

RESOLUTION 66-18
Resolution to Approve Zoning Ordinance Amendment for the Town of St Croix Falls

TO THE HONORABLE BOARD OF SUPERVISORS OF THE COUNTY OF POLK WISCONSIN:

1 WHEREAS, the Town of St. Croix Falls administers their own Zoning Ordinance; and
2

3 WHEREAS, paragraph 3 of Wisconsin Statute Chapter 60.62 relating to town zoning authority, if exercising
4 village powers, reads: "In counties having a county zoning ordinance, no zoning ordinance or amendment of a
5 zoning ordinance may be adopted under this section unless approved by the county board;" and
6

7 WHEREAS the Town of St. Croix Falls adopted Zoning Ordinance No. 1 on August 5, 1965, amended in its
8 entirety on May 12, 1994 and subsequent amendments including the amendment on March 20, 2001; January 16,
9 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April 21, 2010; August 18, 2010;
10 March 16, 2011; April 20, 2011; October 19, 2011; November 16, 2011; August 21, 2013; March 18, 2015; April
11 15, 2015; March 16, 2016; March 15, 2017; November 15, 2017; June 20, 2018; and
12

13 WHEREAS, the Town Board of the Town of St. Croix Falls passed Resolution 18-09 adopting Ordinance 18-
14 02 amending Zoning Ordinance No. 1 at their June 20, 2018 meeting; and
15

16 WHEREAS, said amendment involves amending the title of Section F, nonconforming uses and structures
17 language, and Section 1, Chapter II, and Chapter III regulating transient lodging, bed & breakfasts, and
18 hotels/motels to conform with recent legislative changes.
19

20 WHEREAS, the Polk County Board of Supervisors must also approve any zoning ordinance amendments for
21 the town; and
22

23 NOW, THEREFORE, BE IT RESOLVED, that the Polk County Board of Supervisors hereby approves
24 Resolution 18-09 adopting Ordinance 18-02 amending Zoning Ordinance No. 1.

Funding Amount & Source: Not applicable
Finance Committee Recommendation: Not applicable
Effective Date: Upon Passage & Publication

Submitted & sponsored by the Environmental Services Committee:

James A. Edgell
Brad Olson
F. A. DeWitt

Nancy Hablanc
Doug Route

Reviewed and Approved As to Form:

Jeffrey B. Euge
Jeffrey B. Euge, Interim County Administrator/Corporation Counsel

At its regular business meeting on August 21, 2018, the Polk County Board of Supervisors adopted the above-entitled resolution, Resolution 66-18: Resolution to approve Zoning Ordinance No. 1 amendment for the Town of St Croix Falls, by a ~~simple majority vote of~~ unanimous vote of in favor and against.

Dated this 21 day of August, 2018 at Polk County Wisconsin.

SIGNED BY:

Dean Johansen
Dean Johansen, County Board Chairperson

Attest: Sharon Jorgenson
Sharon Jorgenson, Polk County Clerk

TOWN
Of
ST. CROIX FALLS

Polk County, Wisconsin

Resolution 18-09

**A RESOLUTION ADOPTING ORDINANCE 18-02 AMENDING ZONING
ORDINANCE No. 1**

WHEREAS the Town Board of 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 amendments on March 20, 2001; January 16, 2008; February 18, 2009; May 20, 2009; October 21, 2009; March 17, 2010; April 21, 2010; August 18, 2010; March 16, 2011; April 20, 2011; October 19, 2011; November 16, 2011; August 21, 2013; March 18, 2015; March 15, 2017; and

WHEREAS the Town Board of the Town of St. Croix Falls deems it advisable and necessary to amend Zoning Ordinance No. 1, Chapter I, Administration and Enforcement, Section D and Section E to change and/or remove language relating to ordinances govern by the State and Polk County; changing the title of Section F and amend the language defining nonconforming uses and structures; and amend Section I, Chapter II and Chapter III to change language regulating transient lodging, bed and breakfast establishments, hotels and motels to conform with recent legislative changes.

WHEREAS the Plan Commission of the Town of St. Croix Falls held a public hearing on the proposed amendments on May 9, 2018, the first reading of the proposed amendments was had on May 16, 2018, and a second reading was held on June 20, 2018.

