a mitigation plan per § 17.36 I.5.

4. Substandard Lots

- a. Lots of record in the Register Of Deeds office on January 1, 1976 or on the date of the enactment of an amendment to this subchapter that makes the lot substandard, which do not meet the requirements of this subchapter, may be allowed as building sites provided that the following criteria are met:
 1. The lot is in separate ownership from abutting lands, or
 2. The lot by itself or in combination with an adjacent lot or lots under common ownership in an existing subdivision has at least one acre of net project area. Adjacent substandard lots in common ownership may only be sold or developed as separate lots if each of the lots has at least one acre of net project area.
 3. All structures that are proposed to be constructed or placed on the lot and the proposed use of the lot comply with the requirements of this subchapter and any underlying zoning or sanitary code requirements.

5. Mitigation Requirements

- a. Expansion or reconstruction of nonconforming principal structures, and the expansion, reconstruction or structural alteration of nonconforming accessory structures shall trigger mitigation requirements to offset the impacts of the proposed project.
- b. Mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on scenic resources, water quality, erosion potential and the protection of the shoreland area.
- c. Mitigation shall include, but is not limited to, the following:
 1. Planting trees and shrubs capable of screening the entire structure if existing vegetation is not sufficient to render the structure visually inconspicuous per § 17.36 H.8. Additionally:
 - a. All trees and shrubs shall be native to the area.
 - b. All trees shall be at least 2 inches Diameter at Breast Height (DBH) and planted no more than 12 feet apart and parallel to the river and the structures they screen. To allow for future

growth, these trees may be planted at different locations and staggered between the structures and the river.

2. The vegetation in the area within 50 feet of the OHWM shall be preserved or restored through planting of native vegetation per § 17.36 H.8.
 - a. Vegetation shall be established or maintained at densities that are adequate to protect water quality, habitat and the natural scenic beauty of the shoreland area.
 - b. If a nonconforming structure is located in this area, the vegetation shall be planted surrounding the structure, although the owner may create a screened view of the river from the structure and may leave a 15-foot wide mowed area around the structure to protect it from wildfire.
3. Prior to issuance of a permit, a storm water management plan and erosion and sediment control plan shall be submitted per § 17.36 H.7.
4. An affidavit describing the approved mitigation plan shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the mitigation plan.
 - a. The affidavit shall alert subsequent purchasers of the land of the requirements of the mitigation plan.

J. Administration

1. Land Use Permit Procedures

- a. An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the County. The following information shall be provided:
 1. Owner contact information.
 2. Property information.
 3. Project information.
 4. A site development plan, drawn to scale, to include:
 - a. Dimensions and area of lot.
 - b. Location of all existing and proposed structures and impervious coverage with distances measured from the lot lines and centerline of all abutting streets or highways.
 - c. Location of any existing or proposed on-site sewage systems or private water supply systems.
 - d. Location of the bluffline and OHWM of any abutting navigable waterways.
 - e. Location and landward limit of all wetlands.
 - f. Existing and proposed topographic and drainage features and vegetative cover.
 - g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps used to delineate floodplain areas.
 - h. Location of existing or future access roads.
 - i. Specifications and dimensions for areas of proposed wetland alteration.
 5. Other relevant information that the Zoning Administrator requests, including but not limited to photos, topographic mapping, elevation drawings, cross-section drawings, specialized engineering plans, storm water management plans, erosion and sediment control plans, vegetation management plans, or additional information per § 17.36 H.
 6. If additional information is requested, it shall be submitted by the applicant to the Zoning Administrator **prior to** the issuance of the land use permit.
- b. The Zoning Administrator shall approve, approve conditionally, or deny the land use permit within 60 days of submitting a properly completed application, unless additional information is required.

2. CONDITIONAL USE and Variance Procedures

- a. An application for a conditional use permit or variance shall be submitted to the Zoning Administrator upon forms furnished by the County and shall include the following information as outlined in par. b. below.
- b. Conditional use and variance applications shall supply information adequate for the Board of Adjustment to make a decision based on the type of project to be undertaken. The applicant shall submit to the Zoning Administrator sufficient copies of the following information for all applications:
 1. General information, including but not limited to:
 - a. Contact information for property owner, agent, and contractor as applicable.
 - b. Legal description of the property and a general description of the proposed use or development.
 - c. Information on whether or not a private water or sewage system is to be installed or upgraded.
 2. For conditional uses, a detailed written explanation of how the proposed use or development meets the requirements for conditional uses as outlined in § 17.70(7)(a), § 17.36 H. as applicable, and the following standards:
 - a. The scenic and recreational qualities of the Riverway District, especially in regard to the view from and use of the river.
 - b. The maintenance of safe and healthful standards.
 - c. The prevention and control of water pollution, including storm water runoff and sedimentation.
 - d. The location of the site with respect to floodplains and floodways, slope preservation zones, and blufflines.
 - e. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
 - f. Potential impact on terrestrial and aquatic habitat.
 - g. Location of site with respect to existing or future access roads.
 - h. Adequacy of proposed wastewater treatment.
 - i. The compatibility of the project with uses on adjacent land.
 - j. The use of common corridors for locating proposed facilities within or adjacent to public service facilities such as roads, bridges, and transmission services.
 3. For variances, a detailed written explanation of how the requested variance meets the requirements for variances as outlined in § 17.70(5)(c)3. of this ordinance.
 4. A site plan prepared by a registered land surveyor showing the following information:
 - a. Property location, boundaries, and dimensions.
 - b. Location of all existing and proposed structures and impervious surfaces with distances measured from the lot lines and centerline of all abutting streets or highways.
 - c. Contours on an established datum at vertical intervals of not more than two feet.
 - d. Blufflines, slope preservation zones, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
 - e. Adjoining land and water-oriented uses.
 - f. The location and description of existing and proposed alterations of vegetation, topography, and drainage, including grading limits and vegetation removal and replacement.
 5. A recent aerial photo with property lines drawn in, showing the location of existing and proposed structures, including height and setback dimensions.
 6. A mitigation plan, if required.
 7. Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
 8. Other relevant information that the Zoning Administrator requests, including but not limited to elevation drawings, cross-section drawings, specialized engineering plans, storm water management

plans, erosion and sediment control plans, vegetation management plans, or additional information per § 17.36 H.

