

Town of St Joseph, WI

Chapter 170 Zoning

Draft 8/28/2020

Chapter 170

Town of St. Joseph Zoning Ordinance Draft

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Section A - Title, Authority and Purpose

1. Title

The Title of this Chapter is the “Town of St. Joseph Zoning Ordinance”, referred to herein as the “Ordinance” or “this Chapter”.

2. Authority

The Town Board of the Town of St. Joseph has general zoning authority, powers and duties pursuant to Wis. Stats. §§ 60.10; 60.22; 61.35; 60.62; and 62.23; also pursuant to the other specific statutory authority as noted elsewhere in this Chapter; also pursuant to the Town’s assumption of village powers at its Annual Town Meeting on April 7, 1959 and pursuant to the action by Town electors at a Special Town Meeting on January 8, 1990, to authorize the Town Board to enact Town zoning ordinances.

3. Purpose

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

4. Intent

It is the general intent of this Chapter to:

- a. Aid in implementing the Town’s Comprehensive Plan;
- b. Regulate the use of all structures, lands and waters;
- c. Provide the compatibility of land uses;
- d. Promote the preservation of agricultural and conservation areas within the Town;
- e. Provide opportunities for limited, desirable commercial development while reducing the property tax burden for residential property;
- f. Further the appropriate use of land and conservation of natural resources;
- g. Preserve and promote the beauty and rural atmosphere of the Town;
- h. Promote a fair, equitable and balanced application of reasonable zoning regulations for the Town and its residents;
- i. Regulate lot and population density so as to lessen congestion and promote the safety and efficiency of the roads and highways and protect farmland and open space;
- j. Prevent overcrowding; avoid undue population concentration;
- k. Facilitate the provision of public facilities and utilities;
- l. Stabilize and protect property values;
- m. Secure safety from fire, flooding, panic and other dangers;
- n. Provide adequate light, air, sanitation and drainage;
- o. Provide the administration and enforcement of this Chapter and to provide penalties for its violation.

5. Severability

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

6. Effective Date

This Chapter shall be effective after a public hearing, adoption by the Town Board and publication or posting as provided by law.

7. Interpretation

The provisions of this Chapter shall be held, interpreted and applied as minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes or in conflict with the provisions of any other ordinances of the Town of St. Joseph.

- a. For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows:
 - i. Words used in the present tense include the future: In the singular include the plural and in the plural include the singular.
 - ii. The word "shall" is mandatory, not permissive.
 - iii. All distances, unless otherwise specified shall be measured horizontally.
 - iv. All definitions that refer to Wisconsin Statutes shall incorporate any revisions or amendments to statutory language>

Section B - General Provisions

1. Definitions

For the purposes of this Chapter, the following definitions shall be used:

- a. Accessory Dwelling. A smaller, independent residential unit located on the same lot as a primary dwelling unit.
- b. Accessory Structure. A subordinate structure, the use of which is incidental to and customarily found in connection with the principal structure or use of the property. Subject to more specific requirements and limitation contained in the specific zoning districts, accessory residential structures may include, but are not limited to garages, carports, sheds, barns, gazebos, boathouses, swimming pools, guest houses or cottages, bunk houses and garden houses. Attached garages, attached carports and decks are considered part of a residential structure, not an accessory structure or building.
- c. Accessory Use. A use subordinate to and serving the principal use located on the same lot and customarily incidental thereto. It must also be subordinate in area, extent or purpose to the principal building or use served. Accessory uses include, but are not limited to, family daycare, home occupations and seasonal roadside stand.
- d. Agricultural Related Use. A facility, whether or not located on a farm, with at least one of the following as a primary, and not incidental, purpose; purpose:
 - i. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms;
 - ii. Storing, processing or handling raw agricultural commodities obtained directly from farms. Manufacturing and implement dealerships are excluded.

- e. Agricultural Tourism. An enterprise or business that is farm-based and that combines the elements and characteristics of agriculture and tourism. Agricultural Tourism includes a wide array of farm and farm-related activities including nature based tourism, fishing, hunting, wildlife study, horseback riding, day camps, hands on chores, cannery tours, cooking classes, wine tasting, on-farm museums, harvest festivals, seasonal craft sales offering predominately locally produced craft items, barn dances, petting farms, weddings, overnight farm or ranch stays, guided tours, on-farm direct sales, “pick your own” operations, roadside stands and farmers markets.
- f. Agricultural Use. General farming including beekeeping, egg production, floriculture, forest management, domestic livestock, dairy, poultry raising, sod farming, roadside stands selling only produce from the farm operation on the premises by members of the farm family, nurseries, greenhouse, vegetable raising, raising of crops and other similar uses, including placing land in Federal programs for commodity payments or enrolling land in the conservation reserve program under 16USC3831 to 3836 but excluding farms operated for the disposal or reduction of garbage, sewage, rubbish or offal.
- g. Agricultural Business. Farming, management, production and marketing of agricultural commodities, such as livestock and crops. Includes resource management, conservation, ranching and sales.
- h. Animal Units: As defined by Wis. Admin. Code Chapter NR § 243.05. Animal unit means a unit of measure used to determine the total number of single animal types or combination of animal types.
- i. 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.
- j. Animal Waste Storage Facility. One or more animal waste storage structures used for temporary storage of animal waste, including stationary equipment and piping used to load and unload an animal waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. It does not include equipment used to apply animal waste to land or animal waste that is confined within an animal housing structure.
- k. 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 Wis. Admin. Code CH ATPC 51.12(2)(setbacks) and 51.14 (odor) does not include any of the following:
 - i. A structure used to collect and store animal waste under a livestock structure (housing facility).
 - ii. A waste digester consisting of a sealed structure in which animal waste is subjected to managed biological decomposition.
- l. 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).
- m. Apartment. A portion of a residential or commercial building used as a separate dwelling unit.
- n. Apartment House. See “Dwelling, Multiple”.

- o. Arterial Road. A public road or highway that provides for rapid movement of high volumes of traffic between areas. Their function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.
- p. Artisan Workshop: An establishment for the preparation, display, and sale of crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, photographs, paintings and other articles of artistic quality or handmade workmanship.
- q. Automobile and Boat Repair, Major. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats and similar components that may require overnight outdoor storage of vehicles awaiting or under repair, if screened in compliance with all applicable regulations. General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; insurance estimations with on-site storage; undercoating and rust proofing, and other similar uses.
- r. Automobile and Boat Repair, Minor. A daytime retail operation wherein the sale, installation, and/or inspection of tires, batteries, brakes and other related minor parts or accessories is carried on; specifically intended to exclude major automotive repair and overnight outdoor storage of vehicles awaiting or under repair.
- s. 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.
- t. Awning. A hood or cover which projects from the wall of the building, which may be retracted, folded or collapsed against the face of a supporting structure. Awnings are not projected signs.
- u. Basement: that portion of the building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story.
- v. Bed and Breakfast. A place of lodging for transient guests that is the owner's personal residence that is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- w. Board of Appeals. The Town of St. Joseph Board of Appeals.
- x. Boarding House. A building other than a hotel or motel where meals or lodging and meals are served for compensation for not more than six (6) persons.
- y. Building. A structure used, designed or intended for the protection, shelter, enclosure or support of a 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.
- z. Building Alterations. Any changes or rearrangement of the supporting members such as bearing walls, beams, columns or girders of a building, an addition to a building or movement of a building from one location to another.

- aa. Building Coverage: The percentage of the lot area that is covered by building area, which includes the total horizontal area when viewed in a plan.
- bb. Building Height: Vertical distance from the natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point.
- cc. 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.
- dd. Building Material and Hardware Sales, Minor. An establishment for the sale of materials customarily used in the construction of buildings and other structures, without any outside storage or display of materials or merchandise.
- ee. Buffer Space. Undeveloped area(s) in any major subdivision that cannot be further subdivided and is/are owned in common by the owners of the subdivision lots and where the primary purpose is to separate residential areas from areas being preserved for agricultural uses. Buffer spaces also serve as open space.
- ff. Building-integrated Solar Energy Systems. A solar energy system that is an integral part of a principal or accessory structure, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building. Building-integrated systems include but are not limited to photovoltaic or hot water solar energy systems that are contained within roofing materials, windows, skylights, and awnings.
- gg. Camouflage Design. A wireless communication service facility that is disguised, hidden or screened, but remains recognizable as a tower or antenna.
- hh. 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.
- ii. 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.
- jj. Canopy. A canopy is a shelter, with or without a sign, attached to or connected with a building and extending into a setback or over the public sidewalks. Canopies are not projecting signs.
- kk. Centerline. A line connecting the points on highways from which setback distances shall be measured, at any point on the highway.
- ll. Channel. A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.
- mm. Childcare Center. A facility licensed as a day care center by the State Department of Children and Families under Wis. Stat. §48.65 where a person or persons provide for nine or more children. It includes preschools and nursery schools.

- nn. Church. A building together with its accessory structures where people regularly assemble for religious worship and which building(s) is maintained and controlled by a religious body organized to sustain public worship.
- oo. Clinic. A building used by a group of physicians, chiropractors, dentists or similar professionals for the medical examination or treatment of persons on an outpatient or non boarding basis only.
- pp. Club. An association of persons for some common purpose but not including any groups or organized primarily to render a service which is customarily carried on as a business.
- qq. Commercial: A type of business activity that distributes goods or provides services with intention to make a profit, but does not involve the manufacturing, processing or production of goods.
- rr. Commission. Town of St. Joseph Plan Commission
- ss. Community Center. Public locations where members of a community tend to gather for group activities, social support, public information and other purposes. Facilities may be open for the whole community or for a specialized group within the greater community.
- tt. Community Living Arrangement. The following facilities licensed or operated, or permitted under the authority of Wisconsin Statutes: Child welfare agencies under Wis.Stats.§48.60, group homes for children under Wis.Stats.§48.02(7) and community based residential facilities under Wis. Stats. §50.01 but does not include nursing homes, general hospitals, special hospitals, prisons and jails. The establishment of a community living arrangement shall be in conformity with applicable sections of the Wisconsin Statutes, including §§46.03(22), 62.23(7)(i), and amendments thereto, and also the Wisconsin Administrative Code.
- uu. Community Solar Garden – A commercial solar-electric (photovoltaic) array that provides retail electric power (or a financial proxy for retail power) to multiple community households or businesses residing or located offsite from the location of the solar energy system, however within the township. A community solar system may be either an accessory or a principal use.
- vv. Concentrated Animal Feeding Operation. An animal feeding operation with 300 animal units or more and meets the criteria set out in Wis Admin.Code Chapter NR 243.
- ww. Conditional Use. A use of land, water or building which is allowable only after review, public hearing and recommendation by the Plan Commission and after the Town Board, under conditions specified in this Chapter, has determined that the applicable conditions specified in this Chapter have been met and has created any additional site or operation – specific conditions as are necessary for public and neighborhood health, safety and welfare.
- xx. Condominium. A residential, commercial or industrial building and property subject to condominium declaration as established under Wis Stats. Chapter 703
- yy. Conservation: Planned management of a natural resource to prevent exploitation, destruction, or neglect.
- zz. Conservation Corridor: Defines and separates human activity from that of wildlife or natural habitats in a pattern without fragmentation that accommodates movement between regions. Often bordered by

recreational greenways that provide transition to human activity in a manner that heightens awareness to and appreciation of environmentally-sensitive areas.

- aaa. Conservation Easement. As provided in Wis. Stats. § 700.40, a holder's nonpossessory interest in real property imposing any limitations or affirmative obligations the purposes of which include permanently retaining or protecting natural, scenic or open space values of real property, permanently assuring the availability of real property for agricultural, forest, recreational or open space use, permanently protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site as defined in Wis. Stats. § 157.70(1)(b) or permanently preserving the historical, architectural, archaeological or cultural aspects of real property.
- bbb. Contractor's Storage Yard. The outdoor portion of a lot or parcel, where a construction or service contractor maintains a permanent business office, that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If used in this manner, the entire lot or parcel would then be classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations.
- ccc. Convenience Store. A facility associated with the sale of gasoline products that also offers for sale pre packaged 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.
- ddd. Crops. Cultivated plants including but not limited to field crops such as corn, wheat, oats, barley, hay, potatoes and dry beans; fruits such as apples, grapes, cranberries, cherries and berries; vegetables such as tomatoes, sweet corn, carrots and squash, plants raised for culinary, medicinal or aesthetic purposes such as flowers, herbs, spices, ornamental shrubs and trees and ginseng; plants raised for energy production such as switch-grass; and plants raised for textile use, such as cotton or bamboo.
- eee. Cul-de-sac. A dead-end road with a circular turn-around at the end for vehicular use.
- fff. Cultural: Relating to the arts and intellectual achievements, often characteristic of a particular group of people and their habits, traditions and beliefs.
- ggg. Day Care, Small Group Children. A place or home which provides care for at not more than eight (8) children for less than twenty four (24) hours a day and is licensed as provided for in Wis. Stats Sec. 48.65.
- hhh. Day Care, Small Group Adult. A day program that provides the elderly and other adults with day services.
- iii. Dealerships (Off-Road, Watercraft and Implements). Retail sales, lease and/or rental of ATV, UTV, farm vehicles, personal watercraft, boats and related trailers. May include such vehicles for repair, distribution or storage.
- jjj. Deck. An unenclosed exterior structure that has no roof or sides, but has a permeable floor. An attached deck is part of the structure to which it is attached. An unattached deck is an accessory structure.
- kkk. Density. The acreage to dwelling unit ratio used to calculate the maximum number of dwelling units allowed under the Town's Subdivision Ordinance in an area for which subdivision is planned and based on the zoning classifications of land.

III. Department. Department of Natural Resources.

mmm. 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.

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

ooo. Dock, Piers and Wharves. Structures extending into the water to facilitate the launching or mooring of water craft or for fishing during the open water season.

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

qqq. Dwelling Unit. A self-contained living unit consisting of sleeping quarters, bathroom(s) and kitchen, for occupancy exclusively by one family, more than one which may be located in our building.

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

sss. Dwelling, One Family. A building designed for one dwelling unit occupied exclusively by separate families

ttt. Dwelling, Two-Family (duplex). A building owned by a single entity designed for two separate dwelling units each occupied exclusively by separate families.

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

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

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

xxx. Family. One (1) or more persons who live together in one dwelling unit as a single housekeeping entity.

- yyy. Farm Market: Outdoor marketplace intended to sell homegrown produce and value-added products directly from farmers to consumers. An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale. This definition does include the sale of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items when the proper health rules and regulations are followed and/or health permit obtained. (See Section 106.05.03(c), “Farmers Market, Temporary” for regulations.
- zzz. Farmette. A lot created by the subdivision of land, with the combined area of all farmettes included in the major or minor subdivision in which the lot will be located averaging not less than 2 lot per 12 acres, with each lot having a minimum size of 6 acres, that cannot be further subdivided and that contain no more than one dwelling unit.
- aaaa. Field Driveway. An access to a field regularly used only for agricultural purposes or to access agricultural land.
- bbbb. Floor area. The area within the exterior wall lines of a building, provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, unfinished basements or utility rooms, garages, breezeways, unenclosed porches or terraces.
- cccc. Footprint. The areas of land that are covered by a structure at ground level, measured on a horizontal plane. The footprint of a structure includes cantilevered or pier supported horizontal expansions or similar expansions that enlarge the area of the structure without using a ground level foundation.
- dddd. Formula Business: An establishment that is required by contractual or other arrangements to maintain any one or more of the following standardized features which causes it to be substantially identical to 10 or more other businesses located within the United States, regardless of the ownership of those businesses: name; if food is served, menu, ingredients, food preparation or presentation format; decor; employee uniforms; trademark; logo; symbol; architectural design; signage; color scheme; or any other similar standardized features. “Formula business” does not include: grocery stores; drug stores and pharmacies; convenience stores; hardware stores; gas stations; and businesses primarily providing services rather than goods for sale, including but not limited to banks and credit unions, movie theaters, entertainment and recreation services, mailing services and vehicle and equipment rental.
- eeee. Foundation. The underlying base of building or other structure, including, but not limited to, pillars, footings and concrete and masonry walls.
- ffff. Franchise Architecture: A distinct architectural building style and/or elements commonly employed by a fast food or other retail franchise, that serves to enhance or promote brand identity through visual recognition.
- gggg. Frontage. All of the property abutting on one (1) side of a roadway measured along the road between intersecting roads.
- hhhh. Garage, Private. An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory.

- iiii. Garage, Service. Any commercial premises used for the storage or care of motor-driven vehicles for the general public or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.
- jjjj. Garden Center. A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery and gardening tools.
- kkkk. 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 grantmaking, 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.
- llll. Grade, Building. The ground elevation established for the purpose of regulating the number of stories and the height of buildings. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the average grade shall be determined by averaging the elevation of the ground of the highest and lowest grades adjacent to the building.
- mmmm. Greenhouse. A temporary or permanent accessory structure typically made of, but not limited to, glass, plastic or fiberglass in which plants are cultivated.
- nnnn. Greenhouse or Nursery for Retail Plant Sales. A facility that may include the outside display of plants offered for sale when such display is located behind the front yard line established in the district in which the nursery or greenhouse is located.
- oooo. Greenway: A conservation corridor maintained in its natural condition to minimize the adverse effects of development on sensitive environmental resources such as wetlands, floodplains, steep slopes; limit disturbance to natural or cultural features such as mature woodlands, hedgerows and tree lines; preserve critical wildlife habitats; provide use as alternative transit and recreational trails between neighborhoods and communities in a transitional manner that heightens awareness to and appreciation of the environmental resources.
- pppp. Grid-intertie Solar Energy System - A photovoltaic solar energy system that is connected to an electric circuit served by an electric utility company.
- qqqq. Ground-mount – a solar energy system mounted on a rack or pole that rests or is attached to the ground. Ground-mount systems can be either accessory or principal uses.
- rrrr. Group Home. A facility designed to fit into the community to provide living quarters and services for individuals of medical or social needs and to be staffed by qualified professionals pursuant to Wis. Stats.

§48.60, foster homes, and Wis. Stats. §§46.03(22) and 62.23(7)(i), community and other living arrangements.

- ssss. Gymnastics/Dance Studio/Martial Arts. A building or portion of a building used by a gymnast, dancer, or martial artist for practice or for instructional classes in gymnastics, dance, or martial arts and similar activities.
- tttt. Hard Surface. Commercial or industrial zoning area on which is located building footprint(s), delivery area(s), new interior service road(s), parking lot(s), unloading and loading facilities and outdoor storage.
- uuuu. Health/Fitness Center. A facility which promotes physical fitness, weight control, exercise, and personal improvement that may also include massage or bathing.
- vvvv. Home Health Care Service Office. A system of care provided by skilled practitioners to patients in their homes under the direction of a physician. Services include nursing, occupational therapy, speech-language therapy and medical social services.
- wwww. Home Occupation. A business or commercial activity conducted on property zoned for traditional residential, preservation residential and rural residential. Home occupations are categorized as major or minor.
- xxxx. Hotel or Motel. A building in which lodging with or without meals, is offered to transient guests for compensation and where there is no permanent occupancy of any unit other than by the owner or the owner's employees.
- yyyy. Household Pets. Domestic animals, commonly found in residences, kept as pets and not raised for commercial resale including dogs, cats, birds and other small animals.
- zzzz. Impervious Cover: Any structure, surface or improvement that reduces and/or prevents absorption of storm water into land. Porous paving, paver blocks, gravel, crushed stone, crushed shell, elevated structures (including boardwalks), and other similar structures, surfaces or improvements are considered impervious cover. Grass, lawns or any other vegetation are not considered impervious cover.
- aaaaa. Indoor Maintenance and Repair of Goods and Equipment. A use inside a building including repair and service of small motors, such as lawn mowers, washing machines, sewing machines, jet ski, four wheelers and small equipment such as guns, chain saws, shoes, etc.
- bbbbb. Indoor Recreation Facility. A building used for indoor recreation, including but not limited to tennis, racquetball, driving ranges, batting cages, curling, dance schools, ice arenas, pool hall and health club.
- ccccc. Industrial, Light: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including research, development, processing, fabrication, assembly, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing, and which activities are conducted wholly within an enclosed building. Light industry, as opposed to heavy industry, is more consumer-oriented than business-oriented.
- dddd. Innovation Workspace: Where people work separately or collaboratively under one roof as a free public service or as paid service with or without access to materials, spaces or equipment such as

internet, offices or specialized machinery. May include business incubators, commissary kitchens, artist markets and other similar industries. May also include “makerspace” for education, prototyping and service to individuals, inventors, and start-ups with short-term, low-production manufacturing needs.

