

**ST. CROIX COUNTY  
CODE OF ORDINANCES  
LAND USE AND DEVELOPMENT**

**CHAPTER 17  
ZONING**

Subchapter II  
General Zoning 17.10-17.21

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**SUBCHAPTER II  
GENERAL ZONING**

17.10 INTRODUCTION AND EXPLANATION.

- (1) This subchapter contains the general zoning provision and indicates what uses may be made of property, the permissible lot size, height of buildings and dimensions of required yards and open space. It divides the area to which it applies into 7 districts. Each district has its own set of rules on use, yard space, lot size and building height.
- (2) The locations of the 7 districts are shown on the official County zoning maps available in the Zoning Administrator's office, the County Clerk's office and offices of deputy zoning administrators in each town. This subchapter applies to those towns which approve its application.
- (3) Within most districts there are listed "permitted uses" and "conditional uses." Permitted uses are uses which are allowed in that district provided that the property owner obtains a permit by showing that the proposed use is listed as a permitted use. Conditional Uses are uses that are allowed only after the County Board of Adjustment reviews the proposed use, holds a public hearing and decides whether to approve, based upon the application of standards found in this subchapter or in [§ 17.70\(5\)Subchapter VII](#).
- (4) The fact that a use is shown as a permitted use does not always mean that the project may proceed. The [Chapter 12 Ssanitary-eode](#), [Chapter 13 Land DivisionCh. 15, the subdivision code, Ch. 18](#), or other sections of this [codechapter](#) may result in a permitted use not being allowed to proceed, depending upon the manner in which those provisions apply.

17.11 DISTRICTS. For the purpose of general zoning, there are created ~~87 types of~~ [87 types of](#) districts [and 3](#) Overlay Districts. All land zoned under this subchapter shall be designated as one of the following types:

- (1) Residence District.
- (2) [AG-1](#) Agricultural District.
- ~~(3)~~ [AG-2 Agricultural-2 District](#)
- ~~(4)~~ Rural Residential District.
- ~~(5)~~ Conservancy District.
- ~~(6)~~ Restricted Commercial District.
- ~~(7)~~ Commercial District.

- (87) Industrial District.
- (9) Home Occupations Overlay District.
- (10) Adult Entertainment Overlay District (AEO)
- (11) Conservation Design Development Overlay District (CDD)

17.12 GENERAL PROVISIONS.

- (1) No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this chapter shall be included as a part of a yard or other open space required for another building.
- (2) Every dwelling hereafter erected in the County shall provide not less than 720 sq. ft. of floor area for a one story building for each family dwelling therein, nor less than 1,000 sq. ft. of floor area for a two-story building for each family dwelling therein.
- (3) When a lot has an area less than the minimum number of square feet per family, as required for the district in which it is located, and was of record as such at the time of the passage of this chapter, such lot may be occupied by one family subject to the setback, rear yard and side yard requirements for the district.
- (4) Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings in a rear yard and the ordinary projection of sills, belt courses, cornices and ornamental features projecting not more than 20 inches.
- (5) Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard and shall not be more than 20 feet in height.
- (6) The regulations contained throughout this chapter relating to building or structure height and the size of yard and other open spaces shall be subject to the following exceptions:
  - (a) Churches, schools and other public and quasi-public buildings may be erected to a height not exceeding 60 feet or five stories, provided the front, side and rear yard setbacks required in the district in which such a building or structure is to be located are each increased at least one foot for each additional foot of height above the height limit otherwise established for the district.
  - (b) Chimneys, cooling towers, church steeples or spires, cupolas, tanks, water towers, television antennas, microwave radio relay or broadcasting towers, masts or aerials, farm silos, barns and other farm structures and necessary mechanical appurtenances are hereby excepted from the height regulations of this chapter and may be erected in accordance with other regulations or ordinances of the County, or of other jurisdictions such as the Federal Aviation Administration (FAA).

- (c) Facilities subject to (a) and (b) above require a land use permit to be issued by the Zoning Administrator. Before issuing the permit, the Zoning Administrator shall investigate and determine whether any such facility which is to exceed 35 feet in height above ground level will create or may create fire protection problems.
  - (d) Upon a written determination that such problems may result, the request for a permit shall be referred by the Zoning Administrator to the Board of Adjustment, which shall invite fire or other public safety officials to appear and offer recommendations. The Board of Adjustment may attach such conditions as it deems reasonable and necessary based upon advice of fire and public safety officials to the granting of the permit.
- (7) Any construction or land disturbance activities affecting more than 10,000 square feet on slopes 12 to 19.9% with the slope measured over a horizontal distance of 50 feet, shall require a land use permit and shall be subject to the following standards:
- (a) An erosion and sediment control plan shall be submitted and incorporate Best Management Practices (BMPs) that meet or exceed the Wisconsin Department of Natural Resources (WDNR) Stormwater Management Technical Standards.
  - (b) The erosion and sediment control plan shall include all of the following items:
    - 1. Description of construction sequencing.
    - 2. Contact information for property owner, grading contractor, and erosion control subcontractor as applicable.
    - 3. Site map showing all of the following:
      - a. Property boundaries.
      - b. Existing and proposed buildings.
      - c. Locations of buildings on adjoining properties.
      - d. Soil types.
      - e. Grading limits.
      - f. Pre and post construction drainage patterns.
      - g. The locations and quantities of all BMPs.
      - h. Water bodies with Ordinary High Water Mark (OHWM) and OHWM setback.
      - i. Wetland boundaries.
      - j. Existing and proposed wells and Private Onsite Wastewater Treatment Systems (POWTS.)
      - k. Existing and proposed vegetation.
- (8) Any construction or land disturbance activities affecting slopes 20 to 24.9% with the slope measured over a horizontal distance of 50 feet, shall require a land use permit and shall be subject to the following standards:
- (a) An erosion and sediment control plan shall be submitted and shall incorporate BMPs that meet or exceed the WDNR Stormwater Management Technical Standards.