9. If additional information is requested, it shall be submitted by the applicant to the Zoning Administrator **prior to** the issuance of a permit or approval of the variance.
10. Applications for a permit for land divisions, bed and breakfast operations, nature oriented educational, non-profit facilities, and variances shall also include:
 - a. The location of any proposed private on-site wastewater treatment system.
 - b. Water supply information, including the location of any proposed wells.
11. Applications for a permit for filling and grading, structural erosion control measures, and road construction shall also include a plan showing the proposed construction, reconstruction, location and design of the filling or grading, structural erosion control measures, or road construction.
12. Applications for a permit for transmission services and wireless communication service facilities shall also include:
 - a. For transmission services a plan showing the location of proposed facilities, and if not placed underground, documentation of why this is technically infeasible, and a plan outlining design and construction methods to minimize adverse visual impacts to the Riverway District.
 - b. For wireless communication service facilities, a plan showing the location of proposed facilities and an illustration of the methods to be used to meet design requirements for the appropriate stealth, camouflage, and height requirements.
13. Applications for a permit for stairways and lifts shall also include a plan showing the stairway or lift location, design, dimensions, color, construction materials, erosion control measures and vegetation removal and replacement. The plan shall contain a certification by a registered professional engineer or architect that the stairway or lift components are securely anchored to prevent them from shifting and from causing erosion.

3. Reasonable Accommodation for Disabled Persons

- a. Ramps, walkways or decks to provide a disabled person with reasonable access to their property as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act are allowed by land use permit, subject to the following standards:
 1. Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable access may be approved.
 2. No use, structure or other relaxation of standards may be approved that would violate or undermine the stated purposes of this subchapter.
 3. The land use permit will expire and the structure removed once the property is no longer primarily used by a disabled person. Subsequent landowners no longer needing disabled access shall not replace or expand the facilities. Routine maintenance is allowed.
- b. An affidavit describing the approved land use permit shall be executed and recorded with the County Register of Deeds by the property owner within 14 days after approval of the permit.
 1. The affidavit shall state that the ramp, walkway, or deck must be removed as required above, and shall alert subsequent purchasers of the land of the requirements of the land use permit.

4. Amendment Procedures

- a. Except as set out below, the procedures in § 17.72 of this ordinance shall apply to any amendment of a provision of this subchapter:
 1. An amendment to this subchapter shall not be subject to approval or disapproval or action by any town board.
- b. Upon enactment of an amendment to this subchapter, the Zoning Administrator shall submit two copies to the WDNR.
- c. Applications for text amendments or rezonings (map amendments) shall include:

1. A survey certified by a professional engineer or registered land surveyor showing:
 - a. Property location, boundaries, and dimensions.
 - b. Location of all existing and proposed structures and impervious surfaces with distances measured from the lot lines and centerline of all abutting streets or highways.
 - c. Contours on an established datum at vertical intervals of not more than two feet.
 - d. Blufflines, slope preservation zones, OHWM, floodway and flood fringe boundaries, and all applicable setbacks.
 - e. Utility and roadway corridors.
 - f. Adjoining land and water-oriented uses.
 - g. The location of existing and proposed alterations of vegetation and topography, including grading limits and vegetation removal and replacement that is proposed.
 2. Photos of the site taken from the river slightly upstream and downstream of the property, and directly offshore.
 3. Other relevant information that the Zoning Administrator requests. If the Zoning Administrator requests additional information, it shall be submitted by the applicant to the Zoning Administrator **prior to** any hearing on the application.
 4. The procedures and application requirements in this paragraph do not apply to proposals to change the management zone boundaries established in NR 118.04. The management zone boundaries in NR 118.04 may only be changed by revision of NR 118.04.
5. **Public Hearing Procedures**
- a. A public hearing shall be held before any conditional use permit, any variance, or any amendment is approved or denied.
 - b. In addition to any other notice requirements, notice of all public hearings and a copy of all application materials shall be provided to the following for review and comment at least 30 days prior to the public hearing:
 1. Wisconsin Department of Natural Resources (WDNR)
 2. West Central Wisconsin Regional Planning Commission
 3. The town board of a town within which the affected parcel of land is located.
 - c. Any plan submitted with an application shall be approved, or modified and approved, and included as part of the permit, variance or amendment application. The Zoning Administrator shall submit a summary of all proceedings, including a copy of any written decision, to the WDNR within five working days after the date of the decision.
 - d. Where additional information is introduced at any stage of the proceeding by the applicant or where the applicant may wish to review the WDNR's opposition or town's opposition if applicable, the proceeding may be postponed for a reasonable period of time to review the information.
 - e. A conditional use permit may not be granted if the town board objects to the issuance as a part of the hearing.
 1. Such objection shall explain where the proposed project is inconsistent with this subchapter, Wisconsin Statute § 30.27, Wisconsin Administrative Code Chapter NR 118, or town ordinances.
6. **Decisions**
- a. All land use permit decisions shall be in writing and shall include facts and reasons for the decisions.
 - b. The final disposition of an application for a conditional use permit or variance to the Board of Adjustment shall be in the form of a written decision, made within a reasonable time after the public hearing, signed by the Board of Adjustment chairperson.
 1. Such decision shall state the specific facts and reasons that are the basis of the Board of Adjustment's determination.

2. A copy of such decision shall be mailed to the applicants and the appropriate district office of the WDNR within 10 days after the decision is issued.

7. Expiration

- a. Activities authorized by a permit or variance issued under this subchapter shall commence within one year from the date of approval and be substantially completed or implemented within two years, after which time the permit or variance expires.
- b. Prior to expiration of a permit or variance, applicants can request extensions of up to six months from the Zoning Administrator.
- c. The total time granted for extensions shall not exceed one year.

8. Compliance and Revocation

- a. Within 30 days of approval of any permit or variance with conditions, the property owner shall submit to the Zoning Administrator a "Compliance Deposit."
 1. This deposit shall be in the amount of the application fee and shall be paid in cash, check, or money order.
 2. This deposit shall be held by the Zoning Administrator until all conditions of approval have been met, at which time the deposit shall be refunded in full to the property owner along with a Certificate of Compliance.
- b. Where the terms or conditions on any permit or variance are violated, the permit or variance may be revoked. The Zoning Administrator may revoke a land use permit. The Board of Adjustment may revoke a conditional use permit or a variance.

K. Legal Description Of Boundary

1. State Boundary

- a. Township 30 North, Range 20 West

Sec. 22 Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 2, that portion of Government Lot 3 and the NW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West and North of the centerline of State Highway 35, that portion of Government Lot 4 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 4, all of Government Lot 5 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ St. Croix County, Wisconsin.