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

ffff. Interpretive and/or Research Center for Historic, Natural and Social Sciences. A facility that enables interaction between faculty, scholars, students and industry to enhance research opportunities, academic excellence, real-world problem-solving, knowledge creation and knowledge dissemination. Branches of historic, natural and social sciences deal with the physical world, society, relationships and past events

gggg. 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 purpose of this chapter if:

a. It is not currently registered or

b. It is not capable of operation, lawful or otherwise, on public highways of Wisconsin and remains in that condition for more than 10 days after receipt of a registered or certified letter from the Town notifying the owner, occupant or custodian of the premises of the violation.

An automobile licensable as an antique or special interest vehicle under Wis. Stats. §341.265, 341.366, or any part thereof is not considered junk, provided such vehicle is stored in the manner required by Wis. Stats. §341.266(4).

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

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

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

kkkk. Land Division. A subdivision, minor subdivision, major subdivision, resubdivision or replat.

llll. Large Footprint Commercial Structure. A commercial building open to the public, with 50,000 square feet or more of enclosed area on ground level.

mmmm. Light Industry. 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 such products, but excluding basic industrial processing, and which activities are conducted wholly within an enclosed building.

- nnnnn. Live-Work Units: A structure that combines work space with living quarters. Intended for use by entrepreneurs and professional occupations including, but not limited to, accountants, architects, artists and artisans, attorneys, multimedia-related professionals, consultants, engineers, travel agents, tutors, photographers, and designers.
- ooooo. Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.
- ppppp. 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. A “livestock facility” includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single “livestock facility” for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate “livestock facility.” Wisconsin Administrative Code ATCP 51.
- qqqqq. 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
- rrrrr. Local: Belonging to a specific town or neighborhood.
- sssss. Lot. A parcel of land numbered in sequence with other parcels shown on a plat or certified survey map.
- ttttt. Lot lines and Area. The peripheral boundaries of a lot and the total area lying within such boundaries.
- uuuuu. Lot Width. The width of the lot as measured at the shortest distance between the side lot lines and the setback lines.
- vvvvv. Lot, Through. A lot having a pair of opposite lot lines along two (2) or more parallel public streets and which is not a corner lot. On a through lot both roadway lines shall be deemed front lot lines.
- wwwww. Marquee or Canopy. A roof-like structure of permanent nature which projects from the wall of a building, generally designed and constructed to provide protection from the weather.
- xxxxx. Mitigation. Action taken to minimize the adverse impacts of development. Mitigation includes but is not limited to the installation of vegetative buffers, removal of nonconforming structures from setback areas and implementation of best management practices for erosion control and storm water management
- yyyyy. 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.

zzzzz. Mobile Service Support Structure: A freestanding structure that is designed to support a mobile service facility.

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

bbbbbb. Motor Vehicle. Any passenger vehicle, truck-trailer, trailer or semi-trailer propelled or drawn by mechanical power.

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

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

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

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

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

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

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

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

kkkkk. Off-grid Solar Energy System - A photovoltaic solar energy system in which the circuits energized by the solar energy system are not electrically connected in any way to electric circuits that are served by an electric utility company.

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

- mmmmmm. Open Space. Open, unoccupied areas of land, including open acres, parks, nature areas, forest, wildlife and forest management areas, playgrounds, trails and buffer space.
- nnnnnn. Office, Business or Professional. A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, medical, architect, engineer, travel, secretarial services, accounting organizations and associations, and vehicle rental offices without on-site storage of fleet vehicles.
- oooooo. Ordinary High Water Mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
- pppppp. 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.
- qqqqqq. Outdoor Recreation Facility. A use including but not limited to athletic fields, sport courts, miniature golf, batting cages, driving range, paintball and go-kart tracks.
- rrrrrr. Outlot. A lot remnant or parcel of land within a plat remaining after platting which is intended for other use than development. An outlot shall not be developed for any use or structure that requires a POWTS.
- ssssss. Parcel. Contiguous land under single ownership, not separated by public roads or right-of-ways. Creation of private or public roads after April 19, 1991, does not create separate parcels eligible for treatment under the minor subdivision provisions of this chapter.
- tttttt. 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.
- uuuuuu. Parking Space. An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto and fully accessible for the parking of permitted vehicles.
- vvvvvv. Passive Solar Energy System - A solar energy system that captures solar light or heat without transforming it to another form of energy or transferring the energy via a heat exchanger.
- wwwwww. Performance zoning: Also called impact zoning or flexible zoning, performance zoning establishes specific standards within zoning districts to regulate the design and location of a use based on the characteristics of a particular site to support development and impacts on the community.
- xxxxxx. Permitted Uses. A use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations and standards of such districts.
- yyyyyy. Person. An individual, or group of individuals, corporation, partnership, association, municipality or state agency.
- zzzzzz. Photovoltaic System - A solar energy system that converts solar energy directly into electricity.
- aaaaaa. Plan Commission. The Town of St. Joseph Plan Commission.

- bbbbbbb. Porch. The area of a principal structure, with a roof over it, providing access to a building.
- ccccccc. Preschool. Any Building used routinely for the daytime care and education of preschool age children, other than the child's own home or the homes of relatives or guardians, and including all necessary buildings and play areas.
- ddddddd. Prefabricated Home:

- eeeeeee. Principal Use. The primary purpose for which a lot or parcel is used.
- ffffff. Property Lines. The lines bounding a lot.
- ggggggg. 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.
- hhhhhhh. Professional Home Offices. A home occupation conducted by doctors of medicine, chiropractors, dentists, clergymen, architects, landscape architects, professional engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians or other recognized professions, and used to conduct their professions.
- iiiiiii. Public Safety. Government establishments primarily engaged in criminal and law enforcement, police, traffic safety, firefighting, related fire protection activities, and other activities related to enforcement of the law and preservation of order.
- jjjjjjj. Public Utilities. Those utilities using underground or overhead transmission lines such as electric, telephone, telegraph and fiber optic, and distribution and collection systems such as water, sanitary sewer and stormwater.
- kkkkkkk. Public Way. Any sidewalk, roadway, alley, highway or other public thoroughfare.
- lllllll. Quarrying. The removal of nonmetallic mineral aggregates, topsoil or other natural materials from the earth by excavation, stripping or any other process.
- mmmmmmm. Reception. The hosting of private parties or meetings, and/or gatherings with limited public availability by specific invitation or advance reservation, where food prepared off-site or by permit is served by a licensed provider.
- nnnnnnn. Reconstruction. The replacement of all or substantially all of the components of a structure other than the foundation.
- ooooooo. Renewable Energy System. A solar energy or wind energy system. Renewable energy systems do not include passive systems that serve a dual function, such as a greenhouse or window.
- ppppppp. Residential Property. A property where dwelling units for personal residences are allowed as the principal use including accessory structures and uses.
- qqqqqqq. Retails 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.

- rrrrrr. Road. Public roads within the Town of St. Joseph which have been accepted by the Town as public roads and are maintained solely by the Town, and does not include federal highways, state or county highways and existing private access roads. All current roadways designated by the Town Board on the Town's Transportation Plan as "collector," "subcollector" or "access" shall only be changed by order of the Town Board.
- ssssss. Roadside Stand. A structure not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of locally grown produced or created products.
- tttttt. Roof-mount. A solar energy system mounted on a rack that is fastened to or ballasted on a building roof. Roof-mount systems are accessory to the principal use. Roof installations are allowed in the Town of St. Joseph and do not need to conform to the roofline expression and concealing rooftop equipment outlined in Chapter 81, Design Regulations. (see (6) Roofline expressions and concealing rooftop equipment).
- uuuuuu. Roof Pitch. The final exterior slope of a building roof calculated by the rise over the run, typically but not exclusively expressed in twelfths such as 3/12, 9/12, 12/12.
- vvvvvv. School, Private. A school limited to specialized instruction such as business, art, music, trades, handicraft, dancing or riding or a school conducted for profit.
- wwwwww. School, Public. An elementary, intermediate or secondary school that offers regular instruction capable of meeting the requirements of state compulsory education laws, operating at least five (5) days a week for a normal school year and supported by public funds, not including colleges or other institutions of higher learning.
- xxxxxx. Screening. A solid fence at least six (6) feet high or planted vegetative belt at least fifteen (15) feet wide and at least six (6) feet high.
- yyyyyy. Seasonal Sales. Temporary display and sale of items customarily associated with a particular season, such as Christmas trees, holiday decorations, firewood, pumpkins, or any other similar product for sale during a recognized holiday.
- zzzzzz. Seasonal Storage. Temporary storage of items customarily associated with a particular season, such as boats, snowmobiles, RVs, campers, or any other similar seasonal items.
- aaaaaaa. Self-Storage. Indoor storage of customer's items within partitioned buildings with individual access to each partitioned area.
- bbbbbbb. 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.
- ccccccc. Service Station. Any building, structure, premises or place used for the dispensing, sale or offering for sale of any motor fuel, or oils, having fuel pumps and storage tanks, also where battery, tire, polishing, greasing, washing, cleaning and similar services are rendered, but no including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage

of vehicles. A service station may also include a convenience store which is used for dispensing, sale or offering for sale of groceries, food, and other general retail merchandise.

ddddddd. Setback. The minimum horizontal distance between a structure and the road, side or rear lot lines, OHWM or bluff line. Distance is measured from the most outwardly extended portion of the structure at ground level.

eeeeeee. Solar Array: An accessory system or device that is roof-mounted or ground-mounted with poles or racks used to collect radiant energy directly from the sun for use in a solar collector's energy transformation process. (Definition is State Statute)

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

ggggggg. Solar Access Rights: The authority to restrict systems is limited by Wisconsin State law 66.0401. This is noted in the state statute and should be replicated in municipal zoning. The Town of St. Joseph zoning meets the minimum requirements of the state statute so residents have full access to install solar throughout the township.

hhhhhhh. Solar Collector: A device, structure, or part of a device, the substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy. (Same as Wisconsin Statute)

iiiiiii. Solar Energy System - A device, array of devices, or structural design feature, the purpose of which is to provide for generation of electricity, the collection, storage and distribution of solar energy for space heating or cooling, daylight for interior lighting, or water heating.

jjjjjjj. Solar Energy System, Large Includes a community solar garden as well as any solar system that generates energy in excess of needed use of the primary property.

kkkkkkk. Solar Energy System, Small Scale. Roof mounted or ground mounted solar collectors associated only with single-family residential dwellings.

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

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

nnnnnnn. Solar Energy - Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.

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

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

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

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

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

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

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

vvvvvvvv. Tavern: An establishment that serves alcohol and food.

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

xxxxxxx. Town Center. A commercial Zoning District that contains elements of traditional community centers with a mixture of retail, restaurants, service providers and entertainment, planned to create a "sense of Place" for Town residents.

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

zzzzzzzz. Transmission Services. Electric power lines, telephone and telegraph lines, communication towers cables, sewage lift stations, sewer and water pipes, and other pipes, conduits and accessory structures that are used to transport power, convey information or transport material between two (2) points, other than wireless communication services facilities.

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

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

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

dddddddd. Use, Principal. The primary use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be “permitted” or “conditional”.

eeeeeeee. Utility, Minor. Electrical power line, telephone or telegraph line, water pump station, sewage lift station, sewer or water pipe, or other pipe, conduit or accessory structure used to transport power, or transport material between two points, other than wireless communication service facilities. Electric substation and distribution facility with a nominal capacity of no more than 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.

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

gggggggg. 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 motor craft whether or not it is self-powered or remains capable of travel in its present state.

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

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

jjjjjjjj. 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.

kkkkkkkk. Wired and wireless communication/cable/transmission 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.

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

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

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

pppppppp. Yard, Side. A yard or open space on each side of the Principal Structure extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory structure is constructed on the side of the Principal Structure the setback requirements are the same for the accessory structure as for the Principal Structure.

2. Jurisdiction and Compliance

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

3. Use, How Described and Allowed

- a. **Permitted Uses.** Permitted uses are uses that are expressly allowed by this Chapter in specific zoning districts shown on the Zoning Map. Permitted uses are not conditional uses.
- b. **Accessory Uses.** Accessory uses and specified accessory structures are permitted in any district only after the principal structure to which they are accessory has come into existence or is under construction.
- c. **Conditional Uses.**
 - i. Conditional uses are not inherently incompatible with permitted uses but could create special problems and hazards if allowed without the imposition of conditions by the Town. A permit is required under this Chapter to engage in a conditional use. Conditional use permits require application, review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Section P of this Chapter. Conditional uses are not permitted uses.
 - ii. When a conditional use becomes a permitted use by Town action, as by amending this Chapter, the conditional use permit terminates. The establishment of new or different conditional use(s) for such property with or without a conditional use permit requires review, public hearing and recommendation by the Plan Commission and approval by the Town Board in accordance with Section P.
 - iii. If such a conditional use is discontinued, abandoned or terminated for a twelve (12) month period, the conditional use permit becomes null and void.
- d. **Prohibited Uses.** Uses not listed are prohibited.

4. Reduction or Joint Use

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

5. Site Regulations

- a. **Site Suitability.** No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, slope, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this

community. The Plan Commission, in applying the provisions of the Section, shall in writing recite the particular facts upon which it bases its conclusion that any land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he/she desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability when making its recommendation to the Town Board.

- b. Road Frontage. All lots and parcels shall abut upon a public road or other officially approved means of access to a public road.
- c. Principal Structures, Principal Residential Structures. There shall be no more than one (1) principal structure located, erected or moved only any lot of record. Principal residential structures on platted, residential lots on which a single family resides may have more than one building on the lot for that family's residential use where all requirements of this Chapter and other applicable regulations, particularly including those concerning waste treatment and water, are also met. Where additional principal residential structures are permitted the Town Board, taking into consideration the recommendation of the Plan Commission, may impose restrictions or requirements in addition to those generally required by district regulations, including required a PUD, enhanced yard, landscaping or parking requirements and establishing minimum separating distance from the principal structures on adjoining lots.

6. Limitation on Animals and Animal Units

- a. Animal Units. The keeping and raising of livestock and including poultry for show, breeding or other purposes is generally permitted, but is limited in terms of "animal units". "Animal units" are defined and calculated under the provisions of Wis. Admin. Code Chapter NR § 243.05. Domestic animals not specifically listed there are permitted based upon one thousand (1000) total pounds of animals being equivalent to one animal unit. The following regulations apply to all animal units:
 - i. No animal units may be kept on lots or parcels in a major subdivision unless provided for in the plat.
 - ii. On parcels and lots not in a major subdivision, one animal unit is allowed per acre of land available and suitable for animal waste utilization, consistent with NRCS 590 Nutrient Management Conservation Practice Standard.
- b. Livestock facilities are not permitted on parcels less than 5 acres. Livestock facilities of all sizes are also subject to all applicable requirements of Wis. Admin. Code Chapters NR 243 (Animal Feeding Operations), NR 151 (Run Off Management, ATCP 51 (Livestock Facility Siting), St. Croix County Code of Ordinances Chapter 11 (Animal Waste Storage Facilities) and Natural Resources Conservation Service (NRCS) Conservation Practices Standard Code 590, on Nutrient Management.
- c. Dogs as Household Pets. See Chapter 64
- d. Exotic Animals. The raising and housing of exotic animals is not permitted in the Agricultural Residential District. Llamas, ostriches and emus kept for purposes of husbandry and sale are not considered to be exotic animals and are instead treated as livestock and as animal units under all applicable provisions of Wisconsin Statutes and the Administrative Code.

7. Multiple Family Dwellings

- a. Multiple family dwellings. To grant a conditional use for multiple family use, the Board of Adjustment shall find that the following conditions are present:
 - i. The number of dwelling units shall not exceed 2 per lot.
 - ii. The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - iii. The use, value and enjoyment of other property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the establishment of the use.

- iv. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
- v. Adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided.
- vi. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

8. Bed and Breakfast Establishments

- a. Bed and breakfast establishments are defined in Wis. Stats. § 254.61(1). To grant a conditional use, the Board of Adjustment shall find that the following conditions are present:
 - i. Adequate off-street parking to accommodate the expected number of guests
 - ii. Number of guests shall be limited to 2 adults per rented bedroom.
 - iii. The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
 - iv. The use, value and enjoyment of other property in the neighborhood shall be in no foreseeable manner substantially impaired or diminished by the establishment of the use.
 - v. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
 - vi. Adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided.
 - vii. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

9. Solar Energy Production

- a. Permitted Accessory Use - Small scale solar energy systems shall be allowed as an accessory use in all zoning classifications where structures of any sort are allowed, subject to certain requirements as set forth below. (Limitations on Local Zoning Restrictions under Wisconsin Statute § 66.0401, local governments may not place any restriction on the installation or use of solar energy systems unless the restriction:
 - Serves to preserve or protect public health or safety
 - Does not significantly increase the system cost or decrease the efficiency
 - Allows for an alternative system of comparable cost and efficiency)
 - i. Height - Solar energy systems must meet the following height requirements:
 - 1. Building- or roof- mounted solar energy systems shall not exceed the maximum allowed height in any zoning district. For purposes for height measurement, solar energy systems other than building-integrated systems shall be given an equivalent exception to height standards as building-mounted mechanical devices or equipment.
 - 2. Ground- or pole-mounted solar energy systems shall not exceed 20 feet in height when oriented at maximum tilt.
 - ii. Set-back - Solar energy systems must meet the accessory structure setback for the zoning district and primary land use associated with the lot on which the system is located.
 - 1. Roof- or Building-mounted Solar Energy Systems - In addition to the building setback, the collector surface and mounting devices for roof-mounted solar energy systems shall not extend beyond the exterior perimeter of the building on which the system is mounted or built, unless the collector and mounting system has been explicitly engineered to safely extend beyond the edge, and setback standards are not violated. Exterior piping for solar hot water systems shall be allowed to extend beyond the perimeter of the building on a side yard exposure. Solar collectors mounted on the sides of buildings and serving as awnings are considered to be building-integrated systems and are regulated as awnings.

