

RESOLUTION 64-09

Approval of Town of St. Croix Falls Zoning Ordinance Amendments

WHEREAS, the Town of St. Croix Falls administers their own Zoning Ordinance; and

WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if exercising village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or amendment of a zoning ordinance may be adopted under this section unless approved by the county board;" and

WHEREAS, the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Chapter II; Section C, Chapter V; Section G; and Chapter VI, Section C of the Zoning Ordinance No. 1; and

WHEREAS, the Town Board of the Town of St. Croix Falls held the first reading of the proposed amendments on April 15, 2009; and

WHEREAS, the Town Board of the Town of St. Croix Falls has approved the attached amendments to their Town Zoning Ordinance on May 20th, 2009; and

WHEREAS, the Polk County Board of Supervisors must also approve of the Ordinance Amendments.

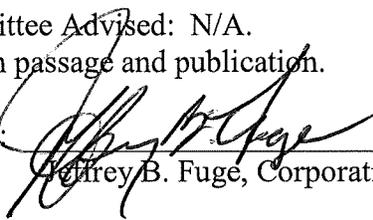
NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves the attached Zoning Ordinance Amendments for the Town of St. Croix Falls.

Funding Amount: \$0.00.

Date Finance Committee Advised: N/A.

Effective Date: Upon passage and publication.

Approved as to form:

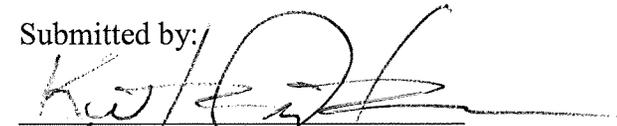


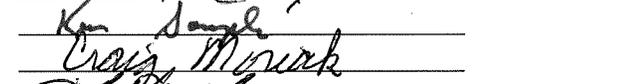
Jeffrey B. Fuge, Corporation Counsel

Date Submitted to County Board: August 18th, 2009

County Board Action: adopted - unanimous voice vote

Submitted by:



Ken Sangle


Craig Moush


A. Becker

TOWN
Of
ST. CROIX FALLS

Polk County, Wisconsin

Resolution 09-13

**A RESOLUTION ADOPTING ORDINANCE 09-04,
AMENDING ZONING ORDINANCE No. 1**

WHEREAS the Town Board for the Town of St. Croix Falls has village powers under Section 60.10(2)(c), Stats., that grants police powers as set forth in Section 61.34(1), Stats., to act for the good order of the Town, for its commercial benefit and for the health, safety, and welfare of the public; and

WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965, amended in its entirety on May 12, 1994 and subsequent amendments including the amendment on March 20, 2001; January 16, 2008; February 18, 2009; and

WHEREAS the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Chapter II; Chapter III; Section C, Chapter V; Section G; and Chapter VI, Section C of the Zoning Ordinance No. 1; and

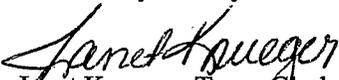
WHEREAS the Town Board of the Town of St. Croix Falls held the first reading of the proposed amendments on April 15, 2009.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls does approve Ordinance 09-xx amending Zoning Ordinance No. 1, Chapter II; Chapter III, Section C; Chapter V, Section G; and Chapter VI, Section C; and

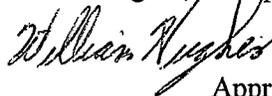
BE IT FURTHER RESOLVED that the Town Board of the Town of St. Croix Falls hereby petitions the Polk County Board of Supervisors to concur and ratify the amendment; and

BE IT FURTHER RESOLVED that this ordinance becomes effective upon passage and publication of this enabling resolution.