Sec. 27 That portion of Government Lots 2 and 3 lying West of a line that is 660 feet West of the East line of said Lots 2 and 3, that portion of Government Lots 4 and 5 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Sec. 34 That portion of Government Lot 1 lying South and West of the centerline of State Highway 35 in St. Croix County, Wisconsin.

Sec. 35 That portion of Government Lots 1 and 2 lying South and West of the centerline of State Highway 35, Government Lot 3 less and excepting therefrom the North 660 feet of the East 660 feet, Government Lot 4 less and exception therefrom the North 660 feet of the East 660 feet in St. Croix County, Wisconsin.

Sec. 36 SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

- b. Township 29 North, Range 20 West

Sec. 1 Government Lot 1, that portion of Government Lot 2 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Sec. 2 Government Lot 1 in St. Croix County, Wisconsin.

Sec. 11 Government Lot 1 in St. Croix County, Wisconsin.

Sec. 12 Government Lots 1, 2, and 3 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 36 That portion of Government Lot 4 that does not lie within the municipal boundaries of the City of Hudson in St. Croix County, Wisconsin.

c. Township 28 North, Range 19 West

Sec. 6 Government Lot 1, that portion of Government Lots 2 and 3 lying West of a line that is 1320 feet West of and parallel to the East line of said Lots 2 and 3 and the NW $\frac{1}{4}$ NW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 7 Government Lot 1, SW $\frac{1}{4}$ NW $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

d. Township 28 North, Range 20 West

Sec. 1 Government Lot 1 in St. Croix County, Wisconsin.

Sec. 12 Government Lots 1 and 2 in St. Croix County, Wisconsin.

Sec. 13 That portion of Government Lot 1 lying West of a line that is 660 feet West of and parallel to the East line of said Lot 1, that portion of Government Lot 2 lying West of a line that is 1320 feet West of and parallel to the East line of said Lot 2 and all of Government Lots 3 and 4 in St. Croix County, Wisconsin.

Sec. 23 Government Lots 1, 2, and 3 and the E $\frac{1}{2}$ SE $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 24 Governments Lots 1 and 2 and the W $\frac{1}{2}$ NE $\frac{1}{4}$ and the SE $\frac{1}{4}$ NW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 25 Government Lot 1 and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Sec. 26 Government Lots 1, 2, and 3 in St. Croix County, Wisconsin.

Sec. 35 Government Lot 5 in St. Croix County, Wisconsin.

Sec. 36 That portion of Government Lot 1 lying West of a line that is 1320 feet West of and parallel to the East line of said Lot 1, Government Lots 2 and 3 and the N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ in St. Croix County, Wisconsin.

Together with all bodies of waters, rivers, islands, accretions and relictions within and appurtenant to the St. Croix River from the South line of SECTION 3., T. 26 N., R. 29 W., upstream to its intersection with the south line of Section 15, T. 30 N., R. 20 W.

2. **Federal Boundary**

a. Township 31 North, Range 19 West

Sec. 6 That portion of Government Lot 1 and the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the following described lines: beginning on the south line of Government Lot 1 at a point 1449 feet Westerly from the southeast corner of SECTION 6.; thence Northeasterly along the centerline of a Town road the following four courses:

North 24° 57' East, 149.3 feet;

North 46° 07' East, 406.8 feet;

North 35° 22' East, 196.4 feet; and

North 38° 58' 30'' East, 280.8 feet to the intersection of the centerline of the Northwest-Southeast Town road; thence North, 524 feet to the north line of said SE $\frac{1}{4}$ SE $\frac{1}{4}$ and there ending; all of Government Lots 2, 3 and 4 in St. Croix County, Wisconsin.

Sec. 7 Government Lot 1, that portion of Government Lots 2, 3 and 4 lying West of the following described lines: beginning at the northeast corner of Government Lot 4 of SECTION 7., thence

South 26° 33' 54'' West, 1475.8 feet; thence

South 0° 30' West, 1320 feet; thence

South 36° 33' 35" East, 1108 feet to a point on the East line of Government Lot 2 at a point 430 feet North of the southeast corner thereof; thence Southerly along the east line of Government Lot 2 to the southeast corner and there ending, that portion of the E½ SE¼ lying South and West of a line beginning at the southeast corner of SECTION 7. and extending to the east line of Government Lot 2 at a point 440 feet North of the southeast corner thereof in St. Croix County, Wisconsin.

Sec. 17 NW¼ NE¼ and the N½ NW¼ in St. Croix County, Wisconsin.

Sec. 18 Government Lot 1 in St. Croix County, Wisconsin.

Sec. 32 Government Lots 1, 2, 3 and 4, that portion of NW¼ SE¼ NE¼ lying West of the centerline of the Town road and that portion of SE¼ SE¼ lying North of the Soo Line right-of-way and west of the Westerly right-of-way line of the Town road in St. Croix County, Wisconsin.

b. Township 30 North, Range 19 West

Sec. 6 Government Lots 2 and 3.

Sec. 7 NW¼ NW¼ NW¼.

c. Township 30 North, Range 20 West

Sec. 1 Government Lots 1, 2, 17 and 18 in St. Croix County, Wisconsin.

Sec. 11 Government Lots 1, 6 and 7 in St. Croix County, Wisconsin.

Sec. 12 That portion of Government Lot 2 lying North and West of a line extending Southwesterly from the northwest corner of the SW¼ SE¼ SW¼ to the south line of Section 12 at a point 660 feet East of the southwest corner of Section 12, that portion of Government Lot 3 lying North and West of a line extending Southwesterly from the southwest corner of the NW¼ NW¼ SE¼ to the northeast corner of the NW¼ SE¼ SW¼, that portion of Government Lot 4 and the NW¼ SE¼ lying North and West of the following described line: beginning on the North South quarter line of Section 12 at a point 2200.55 feet North of the South quarter corner; thence along the following described courses (assumed bearings):

North 67° 51' East, 64.48 feet; thence

North 70° 27' East, 254.10 feet; thence

North 27° 57' East, 140.30 feet; thence

North 35° 39' East, 168.50 feet; thence

South 44° 18' East, 181.90 feet; thence

North 43° 57' East, 225.58 feet; thence

North 30° 20' West, 209.70 feet; thence

North 51° 25' East, 179.40 feet; thence

North 52° 59' East, 219.50 feet; thence

South 16° 40' East, 27.00 feet; thence

North 78° 03' East, 364.33 feet; to the east line of Government Lot 4, that portion of Government Lot 5 lying North and West of a line extending Southwesterly from the east line of Section 12 at a point 660 feet South of the northeast corner thereof to the south line of Government Lot 5 at a point 660 feet East of the southwest corner of Government Lot 5 and all of Government Lot 6 in St. Croix County, Wisconsin.