- (b) A stormwater management plan shall be submitted and shall meet the performance standards described in Wisconsin Administrative Code NR 151 Subchapter III, Non-Ag Performance Standards.
- (c) The erosion and sediment control plan and the stormwater management plan must be prepared by a registered landscape architect, professional soil scientist, professional engineer, engineer in training, certified professional in erosion and sediment control, certified professional in storm water quality, certified soil tester, or other licensed professional acceptable to the Zoning Administrator.
- (d) The erosion and sediment control plan shall include all of the following items:
  - 1. Description of construction sequencing.
  - 2. Contact information for property owner, grading contractor, and erosion control subcontractor as applicable.
  - 3. Site map showing all of the following:
    - a. Property boundaries.
    - b. Existing and proposed buildings.
    - c. The location of buildings on adjoining properties.
    - d. Soil types.
    - e. Grading limits.
    - f. Pre and post construction 2-foot contours.
    - g. Pre and post construction drainage patterns.
    - h. The locations and quantities of all BMPs.
    - i. Water bodies with OHWM and OHWM setback.
    - j. Wetland boundaries.
    - k. Existing and proposed wells and POWTS.
    - l. Existing and proposed vegetation.
- (e) Construction may not proceed until the Zoning Administrator has approved the plans.
- (f) The property owner shall execute and record an affidavit describing the approved storm water management plan and maintenance requirements with the County Register of Deeds within 30 days after construction is completed.
  - 1. The affidavit shall alert subsequent purchasers of the land of the maintenance requirements of the plans.
  - 2. The property owner shall submit a copy of the affidavit along with a record drawing and photos of the storm water retention/detention devices and drainage ways to the Zoning Administrator.
- (9) Any construction or land disturbance activities for public improvements affecting slopes 25 to 29.9% with the slope measured over a horizontal distance of 50 feet, shall require a land use permit and shall be subject to the standards in (8) above.
- (10) Any construction or land disturbance activities other than for public improvements affecting slopes 25% or greater with the slope measured over a horizontal distance of 50 feet, shall be prohibited.

- (11) Any construction or land disturbance activities for public improvement affecting slopes 30% or greater with the slope measured over a horizontal distance of 50 feet, shall be prohibited.
- (12) The following regulations apply to all animal units, except household pets, in all districts:
  - (a) No animal units may be kept on lots or parcels less than three acres.
  - (b) No animal units may be kept on lots or parcels in a major subdivision, unless provided for in the plat.
  - (c) One animal unit per acre of land suitable for animal waste utilization, consistent with NRCS 590 Nutrient Management, is allowed without a permit on lots or parcels of three acres or more in size.
  - (d) Exceeding one animal unit per acre of land suitable for animal waste utilization, consistent with NRCS 590, or 500 or more animal units may be allowed with a conditional use permit. Separate standards for livestock facilities are found in each agricultural district.
- (13) The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the Agricultural and Agricultural Two Districts.
  - (a) All structures must be set back at least 100 feet from any property line or public road right-of-way if the facility has less than 1000 animal units.
  - (b) All structures must be set back at least 200 feet from any property line or 150 feet from a public road right-of-way if the facility has 1000 animal units or more.
  - (c) All animal waste storage structures for less than 500 animal units must be set back at least 100 feet from any property line or the nearest point of any public road right-of-way unless:
    - 1. The animal waste storage structure existed prior to May 1, 2006.
    - 2. The animal waste storage structure is a single new structure constructed no closer to the relevant property line or public road than an animal waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger than the existing structure and is located within 50 feet of the existing structure.
  - (d) All animal waste storage structures for 500 or more animal units must be set back at least 350 feet from any property line or the nearest point of any public road right-of-way unless:
    - 1. The animal waste storage structure existed prior to May 1, 2006.
    - 2. The animal waste storage structure is a single new structure constructed no closer to the relevant property line or public road than an animal waste storage structure that existed on the same tax parcel prior to May 1, 2006, provided that the new structure is no larger

than the existing structure and is located within 50 feet of the existing structure.

- (14) The following structure setback provisions apply to livestock structures, including animal waste storage structures, and other structures housing animal units in the Rural Residential District.
  - (a) All structures must be set back at least 100 feet from any property line or 100 feet from any public road right-of-way for lots or parcels with less than 500 animal units.
  - (b) All structures must be set back at least 200 feet from any property line or 150 feet from any public road right-of-way for lots or parcels with 500 or more animal units.
  - (c) Animal waste storage structures must be set back at least 100 feet from any property line or nearest point of any public road right-of-way.
- (15) Equipment and piping used to transport animal waste from a livestock facility to an animal waste storage structure shall be exempt from the setback provisions in (13) and (14) above.
- (15) The following minimum standards are applicable to Commercial Kennels:
  - (a) Kennels are prohibited in major subdivisions.
  - (b) Kennel structures shall be set back at least 300 feet from all property lines.
  - (d) Kennel structures housing animals shall provide soundproofing so that animal noise cannot be heard beyond owner's lot lines.
  - (e) Kennel structures shall be located at least 50 feet from any potable water supply well.
  - (f) All animals shall be housed indoors from 9:00 p.m to 6:00 a.m.
  - (g) There shall be no more than two adult dogs or cats, six months of age or older, in any single enclosure unit.
  - (h) Parking areas, outside pens and runs, and kennel structures shall be screened by landscaping or other suitable means when visible from adjoining properties.
  - (i) Management of animal waste must be such that odors are not perceptible at lot lines.
  - (j) Bark suppression devices or bark collars shall be used on all adult dogs, six months of age or older, while outside.
  - (k) No more than two adult dogs, six months of age or older, are allowed outside at any one time.