2. Ground-mounted Solar Energy Systems - Ground-mounted solar energy systems may not extend into the side-yard or rear setback when oriented at minimum design tilt, except as otherwise allowed for building mechanical systems.
- iii. Visibility - Solar energy systems shall be designed to blend into the architecture of the building as described in subsection iii.a-c, to the extent such provisions do not diminish solar production or increase costs, consistent with WI State Statute §66.0401.
 1. Building Integrated Photovoltaic Systems - Building integrated photovoltaic solar energy systems shall be allowed, provided the building component in which the system is integrated meets all required setback, land use or performance standards for the district in which the building is located.
 2. Roof Mounted Solar Energy Systems – Solar energy systems that are flush-mounted on pitched roofs are blended with the building architecture. Non-flush mounted pitched roof systems on the front ROW shall not be higher than the roof peak, and the collector shall face the same direction as the roof on which it is mounted, to minimize wind loading and structural risks to the roof.
 3. Reflectors - All solar energy systems using a reflector to enhance solar production shall minimize reflected light from the reflector affecting adjacent or nearby properties. Measures to minimize reflected light include selective placement of the system, screening on the north side of the solar array, modifying the orientation of the system, reducing use of the reflector system, or other remedies that limit reflected light.
- iv. Coverage - Roof or building mounted solar energy systems, excluding building-integrated systems, shall allow for adequate roof access for fire-fighting purposes to the south-facing or flat roof upon which the panels are mounted. Ground-mount systems shall not exceed half the building footprint of the principal structure and shall be exempt from impervious surface calculations if the soil under the collector is not compacted and maintained in vegetation. Foundations, gravel, or compacted soils are considered impervious and will be included in coverage limitations in order to protect water quality.
- v. Historic Buildings - Solar energy systems on buildings within designated historic districts or on locally designated historic buildings (exclusive of State or Federal historic designation) must receive approval of the community Heritage Preservation Commission, consistent with the standards for solar energy systems on historically designated buildings published by the U.S. Department of Interior.
- vi. Plan Approval Required - All solar energy systems shall require administrative plan approval by a zoning administrator. Plan applications for solar energy systems shall be accompanied by to scale horizontal and vertical (elevation) drawings. The drawings must show the location of the system on the building or on the property for a ground-mount system, including the property lines.
 1. Pitched Roof Mounted Solar Energy Systems - For all roof-mounted systems other than a flat roof a drawing shall be submitted showing the elevation must show the highest finished slope of the solar collector and the slope of the finished roof surface on which it is mounted.
 2. Flat Roof Mounted Solar Energy Systems - For flat roof applications a drawing shall be submitted showing the distance to the roof edge and any parapets on the building and shall identify the height of the building on the street frontage side, the shortest distance of the system from the street frontage edge of the building, and the highest finished height of the solar collector above the finished surface of the roof.
- vii. Plan Approvals - Applications that meet the design requirements of this ordinance shall be granted administrative approval by the zoning official and shall not require Planning Commission review. Plan approval does not indicate compliance with Building Code or Electric Code.
- viii. Approved Solar Components - Electric solar energy system components must have a UL or equivalent listing and solar hot water systems must have an SRCC rating.
- ix. Compliance with Building Code - All solar energy systems shall meet approval of local building code officials, consistent with the State of Wisconsin Building Code or the Building Code adopted by the

local jurisdiction, and solar thermal systems shall comply with HVAC-related requirements of the Energy Code. Compliance with State Electric Code - All photovoltaic systems shall comply with the Wisconsin State Electric Code.

- x. Compliance with State Plumbing Code - Solar thermal systems shall comply with applicable Wisconsin State Plumbing Code requirements.
- xi. Utility Notification - All grid-intertie solar energy systems shall comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.
- b. Conditional Use: SJT encourages the development of large scale solar energy systems such as Community Solar Gardens where such systems present few land use conflicts with current and future development patterns and shall be allowed as an accessory use as approved in parcels of land greater than 20 acres and are subject to certain requirements as set forth below. (Community solar systems differ from rooftop or solar farm installations primarily in regard to system ownership and disposition of the electricity generated, rather than land use considerations. There is, however, a somewhat greater community interest in community solar, and thus communities should consider creating a separate land use category. This language limits the size of the garden to six acres, which is an installation of approximately one MW of solar capacity. Communities should tailor this size limit to community standards, which may be smaller or larger. The current rule of thumb is that one MW of capacity is roughly equal to five to seven acres of land.)
 - i. Rooftop gardens- Rooftop community systems may be approved in all districts where buildings are permitted.
 - ii. Ground-mount gardens - Ground-mount community solar energy garden must be less than [6] acres in total size.
 - iii. Interconnection - An interconnection agreement must be completed with the electric utility in whose service territory the system is located.
 - iv. Dimensional standards - All structures must comply with setback, height, and coverage limitations for the district in which the system is located.
 - v. Stormwater and NPDES – Ground-mount solar gardens are subject to SJT’s stormwater management and erosion and sediment control provisions (chapter 149, article 5) and NPDES permit requirements. Ground cover and buffer areas –The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover. Additional requirements may apply as required by SJT.
 1. Large-scale removal of mature trees on the site is discouraged. SJT may set additional restrictions on tree clearing or require mitigation for cleared trees.
 2. Topsoil shall not be removed during development, unless part of a remediation effort.
 3. Soils shall be planted and maintained for the duration of operation in perennial vegetation to prevent erosion, manage runoff, and improve soil.
 4. Seeds should include a mix of grasses and wildflowers, ideally native to the region of the project site that will result in a short stature prairie with a diversity of forbs or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening.
 5. Seed mixes and maintenance practices should be consistent with recommendations made by qualified natural resource professionals such as those from the Wisconsin Department of Natural Resources, County Soil and Water Conservation District, Land and Water Conservation Department or Natural Resource Conservation Service.
 6. Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.
 7. The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit or bond in favor of the Community equal to one hundred twenty-five (125) percent of the costs to meet the ground cover and buffer area standard. The financial guarantee shall remain in effect until vegetation is sufficiently established. (Communities frequently require bonds or similar

financial guarantees when infrastructure improvements are required for a development project. The beneficial habitat installation can be considered in a similar light. Establishing a self-sustaining pollinator or native habitat ground cover requires maintenance over the first 2-3 years, and some maintenance over the life of the project.)

- vi. Other standards - Ground-mount systems must comply with all required standards for structures in the district in which the system is located.
- c. Restrictions on Solar Energy Systems Limited – Homeowners’ agreements, covenant, common interest community standards, or other contracts between multiple property owners within a subdivision of SJT shall not restrict or limit solar energy systems. (Certain Restrictions Void “All restrictions on platted land that prevent or unduly restrict the construction and operation of solar energy systems [...] are void.” Source: Wisconsin Statutes, § 236.292)

Section C - Zoning Districts and Regulations

1. Introduction

This Section contains general zoning provisions and establishes what uses may be made of property, permissible lot sizes, required setbacks, dimensions and open space and height of buildings.

- a. The Town has established current and potential zoning districts. Each has its own set of regulations in separate Sections of this Chapter.
- b. The location of currently existing Town zoning districts are as shown on the Zoning Map, located at the St Joseph Town hall and maintained by the Town.
- c. Potential zoning districts, not yet shown on the Zoning Map, are described by this Chapter and may be created upon petition to the Town to create such districts in specific and designated areas of the Town.

2. Zoning Districts

For the purpose of this Chapter, present and future provision is hereby made for the division of the Town of St Joseph into the following zoning districts.

- a. Traditional Residential (T-RES)
- b. Preservation Residential (P-RES)
- c. Rural Residential (R-RES)
- d. Traditional Commercial (TR-COM)
- e. Town Center Commercial (TC-COM)
- f. Rural Mixed Use (RM-COM)
- g. Business Park (COM-I)

3. Zoning Map

- a. The Town of St. Joseph is hereby divided into the zoning districts now shown upon a map designated as the Zoning Map of the Town of St Joseph. The Zoning Map and the notations, references and other information shown thereon are a part of this Chapter and shall have the same force and effect as if the matters and information set forth by said Zoning Map were fully described herein. The Zoning Map shall be properly attested and kept on file, along with the office text of this Chapter, in the office of the Clerk/Treasurer of the Town of St. Joseph.
- b. Zoning district boundaries shall be determined by measurement from and as shown on the Zoning Map. In case of any question as to the interpretation of such boundary lines, the Town Board shall interpret the Zoning Map according to the reasonable intent of this Code. Unless otherwise specifically indicated or dimensioned on the Zoning Map, the zoning district boundaries shall follow lot lines US Public Land Survey lines, the centerlines of roads, highways, easements and railroad right of ways.

4. Effect of Zoning Actions by St. Croix County Prior to Effective Date of this Chapter

- a. The Town will assume zoning authority in place of St. Croix County on the effective date of this Chapter. The Town's Zoning Map is initially intended to initially show zoning districts and boundaries that are similar in location and effect on land use to the districts and boundaries shown on St. Croix County's Office Zoning Map on the effect date of this Chapter. To the extent that permitted use differences do exist, legal and permitted uses under St. Croix County Zoning Ordinance on the effect date of this Chapter and that are not completely consistent with permitted uses under this Chapter shall be treated as non-conforming uses to the extent inconsistent with this Chapter. Landowners with such nonconforming use rights can also apply for a conditional use permit under the terms of this Chapter.
- b. Property in the Town that is the subject of special exception permits, conditional use permits and variances previously issued by St. Croix County and being exercised on the effective date of this Chapter, including those in support of commercial activity in non-commercial zones, shall be treated as non-conforming uses that are separately and additionally subject to, and protected by, the terms and

conditions of the applicable County-issued special exception permit, conditional use permit or grant of variance, where adopted by specific reference thereto in the Town resolution enacting this Chapter, or where after the effective date of this Chapter a landowner is able to produce specific proof of such prior official County action as it sufficient and satisfactory to the Town. The holder of such a conditional use permit, special exception permit or variance may also seek a conditional use permit from the Town where the use is otherwise eligible for such a permit under this Chapter.

5. Effect of other Regulations

- a. The fact that a use is shown as permitted in any district created by this Chapter does not guarantee that a particular land use being sought will be achieved. Land use in the Town is subject to other regulations, including but no limited to Chapter 168, the Town's Subdivision Ordinance, Chapter 149 the Town's Roads, Driveways, Trails, Erosion and Sediment Control and Right of Way Construction, Chapter 81 Design Regulations, Chapter 80 Building Construction.
- b. St Croix County also administers certain ordinances in the Town, including but not limited to St. Croix County Code of Ordinances, Chapter 11, Animal Waste, Chapter 12, Sanitary Code, Chapter Non-metallic Mining, and Chapter 17 Shoreland Overlay Zoning, The County's Lower St Croix Riverway Overlay District, Floodplain Overlay Zoning and Chapter 21, Recycling/Solid Waste. The County's Subdivision Ordinance is also enforced in the Town. A proposed land use that is permitted under this Chapter may not be allowed to proceed, depending on how other applicable regulations apply.

Section D - Traditional Residential (T-RES)

1. Purpose

The Residential land use category is to provide for the orderly continuation of the platted area of high-density residential development established and zoned residential by action of St. Croix County prior to the effective date of this Chapter, shown on the Town's Zoning Map. Examples would be the hamlets of Houlton and Burkhardt, as well as historic housing along the St Croix River and surrounding Bass Lake. The residential land use category is characterized by smaller lots less than 3 acres, with proximity to employment and amenities to improve livability. This is ideal for those choosing a more urban setting with nice backyards for pets and gardens, and for segments of the population such as seniors or lower income.

2. Permitted Uses

- a. One primary dwelling, must be permanently attached to a foundation.
- b. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
- c. Minor home occupations
- d. Public parks, playgrounds, public swimming pools, tennis courts, hiking trails, biking trails, bridle trails, and picnic grounds.
- e. Telephone, telegraph and power distribution poles, lines and necessary appurtenant equipment and structures, such as transformers, unit substations and related equipment housings, but no service garage or storage yard.
- f. Accessory structure including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, storage sheds, garden sheds and play structures incidental to residential use of the property.
- g. Other structures clearly incidental to the residential use of the property.
- h. Apiary, beekeeping
- i. Community Gardens, community supported agriculture
- j. Irrigation
- k. Roadside stand
- l. Harvesting wild crops
- m. Foster Home/Adult Family Home
- n. Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.
- o. Undeveloped Natural Resources Land Use
- p. Conservation Design Development

3. Conditional Uses

- a. Temporary residence
- b. One separate accessory dwelling
- c. Multiple family dwellings.
- d. Major home occupations
- e. Microwave relay structures.
- f. Electric generating facility, small scale
- g. Wind energy
- h. Community Living Arrangement, Adult Family Home, Boarding House, Life Care/Continuing Care Service, Retirement Housing Service, Skilled-Nursing Service
- i. Dwelling, Secondary
- j. Bed and Breakfast

- k. Churches, public and private schools.
- l. Wired and wireless communication/cable/transmission facility
- m. Mobile Support Structures and Facilities
- n. Governmental, Institutional or Non profit Community Use
- o. Library
- p. Public safety
- q. Portable Storage Unit
- r. Utility, minor

4. Area, Setback, and Height Requirements

- a. Minimum Lot Area
 - i. Minimum Setbacks: Future land development shall not be less than 3 acres.
 - ii. Front Yard 30 feet from right of way
 - iii. Side Yard: 10 feet from property boundary to the building line.
 - iv. Rear Yard: 10 feet from property boundary to the building line
- b. Maximum Height
 - i. 35 feet

Section E - Preservation Residential (P-RES)

1. Purpose

The Preservation Residential land use responds specifically to the natural resource areas and corridors. The land uses in the Preservation Residential areas will be dedicated to conservation use and/or creative subdivision and development techniques that seek to preserve a larger portion of the natural resources. The land use pattern in this area will include undeveloped land, potentially residential uses and open spaces as defined in SJTO 168-20 that preserve natural resource amenities for the entire town. The overall density of this designation will remain at a minimum of 3 acres but will allow the development of lots in conjunction with preservation of natural resource areas. This is ideal for those choosing a private and quiet setting among wildlife and natural scenery, with an emphasis on conserving our natural resources and open spaces as governed by Wisconsin statute 700.40 and SJTO 168-20.

2. Permitted Uses

- a. Permitted uses in the residential portion:
 - i. Conservancy
 - ii. One primary dwelling; must be permanently attached to a foundation.
 - iii. Temporary residence
 - iv. Accessory structures, including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds and play structures incidental to residential use of the property.
 - v. Minor home occupations
 - vi. Private swimming pools available only to Preservation residents.
 - vii. Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.
 - viii. Agriculture, Apiculture (beekeeping)
 - ix. Roadside stands selling only produce from the farm operation on the premises.
 - x. Agriculture, Aquaculture
 - xi. Agricultural, crop or forage production, agricultural resource production, floriculture, keeping livestock (excluding commercial feedlots or fur farms), sod production, christmas tree production, wholesale nursery on 5 acres or greater. See limitations on Animals and animal units section
 - xii. Horse paddocks. See limitations on Animals and animal units section
 - xiii. Crops, limited agriculture such as but not limited to orchards
 - xiv. Farm related exhibition, sales or even (5 days or less) or larger
 - xv. Forest Management
 - xvi. Grazing
 - xvii. Foster Home/Adult Family Home
 - xviii. Farm Related Exhibition, sale or even 5 days or less
 - xix. Solar Energy Production, Small Scale
- b. Permitted uses in the Common Open Space of the Preservation design:
 - i. Preservation of scenic/historic/scientific/wildlife areas
 - ii. Wildlife sanctuaries
 - iii. Forest preserves
 - iv. Botanical garden or similar center for exhibit and scientific plant study.
 - v. Pedestrian corridors: Including paved or unpaved contiguous systems not limited to established regional trails, local pathways, paved walkways, and shorelines. They include but are not limited to

pedestrian, bicycle, and/or equestrian travel. Motorized vehicles shall be prohibited. Construction in these areas shall be limited to gravel or paved pathways, wood fencing, and landscape planting. Pedestrian Corridor outlots shall be a minimum of 30 feet in width.

- vi. Recreational areas: Includes, but not limited to greens, squares, commons, playground, ball fields, sport courts, beaches, common buildings, gardens or other recreational areas shall be used for active or passive recreational purposes. Community Supported Agriculture. Construction in these areas shall be limited to gravel or paved walkways, open air shelters, bird houses, bridges, garden storage sheds no larger than 120 square feet, wood fencing, landscape planting, play equipment, outdoor furniture and facilities for active recreation.
- vii. Forest management
- viii. Grazing or pasturing of livestock. See Limitation on Animals and Animal Units section.
- ix. Harvesting of any wild crop
- x. Signs (subject to SJTO chapter 156)
- xi. Essential Services: Sewage disposal systems, minor utility substations, stormwater management, and any other similar type of use deemed reasonable, appropriate and the same or similar type of uses by the town board; in addition to the uses allowed in 168-18D(1). Parking areas where necessary to serve active recreation. Industrial Water Supply. Mobile Support Structures and Facilities. Public Safety.
- xii. Historical and Natural Resources

3. Conditional Uses

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

- a. Conditional uses in the residential portion.
 - i. Temporary Residence
 - ii. One accessory dwelling
 - iii. Multiple family dwellings
 - iv. Institutional and Government uses.
 - v. Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
 - vi. Major Home Occupations
 - vii. Wind energy system
 - viii. Equestrian boarding and riding facilities available only to Preservation District residents. (SCCO requires a 590 nutrient management plan.)
 - ix. Agricultural business on 20 acres or larger
 - x. Kennels, commercial on 5 acres or larger
 - xi. Farm market or other Open Air-Agri-business
 - xii. Farm related exhibition, sales or even (5 days or less).
 - xiii. Contractor's storage yard only on 20 acres or larger.. Any such yard shall be so placed or screened by planting as not to be visible at any time during the year from any public highway or any residential building other than that of the owner of such yard, his agent, or employee.
 - xiv. Agricultural products processing on 5 acres or larger
 - xv. Seasonal storage
 - xvi. Portable Storage
 - xvii. Non-profit religious, community service, recreational and educational retreat facilities, uses, structures and accessory structures on 5 acres or larger
 - xviii. Dwelling, Secondary
 - xix. Community Living Arrangement
 - xx. Agricultural Business, Farm Market/Open-Air Agri-Business, Business Conducted by Owner/Operator of Farm

- xxi. Farm Related Exhibition, sales or even 5 days or more
 - xxii. Livestock Facility (<200 animal units, 20+ acres minimum)
 - xxiii. Community Solar Garden (20+ acres minimum)
 - xxiv. Churches, public and private schools.
 - xxv. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
 - xxvi. Gardening and nurseries wholesale.
 - xxvii. Library
 - xxviii. Public safety
 - xxix. Utility, Minor
- b. Conditional Uses in the Common Open Space portion of the Preservation design.
 - i. Conditional uses allowed in the Preservation District design.
 - ii. Filling, Draining, or Dredging of Wetlands
 - iii. Dam
 - iv. Flowage area
 - v. Electric generating facility, small scale
 - vi. Utility, Minor
 - vii. Museum
 - viii. Government, Institutional or Non-profit Community Use

4. Area, Setback, and Height Requirements

The intent of these requirements is to be consistent with and subject to all applicable provisions of Chapter 168, the Town of St. Joseph Subdivision of Land Ordinance. In the event of any inconsistency, the requirements of Chapter 168 shall prevail.

- a. Minimum Lot Size: SJTO 168-7 C, Table 2
 - i. Single Family: 3 acre density, 1.5 acre minimum
 - ii. Multi-family: 6 acres, plus 3 acres for each additional dwelling unit over 2, excluding road right of way
- b. Minimum Setback:
 - i. Front Yard: 50 feet from right-of-way to building line or 83 feet from the centerline of paved road surface, whichever is greater. SJTO 149-4 A(3)
 - ii. Side Yard: 20 feet from property boundary to the building line. SJTO 168-7 B(1)
 - iii. Rear Yard: 20 feet from property boundary to the building line. SJTO 168-7 B(1)
- c. Maximum Height:
 - i. 35 feet

Section F - Rural Residential (R-RES)

1. Purpose

In this land use category, agricultural and very low-density residential uses are most prominent. The primary agricultural uses are active farmlands, farmsteads, and large-lot principal dwelling residential. The rural residential land use category is characterized by lots that are 3 acres and larger. This is ideal for family living, recreation, farming, and those desiring space to tinker, play and create.