Sec. 13 That portion of the NW¼ NW¼ lying North and West of a line extended Southwesterly from the north line of Section 13 at a point 660 feet East of the northwest corner of Section 13 to the west line of Section 13 at a point 660 feet South of the northwest corner of Section 13.

Sec. 14 That portion of Government Lots 2 and 3 lying North and West of a line extended from the southwest corner of Section 14 to the northwest corner of the Southeast quarter of said Section, that portion of Government Lot 4 lying North and West of the centerline of the Town road, all of Government Lots 5, 6 and 10 in St. Croix County, Wisconsin.

Sec. 15 Government Lots 1 and 8 in St. Croix County, Wisconsin.

Subchapter VII Administration and Enforcement

Contents:

17.70 ADMINISTRATION.

17.71 ENFORCEMENT AND PENALTIES.

17.72 AMENDMENTS.

17.70 ADMINISTRATION.

A. INTRODUCTION AND EXPLANATION.

1. This section describes how the chapter shall be administered. Subsection (2) creates and defines the County Zoning Administrator's Office. The Administrator is a County officer who advises citizens and landowners of their rights and obligations under this chapter, issues permits, makes inspections to determine compliance with this chapter, issues compliance orders and recommends legal actions to obtain compliance with this chapter. The Administrator acts under authority delegated by the County Board.
2. Subsection (3) governs permits. Septic tank permits must be obtained from the County Zoning Administrator. The County has deputized zoning administrators in each town. From these deputy administrators one can obtain building permits.
3. The deputy administrator usually makes the decision on building permits when the use for which permission is requested is listed in the chapter as a permitted use. The deputy administrator's decision on such cases can be appealed to the County Zoning Board of Adjustment.
4. Subsection (4) describes how the chapter applies to structures and uses which existed prior to the adoption of this chapter. In general, zoning is not retroactive and such uses may continue as "nonconforming uses" subject to some limitations defined by State Statutes and spelled out in this section.
5. Subsection (5) describes the Board of Adjustment. This 3-member board has 2 powers directly granted to it by the State Legislature and others granted by the County Board. The statutory duties of the Board are to hear and decide appeals from decisions of the Administrator or deputy and to consider variances from the strict requirements of this chapter where a unique hardship exists and where a waiver of the strict rule of the chapter can be granted without destroying the purpose.
6. The County Board has granted to the Board of Adjustment the tasks of deciding disputes about zoning district boundaries and deciding whether to approve conditional uses.
7. Subsection (7) deals with conditional uses. These are labeled as conditional uses in subchapters II, III and IV, of this chapter. They are called conditional uses and made subject to review by the Board of Adjustment, as contrasted with permitted uses that are decided by the deputy administrators because their nature and the impact of the proposed use change is more complex, requiring an individual look at the precise situation. An application for a conditional use comes before the Board of Adjustment which holds a public hearing, applies standards found in this section or in subchapters II, III, and IV and decides whether or not to approve the application. The Board may impose conditions on a conditional use as well as on a variance.

B. ZONING ADMINISTRATOR.

1. Created. There is hereby created the office of County Zoning Administrator with the powers and duties set forth in par. (b) below.
2. Powers and Duties. The Zoning Administrator shall:
 - a. Advise Applicants. Advise applicants for permits as to the provisions of the chapter and assists them in preparing applications.
 - b. Issue Permits. Issue permits as provided in sub. (3).

- c. Keep Records. Keep records of all permits issued, inspections made, work approved and other official actions.
- d. Determine District Boundaries. Determine questions of the exact location of district boundaries.
- e. Inspect Water and Sewage Systems. Inspect new and existing water and sewage systems to determine compliance with applicable ordinances.
- f. Making On-site Investigations of Subdivisions. Make on-site investigations required for subdivision administration as provided in Ch. 18.
- g. Access to Premises for Inspection Purposes. Have access to any structure or premises for the purpose of performing his duties. This power shall be exercised at a reasonable hour and after a 24-hour notice.
- h. Procedures in Case Violations.
 - 1. In the case of a violation of this chapter, notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
 - 2. The Zoning Administrator shall also report all violations to the comprehensive Parks, Planning and Zoning Committee of the County Board. The Zoning Administrator is also authorized to report the violation to the District Attorney and to sign a complaint.
- i. Deputy Zoning Administrators.
 - 1. There is hereby created the office of deputy zoning administrator. There shall be one deputy zoning administrator for each town in St. Croix County. The town board of each town shall designate one representative for this assignment. The County Zoning Administrator shall keep a current roster of deputies and shall generally oversee the activities of such deputies.
 - 2. Building permits for buildings and nonstructural land uses which are not connected to a private sewerage disposal system may be issued by the deputy zoning administrator without referral to the County Zoning Administrator. The County Zoning Administrator shall, however, be sent a copy of the application immediately after its receipt by the deputy. Permit applications for buildings which require a private sewerage disposal system shall be sent by the deputy zoning administrator to the County Zoning Administrator. The County Zoning Administrator shall determine whether the application involves a parcel that was created in compliance with County ordinances and shall review the application against all applicable setback and sanitary regulations and shall make an inspection.
 - 3. Following such review and inspection, if the parcel is found to have been legally created and if all applicable setback and sanitary requirements are deemed to be satisfied, the County Zoning Administrator shall issue a septic tank permit and shall give written approval to issuance of a building permit. Upon transmittal of such septic tank permit and the approved application back to the deputy zoning administrator, the deputy shall issue a building permit. Building permits issued without compliance to this section shall have no legal effect.

C. ZONING AND SEPTIC TANK PERMITS.

- 1. When a Permit is Required. A permit issued by the County Zoning Administrator or deputy zoning administrator shall be secured prior to:
 - a. The Erection, Addition or Alteration of any Building, Structure or Portion Thereof. A permit for such activity shall be known as a County building permit and may be issued by the deputy zoning administrator in each town.
 - b. The Construction or Structural Alteration of any Private Sewerage System. This permit shall be known as a septic tank permit and shall be issued by the County Zoning Administrator.
- 2. Application for a Permit.
 - a. Application for permits shall be made to the office of the Zoning Administrator or deputy upon forms furnished by the Zoning Administrator.
 - b. All applications shall contain the following data:
 - 1. Name and address of the applicant and the owner of the property.