Dated this 20th day of May 2009


Attest: Janet Krueger, Town Clerk

William Hughes, Chairperson



Approved by:

Voice Vote

Roll Call Vote:

 5 Yeas; 0 Nays; Absent/Abstain

MAY 28 2009

TOWN
Of
ST. CROIX FALLS
Polk County, Wisconsin

AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"
ORDINANCE 09-04

Section 1: Purpose

The purpose of this ordinance is to amend Chapter II Definitions by adding the following two definitions:
Animal Unit. A unit of measure used to determine the total number of single animal types or combination of animal types, as determined in Wisconsin DNR NR 243.05

Kennel. Any person who owns, harbors, or keeps more than five (5) dogs is presumed to be operating a kennel. A dog is any canine more than five (5) months of age.

And delete the following sentence in the definition of fence:

Fence. Adequate fencing shall be determined by its use for:

Screening: Shall be solid six (6) feet or more in height.

~~Swimming Pool: Shall be five (5) feet or greater in height, with no opening greater than four (4) inches.~~

And amend Chapter III General Zoning, Sections C Districts, 1 Residential District, a(3) by deleting existing language and rewording to read as follows:

~~(3) Lodging, bed and breakfast or boarding house restricted to not over five (5) boarders or lodgers not members of the resident family.~~

(3) Renting a single family dwelling to a single family unit, provided there is a lease agreement of a minimum of one (1) month in length.

And amend Chapter III General Zoning, Section C Districts, 1 Residential District, a(7) to read as follows:

~~(7) Swimming pools, above or below ground. With proper fencing.~~

And amend Chapter III General Zoning, Section C Districts, 1 Residential District, d((1) to read as follows:

~~(1) No building shall be more than two and one half (2 ½) stories or thirty five (35) feet in height, whichever is greater. With height measurements commencing at the grade level of the highest existing topography.~~

And amend Chapter III General Zoning, Section C Districts, 1 Residential District, g with the addition of a new (#3) to read as follows and renumber existing 3 to #4 and so on:

(3) Renting any property, or portion of any property, as transient lodging. In this section, transient means any person residing for a continuous period of less than one month in a hotel, motel or other furnished accommodations available to the public. Hotel and motel are defined in WI State Statute 77.52(2)(a)1 effective April 20, 2009.

And amend Chapter III General Zoning, Section C Districts, 1 Residential, g by deleting:

~~(4) Non-household pet, including farm animals.~~

And amend Chapter III General Zoning, Section C Districts, 2 Agriculture District, b(2) by deleting existing language and reword to read as follows:

~~(2) Hereafter, every dwelling erected in the town shall provide not less than one thousand, one hundred and twenty (1,120) square feet of living space. And a minimum width of said home shall be twenty six (26) feet. The square footage to be measured using the area of the first floor and all additional floors, the basement can be included if it has an entrance directly accessible to the outside, and at least one (1) window that is not over four (4) feet above the basement floor.~~

(2) No building shall be more than thirty-five (35) feet in height or two and a half (2 ½) stories, whichever is greater.