2. Permitted Uses

a. Parcels 20 acres or larger

- i. One primary dwelling, must be permanently attached to a foundation.
- ii. Conservation Design Development
- iii. Religious institutions, public and parochial schools.
- iv. Library
- v. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
- vi. Dairy farming. See Limitation on Animals and Animal Units section.
- vii. Keeping of Livestock, excluding commercial feedlots or fur farms. See Limitation on Animals and Animal Units section.
- viii. Grazing or pasturing of livestock. See Limitation on Animals and Animal Units section.
- ix. Horse paddocks. See Limitation on Animals and Animal Units section.
- x. Poultry raising, limited to 100 birds when the parcel is in a major subdivision.
- xi. Apiculture (beekeeping)
- xii. Orchards
- xiii. Vineyards and wineries
- xiv. Forest Management
- xv. Sod or Christmas Tree Production
- xvi. Agricultural businesses such as farm machinery dealers and seed, fertilizer and chemical dealers, and industries which process agricultural products largely produced on nearby farms.
- xvii. Wholesale nurseries
- xviii. Crop, crop/limited agriculture or Forage Production
- xix. Floriculture
- xx. Forest Management
- xxi. Aquaculture
- xxii. Minor home occupations
- xxiii. Roadside stands selling only produce from the farm operation on the premises.
- xxiv. Community Garden
- xxv. Community Supported Agriculture
- xxvi. Public parks and playgrounds, public swimming pools, tennis courts and picnic grounds.
- xxvii. Accessory structures including general farm building (barns, silos, windmills, sheds, chicken coops and storage bins), private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds and play structures incidental to residential use.
- xxviii. Harvesting wild crops
- xxix. Farm related exhibition, sales or even (5 days or less)
- xxx. Livestock Facility 1-200 animal units (1 unit per useable acre)
- xxxi. Manure Storage

- xxxii. Pick-your-own Operations
- xxxiii. Historic or Natural Resources and Open Space Land Use
- xxxiv. Foster Home/Adult Family Home
- xxxv. Public Safety
- xxxvi. Solar Energy Production, Small Scale

b. Parcels 5 acres to less than 20 acres

- i. One primary dwelling, must be permanently attached to a foundation.
- ii. Religious institutions, public and parochial schools.
- iii. Library
- iv. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
- v. Keeping of Livestock, excluding commercial feedlots or fur farms. See Limitation on Animals and Animal Units section.
- vi. Grazing or pasturing of livestock. See Limitation on Animals and Animal Units section.
- vii. Horse paddocks. See Limitation on Animals and Animal Units section.
- viii. Poultry raising excluding male birds and limited to 20 birds when the lot or parcel is a major subdivision. 5 birds per acre are allowed on lots and parcels not in a major subdivision.
- ix. Apiculture (beekeeping)
- x. Orchards
- xi. Sod or Christmas Tree Production
- xii. Vineyards and wineries
- xiii. Forest Management
- xiv. Wholesale nurseries
- xv. Crop, Crop/limited or Forage Production
- xvi. Floriculture
- xvii. Aquaculture
- xviii. Minor home occupations
- xix. Roadside stands selling only produce from the farm operation on the premises.
- xx. Community Garden
- xxi. Community Supported Agriculture
- xxii. Public parks and playgrounds, trails, public swimming pools, tennis courts and picnic grounds.
- xxiii. Accessory structures including general farm building (barns, silos, windmills, sheds, chicken coops and storage bins), private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds and play structures incidental to residential use.
- xxiv. Harvesting wild crops
- xxv. Farm related exhibition, sales or even (5 days or less)
- xxvi. Livestock Facility. See Limitation on Animals and Animal Units section.
- xxvii. Portable Storage Unit
- xxviii. Pick-your-own Operations
- xxix. Undeveloped Natural Resources and Open Space Land Use
- xxx. Foster Home/Adult Family Home
- xxxi. Conservation Design Development
- xxxii. Open Space
- xxxiii. Public Safety
- xxxiv. Solar Energy Production, Small Scale

c. Parcels less than 5 acres

- i. One primary dwelling, must be permanently attached to a foundation.
- ii. Foster Home/Adult Family Home
- iii. Religious institutions, public and parochial schools.
- iv. Library
- v. Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
- vi. Minor home occupations
- vii. Gardening and nurseries for propagation of plants only.
- viii. Poultry raising, excluding male birds, and limited to 10 birds on lots smaller than 2.5 acres and up to 20 birds on lots 2.5 acres or more in size.
- ix. Apiculture (beekeeping)
- x. Floriculture
- xi. Roadside stands selling only produce from the farm operation on the premises by members of the farm family.
- xii. Public parks and playgrounds, trails, public swimming pools, tennis courts and picnic grounds.
- xiii. Accessory structures including private garages and carports, gazebos, swimming pools, greenhouses, tool sheds, chicken coops, storage sheds, garden sheds and play structures incidental to residential use.
- xiv. Harvesting wild crops
- xv. Farm related exhibition, sales or even (5 days or less)
- xvi. Community Garden
- xvii. Community Supported Agriculture
- xviii. Keeping of Livestock, excluding commercial feedlots or fur farms. See Limitation on Animals and Animal Units section.
- xix. Undeveloped Natural Resources and Open Space Land Use
- xx. Conservation Design Development
- xxi. Historic or Natural Resources
- xxii. Open Space
- xxiii. Public Safety
- xxiv. Portable Storage Unit
- xxv. Solar Energy Production, Small Scale

3. Conditional Use

a. Parcels 20 acres or larger

- i. One accessory dwelling.
- ii. Multiple family dwellings.
- iii. Temporary residence.
- iv. Contractor's storage yard. Any such yard shall be so placed or screened by planting as not to be visible at any time during the year from any public highway or any residential building other than that of the owner of such yard, his agent, or employee.
- v. Commercial kennels.
- vi. Dams, power plants, flowage areas, telephone, telegraph, cable television and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio relay towers; provided that such facilities are

found to be necessary and are located to avoid unreasonable interference with other uses permitted or existing in the district. See requirements of Section T.

- vii. Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
- viii. Golf course and uses incidental to a golf course, including a clubhouse/restaurant facility serving food and beverage.
- ix. Major Home occupations.
- x. Seasonal storage.
- xi. Horse boarding or training facilities.
- xii. Non-profit religious, community service, recreational and educational retreat facilities uses, structures and accessory structures.
- xiii. Wind energy systems
- xiv. Wired and wireless communication/cable/transmission facility
- xv. Electric generating facility, small scale
- xvi. Farm market or other Open Air-Agri-business
- xvii. Business conducted by owner/operator of farm
- xviii. Farm related exhibition, sales or even (5 days or more)
- xix. Agricultural products processing
- xx. Dwelling, Secondary
- xxi. Community Living Arrangement
- xxii. Campground, Private
- xxiii. Golf Course
- xxiv. Mobile Support Structures and Facilities
- xxv. Governmental, Institutional, or Non-profit Community Use
- xxvi. Portable Storage Unit
- xxvii. Community Solar Garden
- xxviii. Utility, Minor

b. Parcels 5 acres to less than 20 acres

- i. One accessory dwelling
- ii. Multiple family dwellings
- iii. Dwelling, Secondary
- iv. Temporary residence
- v. Commercial Kennels.
- vi. Dams, power plants, flowage areas, telephone, telegraph, cable television, cellular and power transmission towers, poles and lines, including transformers, substations, relay stations, equipment housing and other similar necessary appurtenant facilities, radio relay towers, provided that such facilities are found to be necessary and to be located as to avoid unreasonable interference with other uses permitted or existing in the district. See requirements of Section T.
- vii. Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
- viii. Major home occupations.
- ix. Seasonal storage.
- x. Horse boarding or training facilities.
- xi. Non-profit religious, community service, recreational and educational retreat facilities, uses, structures and accessory structures
- xii. Wind energy systems
- xiii. Wired and Wireless communication and transmission facility
- xiv. Electric generating facility, small scale
- xv. Mobile Support Structures and Facilities

- xvi. Farm market or other Open Air-Agri-business
- xvii. Business conducted by owner/operator of farm
- xviii. Farm related exhibition, sales or even (5 days or more)
- xix. Agricultural products processing
- xx. Community Living Arrangement
- xxi. Campground, Private
- xxii. Government, Institutional or Non-profit Community Use
- xxiii. Utility, Minor

c. Parcels less than 5 acres

- i. One accessory dwelling
- ii. Multiple family dwellings.
- iii. Dwelling, Secondary
- iv. Temporary residence
- v. Major home occupations. see Section L
- vi. Bed and breakfast establishment as defined in Wis. Stats. § 254.61(1).
- vii. Wind energy systems
- viii. Electric generating facility, small scale
- ix. Farm related exhibition, sales or even (5 days or more)
- x. Community Living Arrangement
- xi. Bed and Breakfast
- xii. Utility, Minor

4. Area, Setback, and Height Requirement

The intent of these requirements is to be consistent with and subject to all applicable provisions of Chapter 168, the Town of St. Joseph Subdivision of Land Ordinance, specifically including Sec. 168-7 dealing with subdivision design. In the event of any inconsistency, the requirements of Chapter 168 shall prevail.

- a. Minimum Lot Size:
 - i. 3 acres
- b. Minimum Setback:
 - i. Front Yard: 108 feet from the center line of the road or 75 feet from the right-of-way line, whichever is greater.
 - ii. Side Yard: 20 feet from property boundary to the building line.
 - iii. Rear Yard: 20 feet from property boundary to the building line.
- c. Maximum Height:
 - i. Primary dwelling and accessory structures: 35 feet
 - ii. Windmills: 50 feet
 - iii. Silos: 85 feet

Section G - Business Districts: General Standards for the Business Districts

1. Purpose

The purpose of the Business Districts other than the Traditional Commercial District is to implement certain objectives of the Town’s Comprehensive Plan, which designates planned locations and desirable characteristics of future business development. Area generally shown for future commercial and industrial development in the Town’s Comprehensive Plan is more specifically designated on the Town’s Zoning Map as Houlton Town Center Mixed Use, Rural Mixed Use, and Business Park.

The design standards and requirements set out in this Section apply to all business districts unless more specific requirements are set forth elsewhere in this Chapter.

2. Uses in Business Districts

Uses in each category of commercial district are either permitted, conditionally permitted or not allowed. See Zoning Use Table.

3. Lots and Structure Requirements

- a. Lot Area, minimum: 3 acres
- b. Landscaped Area, minimum: 15%
- c. Impervious Hard Surface Lot Coverage, maximum: 20%
- d. Building Height, maximum: 35 feet
- e. Accessory Structure Height, maximum: 35 feet

4. General Standards

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

- a. Building Construction specified in the Town of St. Joseph Ordinance Chapter 80.
- b. Design Regulation specified in Town of St. Joseph Ordinance Chapter 81.
- c. Roads, Driveways, Trails, Erosion and Sediment Control and Right-Of-Way Constructions specified in Town of St. Joseph Ordinance Chapter 149.
- d. Signs specified in Town of St. Joseph Ordinance Chapter 156.
- e. Franchise architecture shall not be allowed.
- f. Formula businesses shall not be allowed.

5. Traffic Standards

All business district development proposals shall contain a traffic plan with detailed landscaping, off-street parking layout with overflow parking, drainage provisions and driveway locations. The following standards shall apply:

- a. Loading
 - i. Provision. Space for off-street unloading of vehicles with access to a public street or other public way shall be provided so that streets and sidewalks are free and unobstructed for vehicular and pedestrian traffic.
 - ii. Quantity. One space minimum is required for every 2,500 square feet of gross floor area of the building served. Establishments offering curb service to customers who remain in their vehicles shall provide at least 5 off-street parking spaces for each person employed to serve such customers.

- iii. Location. Off-street loading spaces shall be located on the same lot with the principal use requiring such space. No loading space shall be located within thirty (30) feet of the nearest point of intersection of two (2) streets or require any vehicle to back into a public street.
 - iv. Design. Each off-street loading space shall have a width of at least twelve (12) feet, a length of at least forty (40) feet, and a vertical clearance of at least fifteen (15) feet. All loading berths shall be completely screened from residential properties by building walls or a uniformly painted solid fence, wall or door, or any combination thereof, not less than eight (8) feet in height.
 - v. Surfacing. All open—street loading berths shall be improved with a compacted gravel base not less than seven (7) inches thick, surfaced with not less than three (3) inches of asphalt or treated with some comparable all-weather material providing a hard, durable, dustless surface. Unless impractical and waived by the Town Engineer, all such areas shall be graded and drained to a point or points within the private lot such that no runoff shall exit the property into the public street.
 - vi. Repair and Surface. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any loading facilities that may be provided in any residential district.
 - vii. Utilization. No motor vehicle repair work or service of any kind shall be permitted in conjunction with any loading facilities that may be provided in any residential district.
- a. Parking.
- i. Access. Adequate driveway access to a public street shall be provided for each parking space. Aisles providing access to stalls shall be not less than twenty-four (24) feet wide.
 - ii. Location. Parking locations are to be on the same lot as the principal use or not over four hundred (400) feet from the principal use. No parking stall or driveway shall be closer than twenty-five (25) feet to a residential district lot line or a street line opposite a residential district, except in residential districts.
 - iii. Size. The size of each parking space shall have a stall width of at least ten (10) feet, a stall length of at least twenty (20) feet and vertical clearance of at least six and one-half (6-1/2) feet.
 - iv. Delineation. Any off-street parking area under this section for five (5) or more vehicles shall have the aisles and spaces clearly marked. Curbs or barriers shall be installed in parking lots that prevent the parked vehicles from extending over any adjoining lot line.
 - v. Grading. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
 - vi. Surfacing. All open off-street parking areas shall be surfaced with a dustless all weather material or other appropriate impermeable surface material capable of carrying a wheel load of four thousand (4,000) pounds [normally, a three (3) inch blacktop on a compacted gravel base of not less than seven (7) inches, or five (5) inches of Portland cement will meet this requirement].
 - vii. Design. Irregular or other creative parking layout designs may be required to prevent or minimize the undesirable appearance of large undifferentiated spaces.
 - viii. Setbacks. No part of a special purpose off-street parking facility shall extend closer to a street than one-half of the setback that would be required for a building on the premises. No part of a special purpose off-street parking facility shall encroach into setback areas. Screen plantings, decorative fences, walls or combination thereof shall be provided in setback area to protect and buffer adjacent properties.
 - ix. Quantity. All business use structures shall provide one off street parking stall for every three persons contained in the maximum allowable occupancy of the structure as calculated under the applicable building code. Exceptions may be recommended by the Planning Commission and approved by the Town Board where fewer or greater numbers of parking stalls are required after taking into consideration the availability of public transportation, walkability to the site, shared parking areas with different peak times of use, the availability of non-parking areas for temporary use, shared parking with different business hours, availability of overflow parking, the need to prevent commercial user parking in residential areas, particularly where there is night-time use and any other criteria that may

impact the desirability of requiring more or fewer business parking stalls. Where a parking area is primarily used at peak times, an applicant may apply to waive specific requirements of this subsection when a more attractive, environmentally desirable and versatile parking area is proposed.

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

Section H - Traditional Commercial (TR-COM)

1. Purpose

- a. The purpose of the Traditional Commercial District is to provide for the orderly continuation of existing commercial activity in the Town. The intent of this District is to include only those areas of the Town that were zoned commercial prior to the effective date of this Chapter, and to accommodate the continuation of commercial activities zoned as such and operating in the Town on the effective date of this Chapter.
- b. The Traditional Commercial District does not provide for commercial activities and uses other than those zoned as such on the effective date of this Chapter. However, land in the Traditional Commercial District is eligible for a conditional use permit for similar commercial uses that are compatible with the uses to which the property is being put on the effective date of this Chapter. Land in the Traditional Commercial District may also be eligible for commercial district rezoning if designated for such use in the Zoning Map, has been determined to be compatible in design and uses to neighboring land, and has been properly assessed and approved by the rezoning process that includes public input.

2. Permitted Uses

- a. Greenhouse
- b. School (Public or Private)
- c. Office - Business or Professional
- d. Solar Energy Production, Small Scale

3. Conditional Uses

- a. Artisan Workshop
- b. Farm Market or other Open-Air Agri-Business when the following apply:
 - i. At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - ii. For business with multiple vendors, 75% of the vendors are local producers.
 - iii. Minimum lot size is five (5) acres
 - iv. Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas
 - v. Not to exceed an attendance level of 300 people
 - vi. No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - vii. All outdoor light associated with activity shall be turned off by 10:00 p.m.
 - viii. Curb cut access shall only be allowed from an arterial or collector road.
 - ix. Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
 - x. Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - xi. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - xii. Trash composting, recycling and waste removal will be provided in accordance with Town codes.
 - xiii. A Site Manager shall be on site during all hours of operation
- c. Agricultural Business
- d. Drive In Theater
- e. Tavern, Cafe or Restaurant
- f. Group Home
- g. Dental Clinic

- h. Contractor Sales and Service
- i. Convenience Store, with or without Gasoline Sales
- j. Dealerships (Off-Road, Watercraft and Implements)
 - i. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - ii. Unlicensed, untitled vehicles shall not be permitted on the site at any time.
 - iii. All parts, including body parts, shall be stored within a completely enclosed structure.
 - iv. The lot shall front on an arterial or collector street.
 - v. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - vi. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - vii. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- k. Maintenance and Repair of Goods and Equipment
- l. Automotive Service, Repair and Towing when the following apply:
 - i. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - ii. Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - iii. All parts, including body parts, shall be stored within a completely enclosed structure.
 - iv. The lot shall front on an arterial or collector street.
 - v. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - vi. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - vii. There shall be no selling of vehicles.
 - viii. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- m. Liquor Store
- n. Contractor Storage Yard when the following apply:
 - i. All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.
 - ii. The storage area shall be kept free of litter and debris at all times.
 - iii. All storage areas shall be no less than twenty-five (25) feet from any property line.
 - iv. No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on site.
- o. Propane Storage and Distribution
- p. Seasonal Storage
- q. Self-Storage Facility
- r. Adult Establishment when complies with Town Ordinance Chapter 153 regulating Sexually Oriented Businesses.
- s. Mobile Support Structures and Facilities
- t. Wired and wireless communication/cable/transmission facility
- u. Innovation Workspace

4. Lots and Structures

- a. Building Coverage, maximum: 5500 sq ft
- b. Side Yard for Principal Building Abutting Business, minimum: 20 feet
- c. Rear Yard for Principal Building Abutting Business, minimum: 20 feet
- d. Side Yard for an Accessory Structure Abutting Business, minimum: 20 feet
- e. Side Yard for Principal Building Abutting Residential, minimum: 20 feet
- f. Rear Yard for Principal Building Abutting Residential, minimum: 20 feet
- g. Side Yard for An Accessory Structure Abutting Residential, minimum: 20 feet

5. Modifications

- a. In the event that the exterior area of a building in the Traditional Commercial District will be modified, remodeled, replaced, and/or reconstructed by at least 50 percent, said building shall conform to all standards established by this section.