THEREFORE BE IT RESOLVED that the Town Board of the Town of St. Croix Falls, Polk County, Wisconsin, does approve Ordinance 18-02 amending Zoning Ordinance No. 1; 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 Ordinance 18-02 become effective upon passage and publication and/or posting according to Wisconsin State Statute.

Dated this 20th day of June 2018


Attest: Janet Krueger, Town Clerk


Frank Behning, Chairperson

Approved by:

Roll Call Vote:
4 Yeas; 0 Nays; Absent

TOWN
Of
ST. CROIX FALLS
Polk County, Wisconsin

**AMENDING ZONING ORDINANCE No. 1 ENTITLED "TOWN ZONING ORDINANCE"
ORDINANCE 18-02**

Section 1: Purpose

The purpose of this ordinance is to amend Chapter I - Administration and Enforcement, Section D – Zoning Administrator, 2. – Powers and Duties, g. – Issuance of Building and Land Use Permits with the deletion of:

~~(e) if a copy of a County "Land Use Permit" (required whenever the parcel in question is subject to County Shoreland Zoning, because of its proximity to a lake, stream, flood plain or wetland) is attached (if needed).~~

And

~~(h) Inclusion of a Building Permit application, if needed, shall be forwarded to the Town building inspector, who will determine the required fee and issue the building permit.~~

And amend Chapter I - Administration and Enforcement, Section E – Zoning and Sanitary Permits, 1 – When a Permit is Required, a. to read as follows:

- a. The Erection, Addition or Alteration of any Building, Structure or Portion therefore. Construction of any new structure or any addition to an existing structure shall require a Land Use Permit from the Town, except construction or alterations not needing a building permit per the Town building inspector do not need to obtain a land use permit. The project still must meet all the applicable requirements for obtaining a land use permit including, but not limited to, setbacks, height, and number of structures per parcel. In addition, only one (1) structure per parcel may be constructed with this exemption. ~~Construction or use on any land falling under the purview of the Polk County Shoreline Ordinance must first receive a Land Use Permit.~~

And amend Chapter I - Administration and Enforcement, Section E – Zoning and Sanitary Permits, 2 – Application for a Permit, c. to read as follows:

- c. Where a private water or sewerage system is to be installed, the application shall contain the following information in addition to that required above:
- ~~(1) Type of proposed installation. *Permit number of the county sanitary permit.*~~
 - ~~(2) Name of person in charge of installation and any State license held by such person.~~
 - ~~(3) Type of occupancy, number of occupants or patrons and estimated water consumption.~~
 - ~~(4) Size and location of the proposed sewerage disposal system.~~
 - ~~(5) A sketch showing:
 - ~~(a) Location of lakes and wetlands within one thousand (1,000) feet and wells, streams, buildings, privies and sanitation systems within three hundred (300) feet of the proposed sewerage disposal site.~~
 - ~~(b) The location of all percolation test holes and report of each test and soil boring as taken by a certified soil tester.~~
 - ~~(c) Depth to groundwater or bedrock if less than six (6) feet.~~
 - ~~(d) Slope in feet per one hundred or contour lines at two (2) foot intervals in the area of the proposed absorption field and well.~~~~

And amend Chapter I - Administration and Enforcement, Section F title to read as:

Nonconforming Uses *and Structures*

And amend Chapter I - Administration and Enforcement, Section F – Nonconforming Uses and Structures, 1 – General Limitations, e. to read as:

Maintenance and repair of nonconforming boathouses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of 30.121, Wisconsin Statutes. *No expansion or alterations of a legal non-conforming structure are allowed unless the expansion or alteration conforms to the current zoning requirements.*

And amend Chapter I - Administration and Enforcement, Section I – Special Exceptions, with the deletion of:

~~3. FACTORS SPECIFICALLY APPLICABLE TO SPECIAL EXCEPTIONS IN SHORELAND ZONING.~~

~~When a provision of the shoreland zoning section is involved, no special exception shall be granted by the Plan Commission without written approval of the County Zoning Administrator.~~

And amend Chapter I - Administration and Enforcement, Section I – Special Exceptions, 7 – Conditions, with the addition of:

l – Any special exception involving transient lodging, bed and breakfast establishments, or motels or hotels shall have the owner or a designated manager within 15 miles of the proposed use.

m – Any special exception involving transient lodging, bed and breakfast establishments, or motels or hotels shall have at least 1 off-street parking space per bedroom or room to be rented.