17.13 **RESIDENCE DISTRICT.** The Residence District is created to establish and protect the essential characteristics of areas within which predominantly low density residential use should occur, along with certain community and recreational uses to serve the residents of the district. Multiple family residential uses shall be allowed as conditional uses where permitted by the Board of Adjustment upon application of standards intended to protect the public interest.

- (1) PERMITTED USES.
  - (a) Single family, 2 family dwellings.
  - (b) Churches, public and parochial schools.
  - (c) Lodging or boarding house restricted to not over 5 boarders or lodgers not members of the resident family.
  - (d) Public buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road-building or maintenance equipment.
  - (e) Accessory buildings, including private garages and buildings clearly incidental to the residential use of the property, except that no accessory building may be used as a separate dwelling unit.
  - (f) Private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business.
  - (g) Gardening and nurseries for propagation of plants only.
  - (h) Public parks and playgrounds, including swimming pools, golf courses, tennis courts and picnic grounds. Such uses shall contain sufficient yard area to provide a buffer space and adequate parking facilities according to the following guidelines:
    - 1. No yard shall be less than 25' wide, except that no yard need be provided adjacent to the fairways and greens of golf courses.
    - 2. Each such yard shall be increased for the following:
      - a. Swimming pools larger than 40' by 60', one foot additional yard for each additional 2' of width or length of the pool in the direction of the additional width or length.
      - b. Picnic grounds having seating arrangements for more than 40 persons, 10' of additional width on every yard for each additional 10 persons or fraction thereof which such picnic ground is designed for or equipped to accommodate.
    - 3. Any such yard which abuts on a public street or highway may be reduced by ½ the width of such street or highway, but in no case to less than 15'.
    - 4. Each such yard shall be left in its natural condition and the natural vegetation of the area, including grasses, flowers, shrubs and trees, except noxious plants, trees and weeds, shall be allowed to grow and develop, or other vegetation of equivalent density shall be planted therein, so as to provide a natural screen between the park or playground and neighboring residential areas, and so that such yards be so far as possible unused and unusable for the general purposes of such parks and playgrounds.
    - 5. The above regulations shall be mandatory as applied to any park or playground established by any agency within the County.

- (i) 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.
  - (j) Professional office, provided that:
    - 1. Such office is conducted solely by a member of the resident family, entirely within the residence and incidental to the residential use of the premise.
    - 2. There shall be no external alterations that would effect a substantial change in the residential character of the building.
    - 3. Not more than 50% of only one floor of the dwelling shall be devoted to such offices.
    - 4. Not more than 2 persons not members of the resident family maybe employed in nonprofessional capacities in any such office.
  - (l) Conservation Design Development pursuant to § 17.21 CONSERVATION DESIGN DEVELOPMENT and Conservation Design Development application, and design review, objectives and standards pursuant to Chapter 13 Land Division Ordinance.
- (2) **MINIMUM LOT AREA.**
- (a) Sewered Lots. Buildings or other parts of buildings hereafter erected or structurally altered for single or 2 family dwelling purposes shall provide a lot area of not less than 12,750 sq. ft. The proportion of depth in relation to width for such a lot shall not be in excess of 3 to one, depth to width.
  - (b) Unsewered Lots. The same regulations shall apply as in par. (a), except that the minimum lot area shall be one acre.
  - (c) The minimum lot size for Conservation Design Development shall be one-half (½) acre.
- (3) **HEIGHT.**
- (a) No building shall be more than 2 ½ stories or 35' in height, whichever is greater, with height measurements commencing at the level of the lowest usable floor (basement or ground story).
  - (b) Provided, however, that residential buildings may be increased in height by not more than 10' or one story when all yards and other required open spaces are increased in width by one foot for each foot in height by which such building exceeds the normal height limit of the district.
- (4) **SIDE YARD.** There shall be a side yard on each side of a building.
- (a) The aggregate width of the side yards for the main building shall not be less than 25' and no single side yard shall be less than 10' wide. The highway setback regulations in subchapter VI shall apply to all corner lots.
  - (b) For lots less than 80' wide and of record as such at the date of the passage of this chapter, the aggregate width of the side yards shall be equivalent to 3" for each foot of the lot width and no single side yard shall be less than 40%

- of the aggregate width. The buildable width of any lot shall not be reduced to less than 24'.
- (c) The minimum permitted side yard for an accessory building in a residence district shall be 5', provided it is detached from the main building. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions in par. (a) above shall rule.
  - (d) When an accessory building is detached it shall be separated from other buildings by a minimum of 10', measured from edge of roof overhang to edge of roof overhang.
  - (e) The minimum side yard for Conservation Design Development shall be 10' for any main building and 5' for any accessory building.
- (5) REAR YARD. There shall be a rear yard of not less than 25' in depth for any main building. Accessory buildings shall be provided with a minimum rear yard of not less than 5'.
- (a) The minimum rear yard for Conservation Design Development shall be 10 feet for any main building and 5 feet for any accessory building.
  - (b) Accessory buildings shall be 10' from other structures, measured from edge of roof overhang to edge of roof overhang.
- (6) CONDITIONAL USES. The following uses may be allowed as a conditional use upon approval by the Board of Adjustment as provided in [§ 17.70 subchapter VII](#):
- (a) Microwave relay structures.
  - (b) Multiple family dwellings in excess of 2 units. Developments approved shall be subject to the provisions of subs. (2) through (5) except that an additional 3,000 sq. ft. of minimum lot area shall be required in sewered lots for each dwelling unit in excess of 2. To grant a conditional use for multiple family use, the Board of Adjustment shall find that the following conditions are present:
    - 1. The establishment of the use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
    - 2. 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.
    - 3. The establishment of the use will not impede the normal and orderly development of the surrounding property for uses permitted in the district.
    - 4. Adequate utilities, access roads, drainage and other necessary site improvements have been made or are being provided.
    - 5. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
  - (c) Home occupation, pursuant to section 17.155.