2. Legal description of the property, volume and page of the records of the St. Croix County Register of Deeds at which is located the recorded legal description of the parcel in the form of a plat or survey map, deed or similar instrument and type of proposed use.
 3. A sketch of the dimensions of the lot and location of any buildings from the lot lines, centerline of abutting watercourse and water marks at the day of the sketch.
- c. Where a private water or sewerage system is to be installed, the application shall contain the following information in addition to that required above:
1. Type of proposed installation.
 2. Name of person in charge of installation and any State license held by such person.
 3. Type of occupancy, number of occupants or patrons and estimated water consumption.
 4. Size and location of the proposed sewerage disposal system.
 5. A sketch showing:
 - Location of wells, streams, lakes, buildings, privies and septic tank systems within 100' of the proposed sewage disposal site.
 - The location of all percolation test holes and report of each test and soil boring as run by a sanitary technician.
 - Depth to groundwater or bedrock if less than 6'.
 - Slope in feet per one hundred or contour lines at 2 foot intervals in the area of the proposed absorption field and well.
- d. When the application concerns land subject to floodplain zoning, the plans shall also include detailed information on the elevation of the lot and the location of existing or proposed fill or storage materials. This shall be in addition to that required by pars. (b)2. and 3. above.
- e. Applications which are found by the County Zoning Administrator on the basis of slope indications on the application, sketch or observations made in the course of field inspection, to involve slopes in excess of 12% shall be approved only if the proposed construction is in compliance with erosion control conditions set in the course of subdivision review under this chapter or in the case of properties not subject to such conditions, if the project is deemed not to threaten serious erosion or sedimentation problems. The Administrator may attach reasonable erosion prevention conditions to a permit approved for issuance.
- f. Permits or conditional uses issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.
3. Fees.
- a. Schedule. Whenever an applicant files an application for any permit or review in this chapter, the applicant shall pay a fee in accordance with a schedule that shall be adopted and amended from time to time as necessary by the Zoning Committee.
 - b. Temporary Occupancy Permits. Any other provisions to the contrary notwithstanding, no person shall place, occupy or use a trailer, van, mobile home, recreational vehicle, tent, bus, truck, automobile or similar apparatus for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for such occupancy. However, the owner of a parcel who holds a valid building permit and sanitary permit for construction of a principal structure may apply for and obtain approval by a Land Use Permit, issued by the St. Croix County zoning office, for temporary placement and occupancy of a travel trailer or manufactured home during construction on condition of connecting such unit to the use of a legal sanitary system. The Zoning Office shall send a copy of the Land Use Permit to the town wherein the lot is located. All residential occupancy of the travel trailer or manufactured home shall cease when the principal home is capable of occupancy. Additionally, when the residence becomes occupied, the manufactured home shall be removed from the property. Temporary occupancy shall not exceed one year, unless an extension is granted by the St. Croix County zoning office.

D. NONCONFORMING USES & STRUCTURES.

1. General Limitations. When any structure or the use of any structure or premises has become a nonconforming use as defined in §17.09, such use may continue subject to the following limitations:
 - a. As long as no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Once a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
 - b. No nonconforming use shall be expanded, enlarged or altered in any way which increases its nonconformity.
 - c. No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50% of its market value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use. The value of alterations, additions and repair work shall include the value of all labor and material, even if contributed or provided without cash outlay.
 - d. Damaged or destroyed nonconforming structures may be restored to the size, location and use that they had immediately before the damage or destruction occurred, without limitation as to the costs of repair reconstruction, or improvement, if all of the following apply:
 1. A Land Use Permit per §17.70(3) is required.
 2. The nonconforming structure was damaged or destroyed after March 2, 2006.
 3. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.
 4. A land owner has demonstrated by a permit application and approval the scope, nature and extent of the damage done as well as the dimensions of the damaged structure and proposed restoration.
 5. Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed.
 6. Repair and reconstruction are in compliance with applicable provisions of this ordinance and other County, State and Federal requirements.
 - e. The size of a structure shall be allowed to be larger than the size it was immediately before the damage or destruction, if necessary for the structure to comply with applicable County, State or Federal requirements.
 1. If any nonconforming use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.
 2. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.
 3. Except as provided in subpar. 6. above, any use which has been permitted as a conditional use shall not be considered a nonconforming use.
 4. Maintenance and repair of nonconforming boat houses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of §30.121, Wis. Stats.

E. BOARD OF ADJUSTMENT.

1. Authorization and Composition. The County Board Chairman shall appoint a Board of Adjustment consisting of 5 members and 2 alternates. All appointments shall be subject to confirmation by the County Board.
2. Procedural Rules.
 - a. The Board of Adjustment shall select its own chairman and meet at the call of the chairman and at such other times as the Board may determine, at a fixed time and place.

- b. All meetings of the Board of Adjustment shall be open to the public.
 - c. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator as a public record.
 - d. In the case of all appeals, the Board of Adjustment shall solicit and weigh information and comments from the County Comprehensive Parks, Planning and Zoning Committee.
3. Powers and Duties. The Board of Adjustment shall:
- a. Adopt such rules as it considers desirable for the conduct of business, subject to the provisions of this section and relevant State Statutes.
 - b. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter. All such appeals shall be governed by the provisions of sub. (6).
 - c. Grant variances from the strict terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the chapter will result in unnecessary hardship so that the spirit of the chapter shall be observed and substantial justice done. Variances shall be granted only subject to the provisions of sub. (6). No variance shall have the effect of allowing in any district uses not permitted in that district.
 - d. Grant conditional uses as provided in sub. (7).
 - e. Whenever there is a dispute over the exact boundary of a district, the Board shall decide the matter as an appeal. Where boundary disputes concern floodplains, the regional flood elevation for the point in question shall be the governing factor in locating the floodplain boundary on the land. The person contesting the matter shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

F. PROCEDURES.

1. Appeals from Actions of Administrative Officials. Appeals to the Board of Adjustment may be taken by any person aggrieved or by the officer, department, board or committee of the County affected by the decision of the Zoning Administrator or a deputy zoning administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. Stay Appeals from Administrative Actions. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order from the Board of Adjustment or a court of law.
3. Hearings on Appeals, Variances, Conditional Uses. Upon the filing with the Board of an appeal from a decision of the Zoning Administrator or deputy administrator, an application for a conditional use or a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and publish a Class 2 notice under Ch. 985, Wis. Stats., as well as giving due notice by mail to all the parties in interest. When the matter concerns the shoreland or floodplain regulations the Board shall submit to the Department of Natural Resources a copy of the notice and application for the proposed variance or conditional use sufficiently in advance so that the Department of Natural Resources will receive at least 10 days notice of the hearing. At the hearing any party may appear in person or by agent or attorney and present written and oral evidence for the record.