Section I - Town Center Commercial (TC-COM)

1. Purpose

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

2. Permitted Uses

- a. Community Garden
- b. Greenhouse
- c. Small Group Day Care for Children or Adults
- d. Home Health Care Service Office
- e. Office - Business or Professional
- f. Artisan Furniture or Clothing and similar Retail Shops
- g. Notion, Variety or Gift Shop
 - i. The following uses are considered to be appropriate within the zoning district. This list is intended to be indicative and not inclusive: Antiques and furniture sales; Apparel; Art gallery and/or frame shop; Bicycle sales, lease and service; Books and music; Cards, stationery and party supplies; Computer sales and supply; Florist, plant or gift store; Hardware store without outdoor display or storage; Hobby or craft store; Jewelry and engraving; Photographic studio; Camera sales and service; Sporting goods.
- h. Financial or Investment Institution
- i. School (Public or Private)
- j. Solar Energy Production, Small Scale

3. Conditional Uses

- a. Artisan Workshop
- b. Athletic Fields or Sports Courts when the following apply:
 - i. No commercial recreational use shall be located within 300 feet of existing residential development.
 - ii. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
 - iii. Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.
- c. Community Center
- d. Laundromat

- e. Maintenance and repair of goods and equipment
- f. Library
- g. Bakery or Deli
- h. Tavern, Cafe or Restaurant
- i. Grocer or Food Cooperative
- j. Dance School, Fitness Center or similar Indoor Recreation Facility
- k. Garden Center
- l. Museum, Gallery or similar Cultural Center
- m. Interpretive and/or Research Center for Historical, Natural or Social Sciences
- n. Club, Lodge or Meeting Hall
- o. Religious Institution
- p. Reception, Meeting or Community Events Center
- q. Single Screen Theater, Movie or Performing Arts Stage
- r. Innovation Workspace
- s. Live-Work Units when the following apply:
 - i. A minimum of eighty (80%) of a structure's street front facade at street level shall be occupied by nonresidential uses.
 - ii. Guest parking is provided at a rate of one (1) parking space per unit under 2,500 square feet. For units larger than 2,500 square feet, one (1) parking space required per 300 square feet of business area.
 - iii. Live/work units that exceed 2,000 square feet must have at least two exits.
 - iv. Within each live-work unit, the living area shall not exceed one half of the total floor area of the unit.
 - v. At least one resident in each live-work unit shall maintain a valid business license and zoning permit for a business on the premises.
- t. Bed and Breakfast
- u. Veterinary Clinic for Domestic Animals
- v. Drug Store/Pharmacy
- w. Optical Sales
- x. Dental Clinic
- y. Medical Clinic
- z. Preschool
- aa. Group Home
- bb. Boarding House
- cc. Laundromat
- dd. Hardware Supply Store
- ee. Contractor Sales and Service
- ff. Liquor Store
- gg. Agricultural Business
- hh. Jewelry, watch and precious stone and metal, sales and wholesalers
- ii. Farm Market or other Open-Air Agri-Business

4. Lots and Structure Requirements

- a. Building Coverage, maximum: 2500 sq ft
- b. Side Yard for Principal Building Abutting Business, minimum: 20 feet
- c. Rear Yard for Principal Building Abutting Business, minimum: 20 feet
- d. Side Yard for an Accessory Structure Abutting Business, minimum: 20 feet
- e. Side Yard for Principal Building Abutting Residential, minimum: 20 feet
- f. Rear Yard for Principal Building Abutting Residential, minimum: 20 feet

g. Side Yard for An Accessory Structure Abutting Residential, minimum: 20 feet

Section J - Rural Mixed Use (RM-COM)

1. Purpose

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

2. Permitted Uses

- a. Community Center
- b. Library
- c. Postal Service
- d. Community Garden
- e. Community Supported Agriculture (CSA food farm)
- f. Greenhouse
- g. Garden Center
- h. Small Group Day Care for Children or Adults
- i. Home Health Care Service Office
- j. Hardware Supply Store
- k. Office - Business or Professional
- l. Barber, Salon, Day Spa or Beauty Parlour
- m. Artisan Furniture or Clothing and similar Retail Sales
- n. Notion, Variety or Gift Shop
- o. School (Public or Private)
- p. Solar Energy Production, Small Scale
- q. Minor Home Occupation

3. Conditional Uses

The following uses are allowed with a conditional use permit subject to the standards of conditional uses and the zoning approval process:

- a. Artisan Workshop
- b. Maintenance and repair of goods and equipment
- c. Farm Market or other Open-Air Agri-Business when the following apply:
 - i. At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - ii. For business with multiple vendors, 75% of the vendors are local producers.
 - iii. Minimum lot size is five (5) acres
 - iv. Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas
 - v. Not to exceed an attendance level of 300 people
 - vi. No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - vii. All outdoor light associated with activity shall be turned off by 10:00 p.m.

- viii. Curb cut access shall only be allowed from an arterial or collector road.
- ix. Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
- x. Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
- xi. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- xii. Trash composting, recycling and waste removal will be provided in accordance with Town codes.
- xiii. A Site Manager shall be on site during all hours of operation
- d. Live-Work Units when the following apply:
 - i. A minimum of eighty (80%) of a structure's street front facade at street level shall be occupied by nonresidential uses.
 - ii. Guest parking is provided at a rate of one (1) parking space per unit under 2,500 square feet. For units larger than 2,500 square feet, one (1) parking space required per 300 square feet of business area.
 - iii. Live/work units that exceed 2,000 square feet must have at least two exits.
 - iv. Within each live-work unit, the living area shall not exceed one half of the total floor area of the unit.
 - v. At least one resident in each live-work unit shall maintain a valid business license and zoning permit for a business on the premises.
- e. Group Home
- f. Boarding House
- g. Residential care services
- h. Bed and Breakfast
- i. Athletic Fields and Sport Courts when the following apply:
 - i. No commercial recreational use shall be located within 300 feet of existing residential development.
 - ii. No building, trailer, vehicle, or mechanical equipment supporting the use shall be located within 50 feet of any property line.
 - iii. Accessory uses permitted shall be limited to a clubhouse, refreshment stands, maintenance shed, a miniature golf course, and a pro shop.
- j. Innovation Workspace
- k. Dance School, Fitness Center and other similar Indoor Recreation Facility
- l. Club, Lodge or Meeting Hall
- m. Religious Institution
- n. Botanical Garden or similar outdoor exhibits and scientific plant study
- o. Interpretive and/or Research Center for Historical, Natural or Social Sciences
- p. Veterinary Clinic for Domestic Animals
- q. Bakery or Deli
- r. Grocer or Food Cooperative
- s. Tavern, Cafe or Restaurant
- t. Museum, Gallery or similar Cultural Center
- u. Single Screen Theater, Movie or Performing Arts Stage
- v. Dental Clinic
- w. Optical Sales
- x. Medical Clinic
- y. Car Wash
- z. Convenience Store, with or without Gasoline Sales
- aa. Automotive Service, Repair and Towing when the following apply:

- i. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - ii. Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - iii. All parts, including body parts, shall be stored within a completely enclosed structure.
 - iv. The lot shall front on an arterial or collector street.
 - v. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - vi. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - vii. There shall be no selling of vehicles.
 - viii. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- bb. Agricultural Business
 - cc. Contractor Sales and Service
 - dd. Contractor Storage Yard when the following apply:
 - i. All equipment and building materials shall be screened from outside view by an opaque fence no less than six (6) feet in height.
 - ii. The storage area shall be kept free of litter and debris at all times.
 - iii. All storage areas shall be no less than twenty-five (25) feet from any property line.
 - iv. No major repairs of vehicles and/or equipment, nor any manufacturing or processing, shall occur on site.
 - ee. Funeral Home
 - ff. Liquor Store
 - gg. Major Home Occupation

4. Lots and Structure Requirements

- a. Building Coverage, maximum: 4000 sq ft
- b. Side Yard for Principal Building Abutting Business, minimum: 20 feet
- c. Rear Yard for Principal Building Abutting Business, minimum: 20 feet
- d. Side Yard for an Accessory Structure Abutting Business, minimum: 20 feet
- e. Side Yard for Principal Building Abutting Residential, minimum: 20 feet
- f. Rear Yard for Principal Building Abutting Residential, minimum: 20 feet
- g. Side Yard for An Accessory Structure Abutting Residential, minimum: 20 feet

Section K - Business Park (COM-I)

1. Purpose

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

2. Permitted Uses

The following uses shall be permitted

- a. Aquaculture
- b. Beekeeping
- c. Floriculture
- d. Wholesale Nursery
- e. Community Garden
- f. Community Supported Agriculture (CSA Food Farm)
- g. Greenhouse
- h. Veterinary Clinic for Domestic Animals
- i. Artisan workshop
- j. Dance School, Fitness Center, or similar Indoor Recreation Facility
- k. Game Arcade
- l. Museum, Gallery or similar Cultural Center
- m. Reception, Meeting or Community Events Center
- n. Child Care Center
- o. Group Day Care for Children and Adults
- p. Bakery or Deli
- q. Grocer or Food Cooperative

- r. Liquor Store
- s. Sales of Processed or Preserved Agricultural Products and Produce
- t. Tavern, Cafe or Restaurant
- u. Courier and Messenger Service
- v. Financial or Investment Institution
- w. Home Health Care Services Offices
- x. Innovation Workspace
- y. Office- Business or Professional
- z. Technology, Software and Computer Services
- aa. Barber, Salon, Day Spa or Beauty Shop
- bb. Dental Clinic
- cc. Laundromat
- dd. Contractor Sales and Service
- ee. Artisan Furniture or Clothing and similar Retail Sales
- ff. Convenience Store, with or without Gasoline Sales
- gg. Drug Store, Pharmacy
- hh. Garden Center
- ii. Hardware supply store with indoor storage
- jj. Jewelry, watch and precious stone and metal, sales and wholesalers
- kk. Landscape Supply and Contracting Business (Plant or Tree Nursery)
- ll. Notion, Variety or Gift Shop
- mm. Office supply, printing, photocopy and packaging and similar services
- nn. Optical Sales
- oo. Building Construction Services
- pp. Cabinetry, cabinet making and counters
- qq. Cut and sew apparel manufacturing
- rr. Solar Energy Production-small scale
- ss. Utility, minor
- tt. Club, Lodge or Meeting Hall
- uu. Governmental, Institutional and Non-Profit
- vv. Religious Institution
- ww. Botanical Garden or similar outdoor exhibits and scientific study
- xx. Preschool
- yy. School (Public or Private)
- zz. Technical or Trade School
- aaa. Library
- bbb. Community Center
- ccc. Postal Service

3. Conditional Uses

The following uses are allowed with a conditional use permit subject to the standards of conditional uses and the zoning approval process:

- a. Any permitted or conditional use over listed 5500 Sq Ft.
- b. Athletic Fields and Sport Courts
- c. Single screen Theatre, Movie or Performing Arts
- d. Specialty Beverage Tasting Room with Retail Sales
- e. Car Wash

- f. Maintenance and repair of goods and equipment
- g. Medical Clinic
- h. Automotive Service Repair and Towing
 - i. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - ii. Unlicensed, untitled vehicles shall not be permitted on the site at any time. No body or chassis shall be stored on the site at any time.
 - iii. All parts, including body parts, shall be stored within a completely enclosed structure.
 - iv. The lot shall front on an arterial or collector street.
 - v. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - vi. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - vii. There shall be no selling of vehicles.
 - viii. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- i. Automotive Parts, Accessories and Tire Stores
- j. Dealerships (Off-Road, Watercraft, and Implements)
 - i. Vehicles undergoing repair, painting or bodywork shall remain inside an enclosed structure at all times.
 - ii. Unlicensed, untitled vehicles shall not be permitted on the site at any time.
 - iii. All parts, including body parts, shall be stored within a completely enclosed structure.
 - iv. The lot shall front on an arterial or collector street.
 - v. Adequate provisions shall be made for ventilation and the dispersion and removal of fumes, and for the removal of hazardous chemicals and fluids.
 - vi. There must be a separator within the drainage system if cleaning agents are being rinsed off of vehicles for all washing/rinsing.
 - vii. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
- k. Farm Market or other Open Air Agri-Business when the following apply:
 - i. At least 75% of the products sold are farm produce, products made from farm produce or products locally crafted.
 - ii. For business with multiple vendors, 75% of the vendors are local producers.
 - iii. Minimum lot size is five (5) acres
 - iv. Setback shall be not less than 100 feet from all buildings, impervious surfaces and activity areas
 - v. Not to exceed an attendance level of 300 people
 - vi. No activity shall begin prior to 9:00 a.m. nor extend beyond 9:00 p.m.
 - vii. All outdoor light associated with activity shall be turned off by 10:00 p.m.
 - viii. Curb cut access shall only be allowed from an arterial or collector road.
 - ix. Parking shall be provided at the rate of one (1) space per 50 square feet of sales area, whether paved, grass or other suitable material. Unpaved spaces and driving aisles shall be organized for efficient traffic flow using railroad ties or other approved materials by the Zoning Administrator.
 - x. Tents used for any event may be set up no more than 72 hours in advance and must be taken down within 72 hours after such event.
 - xi. The area around the building shall be kept free of debris and shall be maintained in an orderly and clean condition.
 - xii. Trash composting, recycling and waste removal will be provided in accordance with Town codes.
 - xiii. A Site Manager shall be on site during all hours of operation
- l. Agricultural Business

- m. Fruit and vegetable preserving and specialty food manufacturing/packaging with the exception of animals
- n. Industry, light
- o. Micro-brewery, or Distillery with Tap/Tasting Room
- p. Renewable energy production equipment, distribution and sales (wind, solar, geothermal)
- q. Winery
- r. Irrigation and Industrial Water Supply
- s. Interpretive and/or Research Center for Historical, Natural or Social Sciences
- t. Child and Youth Services
- u. Elderly and Disabled Services
- v. Family Services (food, emergency, etc)
- w. Mobil Support Structures and Facilities

4. Lots and Structure Requirements

- a. Building Coverage, maximum: 5500 sq ft
- b. Side Yard for Principal Building Abutting Business, minimum: 50 feet
- c. Rear Yard for Principal Building Abutting Business, minimum: 50 feet
- d. Side Yard for an Accessory Structure Abutting Business, minimum: 20 feet
- e. Side Yard for Principal Building Abutting Residential, minimum: 50 feet
- f. Rear Yard for Principal Building Abutting Residential, minimum: 50 feet
- g. Side Yard for An Accessory Structure Abutting Residential, minimum: 20 feet

5. Impact Review

Development in the Business District is subject to the following:

- a. Specifications to Submit for Review:
 - i. All plans as defined in Chapter 81 Design Regulations.
 - ii. Designated active and passive open space.
 - iii. Utility systems and locations.
 - iv. Refuse and recycling collection, storage and removal plans.
 - v. Driveway and parking measurements.
 - vi. Surface materials.
 - vii. Landscaping maintenance and treatment plans.
- b. Review Criteria:
 - i. Conformance with the applicable provisions of the District, its theme and intent.
 - ii. Conformance with the applicable provisions of this Section.
 - iii. Compatibility of the proposed development with adjacent and nearby uses.
 - iv. Conformance with the Town's Design Regulations.
 - v. Availability and capacity, both on and off site, of public or private utilities and services including water, sanitary sewer, drainage, specific refuse and recycling services, streets, sidewalks, traffic control, fire protection, and police protection.
 - vi. Provision for anticipated traffic and impact to existing conditions, including weights, visibility, parking, circulation and access.
 - vii. Adequate development valuation or direct contribution to support necessary public safety services.
 - viii. Effective mitigation of any potential negative environmental impacts of the proposed development either on the site or off site.
 - ix. Minimization of light beyond that which is required for safety and security.
 - x. Adequate provision for preservation and maintenance of areas set aside for common ownership.
 - xi. Consistency with the Town's Comprehensive Plan.

- xii. Preservation of rural values and enhanced connections to nearby features such as trails, agriculture, historic sites and conservation areas.
 - xiii. Benefits the local community by sourcing products and human resources locally, providing innovative or unique products and services, and fostering certain creative, conservation, recreational, educational or cultural benefits to further enrich the community.
 - xiv. Design, parking, landscaping and utility areas create and sustain a desirable and stable environment.
 - xv. The effect on property values for the surrounding area.
 - xvi. Impacts to the scenic views of the area.
 - xvii. Effect of the proposed use upon the health, safety, morals, convenience and general welfare of the occupants of the surrounding lands and wider community.
- c. Specific Requirements:
- i. Strict conformance with the performance criteria as defined in Section Q.
 - ii. The use of heavy drop hammers, punch presses, or other machinery or processing methods creating excessive noise, vibration or hazardous by-products is prohibited in this district.

Section L - Home Occupations

1. Purpose

The purpose of this section is to:

- a. Protect residential and agricultural areas from adverse impacts of activities associated with home occupations;
- b. Permit residents of the community an opportunity to conduct a business at their place of residence; and
- c. Establish criteria and development standards for home occupations conducted in dwelling units and accessory structures in the Residential and Agricultural districts.
- d. Types of restricted occupational uses within the Residential and Agricultural districts which:
 - i. Are incidental to the use of the premises as a residence or a farm
 - ii. Are compatible with residential or agricultural uses
 - iii. Are limited in extent
 - iv. Do not detract from the residential or agricultural character of the neighborhood.

2. Applicability and Definitions

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

3. General Standards

- a. The following standards apply to all home occupations:
 - i. The person principally responsible for the home occupation must reside at the location of the proposed home occupation.
 - ii. All home occupations shall be clearly incidental and secondary to the use of a dwelling or accessory structure for residential or agricultural purposes, and the appearance of the structure shall not be altered or the occupation within the dwelling or accessory structure be conducted in such a manner which would cause the premises to differ from its residential or agricultural character by either the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, odors or vibrations. In no case shall any home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
- b. A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.
- c. Storage
 - i. Exterior storage of business equipment, merchandise, inventory, vehicles or heavy equipment directly related to the business to be orderly, and are subject to the town's inspection and approval.
 - ii. Materials, including organic materials such as rock or plants, may be stored within the permitted home occupation area outside of an enclosed structure.
 - iii. Any permitted exterior storage of materials shall have a natural screening to create a pleasant transition with the storage area and that of the roadway or neighboring residence.
- d. Home occupations shall not produce objectionable odors, vibrations, glare, fumes or electrical interference detectable beyond the lot line of the parcel on which the home occupation is located.
- e. Home occupations shall not illegally discharge any materials, fluids or gases into an on-site waste disposal system nor discharge such items in violation of any applicable government
- f. Large scale sales (attendance of over 50 people in a 24 hour period) are held no more than once a month and no longer than 3 consecutive days.
- g. 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

- h. Sign(s) conform with the applicable sign ordinance.
- i. In the Agricultural district, Home Occupations are allowed if they:
 - i. comply with all applicable requirements of this section, and
 - ii. do not impair or limit current or future agricultural use of the farm on which they are performed
 - iii. comply with Wis. Stat. § 91.01(1).
- j. All previously permitted home occupations which are now deemed nonconforming home occupations by this section, shall be allowed to continue operating provided that the user/permit holder adheres to the requirements set forth in this section or until the use is abandoned by the user/permit holder.

4. 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:
 - i. Minor home occupations shall not be conducted in any building on the premises other than the principal dwelling.
 - ii. No more than two people from the residence in which the business is located, to be employed in the occupation.
 - iii. The area set aside for the home occupation shall not exceed 50% of the total floor area of the residence.
- b. Permitted minor home occupations include, but are not limited, to the following:
 - i. Independent Artists or Craftspeople;
 - ii. Telephone answering or marketing;
 - iii. Tutoring for up to three (3) students at a time;
 - iv. Home cooking and preserving for sale off-site;
 - v. Computer programming, data entry or other data processing services; and
 - vi. Secretarial services.