**17.14 AG-1 AGRICULTURAL DISTRICT**

Field Code Changed

**A. Purpose and Applicability**

1. Statement of Purpose. The AG-1 District is designed to fulfill the following objectives:
  - a. Provide for a wide range of traditional agricultural and agricultural accessory uses at various scales and to accommodate, as permitted uses, all activities typically associated with the primary production and harvesting of crops, livestock, animal products or plant materials, recognizing that such uses may involve noise, dust, odor, use of heavy equipment and chemicals and long hours of operation.
  - b. Conditionally allowing for incidental processing, packaging, storage, transportation, distribution and other activities intended to add value to agricultural products produced on premises or to ready such products for market, given the potential that such uses may pose for conflicts with agricultural uses due to volumes or speed of vehicular traffic, or in light of existing residential density, proximity to incompatible uses, environmental impacts or degradation of or loss of agriculturally productive lands.
  - c. Allowance for other incidental activities, compatible with agricultural uses as a supplement to family income and supportive of the agricultural community.
  - d. Provision of additional economic opportunities for property owners that are generally compatible with agricultural uses, such as the establishment of new small-scale farming operations, including market gardens, roadside produce stands, pick-your-own operations or community supported agricultural farms.
  - e. Location of new farm residences in a manner that will minimize impacts on roads, soils and existing agricultural land uses.
  - f. Preservation of remnant parcels of productive agricultural land following development of adjoining properties.
  - g. Preservation of land for production of food and fiber.
  - h. Preservation of productive farms by preventing land use conflicts between incompatible users.
  - i. Maintenance of a viable agricultural land base to support agricultural processing and service industries.
  - j. Reduction of costs associated with the provision of governmental services to non-agricultural parcels scattered among agricultural lands.
  - k. Pacing and shaping of urban growth.
  - l. Meeting of the criteria for certification of this district as a Farmland Preservation Zoning District under §91.38, Wis. Stats.
2. Lands to be included in the AG-1 District. This District is generally intended to apply to productive farm operation lands, including lands that have historically exhibited good crop yields or are capable of such yields; lands which have been demonstrated to be productive for dairying, livestock raising and grazing; or other lands that are integral parts of such farm operations; land used of the production

of specialty crops such as sod, fruits and vegetables; lands which are capable of productive use through economically feasible improvements such as irrigation; and lands consisting of undeveloped natural resource and open space areas.

B. Permitted Uses

1. Agricultural Uses, including, but not limited to, production and harvesting of crops, livestock, animal products and plant materials.
2. Agricultural Accessory Uses, except for those listed as conditional uses under C., below, which accessory uses shall be subordinate to a Primary Agricultural Use and cannot be engaged in the absent the existence of a Primary Agricultural Use actively maintained on the same parcel of land. Determination of the existence of a Primary Agricultural Use shall be made upon review of the most recent tax assessment records for the parcel, demonstrating that more than 50% of a contiguous farm is assessed as agricultural under §70.32(2)(a), Wis. Stats.
3. Any residence lawfully existing as of ~~January 1, 2014 the effective date of this chapter~~ may be continued in residential use and may be exempted from any limitations imposed or authorized under Wisconsin's non-conformities statute 59.69(10) provided they remain residential and meet zoning standards, and all other county ordinance requirements.
4. The rental of principal or secondary residences in existence on a farm as of ~~January 1, 2014 the effective date of this section~~ and no longer utilized in the operation of the farm.
5. Minor Home Occupations pursuant to §17.155 which do not impair or limit current or future agricultural use of the farm on which they are performed and which do not engage or employ any persons other than the residents of the principal residence located on the farm. This agricultural accessory use must comply with Wis. Stats 91.01(1).
6. Agricultural Entertainment Activities not to exceed 15 calendar days per each 12 months in succession, which may include the incidental preparation and sale of beverages and food. For all such activities planned for or anticipated to have attendance of more than 100 persons during a 24 hour period, an event plan adequately addressing parking, proposed days and hours of operation, ingress and egress permit as determined by appropriate road jurisdiction, sanitation, signage, solid waste management, and other public safety issues shall be filed and approved with a land use permit from the zoning administrator. The applicant shall file the approved land use permit with the appropriate town clerk, servicing fire department, emergency medical service provider, St. Croix Sheriff's Department and any local law enforcement agency for such agricultural entertainment activities, at least 30 days prior to the start of any agricultural entertainment activities in each calendar year. This agricultural accessory use must comply with Wis. Stats 91.01(1).

7. Seasonal storage for compensation of recreational equipment and motor vehicles owned by persons other than those persons residing on the premises, but only if fully enclosed in an agricultural accessory structure and ~~compliant with Wis. Stats. 91.01(1) Chapter 91 Farmland Preservation standards~~. This shall not include the storage of a dealer's inventory.
8. Farm-related exhibitions, sales or events, including auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities but not to exceed 5 calendar days per calendar year. This agricultural accessory use must comply with Wis. Stats 91.01(1).
9. Undeveloped natural resource and open space land uses.
10. Transportation-related, utility, electrical transmission, pipeline, communication or other transmission facilities that are either (a) required by state or federal law to be located in a specific site that in the AG-1 District; or (b) is authorized to be located in a specific site under state, federal or local laws or regulations that expressly exempt its location from the requirement of obtaining a conditional use permit under this section.
11. One (1) single family farm residence based on a density of one (1) lot per quarter-quarter (1/4-1/4), sited in compliance with the County and town subdivision regulations. The Community Development Department shall determine allowable farm divisions so as to ensure that farms existing as of the effective date of this section shall not be divided in such a manner after the effective date so as to create in excess of the allowable number of lots per quarter-quarter (1/4 - 1/4). Remaining acreage of a farm not constituting a full quarter-quarter (1/4 - 1/4) shall be divided by 40 for parcels zoned AG-1 with the resulting quotient used to determine the number of additional residential units to be allowed, with fractions rounded down to whole numbers.
12. Livestock facilities that do not exceed one (1) animal unit per acre of land suitable for animal waste utilization or less than 500 animal units, without the requirement of a land use permit, subject to compliance with the following minimum requirements:
  - a. Wis. Adm. Code Ch. NR 243, Animal Feeding Operations;
  - b. Wis. Adm. Code Ch. NR 151, Runoff Management;
  - c. Ch. 11, St Croix County Code of Ordinances, Animal Waste Storage Facilities;
  - d. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.
13. Livestock facilities that exceed one (1) animal unit per acre of land suitable for animal waste utilization or livestock facilities of 500 animal units or more but only with a land use permit, if all of the following minimum requirements are met:
  - a. Wis. Adm. Code Ch. ATCP 151, Livestock Facility Siting;