And amend Chapter III – General Zoning, Section C – Districts, 1 – Residential District, a. – Permitted Uses amending (3) to read as follows:

Renting a single family dwelling to a single family unit, provided there is a lease agreement of a minimum of ~~one~~ *seven (7) days* in length.

And amend Chapter III – General Zoning, Section C – Districts, 1 – Residential District, g. – Special Exceptions amending (3) to read as follows:

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~~ *seven days* 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, 3 – Commercial District, a. to read as follows:

- a. All new commercial development and commercial development involving a structural alteration, addition, or repair to a structure that exceeds fifty (50%) percent of the equalized assessed value of the structure over the lifetime of the structure and those that include a significant change of use except when the change of use is in an existing structure, shall be subject to the Town Commercial Design Guidelines including site plan review and shall not be allowed unless approved by the Plan Commission and by the Town Board.

Development involving aggregate structure area includes any additions plus an existing structure. The value of alterations, additions and repair work shall include the value of all labor and materials.

A significant change of use is any change of use to a use that is not a permitted use.

~~All structural alterations, additions, or repairs must comply with the current State of Wisconsin, Department of Commerce Uniform Dwelling Code for residential buildings and the State of Wisconsin, Department of Commerce Building Code for commercial buildings and with any current applicable Polk County Ordinances.~~

And amend Chapter III – General Zoning, Section C – Districts, 3 – Commercial District, with the deletion of I:

~~I Review Process for Permitted Uses.~~

~~(1) Meet with the Town Zoning Administrator to review for verified compliance with ordinances, Town Commercial Design Guidelines, and any applicable regulations from both State and County agencies.~~

And amend Chapter III – General Zoning, Section C – Districts, 4 – Industrial District, with the deletion of h:

~~h. Review Process for Permitted Uses.~~

~~(1) Meet with the Town Zoning Administrator to review for verified compliance with ordinances, Town Commercial Design Guidelines, and any applicable regulations from both State and County agencies.~~

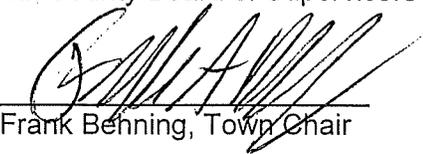
And amend Chapter III – General Zoning, Section C – Districts, 5 – Transition District, f- Special Exceptions, with the addition of:

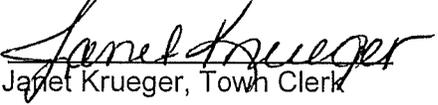
(18) Renting any property, or portion of any property, as transient lodging. In this section, transient means any person residing for a continuous period of less than seven days in a hotel, motel or other furnished accommodations available to the public. Hotel and motel are defined in WI State Statute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

Section 2: Effective Date

This ordinance shall take effect from and after its passage, Polk County Board of Supervisors approval and legal publication.

Adopted on June 20, 2018, by Resolution 18-09


Frank Behning, Town Chair


Attested: Janet Krueger, Town Clerk

Posted on _____, 2018, at the following locations:
Wayne's Cafe
Lampert's
Town Hall

Published in the Inter-County Leader _____, 2018.

CERTIFIED COPY OF POLK COUNTY RESOLUTION

STATE OF WISCONSIN

COUNTY OF POLK

I Sharon E. Jorgenson, Polk County Clerk do hereby certify that the attached hereto and incorporated herein is a full, true and correct copy of Resolution No. 66-18: Resolution to Approve Zoning Ordinance Amendment for the Town of St Croix Falls adopted by the Polk County Board of Supervisors at its regular business meeting held on

August 21, 2018

A handwritten signature in cursive script that reads "Sharon E. Jorgenson" followed by the date "8/21/18".

Sharon E. Jorgenson, Polk County Clerk

Date