MAY 28 2009

- (2) No building shall be more than two and a half (2 ½) stories or thirty five (35) feet high, with height measurements commencing at grade level of the natural topography.
 - (3) The side yard, for buildings or parts of buildings erected, moved or structurally altered for industrial use, measured from the building or structure to the lot line, shall be not less than twenty (20) feet, except:
 - (a) If building on adjoining lots are constructed with a common wall or with walls contiguous to one another, no side yard is required, provided that an alternative access to the back yard is provided.
 - (b) There should be a side yard of not less than fifty (50) feet along the side of any lot in the industrial district which abuts the side lot line of a lot in a residential district and is not separated there by a street or an alley.
 - (4) The minimum front yard distance from the building or structure to the front lot line shall be according to the setback required by Chapter IV for class of roadway it abuts.
 - (5) The minimum rear yard distance from the building or structure to the lot line shall be twenty (20) feet. It shall not be less than fifty (50) feet in depth if:
 - (a) Such rear yard abuts a residential or commercial district and such district boundary line does not lie within a street, alley or railroad right-of-way or;
 - (b) Such rear yard is to be used for open storage and will contain stockpiles, storage piles or water; an equipment storage yard, or other accumulations of material or equipment.
 - (6) Any property line abutting a residential or commercial district must be suitably fenced and screened.
 - (7) Minimum screening is a planting belt not less than fifteen (15) feet wide and not less than six (6) feet high.
- c. Other Requirements.
- (0) Set back lines from a Class A or Class B highway, in an Industrial District shall be one hundred (100) feet from the right-of-way or one hundred fifty (150) feet from the centerline, whichever is greater.
 - (1) Set back lines from the Class C, Class D or Class E highway, in an Industrial District, shall be fifty (50) feet from the right-of-way or eighty (80) feet from the centerline, whichever is greater.
 - (2) Industrial uses shall provide at least one parking space for each two employees on the premises at any one time, plus at least one additional space for each vehicle operated in connection with such use for which parking on the premise is required.
 - (3) Provision for parking, for employees, business invitees and the loading and unloading of delivery trucks, must be off-street, in graded and drained lots, on the premises, or abutting the premises, with no more than two (2) driveways accessing the public road so that no vehicle will normally be required to back onto the highway.
- d. Special Exceptions.
- (a) In reviewing a special exception application, the Plan Commission and the Town Board shall consider the effect of the proposed use upon the health, safety, morals, convenience and general welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, including parking needs, the effect on utility capacities, the effect on property values and scenic views in the surrounding area, drainage, erosion control, environmental effects and how the proposed use relates to any adopted County or Town Comprehensive Plan. The Plan Commission and the Town Board will give special attention to such factors as smoke, dust, noxious or toxic gases and odors, noise, glare, vibration, heavy vehicular traffic and increased traffic on the public streets. If it determines that the proposed use is not detrimental to the above factors and can comply with the above factors, and that the use is in harmony with the general purpose and intent of this ordinance and any comprehensive plan, the Plan Commission and the Town Board may grant such special exception permit.
 - (b) If the Plan Commission and the Town Board grants the special exception permit, it may impose conditions which are considered necessary to protect the public health, safety and welfare and such conditions may include a time limit for the use to exist or operate.
 - (c) Any construction or land disturbance activities on slopes of twenty (20%) percent or with the horizontal interval or measurement being twenty-five (25) feet when calculating slope, except conservation practices identified in a currently approved soil and water conservation plan, shall require a special exception permit granted by the Plan Commission.
 - (d) Application Requirements. In a case of any industrial application a site plan and facility plan shall be submitted for each new request. Significant changes to any existing industrial use will require Plan Commission and Town Board review as a special exception and will require site plans and facility plans as part of the application.
 - (e) Supplemental design and improvement standards for industrial special exception exceptions:

b. Special Exceptions.