- b. Wis. Adm. Code Ch. NR 243, Animal Feeding Operations;
- c. Wis. Adm. Code Ch. NR 151, Runoff Management;
- d. Ch. 11, St Croix County Code of Ordinances, Animal Waste Storage Facilities;
- e. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.

C. Conditional Uses. The following uses are allowed in the AG-1 district as conditional uses subject to the standards in §17.14(D).

~~1. The following uses are allowed in the AG-1 district as conditional uses subject to the standards in § 17.14(D):~~

~~1. a. Agricultural Accessory Uses which meet the definition of agricultural accessory use under § 17.09(76), further limited to the following described uses:~~

- a. A business, activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in § 17.09(6)(a) and that employ no more than four (4) full time employees annually and that does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- b. Sale of processed or preserved agricultural products and produce.
- c. Sale of agricultural and dairy products not produced on the premises and incidental sale of non-alcoholic beverages and snacks.
- d. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities, occurring on more than five (5) days in a calendar year. For events of this type anticipated to have attendance of more than 100 persons at any one time during a day, an event plan addressing parking, proposed days of operation, ingress and egress, sanitation and other public safety issues shall be filed with and approved annually by issuance of a land use permit by the Zoning Administrator. The applicant shall file the approved land use permit with the appropriate town clerk, fire department, emergency medical provided, the St Croix County Sheriff's Department and any other local law enforcement agency that has responsibility for providing police protection services for such agricultural entertainment activities, at least thirty (30) days prior to the start of any such activities in each calendar year.
- e. Agricultural Entertainment Activities which exceed fifteen (15) days in the aggregate annually.
- f. Commercial horse boarding stables, riding stables, hay and sleigh riding, and horse training facilities, including the sale of bridles, saddles,

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grooming supplies and related items at a horse boarding or riding stable facility.

2. Governmental, institutional, religious or nonprofit community uses.
3. Transportation, communications, utility or drainage uses not fitting under B.10., above as permitted uses, subject to compliance with Ch. 17, [§17.80-17.90](#)~~Subchapter VIII~~.
4. Asphalt plants or ready-mix concrete plants for the production of materials to be used in the construction or maintenance of public roads, to be limited in duration to the project in which their products are used.
5. Small scale electric generating stations not requiring approval under §196.491, Wis. Stats.

D. Standards for Conditional Uses in the AG-1 District. In addition to the requirements of [Subch. VII §17.70](#) (7), the Board of Adjustment must find that the following standards are met before approving any conditional use permit for land in the AG-1 District.

1. The use and its location in the AG-1 District are consistent with the purposes of the District.
2. The use and its location in the AG-1 District are reasonable and appropriate, considering the existence, if any, of alternative locations or whether or not they are specifically approved under applicable state or federal laws.
3. The use is reasonably designed to minimize the conversion of land at and surrounding the location of the proposed conditional use, from agricultural or other open space uses to other uses.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural uses.
5. Construction damage to land on the same farm parcel remaining in agricultural uses is minimized and will be repaired to the extent feasible.
6. Rural landscape and continuity of existing neighborhood shall be considered when applying design or performance standards to a proposed conditional use.
7. Within the AG-1 District, all driveways, private roads and parking areas shall have semi-impervious surfaces (such as 6" of 3/4" aggregate rock or limestone screening, pea gravel, Class 5 gravel, or pervious pavers) are used as alternative surfaces to decrease the velocity of run-off and to encourage surface infiltration, reduce dust and be aesthetically pleasing.
8. Adequate off-street parking shall be provided and parking areas and driveways shall be subject to treatment with dust control measures and all permanent parking areas shall be shielded from neighboring properties.
9. No vehicles shall be parked on the County's rights of ways of adjoining roads.
10. Design of driveways and adequate sight distance to accommodate expected volumes or traffic in accord with accepted highway engineering standards shall be required.

11. Outdoor Lighting shall be of the minimum amount needed for safety and security and all lighting elements shall be directed downward and shielded away from adjoining properties to avoid glare.
  12. Hours of operation need to be identified and determined by the Board of Adjustment, based upon typical seasonal working hours.
  13. Sanitary facilities shall be provided in compliance with Ch. 12--Sanitary.
  14. All food or beverages offered for sale or consumption on the premises shall meet all federal, state and local regulations, subject to inspections by the St. Croix County Public Health-Licensing and Inspections staff.
  15. Compliance with state and local approvals.
- E. Each conditional use permit application shall be accompanied by a sketch plan that identifies the locations and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted as well as identification of landscaping designed to buffer adjoining residential structures and such other or further information requested by the Board of Adjustment.
- F. General Limitations Applicable to Both Permitted and Conditionally Permitted Uses in the AG-1 District
1. Building Height Limits.
    - a. For buildings containing offices, sales rooms and service areas as well as for residential buildings, the maximum height shall be two and one-half (2 ½) stories or 35 feet, whichever is the lesser.
    - b. For all other buildings, including, but not limited to, silos, bins, barns and seed storage facilities, there shall be no maximum height limitation.
  2. Density and Minimum Lot Area: One single-family farm residence based on a density of one (1) lot per quarter-quarter (1/4-1/4) with a minimum lot size of three (3) acres. After reaching maximum density allowed, the remaining farm acreage may only be used for the permitted and conditional uses set forth in Section B and C above, except that no additional residential uses are allowed.
  3. Setback Requirements. Buildings that are erected, altered or moved to land in the AG-1 District shall be subject to the setbacks prescribed in §§-17.60(6) and 17.13(4) and (5), subject to the following express requirements imposed in the AG-1 District:
    - a. Side yard setbacks on each side of buildings:
      - 1) The aggregate width of the side yards for principal buildings shall be not less than 25' and no single side yard shall be less than 10' wide.
      - 2) For lots less than eighty (80) feet in width and of record as of the effective date of this ordinance, the aggregate width of the side yards shall be equivalent to 3" for each foot of the lot width and no