4. Decisions on Appeals, Variances or Conditional Uses. The Board shall arrive at a decision on such appeal, conditional use or variance within a reasonable time. In passing upon an appeal the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from and it shall make its decision in writing setting forth the findings of fact and the reasons for its decision. A copy of all decisions granting variances or conditional uses affecting any provision of the shoreland or floodplain regulations shall be forwarded to the Department of Natural Resources within 10 days of such action.
 5. A variance shall not:
 - a. Grant, extend or increase any use prohibited in the zoning district.
 - b. Be granted for a hardship based solely on an economic gain or loss.
 - c. Be granted for a hardship which is self-created.
 - d. Damage the rights or property values of other persons in the area.
 - e. Allow actions without the appropriate amendments to this ordinance or its associated map(s)
 - f. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
 6. Conditions Attached to Variances. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter.
- G. **CONDITIONAL USES.** Certain uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the determination in advance of permissibility. Provision has been made in this chapter for the determination of such cases by the Board of Adjustment as conditional uses. Conditional uses shall only be granted subject to the following provisions:
1. **General Standards.**
 - a. No grant of a conditional use shall violate the spirit or general intent of this chapter.
 - b. No conditional use shall be allowed which would be contrary to the public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood affected.
 - c. No use shall be permitted by conditional use that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
 - d. The board shall also apply standards set forth in other sections of this chapter which apply to particular classes of conditional uses.
 2. **Factors Specifically Applicable to Conditional Uses in Shoreland Overlay Districts.** When a provision of the shoreland overlay districts section is involved, no conditional use shall be granted by the Board of Adjustment without specific consideration of the following factors:
 - a. The maintenance of safe and healthful standards.
 - b. The prevention and control of water pollution including sedimentation.
 - c. Existing topographic and drainage features and vegetative cover on the site.
 - d. The location of the site with respect to floodplains and floodways of rivers and streams.
 - e. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - f. The location of the site with respect to existing or future access to roads.
 - g. The need of the proposed use for shoreland location.
 - h. Its compatibility with uses on adjacent land.

- i. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
 - j. Locational factors under which:
 1. Domestic uses shall be generally preferred.
 2. Uses not inherently a source of pollution shall be preferred over uses that are or may be a pollution source.
 3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.
3. General Procedure. In addition to the provisions of this section, applications for conditional uses shall be processed in this manner.
- a. Applications. Applications for any use listed in this chapter as requiring a conditional use may be allowed only upon application to the Board of Adjustment on forms furnished by the Zoning Administrator. Conditional Use permit applications can include single parcels of land or groupings of parcels contiguous or noncontiguous.
 - b. Notice and Public Hearing. Before passing upon an application for conditional use, the Board of Adjustment shall hold a public hearing with notice provided as required by State law.
 - c. Determination in Writing. The conditions of approval or reasons for disapproval shall be stated in writing by the Board of Adjustment and made a permanent part of the minutes.
 - d. Recording. When a conditional use is approved, an appropriate record shall be made of the land use and structures permitted and such grant shall be applicable solely to the structures, use and property so described.
 - e. Termination. Where a conditional use does not continue in conformity with the conditions of the original approval, the conditional use shall be terminated by action of the Board of Adjustment preceded by a public hearing and notice to affected parties.
 - f. Time to Act Upon Application. The Board shall act on an application in the manner described above within 90 days of receiving the application, except that where additional information is required by the Board under par. (d) below. The Board shall render a written decision within 10 days of its decision stating a reason or reasons for the action and provide it to the applicant.
4. Requests for Additional Information.
- a. Before passing upon an application for a conditional use, the Board of Adjustment may require the applicant to furnish further relevant information. The requirement may be for specific points or it may be to have the required information compiled in the format of an environmental impact statement as described in sub. (8).
 - b. Where a provision of the shoreland overlay districts section is involved, the Board of Adjustment may, prior to rendering a decision on the application, require the applicant to furnish, in addition to the information otherwise required for a conditional use permit, the following information:
 1. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetative cover.
 2. Location of buildings, parking areas, traffic access driveways, walkways, piers, open spaces and landscaping.
 3. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of the operations.
 4. Specifications for areas of proposed filling, grading, lagooning or dredging.
 5. Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

- c. In evaluating each application the Board of Adjustment may request the County Soil and Water Conservation District to make available expert assistance from those State and federal agencies which are assisting such district under a memorandum of understanding and any other State and federal agencies which can provide technical assistance.
5. Conditions. The Board of Adjustment may make the granting of an application for a conditional use contingent upon such express conditions as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:
 - a. The period of time in which all or part of the use may be permitted.
 - b. Increased setback and yard dimensions.
 - c. Specified sewerage disposal and water supply facilities.
 - d. Landscaping and planting screens.
 - e. Operational control.
 - f. Sureties.
 - g. Deed restrictions.
 - h. Location of docks, piers or other structures, signs, etc.
 - i. Location and amount of parking facilities.
 - j. Type of construction.
 - k. Type of shore cover.
6. Special Procedures for Conditional Uses in the Agricultural Districts (AG-1 & AG-2).
 - a. The following special procedures and standards apply to all conditional use applications involving lands in the AG-1 and AG-2 Districts.
 - b. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all such applications by sending the Department a copy of the hearing notice published for the application and of the disposition of all such applications by sending the Department a copy of the Board of Adjustment's written decision.

H. IMPACT STUDIES AND REPORTS.

1. Purpose. In the administration of this chapter, the various boards and committees which are assigned decision-making responsibilities hereunder will find themselves occasionally confronting proposed land use changes which have unusually significant consequences or which arouse unusually high levels of citizen interest. In such cases, the unit responsible for making the decision may find that the procedures specified in the sections of this chapter which govern the case do not allow for a full and complete examination and articulation of the environmental and other impacts of the proposed change in use. This situation is to be expected since the procedures set forth here in are generally tailored to the more average or routine cases and are designed to balance, in such cases, the need of the board or committee for information against the burdens which a more complete procedure would impose upon landowners. The purpose of this subsection is to provide a special procedure for the handling of more complex cases or applications.
2. Coverage. This section shall apply to:
 - a. Proposed amendments to the County land use regulations governed by subchapter §17.72.
 - b. Proposed conditional uses governed by the general zoning provisions of this chapter.
 - c. Variances and appeals governed by this section.
 - d. Proposed minor or full subdivisions to which the suitability standards of §18.08 of the subdivision regulations are being applied.