5. 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:
 - i. Major home occupations must be conducted within the principal dwelling and/or within a permitted accessory structure and no mechanized equipment is used outside of an enclosed structure outside of business hours.
 - ii. Major home occupations may not be located within 20 feet of any preexisting neighboring residence. The conditional use permit can require additional distance, up to a maximum of 500 feet, if the additional distance can be shown to mitigate negative impacts to a neighboring residence associated with sounds or views.
 - iii. No more than 4 persons other than a resident of the principal dwelling may be employed or engaged in a major home occupation.
 - iv. Only merchandise directly incidental to a service provided may be displayed or sold within the dwelling or structure used for a major home occupation.
 - v. Major home occupations authorized in an Agricultural District must be limited to agriculturally-related activities.
- d. Permitted major home occupations include the following:
 - i. Independent Artists or Craftspeople;
 - ii. Telephone answering or marketing;
 - iii. Tutoring for up to eight (8) students at a time;

- iv. Home cooking and preserving for sale off-site;
- v. Computer programming, data entry or other data processing services; and
- vi. Secretarial services.
- vii. Any other occupations that are accepted by the town during the conditional use permitting process.

6. Inspections

There may be 1 annual inspection each year of any authorized Home Occupation by the Zoning Administrator and/or the local Fire Inspector. In addition, the Zoning Administrator or his designee, may at any time, with reasonable request, enter and inspect the premises for safety and compliance purposes.

Section M - Antennas, Mobile Services Facilities and Mobile Service Support Structures

1. Signal Receiving Antennas

- a. Purpose. This subsection regulating the placement of signal receiving antennas is adopted to:
 - i. Provide uniform regulation of all signal receiving antenna devices.
 - ii. Protect the public health and safety from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna.
 - iii. Provide for public health and safety by requiring the placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- b. Permit Required. No type of signal receiving antenna shall be built, used or located in the Town until a permit has first been obtained from the Town, except that residential satellite discs with a diameter of two feet or less, amateur radio antennas and residential UHF and VHF antennas shall not require a permit.
- c. Application.
 - i. Application for a signal receiving antenna permit shall be made in writing to the Town Clerk. The application requires a processing fee as may be established from time to time by resolution of the Town Board and a set of mounting plans and specifications including a general plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings.
 - ii. The Town Clerk may direct the application to the Town Engineer for review, comment, and recommendation before it is referred to the Town Board for action.
- d. Installation Standards. Permitted signal receiving antennas installed in any zoning district within the Town shall meet the following requirements:
 - ii. Setbacks.
 1. The signal receiving antenna and any mounting post shall be located a minimum of twenty (20) feet from any property line.
 2. Unless expressly allowed because reasonable reception is at issue, signal receiving antennas are to be located only in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, signal receiving antenna may be placed in the side yard of the lot. If reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, the side yard is the yard that does not face a street.
 3. If side yard, front yard or roof mounting is requested, the Town separately determines whether reasonable reception is possible from the rear yard, based on evidence provided by the person seeking to erect or construct the antenna.
 - iii. Mounting. Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only after the applicant demonstrates that the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. Engineering calculations may be required.
 - iv. Height.
 1. A ground-mounted signal receiving antenna, including any mounting platform or structure shall not exceed twenty (20) feet in height measured from the ground to the highest point of the antenna.
 2. A roof-mounted antenna shall not exceed eight (8) feet in height above the roof line, measured from the highest point of the existing roof line.

- v. Wind Pressure. Signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation and all applicable regulations of the Federal Communications Commission (FCC). All such installations shall have minimum wind velocity design of eighty (80) mph.
- vi. Electrical Installations. Electrical installations serving signal receiving antennas, including grounding, shall meet all applicable requirements of the National Electrical Safety Code, Wisconsin State Electrical Code and manufacturer instructions. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. When a signal receiving antenna serves two (2) or more residences, all interconnecting electrical connections, cables and conduits shall be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.
- vii. Temporary Placement. No portable or trailer-mounted signal receiving antenna are allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. Such trial placement shall comply with all provisions of this Section. Any person making such temporary placement shall first give written notice to the Town Clerk of the date when such placement shall begin and end.
- viii. Advertising. No form of advertising or identification, sign or mural is allowed on any signal receiving antenna other than the customary manufacturer's identification plates.
- ix. Interference with Broadcasting. Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of any electro-magnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that any interference is caused after installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference.
- x. Compliance with Federal Regulations. The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 as amended from time to time and regulations adopted there under.
- xi. Aesthetic Considerations. Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.
- xii. A signal receiving antenna that exceeds the height limitation standard under this Section can only be constructed and installed after first obtaining a Conditional Use Permit under the requirements of Section ? of the Town of St Joseph Zoning Code.

2. Placement, Construction and Modification of Mobile Service Facilities and Mobile Service Support Structures

- a. Purpose.
 - i. Accommodate the communication needs of residents and businesses while protecting the public health, safety and general welfare.
 - ii. Facilitate the provision of mobile service facilities, mobile service support structures and related collocations to the residents and businesses of the Town.
 - iii. Minimize adverse visual effects of mobile service facilities, mobile service support structures and related collocations to the residents and businesses of the Town through balanced siting and design standards.
 - iv. Avoid potential damage to adjacent properties from the construction and operation of mobile service facilities, mobile service support structures and related collocations, with structural and setback requirements.

- v. Maximize the use of existing and approved structures to accommodate new or additional mobile service facilities and mobile service support structures through collocations to reduce the number of separate support structures needed to serve the Town.
- vi. Regulate by conditional use permit the siting and construction of new mobile service support structure and facilities, the substantial modification of an existing support structure and collocations.

3. Siting and Construction of New Mobile Service Support Structures and Facilities

- a. Application process:
 - i. A conditional use permit from the Town is required for the siting and location of any new mobile service support structure and facilities built after the effective date of this Chapter. The siting and construction of any new mobile service support structure and facility requires a conditional use permit but is subject to the procedure, conditions and requirements set out in this subsection to the extent inconsistent with any portion of Section V.
 - ii. A written conditional use permit application shall be completed by an applicant and submitted to the Town Clerk. The application shall provide the following information:
 - 1. The name and business address of the applicant, the property owner and of any agent or contact individual designated by the applicant.
 - 2. The location of the proposed or affected support structure, shown by map of survey.
 - 3. The location of the proposed mobile service facility, shown by map of survey.
 - 4. For an application to substantially modify an existing support structure, a construction plan describing in detail the proposed modifications to the support structure, the equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.
 - 5. For an application to construct a new mobile service support structure, a construction plan that describes in detail the proposed mobile service support structure, its equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment that will be placed on, around or near the new mobile service support structure and within its equipment compound.
 - 6. For an application to construct a new mobile service support structure, a full and reasoned explanation as to why the applicant has chosen the proposed location and why the applicant has not chosen collocation, including a sworn statement from the individual with responsibility over placement of the mobile service support structure, attesting that either collocation within the applicant's search ring will not result in the same mobile service functionality, coverage and capacity, is technically infeasible or is economically burdensome to the mobile service provider, and providing data and explanation to support the position taken in the attestation.
 - iii. The Town Clerk shall provide an application form to an applicant, upon request.
 - iv. When applicant delivers an application for a permit to engage in an activity described in this Chapter to the Town Clerk that contains all of the information required under this section, the application is complete. If the application is not complete when submitted, the Clerk shall notify the applicant in writing, within 10 days of receiving it, that the application is not complete, identifying in detail the required information that was not provided. An applicant may re-submit an application as often as necessary until it is complete.
 - v. Within 90 days of receipt by the Town Clerk of a complete application, the Town shall do all of the following:

1. The Plan Commission shall review the application to determine whether it complies with all applicable aspects of the Town's Building Code and this Chapter, subject to the more specific aspects of this Section, and advise the Town Board of its determination.
 2. The Town Board, after receiving the determination of the Plan Commission, shall make a final decision on whether to approve or disapprove the application.
 3. The Town Clerk shall notify the applicant of the Town's Board's final decision, in writing.
 4. If the decision is to deny the application, the Town shall provide substantial evidence supporting the denial in a final, written decision issued by the Town Board.
- vi. The Town and applicant may agree in writing to an extension to the 90 day limit on processing completed applications received by the Town.
 - vii. The Town may deny an application when an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement required by subsection (3)a)(1)(f).
 - viii. An applicant that provides the Town with certification from a structural engineer establishing that a mobile service support structure or existing structure is designed to collapse within a smaller area than the setback required by Section M of this Chapter for other commercial structures shall receive an exception to design standards for a smaller setback area, consistent with the proposed structure's collapse design, unless the Town provides the applicant with substantial evidence indicating that the applicant's engineering certification is flawed.
 - ix. The fee for a Town conditional use permit for siting and location of new mobile service support structures and facilities shall be separately and periodically established by resolution of the Town Board.

4. Class 1 Collocation

- a. A conditional use permit from the Town is required under this Chapter for a Class 1 Collocation for which application is received after the effective date of this Chapter. A Class 1 Collocation requires a conditional use permit but is subject to the procedures set out in this subsection, to the extent inconsistent with any portion of Section V.
- b. The written permit application process follows the same procedures as set forth in Subsection 3.a) of this Section.

5. Class 2 Collocation

- a. A conditional use permit from the Town is required under this Chapter for a Class 2 Collocation for which application is received after the effective date of this Chapter. A Class 2 Collocation requires a conditional use permit but is subject to the procedures set out in this subsection, to the extent inconsistent with any portion of Section V.
- b. The written permit application process follows the same procedure as set forth in Subsection 3.a) of this Section.

6. Design and Performance Standards

These design and performance standards shall apply to the erection, constructions, placement, modification or replacement of mobile service facilities, mobile service support structures, Class 1 Collocations and Class 2 Collocations for which a conditional use permit is applied for after the effective date of this Chapter. In general, all such activities and installations should be designed, located and situated to be visually unobtrusive, to minimize their impact on neighboring uses and to conform to the following minimum design and performance standards:

- a. Area. The minimum area for an equipment compound shall be three acres, except that the Town Board may consider a smaller parcel during the conditional use permit process when the basic requirements of this Section will otherwise be met and where the mobile service facility, mobile service support structure,

Class 1 Collocation or Class 2 Collocations are designed and situated to be unobtrusive, with minimal impact on neighboring residents.

- b. Setbacks. Mobile service support structures, mobile service facilities, Class 1 Collocations and Class 2 Collocations shall be set back from the nearest property line a distance equal to the height of the said mobile service support structure, mobile service facility, Class 1 Collocation or Class 2 Collocation, including antennas. An exception to this performance and design standard is available when the Town is able to conclude, during the permit process, that the structure for which a permit is being sought is effectively designed to collapse within a smaller area than the setback required.
- c. Equipment Compound Screening. The equipment compound shall be adequately screened or architecturally designed to blend in with the surrounding environment.
- d. Fencing. The equipment compound shall be reasonably protected against unauthorized access, shall be enclosed by chain link fencing at least six feet high and secured by a locked gate. The first fifteen feet of any mobile service support structure shall be designed to prevent unauthorized climbing.
- e. Landscaping and Screening. The Town may require landscaping and vegetative screening to be incorporated into the site design for an equipment compound to effectively screen the view at ground level from adjacent property.
- f. Color. All mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations shall use materials and colors that minimize visibility and blend in with the surrounding environment.
- g. Construction Type and Materials. All mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations shall be designed to withstand applicable wind load requirements and shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be provided as part of the application for a conditional use permit, and such schedule, if and when approved, shall be a material provision of any such permit granted.
- h. Lights. Except as may be required by the FAA, no mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have attached to it any light, reflector, flasher, daytime strobe, steady nighttime light or other illuminating device.
- i. Signs and Advertising. No sign or advertising message shall be affixed to any mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have attached to it any antenna, tower or structure. Small identification or safety warning signs or tags which are allowed. The signs shall be provided in the conditional use permit application.
- j. Other Attachments. No mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation shall have constructed thereon or attached to any platform, catwalk, crow's nest, or like structure except during periods of construction and repair.
- k. Height Limitations. The height of newly constructed mobile service support structures is limited to 200 hundred feet.
- l. Obsolete or Unused Mobile Service Facilities, Mobile Service Support Structures and Class 1 and 2 Collocations. All obsolete, damaged, unused, or abandoned mobile service facilities, mobile service support structures, Class 1 and Class 2 Collocations and equipment compounds shall be removed within twelve months of the cessation of operations from said facility unless a time extension is approved by the Town Board. Any such structure not removed in a timely fashion may be deemed a nuisance pursuant to Wisconsin Statutes. In that event, the Town may act to abate such nuisance and require the removal of the mobile service facility, mobile service support structure, Class 1 or Class 2 Collocation or equipment compound at the property owner's and/or facility operator's expense. In the event the owner or facility operator applies for and receives FCC permission to cease operations, the owner or operator shall provide the Town with such application and a copy of the notice of intent to cease operations. The owner or operator shall then have twelve months from the date of ceasing operations to remove the installation. In the case of multiple operators sharing the use of a single installation, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The equipment on the ground shall not be removed until the mobile service support structure, mobile service facility, Class 1

- and Class 2 Collocations have first been dismantled. After the installation is removed, the site shall be restored to its original, or to an improved, state.
- m. Building Permits. No person shall place, construct, or modify, repair or replace a mobile service facility, mobile service support structure, Class 1 Collocation, Class 2 Collocation without having first obtained a building permit from the Town. All such facilities are subject to site plan review and inspection by the Town to determine compliance with applicable Uniform Building Code construction standards as part of the permitting process. No building permit shall be issued by the Town without the prior approval of a conditional use permit by the Town Board. The Town may charge a separate building permit fee.
 - n. Retention of Expert Assistance and Reimbursement by Applicant.
 - i. The Town may hire any consultant it determines is necessary to assist in reviewing and evaluating an application, including the initial construction, modification and any requests for recertification.
 - ii. An Applicant shall deposit with the Town funds sufficient to reimburse it for all reasonable costs of outside evaluation and consultation to the Town, excluding any travel expenses incurred in the consultant's review of mobile service permits or applications, in connection with the review of an application including the construction and modification of the site, once permitted. The initial deposit shall be \$7,500.00, payment of which shall accompany the application. The Town will maintain a separate escrow account for all such funds. If at any time during the process this escrow account has a balance less than \$2,500.00, the applicant shall immediately, upon notification by the Town, replenish said escrow account so that it has a balance of at least \$5,000.00. Additional escrow funds shall be deposited with the Town before any further action or consideration is taken on the application. In the event that the amount held in escrow by the Town is more than the amount of the actual invoicing at the conclusion of the conditional use permit process, the remaining balance shall be promptly refunded to the applicant.
 - iii. The total amount of the funds needed as set forth in subsection (2) above may vary with the scope and complexity of the project.
 - o. Inspection. The Town, by any designee, shall have access to any equipment compound, mobile service support structure, mobile service facility, Class 1 or Class 2 Collocation at any time to inspect and verify its structural integrity. If the Town determines that the facility fails to comply with the terms of its permit or applicable code and that such failure or other condition is a danger to persons or property, then notice shall be provided to the owner of the structure, who shall have thirty days to bring the facility into compliance with the terms of its permit and any applicable code. Failure to bring the facility into compliance within the said thirty days is cause for Town removal of facility at the owner's expense.
 - p. Non-Interference. Mobile service support structures, mobile service facilities, Class 1 or Class 2 Collocations and equipment compounds shall fully comply with Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety or other Town and private telecommunications operations.
 - q. Surety Requirement. A surety requirement of a minimum of \$20,000.00 is hereby imposed as a condition of any conditional use permit issued under this section. The surety requirement shall be deposited with the Town in cash or as an irrevocable letter of credit, which amount shall be held in a separate account as a surety against a failure by the permit holder to maintain structural integrity and for removal of obsolete or unused structures. The amount of the surety requirement may be increased during the conditional use application process where the Town's consultant determines that this amount is insufficient and provides its reasoning therefore and an increased recommended amount.

Section N - Nonconforming Uses, Structures and Lots

1. Purpose and Intent

- a. It is the purpose and intent of this Section to comply with state law protecting nonconforming uses and structures as the law requires. It is the additional purpose of this Section to clarify how pre-existing uses and structures built on non-conforming lots will be treated under this Chapter as the Town assumes zoning jurisdiction from St. Croix County.

2. Nonconforming Uses

- a. The continued lawful use of a building, premises, structure or fixture existing on the effective date of this Chapter or on any later amendment to this Chapter that makes the use non-conforming may not be prohibited, even though the use does not conform to the provisions of this Chapter. Nonconforming uses shall not be extended, enlarged or expanded except as provided for in this Section.
- b. Otherwise legal uses of land in the Town on the effective date of this Chapter shall be treated as non-conforming uses to the extent that the existing use is not a fully permitted use in the zoning district in which the use is located on the Town's Zoning Map. Landowners with non-conforming use rights can also seek conditional use permits under this Chapter to more fully protect their use rights where the use is otherwise eligible for such a permit.
- c. Nonconforming uses shall not be extended. The total structural repairs or alterations to a building, premises, structure or fixture that supports a non-conforming use shall not, during its life, exceed 50% of the assessed value of the said building, premises, structure or fixture unless permanently changed to a conforming use.
- d. Legal nonconforming uses run with the land. However, if a nonconforming use is discontinued for a period of twelve months, any future use of the building, premises, structure or fixture shall conform to this Chapter.
- e. The illegal expansion of a nonconforming use invalidates the legal nonconforming use as well as the illegal expansion.
- f. Any use that was authorized by St. Croix County as a conditional use, special exception or variance on the effective date of this Chapter shall be treated as a nonconforming use that is separately and additionally subject to and protected by all terms and conditions of the applicable County conditional use permit, special exception permit or grant of a variance where adopted by specific reference thereto in the Town resolution enacting this Chapter. The holder of such a conditional use permit, special exception permit or variance may also apply for a Town conditional use permit where the use is otherwise eligible for such a permit under this Chapter.

3. Nonconforming Structures

- a. Except set forth in Subsection 4 (below), the restoration of a damaged or destroyed nonconforming structure to the size, location and use that it had immediately before such damage or destruction occurred is permitted in only situations where the damage or destruction is caused by violent wind, vandalism, fire, flood, snow, mold or infestation. Such a restored nonconforming structure may be larger than the size it was immediately before it was damaged or destroyed only to the extent necessary to comply with applicable state or federal regulations.
- b. Structures with a footprint in the setback area of lots that otherwise conform to the area or spatial requirements in effect when the lots were created can be removed, replaced, repaired, maintained, renovated and remodeled.

4. Nonconforming Lots

- a. Structures located on nonconforming lots where the structure is also nonconforming can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right of way area, side

or rear setbacks, and the resulting structure's appearance will be neither inconsistent with, nor atypical of, similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.

- b. Structures with a footprint on the effective date of this Chapter located in the setback areas of a lot and that conformed to the area of spatial requirements in effect when the lot was created can be removed, replaced, repaired, maintained, renovated and remodeled. The structure's footprint may expand as a result, so long as the expanded footprint encroaches no further into the public road right of way area, side or rear setbacks and the resulting structure's appearance will be neither inconsistent with, nor atypical of, similarly purposed and existing structures in the neighborhood, and consistent with any measure of nonconformity of such other structures.
- c. Certain nonconforming lots in the Town were created so long ago that spatial requirements such as setbacks are not shown on the plat, certified survey map or otherwise discernable from site-specific documents of record that created the lot. In this situation, the more restrictive of the County or Town setback requirements in effect at the time of the lot was created shall determine the spatial requirements that apply to the lot and to the placement of new structures on the lot after the effective date of this Chapter.