single side yard shall be less than 40% of the aggregate width. The buildable width of any lot shall not be reduced to less than 24'.

- 3) The minimum permitted side yard for an accessory building shall be 5' provided that it is detached from the principal building. When an accessory building is attached to the principal building, it shall be considered to be part of the principal building and the standards under ~~§1) above~~, shall apply.
  - 4) To be considered to be detached, an accessory building shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
  - 5) The highway setback regulations set forth in ~~§17.60 Subch. VI~~ shall apply to all corner lots.
- b. Rear yard setbacks. There shall be a rear yard of not less than 25' in depth for all principal buildings. Placement of accessory buildings shall require a minimum rear yard setback of 5'.
- 1) To be considered detached, accessory buildings shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
4. Off-Street Parking. Off-street parking shall be required to the extent provided in §§-17.55 to 17.57.
5. Rezoning of Property in the AG-1 District to Another Zoning Classification. No land in the AG-1 District shall be rezoned except in accordance with §17.72 ~~(2)0(h)(43)~~ and §91.48, Wis. Stats.

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**17.145 AG-2 AGRICULTURAL ~~2~~ DISTRICT**

- A. Purpose. The AG-2 District is designed to fulfill the following objectives:
- 1. Provide for a wide range of agricultural, agricultural accessory and agriculture-related uses, at various scales of operation while providing for the minimum lot area necessary to accommodate such uses. The AG-2 District accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity to agricultural resources and which do not require urban services. In appearance and operation, the permitted uses in the AG-2 District are often indistinguishable from an active farm operation. Conditional uses in this District are clearly commercial or industrial in nature and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
  - 2. Examples of uses in the AG-2 District include, but are not limited to, agricultural support services, value-added or related businesses such as implement dealers, veterinary clinics, farm machinery repair shops, agricultural sales facilities, marketing, storage and distribution centers, plant and tree nurseries and facilities

for the processing of natural agricultural products or by-products, including fruits, vegetables, silage or animal proteins. Such activities are characterized by: (1) Wholesale or retail sales and outdoor storage/display of agriculture-related equipment, inputs and products; (2) The use of parking areas, outdoor lighting and signage appropriate to the scale of the use; (3) Small, medium or large utilitarian structures, facilities or workshops, appropriate to the scale of the use; (4) Low to moderate traffic volumes; and (5) Noises, odor, dust or other potential nuisances associated with agriculture-related production or processing.

3. All uses in the AG-2 District shall meet the requirements for certification as a Farmland Preservation Zoning District under §91.38, Wis. Stats.

B. Permitted Uses.

1. All permitted uses allowed in AG-1.
2. Agricultural accessory uses, except for those listed as conditional uses, below.
3. Agriculture related uses, except for those listed as conditional uses, below.
4. Undeveloped natural resources and open space uses.
5. One (1) single family farm residence based on a density of two (2) lots per quarter-quarter (1/4-1/4) sited in compliance with the County and town subdivision regulations. The Community Development Department shall determine allowable farm divisions so as to ensure that farms existing as of the effective date of this section shall not be divided in such a manner after the effective date so as to create in excess of the allowable number of lots per quarter-quarter (1/4 - 1/4). Remaining acreage of a farm not constituting a full quarter-quarter (1/4 - 1/4) shall be divided by 20 for parcels zoned AG-2 with the resulting quotient used to determine the number of additional residential units to be allowed, with fractions rounded down to whole numbers.
6. Transportation-related, utility, electrical transmission, pipeline, communication or other transmission facilities that are either: (a) required by state or federal law to be located in a specific site that is subject to this section; or (b) is authorized to be located in a specific site under state, federal or local laws or regulations that expressly exempt its location from the requirement of obtaining a conditional use permit under this section.

C. ~~\_\_\_\_\_~~ Conditional Uses. The following uses are allowed in the AG-2 district as a conditional uses subject to the standards in §17.145(D):

~~1. The following uses are allowed in the AG-2 district as conditional uses subject to the standards in §17.145(D):~~

- ~~1. All conditional uses allowed in the AG-1 District under §-17.14.~~
2. Agricultural accessory uses limited to the following. ~~Subject to other requirements of this ordinance, the following uses which meet the definition of an agricultural accessory use under § 17.09(7):~~
  - a. Bed and breakfast operations in existing farm residences located on a farm.
  - b. A business activity or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures or improvements other than those described in § 17.09(6)(~~a~~) and that employs no more than 4 full-time

employees annually, and that does not impair or limit the current or future agricultural use of the farm or other protected farmland.

~~c.3)~~ Airstrips subject to the standards in §17.145-(C)-(8)- below.