3. Determination that Impact Studies are Needed. The board or committee which has before it a matter listed in this subsection may, for reasons stated in a written determination, decide that the particular application, petition or matter raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest has been evidenced in the proposed use, change or amendment, or both. Such decision shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data and input from affected or interested person. The listing of impact questions can include items of data which this chapter already enables the board or committee to obtain or it may include additional items of information which are relevant to the impact questions specified in the resolution. The resolution may also assign responsibility for the acquisition of data on the specified impact questions to County agencies or officials, to officials or agencies in other units of government who have or may be willing to assist or to the developer or applicant. The resolution may set a date for the return of the requested data and information and it may specify the format in which the data is to be presented.
4. Hearings on the Impact Studies. Following the return to the board or committee of the data called for in the resolution adopted under par. (c) above, the board or committee shall cause the information to be compiled in the form of an impact report. The board or committee shall make such report available for scrutiny by the applicant or petitioner by other interested persons or agencies and shall schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class 2 notice under Ch. 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report and to make recommendations as to the weight which the board or committee should give to the report or data therein in deciding the matter pending before it.
5. Suspension of Time Limits to Allow for Impact Study and Review. Prior to commencing activities under this subsection, the board or committee shall consult the sections under which it is operating and its legal counsel to determine the time limits, if any, which are placed upon its deliberations on the matter before it. Other provisions of this chapter notwithstanding, those time limits which are not specified in State law and which do not permit the board or committee sufficient time to conduct an impact review under this section may be suspended by passage of the resolution described in par. (c). In the case of time limits set by State law which conflict with the availability of reasonable time for an impact review, a formal request shall be made to the applicant for a consent to a reasonable and adequate extension of time.

17.71 ENFORCEMENT AND PENALTIES.

- A. INTRODUCTION AND EXPLANATION. This section provides for enforcement and penalties for violations of this chapter. The County may initiate court action to enforce the chapter. The result of such an enforcement can be a court injunction or forfeitures.
- B. DECLARATION OF UNLAWFUL CONDUCT, ACTIVITIES AND CONDITIONS.
 1. Violation of Land Use Provisions.
 - a. No building or structure shall be erected, constructed, placed, moved or structurally altered nor any use of land, premises, building or structure established or changed in violation of the provisions of this chapter.
 - b. No person shall fail to comply with any standard of this chapter or with any condition or qualification placed upon the issuance of a permit, approval or variance granted in due course under this chapter.
- C. IDENTIFICATION AND LIABILITY OF PARTIES.
 1. Owners of land or properties, occupants of land or premises and agents of owners or occupants including, without limitation because of enumeration, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents and lending institutions and insurer and their agents are responsible for compliance with all provisions of this chapter which bear upon their area of competency and responsibility.
 2. Any person who violates or aids or abets in a violation of this chapter shall be liable to prosecution or remedial action.

3. This chapter applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by State or federal law.

D. INVESTIGATION OF COMPLIANCE, NOTICE OF VIOLATIONS.

1. The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities with the terms of this chapter.
2. If upon such inspection or investigation the Zoning Administrator becomes aware of a condition which he concludes is or is likely to become a violation as defined in sub. (2) above, he shall immediately notify the parties he deems to be responsible and potentially liable pursuant to sub. (3) above of the detected violation. Such notice shall include:
 - a. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or
 - b. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the District Attorney or enforcement officials, State agencies or both.
3. If an enforcement demand is issued under par. (b) above and is not complied with, the Zoning Administrator shall immediately file a complaint and demand for prosecution under par. (b)2. above, unless an administrative appeal has been commenced and a stay order has been issued pursuant to §17.90(6)(b) of this chapter.

E. PROSECUTION; INJUNCTIONS AND PENALTIES IN COURT PROCEEDINGS.

1. The District Attorney shall expeditiously prosecute all violations of this chapter reported by the Zoning Administrator.
2. Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to §59.97(11) or other sections of the Wisconsin Statutes or common law.
3. For violation specified in sub. (1), a forfeiture of not less than \$100 nor more than \$500 shall be imposed upon conviction or adjudication, plus the cost of prosecution for each violation if so ordered by the court.
4. Each day a violation exists or continues shall constitute a separate offense.
5. As a substitute for or an addition to forfeiture actions, the District Attorney may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking injunctive orders or restraining orders.

F. OTHER ENFORCEMENT PROVISIONS.

1. Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Board of Adjustment may conduct a hearing following procedures similar to those followed in considering the granting of such a conditional use or variance. Finding of noncompliance with the conditions originally imposed shall be grounds for revocation.
2. The County Board may upon recommendation of the Zoning Committee, order an assessor's plat pursuant to the procedures of §70.27, Wis. Stats., whenever the conditions specified in that section are found to be present.
3. The Zoning Committee may require creation, Committee approval 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.
4. 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.

17.72 AMENDMENTS.

A. INTRODUCTION AND EXPLANATION.

1. This chapter was adopted by the County Board and may be amended by the Board. State law prescribes how amendments are processed. Three major steps occur:

- a. The County Comprehensive Parks, Planning & Zoning Committee holds a hearing and makes recommendations to the County Board.
 - b. The County Board votes on the proposal.
 - c. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the County Board.
2. In addition, persons owning lands proposed to be subject to zoning amendment or owners of abutting property can file a protest which requires a 3/4 vote of the County Board to approve the protested amendment. All of these procedures are subject to detailed statutory rules described in this section. This section should be reviewed carefully by all parties involved in zoning amendments.
- B. PROCEDURE. The provisions of this chapter are adopted under the zoning authority of §§59.97, 59.971, 87.30 and subchapter V of Ch. 91, Wis. Stats. As such, the following procedures shall be applied in considering amendments:
1. Petitions for Amendments.
 - a. A petition for amendment of this chapter may be made by any property owner in the area to be affected by the amendment, the town board of any town in which the chapter is in effect, any member of the County Board or the County Comprehensive Parks, Planning and Zoning Committee.
 - b. The petition shall be presented to the County Clerk who shall refer the petition to the Parks, Planning and Zoning Committee with notice to the County Board.
 - c. The Committee shall prescribe a form for the petition. An accurate metes and bounds property description shall be required to accompany the petition for amendments to the zoning districts. Prior to the time a building permit or occupancy permit is issued for a use on a parcel which was rezoned, the landowner shall cause a certified survey map to be made of the property and filed with the Register of Deeds. This requirement shall be a condition of all rezonings.
 2. Committee Hearing: Notice to Towns. Upon receipt of the petition referred to it by the County Clerk, the Committee shall set a time and place for a public hearing on the petition and shall publish notice of the hearing within the County as a Class 2 notice Ch. 985, Wis. Stats. A copy of the notice shall be made by registered mail to the town clerk of each town affected by the proposed amendment. This notice shall be mailed at least 10 days prior to the hearing. The town clerk shall also be sent an explanation of the procedures involved in the County's review of the proposed amendment. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the hearing.
 3. Committee Action on the Proposed Amendment. As soon as possible after the public hearing, the committee shall take action to approve, approve with modifications or disapprove the proposed amendment. The Committee shall not recommend approval, but may only recommend disapproval or approval with modifications if it has received, subject to the time limits stated below, a certified copy of a resolution disapproving the proposed change adopted by the town board of a town affected by a proposed change in zoning district boundaries. The certified copies of disapproving resolutions must be filed with the Committee at the time of or within 10 days after the public hearing to have the effect described herein. The provisions of this section shall apply to amendments to this chapter as they apply within shoreland or floodplain areas.
 4. Committee Report and Ordinance Preparation. If the Committee action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance to the County Board. Accompanying the proposed ordinance shall be the recommendations of the Committee. If the Committee action is unfavorable to the petition, the Committee shall report its recommendations of denial to the County Board along with a statement of the reasons which support a negative recommendation. The report to the County shall also contain proof of publication of the notice of public hearing, proof of notice of hearing to town clerks and copies of all town board resolutions that were received. A copy of the Committee's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days after the submission of those findings and recommendations are sent to the County Board.

5. County Board Action on the Committee Reports. The County Board action on the Committee report shall be one of the following:
 - a. The Board may adopt the ordinance submitted by the Committee or with amendments.
 - b. The Board may refuse to adopt the ordinance submitted or amended by the Committee.
 - c. The Board may refuse to deny the petition as recommended by the Committee. In such event, the Board shall refer the petition to the Committee with instructions to draft an ordinance effectuating the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance.
 - d. The Board may establish, notice and conduct a hearing on the proposed amendment.
 - e. If a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the County Board meeting at which the report of the Committee is to be considered, signed and acknowledged by the owner of 50% or more of the area to be rezoned or by abutting owners of over 50% of the total perimeter of the area proposed to be rezoned included within 300' of the parcel or parcels proposed to be rezoned, action on the amendatory ordinance may be deferred until the Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest shall not require a 3/4 vote.
6. Notice to Town Boards; Exercise of Town Board Veto.
 - a. The following procedures shall apply to all amendments specified in §91.73(4), Wis. Stats., and to all which affect district boundary lines and provisions other than those portions of this chapter which apply to shoreland and floodplains:
 1. If the amendatory ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town board of the town affected at or within 10 days of the hearing before the Committee, the ordinance shall be effective upon passage.
 2. Any other amendatory ordinance which affects district boundary lines shall within 7 days after adoption be submitted in duplicate by registered mail by the County Clerk to the town clerk of each town in which land affected by the amendment are located.
 3. Such ordinance shall be effective 40 days after adoption unless the town board of such town files with the County Clerk a certified copy of a resolution disapproving of the ordinance. If such town board approves the ordinance, the ordinance shall be effective upon the receipt of the approving town board resolution by the County Clerk.
 - b. The following procedures shall apply to all amendments which affect provisions other than district boundary lines and which affect provisions other than those portions of this chapter which apply to shorelands and floodplains: the provisions of subpar. 1. above shall apply except that notice shall be given to the town clerks of all towns affected by the proposed change and, except as provided in §91.73(4), Wis. Stats., disapproval or approval of the proposed change shall occur by action of a majority of the town boards subject to the ordinance being amended and affected by the amendatory ordinance.
 - c. Amendatory ordinances which affect portions of this chapter which apply to shorelands and floodplains shall be printed in the proceedings of the County Board.
 - d. The County Clerk shall record in his office the date on which amendatory ordinances become effective and shall notify the town clerk of all towns of such effective dates and shall make such report to the County Board, which reports shall be printed in the proceedings of the County Board.
7. Special Provisions Applicable to Comprehensive Revisions. A single ordinance which repeals the existing County zoning ordinances and enacts a new ordinance changing numerous provisions and adding or altering districts may be voted by the County Board, following the normal amendment procedure. Such revision may provide that the existing County zoning ordinance remains in effect for up to one year or until the revision is approved by the town board, whichever period is shorter. The failure of a town board to approve the

comprehensive revision within one year shall result in neither the comprehensive revision nor the prior County zoning being in force in such town.

8. Special Procedures and Standards Applicable to Amendments to the Zoning Map Removing Lands from the Agricultural District(s) (AG-1& AG-2).
 - a. The following special procedures and standards apply to all petitions to rezone land out of the Agricultural District(s) (AG-1 & AG-2).
 - b. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all such petitions by sending the Department a copy of the Zoning Committee's hearing notice on the petition and of the disposition of all such petitions by sending the Department a copy of the proceedings of any County Board meeting that involves a vote on ordinance amendments involving rezones from the Agricultural District(s) or a recording of a receipt of town board resolutions on such amendments.
 - c. St. Croix County shall by March 1 of each year provide a report and map to the Department of Agriculture, Trade, and Consumer Protection clearly identifying the number of acres that have been rezoned out of the certified farmland preservation zoning district(s) during the previous year.
 - d. Decisions on rezones of land from the Agricultural District(s) (AG-1 & AG-2) to residential, commercial, or industrial districts by the Zoning Committee, the County Board and the affected town board shall be governed by the standards of §91.48, Wis. Stats. These standards shall be read into the record of the meeting of the Committee, the County Board and the town board before votes may be taken to approve of a rezone and either the report accompanying the County Board ordinance and the Town Board Resolution of approval or the ordinance and resolutions themselves shall contain findings that the rezone will meet standards listed below:
 1. The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
 2. The rezoning is consistent with any applicable comprehensive plan (St. Croix County's Comprehensive Plan and its respective town comprehensive plan).
 3. The rezoning is substantially consistent with the St. Croix County Farmland Preservation Plan
 4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted agricultural use.
 5. There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning.
 6. The burdens on the local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable.
 7. The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.
 8. The soil productivity rating has been considered in the location of the area proposed for rezoning.