Section O - Conditional Uses

1. Purpose

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

2. Authority of the Plan Commission and Town Board; Requirements

- a. The Town Board may issue a conditional use permit after review, public hearing, recommendation of the Plan Commission and approval by the Town Board, when such conditional use and involved structure(s) are found to be compatible with the purpose and intent of this Chapter and further found to be not incompatible, hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community in which the conditional use will take place. All conditional use permits shall specifically describe the permitted use and specify the period of time for which the permit is effective and any events, such as transfer of title to the permitted premises, change in the type of business being conducted or death of the business operator, that would cause the permit to be terminated by the Town.
- b. Conditional use permit requirements including but not limited to landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restriction, increased yard or parking requirements may be required by the Plan Commission and Town Board where appropriate or necessary to fulfill the purpose and intent of this Chapter.
- c. Compliance with all applicable provisions of this Chapter and all other provisions of the Town Code of Ordinances including but not limited to lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all permitted conditional uses.
- d. The Town's decision to approve or deny a conditional use permit application must be supported by substantial evidence.

3. Initiation of Conditional Use Permit Application

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

4. Application for Conditional Use Permit

- a. Conditional use permit application materials shall be prepared and submitted in conformity with current Town requirements, available in written form from the Town Clerk, describing the information required and general application deadline requirements.
- b. The application shall be accompanied by any required application fee established by the Town Board, a scaled site plan showing the location, size and shape of the lot(s) involved and of any proposed structures or planned modification(s) to existing structures, the existing structures, the existing and proposed use of each structure and lot, and include a written statement from the applicant with adequate evidence to

show how the proposed conditional use shall meet and be consistent with the standards set forth in this Chapter.

- c. A conditional use permit application shall not be deemed to have been validly submitted to the Town until the complete written application, signed by the applicant(s) and accompanied by all applicable required materials, has been personally delivered to the Town Clerk with sufficient copies of all application materials to be delivered to the Town Attorney, Town Engineer and owners of land entitled to notice, and until receipt of the application has been acknowledged by the Plan Commission at its next regular monthly meeting following delivery of the complete application materials. The applicant is responsible for providing all such materials in conformity with all applicable requirements as established from time to time by the Town, and at the applicant's expense.
- d. The Town Board, Town Plan Commission, the Town Attorney or Town Engineer can require such other information as may be necessary for processing an application and for the enforcement of this Section, including, without limitation because of enumeration, a site plan showing contours and soil types, highwater mark and groundwater conditions, bedrock, vegetative cover, specifications for areas of proposed filing, grading, and lagooning, location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping, plans of buildings, sewage disposal facilities, water supply systems and specifics of proposed operations.

5. Site Review

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

6. Notice of Hearing on Application

- a. Notice of time, place and purpose of such a hearing shall be given by publication of a Class 2 Notice in the official Town newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, Plan Commission members, and the owners of record as listed in the office of the Town Clerk/Treasurer who own property located in whole or in part with three hundred (300) feet of the boundaries of the properties affected, with notice to be mailed at least twenty (20) days prior to the date of the public hearing. The Plan Commission shall provide its report and recommendation to the Town Board within sixty(60) days after the public hearing, after which the Town Board shall take formal action on the permit application.

7. Hearing on Application

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

8. Standards for Conditional Use Permit

- a. Standards. No conditional use permit shall be recommended by the Plan Commission or approved by the Town Board unless based upon findings that all of the following conditions are present.
 - i. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety or general welfare of Town residents or the general public.
 - ii. That the uses, values and enjoyment of other property in the neighborhood for permitted purposes shall in no foreseeable manner be substantially impaired by the establishment, maintenance or operation of the conditional use, and that the proposed use is sufficiently compatible with the current use of adjacent land.

- iii. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- iv. That adequate utilities, access roads, drainage and other necessary site improvements presently exist or will be undertaken and developed within a reasonable time, as determined by the Town.
- v. That adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public roads within a reasonable time, as determined by the Town.
- vi. That the conditional use shall conform to all applicable regulations of the district in which it is located and all applicable state and county regulations. This may include compliance with requirements affecting land in the Lower St. Croix Riverway Overlay District.
- vii. That the proposed use does not violate St. Croix County shoreland or floodplain regulations governing the site.
- viii. That adequate measures have been or will be taken to prevent and control water pollution, including sedimentation, erosion and runoff.
- ix. Conditional Use permits for commercial kennels shall meet all of the following requirements.
 - 1. All kennel structures and runs shall be located at least 300 feet from all property lines and 50 feet from any potable water supply
 - 2. All kennel structures housing animals shall be soundproofed so that no audible animal noise can be heard at the property line.
 - 3. Outside pens, runs, kennel structures and parking areas shall be screened by landscaping or other means to be reasonably obscured from view at adjoining property lines.
 - 4. Animal waste shall be continuously managed and disposed of in a manner that leaves no perceptible odor at adjoining property lines.
 - 5. No more than two animals six months or older shall be outside at any time unless the terms of the conditional use permit provide otherwise.
 - 6. No more than two animals six months or older shall be kept in a single enclosure.
 - 7. Bark suppression devices shall be used on all dogs six months or older when outside, unless the terms of the conditional use permit provide otherwise.
 - 8. All animals shall be housed indoors from 9:00PM to 6:00AM daily.
 - 9. Commercial kennels shall not be located in major subdivision.
- x. Architectural Treatment. Proposed architectural treatment should be in general harmony with surrounding uses and the landscape. To this end, the use of certain general types of exterior construction materials, architectural treatment or landscaping may be required.
- xi. Application of Standards. When applying standards for conditional uses to any proposed building construction or addition, the Plan Commission and Town Board shall also apply the statement of purpose for the zoning district in which the conditional use is being proposed so that the proposed building, addition and use proposed for the location does not conflict with or contradict the purposes and objectives of the zoning districts.
- xii. Additional Considerations. When considering an application for a conditional use permit the Plan Commission and Town Board shall also evaluate the effect of the proposed use upon:
 - 1. The maintenance of safe and healthful conditions on the site for which application has been made and at properties whose owners are to receive notice under this Section.
 - 2. Existing topographic and drainage features and vegetative cover on the site.
 - 3. The location of the site with respect to floodplains and floodways of rivers and streams.
 - 4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
 - 5. The location of the site with respect to existing or future access roads.
 - 6. The need of the proposed use for a shoreland location.
 - 7. The compatibility of the proposed use with uses on adjacent land.

8. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems serving the site.
- xiii. Conditions and Guarantees.
1. Conditions. Prior to making recommendation on any conditional use permit application, the Plan Commission may consider and recommend conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as it deems necessary or appropriate to promote and protect the public health, safety and general welfare of the community, and to secure compliance with site-specific requirements and with the standards and requirements of this Section. In all cases in which conditional use permits are issued, the Town Board shall require such evidence and guarantees as it deems necessary as assurance that the conditions being required will be met on a continuous basis.
- xiv. Validity of Conditional Use Permit.
1. After a conditional use permit has been approved, such permit shall become null and void after twelve (12) months from the date of the approval unless the use is commenced, construction is underway and the current owner possesses a valid building permit before that time. Forty-five (45) days prior to the automatic revocation of such permit, the Town Clerk/Treasurer shall notify the holder by certified mail of the approaching revocation date, though failure to do so shall not stay or invalidate the expiration of the permit. The Town Board may extend such permit for a period of time for justifiable cause, if application is made to the Town Board at least thirty (30) days before the expiration of said permit.
 2. No alteration or expansion of a use permitted by conditional use permit shall be permitted unless a new conditional use permit is approved by the Town Board upon recommendation of the Plan Commission and pursuant to the procedures and standards set out in this Section.
- xv. Complaints Regarding Conditional Uses.
1. The Town Board retains continuing jurisdiction over all conditional use permits for the purpose of resolving complaints made against permit holders. This includes the power to order the removal or discontinuance of unauthorized alterations to an approved conditional use, and to order the elimination, removal or discontinuance of any violation of a condition imposed, prior to or after approval, to revoke the permit or to take action for violation of any other provision of this Chapter.
 2. Upon written complaint specifying alleged conditional use permit violations by any citizen or Town official, the matter shall be referred to the Plan Commission for review. The Plan Commission shall review the complaint to determine whether said complaint shows to a reasonable probability that a conditional use is in violation of one or more of the standards set forth in this Section, a specific condition of approval of the conditional use permit for the premises or other requirement imposed hereunder.
 3. The Plan Commission shall make findings and provide a recommendation to the Town Board. Thereafter, if the Town Board determines that the complaint process should proceed, a hearing shall be held by the Town Board upon notice in the manner set forth in Subsection 6.
 4. The Town Board may, in order to bring the holder of the conditional use permit into compliance with the standards set forth in this Section or conditions previously imposed by the Town Board, modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. In the event that no reasonable modification of such conditional use can be made or where the Town Board has grounds to believe that continuing conditional use permit violations will not be corrected, the Town Board may revoke the conditional use permit and direct the Town Clerk/Treasurer or Town Attorney to take action to seek elimination of the use.
 5. Following any such hearing, the decision of the Town Board shall be furnished to the holder of the revoked conditional use permit in writing, stating the reasons for the Town Board's action.

Section P - Performance Standards

1. Intent

- a. The Town of St. Joseph is an agricultural community with areas of planned and developing commercial, industrial and residential use. It is not the intent of this Chapter to curb or restrict usual and customary agricultural standard practices. Rather, it is the intent of this Chapter and Town regulations in general to employ performance standards in the regulation of uses in the Town to facilitate an objective and equitable basis for land use controls and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects. These performance standards are designed to limit, restrict and prohibit the effects of permissible or permitted uses outside the premises or district at issue. No structure, land or water shall hereafter be used unless in compliance with the following environmental performance standards.

2. Noise

- a. General. No activity in any zoning district shall produce a sound level beyond the lot lines of the parcel or contiguous parcels under single ownership for such length of time as to be a nuisance that substantially annoys, injures, endangers or otherwise adversely affects the comfort, health, peace or safety of the public.
- b. Exempt Noises. The following noises are exempt from regulations
 - i. Noises not under the direct control of the property owner.
 - ii. Noises from temporary construction or maintenance activities during daylight hours.
 - iii. Noises from emergency, safety or warning devices including emergency pressure relief valves and emergency electric generators.
 - iv. Chain saws, lawn mowers and snow blowers in private use (not commercial repair services)
 - v. The sounds of cattle, fowl, horses, or other sounds of reasonably well cared for agricultural or domestic animals, and the sound of necessary farming equipment for a bona fide agricultural operation.
 - vi. Noises from moving sources such as automobiles and trucks on public right of way, railroad equipment on railroad right of way and railroad spurs on private property, airplanes and helicopters.

3. Odor

- a. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor as defined in applicable provision of the Wisconsin Administrative Code or any applicable provision of the Wisconsin Statutes as amended from time to time.

4. Fire and Explosive Hazards

- a. All activities involving the manufacturing, utilization, processing or storage of any inflammable and explosive materials shall be provided and equipped with adequate safety devices against the hazard of fire and explosion, and with adequate fire-fighting and fire suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings with incombustible exterior walls and an automatic fire extinguishing system.

5. Air Pollution

- a. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in Wis. States. Chapter 285 as amended from time to time.
- b. No activity or operation shall be established or maintained which by reason of its nature causes emission of any fly ash, dust, fumes, vapors, mists or gases in such quantities as to cause soiling or danger to the

health of persons, animals, vegetation or property as provided under Wis. Stats. Chapter 285 as amended from time to time.

6. Hazardous Pollution

- a. Pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and no emissions of hazardous substances shall exceed the limitations established in Wis. Stats. Chapter 285 as amended from time to time.
- b. Liquid or Solid Wastes. No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity or temperature as can contaminate, pollute or harm the quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

7. Radioactivity and Electrical Disturbances

- a. No activity shall emit radioactivity or cause electrical disturbances beyond the lot line of the parcel or contiguous parcels under single ownership in which the activity is conducted that are dangerous or that adversely affect the use of neighboring premises.

8. Refuse

- a. All waste material, debris, refuse or garbage not properly disposed of in a sanitary sewer system shall be kept in an enclosed building or properly contained in a closed container designed for such purposes. The owner of vacant land shall be responsible for keeping such land free of refuse.

9. Light Pollution

- a. Street lights are not normally compatible with the rural character of the Town. The Town may limit light or prohibit output where not necessary for public and private safety and welfare and where not appropriate for the advertising and conduct of business. Where outside lighting is allowed, the Town may require shields and other light control devices to prevent nighttime light pollution in any area in which such lighting is permitted.

Section Q - Changes and Amendments

1. Authority

- a. Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Town Board may, by ordinance, change the district boundaries established by this Chapter and the Zoning Map incorporated herein or amend the text of this Chapter. Such changes or amendments require the review and recommendations of the Plan Commission, Town Board enactment and approval by the St. Croix County Board of Supervisors, as provided by Wisconsin Statutes.

2. Initiation of Changes or Amendments

- a. A change or amendment to the text of this Chapter or to the accompanying Zoning Map may be initiated by the Town Board, Plan Commission, Zoning Board of Appeals, or by a petition of one (1) or more owners of the property within the area for which zoning is proposed to be changed.

3. Procedure for Changes or Amendments

- a. **Petition.** A petition for any change to the Zoning Map or for amendments to the text of this Chapter shall be addressed to the Town Board and shall be filed with the Town Clerk along with any required filing fee. It shall describe the premises to be rezoned, or the portions of text to be amended, list the reasons justifying the petition, specify the proposed use or district change, if applicable, and if the petition is requesting a change of district boundaries or district type, shall provide all information required by Section T of this Chapter and show all property lying within three hundred (300) feet of the area proposed to be rezoned, with the names and addresses of all owners of such property.
 - i. Additional information may be required by the Plan Commission or Town Board.
- b. **Recommendations.** The Town Clerk, on behalf of the Town Board, shall cause the petition to be forwarded to the Plan Commission for its consideration and recommendation. The Plan Commission shall review all proposed amendments to the text of this Chapter and/or the Zoning Map and provide a recommendation that the petition be granted as requested, as modified or denied, in conformity with the requirements of Section T. The recommendation shall be recorded in the Plan Commission's official minutes. In arriving at its recommendation, the Commission may, of its own volition, conduct a public hearing on proposed amendment(s).
- c. **Hearings.**
 - i. Following receipt of recommendation of the Plan Commission, the Town Board shall hold a public hearing to hear and consider each proposed change or amendment, giving notice of the time, place and the change or amendment being proposed, by publication of a Class 2 notice, under Chapter 985 of the Wisconsin Statutes. At least ten (10) days prior to the public hearing, written notice shall also be given to the clerk of any other municipality located within one thousand (1000) feet of any land to be affected by the proposed change or amendment.
 - ii. The Town Board may delegate to the Plan Commission the responsibility to hold the public hearing required under this Subsection.
- d. **Town Board Action.** Following such hearing and after considering the Plan Commission's recommendations, the Town Board shall vote on the proposed Zoning Map change or Chapter text amendment. Amendments to the text of this Chapter are subject to County Board approval as provided by Wisconsin Statutes. The Town's administrative application of this Chapter to specific parcels of land in the Town, as by processing and acting on applications for conditional use permits, home occupation permits, any other permit required under this Chapter and variances, does not require County Board approval.

Section R - Board of Appeals; Variances

1. Board of Appeals

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

2. Rules

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

3. Records

- a. The Board of Appeals shall keep minutes of its proceeding, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, in the office of the Board.

4. Appeals

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

5. Variance Standards

- a. A Use Variance means an authorization by the Board of Appeals under this section to allow the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance and is available only when a property owner will have no reasonable use of the property without a use variance.

- b. An Area Variance is available only when strict compliance with Town regulations governing area, setbacks, frontage, height, bulk or density will unreasonably prevent an owner from using property for a permitted purpose or will render conformity with those regulations unnecessarily burdensome.

6. Variance Procedure

- a. Application. A variance application shall be filed with the Town Clerk/Treasurer. Applications may be made by the owner or authorized agent of the owner of the land affected by the application. The application shall contain the following information:
 - i. Name and address of applicant and all abutting and opposite property owners of record.
 - ii. Address and legal description of the property.
 - iii. A to scale drawing showing the boundaries and location of the property, the location and dimensions of all buildings and structures, slopes, public and private roads crossing or contiguous to the property and the location of a distance to the nearest residences in all directions.
 - iv. Such additional information as may be required by the Plan Commission, Town Engineer or Board of Appeals or pursuant to its Rules.
 - v. Fee in the amount set by the Town Board.
 - vi. Applicants shall consult the Rules of the Board before submitting an application and shall fully comply with the Rules' requirements.
- b. Burden of Proof. An applicant seeking a variance has the burden of proof.
 - i. To show the level of practical difficulty or unnecessary hardship needed for an area variance an applicant must show that compliance with this Chapter's requirement from which relief is sought either prevents the use of the land for an otherwise permitted purpose or is unnecessarily burdensome. The unnecessary hardship or practical difficulty being shown cannot be self-created, must be unique to the property and must be linked to the physical characteristics of the land for which the variance is sought. The applicant should be prepared to show what actions would be necessary to comply with the ordinance requirement from which relief is being sought.
 - ii. To show the level of practical difficulty or unnecessary hardship needed for a use variance, an applicant must show that no reasonable use of the property can be made without the variance.
- c. Hearings. Board hearings on variance applications shall be conducted in compliance with the RUES and By-Laws of the Board. Meaningful advance notice of such hearings shall be given at least ten (10) days before the hearing to all abutting landowners and owners of non-abutting property located within 300 feet of the perimeter property lines of the parcel that is the subject of the application, by or under the direction of the Town Clerk/Treasurer.
- d. Action of the Board of Appeals. Following the hearing on the application, the Board of Appeals shall determine whether the applicant has shown unnecessary hardship or practical difficulty after first reviewing the information provided to it, after examining what the zoning regulation at issue is intended to accomplish and after considering concerns related to the welfare of the public such as safety, especially in the immediate area, property values, especially in the immediate area, uniformity of appearance and uniformity of treatment.
- e. Finding Required. Before the Board can grant a variance it must evaluate the hardship in light of the purpose of the zoning restriction at issue and find that:
 - i. The applicant has established specific unnecessary hardship or practical difficulty that will result in the absence of the granting of the variance being sought, that is unique to the property involved and that is not self created.
 - ii. Granting the variance is necessary, will do substantial justice and secure public safety and welfare and is consistent with the intent and purpose of the regulations in this Chapter from which relief is being sought.
 - iii. Granting the variance will not enlarge any pre-existing non-conformity with this Chapter.

- iv. Granting the variance will not damage the rights or property values of other persons in the area and will not interfere with or increase the cost of know plans of the Town, County, State or Federal governments in the area, absent the most unusual, extreme or compelling circumstances.
- v. A request for a variance to lot density or hard surface requirements shall be evaluated in the context of the availability of multiple density choices available with density elections and related portions of the Town's subdivision ordinance.
- f. Conditions. The Board of Appeals shall impose such conditions and restrictions upon the premises receiving a variance as it determines to be necessary for consistency of result with the standards and requirements herein and with special emphasis on requirements for area variances that will maintain and protect consistency with the character, appearance and parcel based proportion of area-to-structure found in adjacent and neighborhood development and on requiring mitigating measures such as plant, fence or earth-based screening that will avoid or permanently reduce the adverse effect of the variance on present and planned adjacent and neighborhood development.

7. Review by Court of Record.

- a. Any person or person aggrieved by any decision of the Board of Appeals or any taxpayer or any officer, department, board or bureau of the Town may within 30 days after the filing of the decision in the office of the Board of Appeals, commence an action seeking certiorari review and related remedies.