3. Agriculture-related uses ~~that comply with this section~~limited to the following-  
~~However, the following agriculture related uses must meet the definition of an agriculture related use under § 17.09(7):~~
  - a. Plant or livestock genetic laboratories, agriculture-related experimental laboratories.
  - b. Landscape supply or contracting businesses associated with a plant or tree nursery.
  - c. Dead stock hauling services, no portion of which shall be located less than 700 feet from any lot line shared with a property on which a residence is located.
  - d. Sales or storage of agricultural byproducts.
  - e. Stock yards and livestock auction facilities.
  - f. Bio-diesel and ethanol manufacturing facilities.
  - g. Manure processing facilities.
  - h. Biopower facilities for distribution, retail or wholesale sales.
  - i. Airstrips subject to the standards in §17.145-(C)-(8)- below.
- ~~4.~~ d. Governmental, institutional, religious or non-profit community uses.
5. Dams, power plants, flowage areas, telephone, cable television and power transmission towers, transmission poles and towers, 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 located so as to avoid unreasonable interference with other uses permitted, conditionally permitted or found in the District.
6. Asphalt plants or ready-mix concrete plants for the production of materials to be used in the construction or maintenance of public roads, to be limited, however, to temporary plants operated only within the duration of the time period of construction or maintenance associated with a particular road project.
7. Non-metallic mineral extraction operations that comply with Chapter 14 but only if all of the following apply:
  - a. The operation complies with Subch. I of Ch. 295, Wis. Stats., and rules promulgated under that subchapter as well as with local ordinances adopted under §§295.13 or 295.14, Wis. Stats., applicable provisions of this section and any requirements of the State Department of Transportation concerning restoration of nonmetallic mineral mine sites.
  - b. The operation and its location in the AG-2 District are consistent with the purposes of the district.
  - c. The operation and its location in the AG-2 District are reasonable and appropriate, considering alternative locations outside of the AG-2 District or that they are specifically approved under state or federal law.
  - d. The operation is reasonably designed to minimize the conversion of land around the mine site from agricultural or open space uses to other land uses.

- e. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - f. The requirement that the owner or operator restore the mine site to agricultural uses, consistent with a reclamation plan calling for such type of restoration once the nonmetallic mineral mining operation has been completed.
8. Airstrips, which are not agriculture-related or agriculture-accessory uses, subject to the following procedures and standards:
- a. Each proposed airstrip owner shall file with the County Zoning Administrator a written application for a conditional use to the agricultural zoning district in which the airstrip is to be located.
  - b. Each written application shall be in the names of all of the owners of the real estate on which the proposed airstrip is to be located.
  - c. Each such written application shall be accompanied by the payment of the appropriate fee.
  - d. The application shall contain the following information:
    - 1) The names of the owners of the real estate on which the proposed airstrip is to be constructed or located.
    - 2) The length of the proposed airstrip.
    - 3) The types or models of all aircraft presently owned by the applicant and the type or model of any aircraft proposed to be purchased by the applicant in the foreseeable future.
    - 4) The legal description and approximate acreage of the real estate owned by the applicant.
    - 5) Statement indicating whether or not the proposed airstrip has been approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, including a copy of such approval.
    - 6) Statement by the applicant indicating whether the applicant is proposing a personal or private airstrip.
    - 7) Statement by the applicant indicating his actual or foreseeable intentions concerning the usage of the airstrip in question.
    - 8) Statement by the applicant indicating that the applicant shall be strictly liable for any and all damage caused to any person or property by the operation of any aircraft to or from the airstrip in question.
    - 9) Names and addresses of all owners of real estate which adjoins that owned by the applicant or is located closer than 1/2 mile from each boundary of the applicant's real estate.
  - e. The application shall also include as an attachment a drawing on plain white paper at least 15"x20" in size, drawn at a scale of one inch equals

250', with the proposed airstrip to be located at the center of the drawing containing the following:

- 1) The boundaries of the real estate owned by the applicant.
  - 2) All section lines and quarter section lines in the vicinity of the airstrip in question.
  - 3) The location and length of the proposed airstrip.
  - 4) The distances from the proposed airstrip to any fixed object or structure within 500'.
  - 5) Indicate the heading and elevation of the proposed airstrip.
  - 6) Indicate the location of all public roads, overhead utility lines, waterways or other natural obstacles.
  - 7) Indicate the names of owners of all real estate shown on the drawing.
  - 8) Indicate the approximate location of any turkey or mink commercial operations, or any other livestock operation, on the drawing.
  - 9) Indicate present use of all lands shown on the drawing.
- f. Attach to the application a copy of any aerial ASCS photograph of the real estate in which the proposed airstrip is to be located.
- g. If approved by the Board of Adjustment, the applicant shall notify all police agencies in the vicinity of the airstrip, together with the County Sheriff's Department and the Central Communication Center of the existence of the airstrip, its location and its length.
- h. The applicant shall include with the application, as an attachment, proof that he has sufficient liability insurance for any and all airplanes presently owned by him. Should the proposed airstrip be approved by the Board of Adjustment, all future airplanes owned by the applicant shall also be so insured, and proof and such insurance shall be filed with the County Zoning Office within 30 days.
- i. The airstrip in question shall be located as close as possible to the center of the real estate owned by the applicant, unless the topography of the real estate in question is such that it would be unreasonable to locate the airstrip in such location.
- j. The airstrip shall be of sufficient length to enable safe takeoffs and landings by any and all airplanes owned by the applicant or by airplanes that have been approved to land at such airstrip by the applicant. The airstrip must also be of sufficient length to be approved by the Wisconsin Department of Transportation, Bureau of Aeronautics, and to safely and reasonably comply with Title 14 of the Code of Federal Regulations, Ch. 1 of the Federal Aviation Administration, §91.79, Minimum Altitude: General. (See par. 19. of this subsection.)
- k. Upon being notified by the Wisconsin Department of Transportation, Bureau of Aeronautics, that a particular airstrip that has previously been

approved by the Board of Adjustment has been abandoned by the applicant, the County Zoning Administrator shall notify the applicant, his successor or assigns, that the conditional use for such airstrip has been terminated and that the real estate shall thereafter be used solely according to agricultural-residential zoning districts and permitted uses thereunder.