- (1) *Automotive maintenance and mechanical repair facility, excluding collision repair.*
- (2) *Building material sales and storage.*
- (3) *Building contractor's offices such as plumbing, heating, glazing, painting, paper hanging, roofing, ventilation, air conditioning, masonry, electrical, and refrigeration. On-site storage for contractor's offices for the related uses is allowable.*
- (4) *Boat sales, boat repair and boat canvas businesses, provided there is no boat storage, other than boats awaiting repair and boats for sale, on site. All boats shall be screened as to not be visible from adjacent lots.*
- (5) *Cement manufacture; cement or concrete mixing plants.*
- (6) *Feed mills and dairy plants.*
- (7) *Lawn implement and accessories business.*
- (8) *Manufacture, fabrication, packing and packaging and assembly of products from furs, glass, leather (but not tanning of hides or manufacture of leather), metals, paper (but not the manufacture of paper or pulp), plaster, plastic (but not the manufacture of plastic), textiles and wood (but not the manufacture of paper or pulp). On-site storage of production equipment, materials and trucks and trailers is permissible when such uses are a direct support to the principal use of the site for the manufacturing, compounding, processing, packaging and/or assembly of products and materials; such equipment may only be stored on-site if actively being used.*
- (9) *Manufacture, fabrication, processing, packaging and packing of confections, cosmetics, electrical appliances, electronic devices, food (except meat and meat products, fish and fish products, cabbage products or the vining of peas). On-site storage of production equipment, materials and trucks and trailers is permissible when such uses are a direct support to the principal use of the site for the manufacturing, compounding, processing, packaging and/or assembly of products and materials; such equipment may only be stored on-site if actively being used.*
- (10) *Manufacture of furniture, home supplies and appliances, instruments, jewelry, office supplies, pharmaceuticals, sporting goods, and toiletries. On-site storage of production equipment, materials and trucks and trailers is permissible when such uses are a direct support to the principal use of the site for the manufacturing, compounding, processing, packaging and/or assembly of products and materials; such equipment may only be stored on-site if actively being used.*
- (11) *Non-metallic mining.*
- (12) *Printing and publishing houses and related activities.*
- (13) *Rescue and towing service, excluding salvage yards, and providing that no vehicle shall remain on the premises in excess of 90 days. The number of vehicles is subject to the Special Exception. All vehicles shall be screened as to not be visible from adjacent lots.*
- (14) *Sale of new utility, recreational, camper and agricultural trailers and pick-up truck accessories to accommodate 5th wheels.*
- (15) *School bus garage facilities.*
- (16) *Scientific research, investigation, nonhazardous testing or experimentation*
- (17) *Warehousing of perishable or nonperishable products, provided that the products are owned by or consigned to the owner of the principal use or a lessee, and further provided that said owner or lessee does not establish such principal use in the capacity of a carrier for the purpose of a freight operation or terminal for trucking operations.*
- (18) *Welding shops.*
- (19) *Machine shops.*
- (20) *Other uses similar in character to the permitted uses, giving due consideration to such items as smoke, noise, dust, noxious or toxic gases and odor, traffic and parking, safety, hours and type of operation, glare, physical appearance, air, water or thermal pollution or any other environmental degradation.*

c. Special Exception Review Procedures

In reviewing a special exception application, the Plan Commission and the Town Board shall consider the effect of the proposed use upon the health, safety, morals, convenience and general welfare of the occupants of the surrounding lands, existing and anticipated traffic conditions, including parking needs, the effect on utility capacities, the effect on property values and scenic views in the surrounding area, drainage, erosion control, environmental effects and how the proposed use relates to any adopted County or Town Comprehensive Plan. The Plan Commission and the Town