Section S - Administration and Enforcement

1. General Administrative System

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

2. Zoning Administrator

- a. The Zoning Administrator is the Town official with primary responsibility for administering the provisions of this Chapter. As used in this Chapter, “Zoning Administrator” refers to the Town Chair or to the Zoning Administrator selected and appointed by the Town Board. The duty of the Zoning Administrator shall be to administer, interpret and enforce this Chapter and to issue all permits required by this Chapter that do not require action by the Town Board or Town Board of Appeals. The Zoning Administrator shall:
 - i. Advise applicants for permits as to the provisions of this Chapter and be available to applicants while preparing applications.
 - ii. Issue any administrative level permits now or later authorized by this Chapter. The function of processing sign permits is delegated to the Building Inspector.
 - iii. Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this Chapter.
 - iv. Maintain and update the permanent and current records of this Code, including but not limited to, the Zoning Map, text amendments to this Chapter, conditional use permits, variances, appeals and applications, which function is hereby delegated to the Town Clerk.
 - v. Provide and maintain a public information function relative to all matters arising out of this Chapter.
 - vi. Receive, file and forward to the Plan Commission all applications for amendments to this Chapter, which function is hereby delegated to the Town Clerk.
 - vii. Receive, fill and forward to the Plan Commission applications for all conditional use permits, which function is hereby delegated to the Town Clerk.
 - viii. Receive, file and forward to the Board of Appeals all applications for appeals, variances, or other matters on which the Board of Appeals is required to act under this Chapter, and attend all Board of Appeals meetings to provide technical assistance which function is hereby delegated to the Town Clerk, The Building Inspector and the Town Engineer.
 - ix. Initiate, direct and review from time to time a study of the provisions of this Chapter, and make periodic reports with recommendations concerning it to the Plan Commission not less than once a year.
 - x. Make on-site investigations related to the enforcement of this Chapter and related to the enforcement of this Chapter and any related ordinances of the Town and have access to any structure or premises for this purpose, or in reviewing permit applications, exercised at a reasonable hour and after a twenty-four hour notice.
 - xi. Coordinate duties and responsibilities with the Building inspector to ensure consistent and fair application of this Chapter and avoid unnecessary duplication of the specific requirements in the administration of this Chapter and the Town’s Subdivision, Building and other ordinances.
 - xii. Coordinate with the Town Attorney regarding enforcement of this Chapter and related legal issues.

3. Role of Specific Town Officials in Zoning Administration

- a. Zoning Administrator. The Zoning Administrator serves at the pleasure of the Town Board and has the authority to delegate responsibility for performance of duties assigned to that position by this Chapter on a

specific or continuing basis to any of the following: Town Staff (elected, appointed or employee), the Building Inspector, the Town Engineer and Town Attorney.

- b. Plan Commission. The Plan Commission makes reports and recommendations relating to the plan and development of the Town to the Town Board, other public officials and other interested organizations and citizens. In general, the Plan Commission has such powers as are necessary to enable it to perform its functions, promote municipal planning and as set out in Chapter 35 of the Town Code. One of its functions is to make recommendations to the TOwn Board. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.
- c. Town Board. The Town Board has ultimate authority to make changes and amendments to the boundaries of zoning districts, and to amend the text of this Chapter, subject to County Board approval as provided by Wisconsin Statutes. The Board may delegate to the Plan Commission the responsibility to hold some or all public hearings as required under this Chapter.
- d. Zoning Board of Appeals. A Zoning Board of Appeals has been established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of administrative officers in enforcement of this Chapter. See Section S.

4. Zoning Review for One and Two Family Residential Uses

- a. No building permit for a new structure, new use of land, water or air, or change in the use of land, water or air for one or two family residential use shall hereafter be issued and not structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered unless the application for such permit has been reviewed by the Zoning Administrator or designee and it has been verified that the proposed use of land, buildings or structures and any future proposed buildings or structures comply with all applicable provisions of this Chapter and other applicable portions of the Town Code.
- b. A building permit issued in conflict with the provisions of this Chapter is null and void.

5. Zoning Review for Uses Other Than One and Two Family Residential Uses

- a. Zoning, Use and Site Plan Approval. Applications for re-zoning and development for uses other than a one or two family residence require a site plan, development plan, review and approval by the Plan Commission and the Town Board, in accordance with all applicable requirements of this Chapter and of the Code of the Town of St. Joseph.
- b. Rezoning. Applications and all required fees shall be directed to the Zoning Administrator or designee and shall include the following information:
 - i. Names and addresses of the applicant, owner of the site and architect, professional engineer and contractor involved.
 - ii. Description of the subject site by recorded subdivision lot or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; the present zoning district within which the subject site lies, and explanation of how the proposed rezoning and development is consistent with the Town's Comprehensive Plan.
 - iii. Plat of survey prepared by a land surveyor registered in the State of Wisconsin or other map drawn to scale and showing such of the following as may be required by the Zoning Administrator: the location, boundaries, dimensions, area, and size of the subject site; existing and proposed structures; existing and proposed easements, streets and other utilities; the area of all existing and proposed hard surfaces such as off-street parking, loading areas and driveways, drainage plans and waterways and existing and proposed side and rear yards.
 - iv. Additional information as may be required by the Zoning Administrator, Plan Commission, Town Engineer or other Sections of this Chapter.

- v. IN addition an applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission, Town Board or expert consultants retained by the Town to determine whether the proposed application meets all the requirements applicable thereto.
- c. Administration.
 - i. The Zoning Administrator shall make a preliminary review of rezoning applications and development plans before referring them, with a report of initial findings on completeness, to the Plan Commission within thirty (30) days of receipt of a completed application. The Plan Commission shall then review the application and plans and refer it to any expert consultants selected by the Zoning Administrator and/or Town Engineer to advise whether the application and plans meet all applicable requirements of the Town Code. Within sixty (60) days of its receipt of the completed application, the Plan Commission shall provide its report and recommendation to the Town Board as to whether the proposed rezoning and related development proposal should proceed. This deadline may be extended by agreement of the Plan Commission and property owner of the land in the rezoning and development plan.
 - ii. Upon receipt of the report and recommendation from the Plan Commission, the Town Board shall review the application to determine if such rezoning application and development plans meet all of the requirements of this Chapter and the other applicable provisions of the ordinances of the Town of St. Joseph. Within forty-five (45) days of its receipt of the report and recommendation from the Plan Commission, the Town Board shall act on the application, following the notice and hearing requirements in Section R of this Chapter.
- d. Requirements.
 - i. In acting on any rezoning application and development plan, the Town Board may address the following issues during its decision.
 1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas and the Town's Comprehensive Plan.
 2. The layout of the site with regard to entrances and exits to public roadways; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and loading and unloading, whether the traffic pattern generated by the proposed rezoning and proposed development will be developed in a manner consistent with the safety of residents and the community, and to minimize any traffic hazard created thereby.
 3. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
 4. The landscaping and appearance of the completed site, whether those portions of all front, rear and side yards not used for off-street parking will be attractively planted with trees, shrubs, plants, or grass lawns and whether the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this Chapter.
- e. Effect on Municipal Services.
 - i. During a decision on rezoning and proposed development the Town Board may secure such advice as may be deemed necessary from the Town Engineer, other municipal officials or consultants, with special attention to the effect of the proposal upon existing municipal services and utilities. Where additional or upgraded municipal facilities will be needed, the Town Board shall agree with the applicant regarding financial responsibility and payment for the development and construction of such facilities prior to taking action on a rezoning request.

6. Certification of Occupancy.

- a. No lot or parcel now vacant shall be used for residential purposes, and no buildings or other structure shall be occupied or used for residential, commercial or industrial purposes until a certificate of occupancy has first been obtained by the owner from the Building Inspector. When the Zoning Administrator is presented with information to establish and separately concludes, that the proposed land use and occupancy will comply in every respect with all applicable ordinances of the Town and of St. Croix

County and with all laws and orders of the State of Wisconsin, he/she shall issue a certificate of occupancy therefore, within (10) days after application is approved.

7. Violations and Penalties

- a. Violations. It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any provision or requirement of this Chapter or any portion of the Town Code. Landowners, occupants and the agenda of both are responsible for compliance with all provision of this Chapter that bear upon their area of competence and responsibility. In case of any violation, The Town Board, Plan Commission, The Zoning Administrator or any property owner who would be specifically damaged by such violation may cause appropriate action or proceeding to be instituted to enjoin a violation of this Code or cause a structure to be vacated or removed.
- b. Remedial Action. Whenever an order of the Zoning Administrator has not been complied with within thirty (30) days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Town Board, the Zoning Administrator or the Town Attorney may institute appropriate legal action or proceedings.
- c. Penalties. Any person or entity who fails to comply with the provisions of this Code or any order of the Zoning Administrator issued in accordance with this Code or resists enforcement shall, upon conviction thereof, be likewise subject to a forfeiture and such additional penalties as provided for under Chapter 6 of the Town of St. Joseph Code of Ordinances. Each day a violation exists or continues shall constitute a separate offense.

8. Fee Schedule

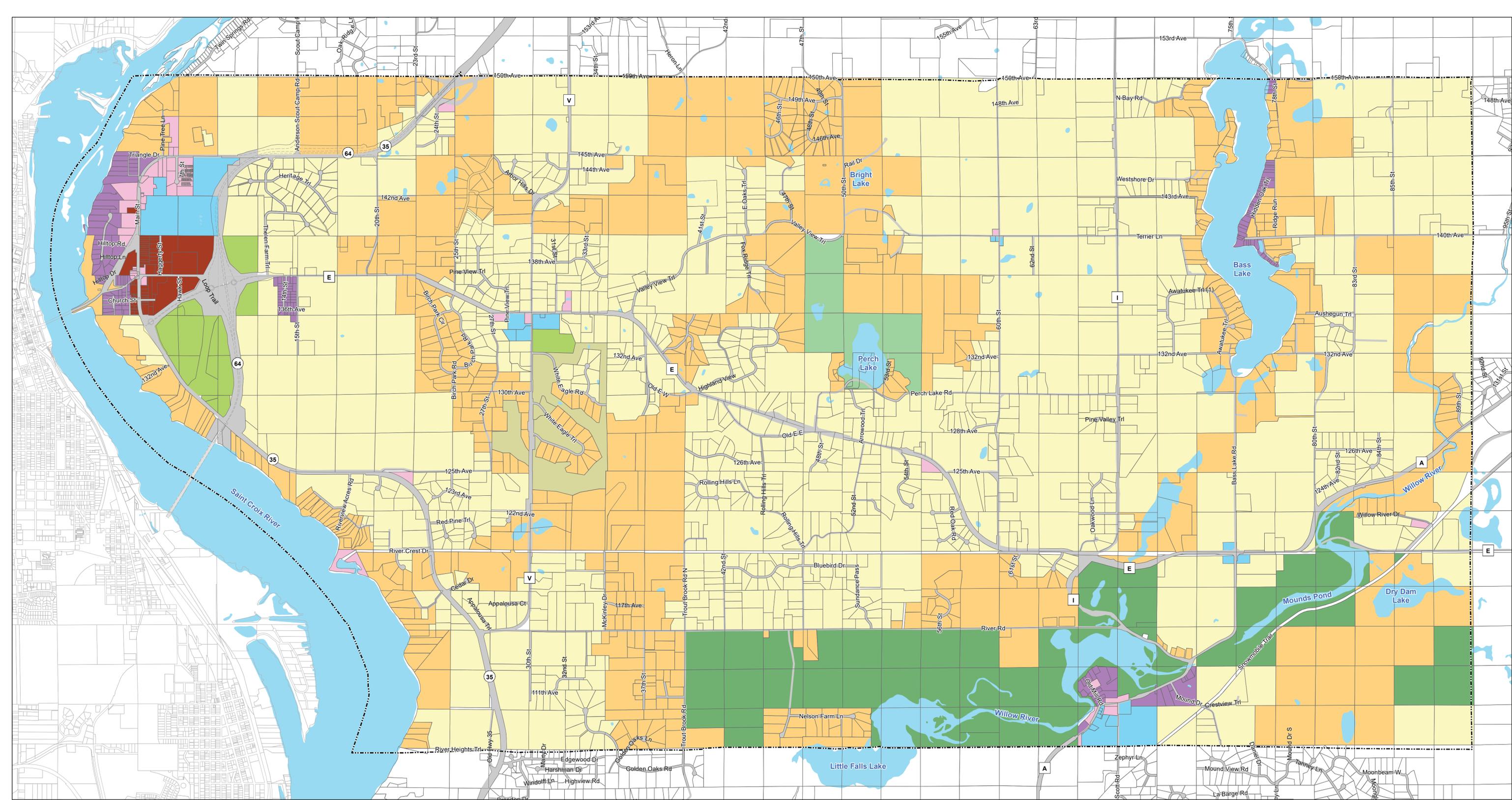
- a. Application, review related fees shall be established by separate resolution enacted from time to time by the Town Board for, but not limited to, the following categories of activities, functions and permits:

Board of Appeals Variance - first request
Board of Appeals Variance - second request
Certified Survey Map
Certified Survey Map - amended/revised
Concept Plan
Conditional Use Permit
Condo Development
Final Plat
Final Plat - Amended / revised
Mobile Service Facility, Support Structure and Collection Permit
Preliminary Plat
Preliminary Plat - Amended / revised
Sign Permit
Swimming Pool permit
Unlisted Use
Zoning Amendments

Chapter 170 Zoning Use Table									
Standard*	Traditional Residential	Preservation Residential	Rural Residential 20+ Acres	Rural Residential 5 to 20 Acres	Rural Residential <5 Acres	Traditional Commercial	Town Center Commercial	Rural Mixed Use	Business Park
Agriculture									
Animals									
Aquaculture (add fish to the st. croix new definition)		P	P	P					P
Beekeeping	P	P	P	P	P				P
Keeping Livestock		C	P	P	P				
Livestock Facility (≤200 animal units)		C	P	P					
Raising Chickens, Ducks, and Fowl	P	P	P	P	P				
Plants									
Crop or Forage Production		P	P	P					
Floriculture		P	P	P	P				P
Forest Management		P	P	P					
Sod or Christmas Tree Production		P	P	P					
Wholesale Nursery		C	P	P					P
Community Garden	P	P	P	P	P		P	P	P
Community Supported Agriculture (CSA food farm)	P	P	P	P	P			P	P
Greenhouse	A	A	A	A	A	P	P	P	P
Harvesting wild crops	P	P	P	P	P				
Pick-Your-Own Operations			P	P					
Residential									
Residences									
Dwelling, single family	P	P	P	P	P				
Dwelling, Secondary	C	C	C	C	C				
Dwelling, Two Family	C	C	C	C	C				
Live-Work Units							C	C	
Prefabricated homes	P	P	P	P	P				
Temporary Residence	C	C	C	C	C				
Group Living									
Community Living Arrangement (9-15 persons)	C	C	C	C	C				
Community Living Arrangement (greater than 15 persons)	C	C	C	C	C				
Foster Home/Adult Family Home	P	P	P	P	P				
Residential Care Services	C							C	
Commercial/Mixed Uses									
Animal Services									
Kennel, Commercial (5 acres or more)		C	C	C					
Veterinary Clinic for Domestic Animals							C	C	P
Arts, Entertainment and Recreation									
Adult Establishment						C			
Artisan Workshop						C	C	C	P
Athletic Fields or Sport Courts							C	C	C
Dance School, Fitness Center or similar Indoor Recreation Facility							C	C	P

Drive In Theater						C			
Game Arcade									P
Golf Course			C						
Museum, Gallery or similar Cultural Center							C	C	P
Reception, Meeting or Community Events Center							C		P
Single Screen Theater, Movie, or Performing Arts Stage							C	C	C
Day Care									
Child Care Center									P
Small Group Day Care for Children or Adults							P	P	P
Food and Beverage Sales/Service									
Bakery or Deli							C	C	P
Grocer or Food Cooperative							C	C	P
Liquor Store						C	C	C	P
Roadside Stand	P	P	P	P	P				
Sales of Processed or Preserved Agricultural Products and Produce									P
Specialty Beverage Tasting Room with Retail Sales									C
Tavern, Cafe or Restaurant						C	C	C	P
Lodging									
Boarding House	C						C	C	
Bed and Breakfast	C	C	C	C	C		C	C	
Campground, Private			C	C					
Offices and Professional Services									
Courier and Messenger Service									P
Financial or Investment Institution							P		P
Home Health Care Service Offices							P	P	P
Innovation Workspace							C	C	C
Office - Business or Professional						P	P	P	P
Technology, Software and Computer Services									P
Personal Services									
Barber, Salon, Day Spa or Beauty Shop							P	P	P
Car Wash								C	C
Dental Clinic						C	C	C	P
Funeral home								C	
Group Home						C	C	C	
Laundromat							C	C	C
Medical Clinic							C	C	C
Product Repair and Contractor Services									
Automotive Service, Repair and Towing						C		C	C
Contractor Sales and Service						C	C	C	P
Maintenance and Repair of Goods and Equipment						C	C	C	C
Retail Sales									
Artisan Furniture or Clothing and similar Retail Sales							P	P	P
Automotive Parts, Accessories and Tire Stores									C
Convenience Store, with or without Gasoline Sales						C		C	P
Dealerships (Off- Road, Watercraft and Implements)						C			C

Drug Store/Pharmacy							C		C
Farm Market or other Open-Air Agri-Business		C	C	C		C	C	C	C
Garden Center							C	P	P
Hardware supply store							C	P	P
Jewelry, watch and precious stone and metal, sales and wholesalers							C	C	P
Landscape Supply and Contracting Business (Plant or Tree Nursery)									P
Notion, Variety or Gift Shop							P	P	P
Office supply, printing, photocopy and packaging and similar services									P
Optical Sales							C	C	P
Miscellaneous Commercial									
Agricultural Business		C	P			C	C	C	C
Business Conducted by Owner/Operator of Farm			C	C					
Home Occupations, Major	C	C	C	C		C		C	
Home Occupations, Minor	P	P	P	P	P			P	
INDUSTRIAL/ PRODUCTION									
Manufacturing and Employment									
Building Construction Services									P
Cabinetry, cabinet making and counters									P
Cut and sew apparel manufacturing									P
Fruit and vegetable preserving and speciality food manufacturing/packaging- with the exception of animals									C
Industry, Light									C
Micro-brewery, or Distillery with Tap/Tasting Room									C
Renewable energy production equipment, distribution and sales (wind, solar, and geothermal)									C
Winery									C
Warehousing, Storage & Distribution									
Contractor Storage Yard		C	C			C		C	
Propane Storage and Distribution						C			
Seasonal Storage		C	C	C		C			
Self Storage Facility						C			
INFRASTRUCTURE									
Utilities									
Dam		C	C	C					
Electric Generating Facility - small scale	C	C	C	C	C				
Flowage Area		C	C	C					
Irrigation and Industrial Water Supply			C						C
Mobile Support Structures and Facilities	C		C	C		C			C
Utility, Minor	C	C	C	C	C				
Solar Energy Production, Small Scale		P	P	P	P	P	P	P	P
Solar Garden, Community		C in 20+ acres	C						
Wired and wireless communication/cable/transmission facility			C	C		C	C	C	C
PUBLIC, CIVIC & INSTITUTIONAL									
Assembly									
Governmental, Institutional, or Non profit Community Use	C	C	C	C					P
Club, Lodge or Meeting Hall							C	C	P
Churches	C	C	C	C	C		C	C	P



- Traditional Commercial
- Town Center Commercial
- Rural Mixed Use
- Business Park
- Traditional Residential
- Preservation Residential
- Rural Residential
- Parcel lines
- Golf Course
- Town/Country Park
- State Park
- Open Water
- NWI Wetland



0 1,500 3,000 6,000 Feet

August 25, 2020