- (b) *There should be a side yard of not less than fifty (50) feet along the side of any lot in the industrial district which abuts the side lot line of a lot in a residential district and is not separated there by a street or an alley.*
 - (4) *The minimum front yard distance from the building or structure to the front lot line shall be according to the setback required by Chapter IV for the class of roadway it abuts.*
 - (5) *The minimum rear yard distance from the building or structure to the lot line shall be twenty (20) feet. It shall not be less than fifty (50) feet in depth if:*
 - (c) *Such rear yard abuts a residential or commercial district and such district boundary line does not lie within a street, alley or railroad right-of-way or;*
 - (d) *Such rear yard is to be used for open storage and will contain stockpiles, storage piles or water; an equipment storage yard, or other accumulations of material or equipment.*
 - (6) *Any property line abutting a residential or commercial district must be suitably screened, with a minimum vegetative screening belt not less than fifteen (15) feet deep and six (6) feet high at the time of planting. All plans for screening of the industrial properties shall first be reviewed by the Town Plan Commission with a recommendation forwarded to the Town Board. The Town Board shall have final approval of the screening for ongoing maintenance, repair and necessary replacement of the screening methods utilized to assure ongoing compliance with the original approval granted by the Town of St. Croix Falls. In addition to screening, fencing may be required by the Town Plan Commission or Town Board depending on property, its use, or the uses of neighboring properties.*
- e. **Architectural Standards.** *These architectural standards apply to new construction only. Additions to existing buildings may be constructed of materials similar to those used on the existing building.*
- (1) *All exterior wall finishes on any building shall be one or any combination of the following materials:*
 - (a) *Face brick.*
 - (b) *Natural stone.*
 - (c) *Specially designed precast concrete units if the surfaces have been integrally treated with an applied decorative or textured treatment.*
 - (d) *Glass.*
 - (e) *Wood.*
 - (f) *Hardie plank.*
 - (g) *Architectural masonry block.*
 - (h) *Factory fabricated and finished metal framed panel construction shall be permitted if the panel materials on the exterior surface are used with any of the surface materials mentioned above and is not visible on more than twenty-five (25%) percent on an exterior surface.*
- f. **Other Requirements.**
- (1) *Provision for parking, for employees, business invitees and the loading and unloading of delivery trucks, must be off-street, in graded and drained lots, on the premises, or abutting the premises, with no more than two (2) driveways accessing the public road so that no vehicle will normally be required to back onto the highway.*
- g. **Concept and Site Plan Review and Procedure.** *The procedure for concept, preliminary and final site plan review shall occur as follows:*
- (1) *Meet with the Zoning Administrator to review requirements and the concept plan.*
 - (2) *The Zoning Administrator, applicant, and owner if not the same shall present the plan to the Plan Commission for concept review and comment.*
 - (3) *Submit a complete application and site plan by applicant and owner if not the same.*
 - (4) *The Plan Commission will hold a public hearing for site plan review.*
 - (a) *The Plan Commission may recommend approval.*
 - (b) *The Plan Commission may recommend denial of the site plan and provide the applicant findings of fact of why the site plan was rejected.*
 - (c) *The Plan Commission may table the action and request additional information and/or changes.*
 - (5) *Town Board approval is required for the site plan.*
 - (6) *The applicant must take action on the approved application within one (1) year of approval by the Town Board and hold a certificate of occupancy within two (2) years of holding a building permit or the application is null and void.*
- h. **Review Process for Permitted Uses.**

Uses, by deleting 3:

~~3. Roadside stands shall provide not less than five (5) parking spaces at the place of business off the right-of-way of the highway.~~

And amend Chapter VI Off-Street Parking, Section C Required Off-Street Parking Spaces for Specified Uses, 8, 9, and 10 to read as follows:

8. Motels, **hotels**, lodging houses and dormitories shall provide at least one (1) parking space for each guestroom.
9. Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments, shall provide at least one (1) parking space for each fifty (50) **square** feet of floor space devoted to the use of the patrons.
10. Funeral homes and mortuaries shall provide at least one parking space for each fifty (50) **square** feet of floor space devoted to the use of patrons.

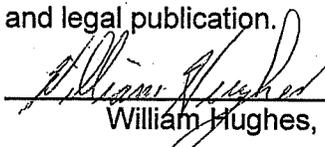
And amend Chapter VI Off-Street Parking, Section C Required Off-Street Parking Spaces for Specified Uses, 13 to read as follows:

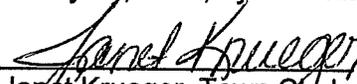
Industrial uses shall provide at least one (1) parking space for each on thousand (1,000) square feet of area devoted to warehouse use, one (1) parking space for each three hundred (300) square feet of area devoted to manufacturing, and one (1) parking space for each tow hundred (200) square feet of area devoted to office or clerical use, **or provide one (1) parking space for every two (2) employees plus one (1) additional parking space for each vehicle operated in connection with such use for which parking on the premises is required, whichever is greater.**

Section 2: Effective Date

This ordinance shall take effect from and after its passage and legal publication.

Adopted on May 20, 2009, by Resolution 09-13


William Hughes, Town Chair

Attested: 
Janet Krueger, Town Clerk

Posted at the following locations on May 22, 2009 :

Wayne's Café
Lampert's
Town Hall