- 1) Upon the sale, transfer, lease or other conveyance of the real estate on which an approved airstrip is located, the new purchaser, transferee or leasee of such real estate shall immediately file a notice of the purchase, transfer or lease with the County Zoning Administrator. Such notice shall contain the statement that the new purchaser, transferee or leasee agrees to conform to and abide by these standards. Upon receipt of such notice, the Zoning Administrator shall inform the purchaser, transferee or leasee of these standards.
- 2) All airstrips approved by the Board of Adjustment as a conditional use shall remain as grass or sod strips only and be properly maintained for such use.
  - l. Upon approval of the proposed airstrip by the Board of Adjustment, the applicant shall execute a hold harmless agreement in favor of the County, which shall indicate that the applicant shall have sole responsibility for any and all damage caused to any person or property by the operation of the County approved airstrip.
  - m. Any complaint against a person owning an airstrip approved by the Board of Adjustment shall be forwarded, in writing, to the District Attorney within 30 days of the occurrence of the situation giving rise to the complaint. Upon receipt of any complaint apparently having merit, the District Attorney shall forward the complaint to the airstrip owner within 10 days. The owner shall have 30 days from receipt of the complaint to reply in writing. If the District Attorney is unable to resolve the complaint in a manner satisfactory to the parties, he shall within 10 days advise the Board of Adjustment as to the existence of the complaint. The Board shall conduct a quasi-judicial, due process hearing within 30 days after being notified of such complaint. If, after conclusion of the hearing, the Board decides that the complaint is justified, it may terminate the conditional use previously granted to the airstrip in question, attach conditions to the existence of the airstrip or take any other appropriate action against the owner of the airstrip that is justifiable under the circumstances of the complaint. Justification is defined as a violation of a present FAA rule or regulation, a Wisconsin Department of Transportation, Bureau of Aeronautics, rule or regulation or a Wisconsin Statute dealing with aeronautics, any of which must be directly related to the actual operation of the County approved airstrip or any of the standards under which the airstrip owner originally applied for the airstrip. If the Board of Adjustment decides that the complaint is unjustified, it shall dismiss the complaint with prejudice. There shall be no fee for any such hearing.

- n. These standards shall not be construed to limit the authority of the County Board of Adjustment with respect to its review of any conditional use request from a particular applicant. The provisions of the County Zoning code concerning the Board of Adjustment remains in effect and shall supplement these standards where applicable.
- o. Each application shall be signed by all owners of the real estate on which the proposed airstrip is to be located, and shall furthermore be dated as of the date on which the applicant shall file the application with the County Zoning Administrator.
- p. The Zoning Administrator shall notify the clerks of all municipalities located on the drawing made by the applicant prior to the public hearing. Oral or written comments may be made at the hearing by any municipal official.
- q. Section 91.79, Code of Federal Regulations, Minimum Safe Altitudes; General, reads as follows:  
Except when necessary for takeoff or landing, no person may operate an aircraft below the following altitudes:
  - 1) Anywhere. An altitude allowing, if a power unit fails, an emergency landing without undue hazard to persons or property on the surface.
  - 2) Over congested areas. Over any congested area of a city, town, or settlement, or over any open air assembly of persons, an altitude of 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet of the aircraft.
  - 3) Over other than congested areas. An altitude of 500 feet above the surface except over open water or sparsely populated areas. In that case, the aircraft may not be operated closer than 500 feet to any person, vessel, vehicle, or structure.
  - 4) Helicopters. Helicopters may be operated at less than the minimums prescribed in paragraph (b) or (c) of this section if the operation is conducted without hazard to persons or property on the surface. In addition, each person operating a helicopter shall comply with routes or altitudes specifically prescribed for helicopters by the Administrator.

D. Standards for Conditional Uses in the AG-2 District. In addition to the requirements of ~~Subch. VII§17.70~~(7), the Board of Adjustment must find that the following standards are met before approving any conditional use permit for land in the AG-2 District.

- 1. The use and its location in the AG-2 District are consistent with the purposes of the District.
- 2. The use and its location in the AG-2 District are reasonable and appropriate, considering the existence, if any, of alternative locations or whether or not they are specifically approved under applicable state or federal laws.
- 3. The use is reasonably designed to minimize the conversion of land at and surrounding the location of the proposed conditional use, from agricultural or other open space use to other uses.

4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural uses.
  5. Construction damage to the land on the same farm parcel remaining in agricultural uses is minimized and will be repaired to the extent feasible.
  6. Rural landscape and continuity of existing neighborhood shall be considered when applying design or performance standards to a proposed conditional use.
  7. Within the AG-2 District, all driveways, private roads and parking areas shall have semi-impervious surfaces (such as 6" of 3/4" aggregate rock or limestone screening, pea gravel, Class 5 gravel or pervious pavers) are used as alternative surfaces to decrease the velocity of run-off and to encourage surface infiltration, reduce dust and be aesthetically pleasing.
  8. Adequate off street parking shall be provided and parking areas and driveways shall be subject to treatment with dust control measures and all permanent parking areas shall be shielded from neighboring properties.
  9. No vehicles shall be parked on adjacent County road rights of ways.
  10. Design of driveways with adequate sight distance to accommodate expected volumes of traffic in accord with accepted highway engineering standards shall be required.
  11. Outdoor lighting shall be of the minimum amount needed for safety and security and all lighting elements shall be directed downward and shielded away from adjoining properties to avoid glare.
  12. Hours of operation need to be identified and determined by the Board of Adjustment, based upon typical seasonal working hours.
  13. Sanitary facilities shall be provided in compliance with Ch. 12-Sanitary.
  14. All food or beverages offered for sale or consumption on the premises shall meet all federal, state and local regulations, subject to inspections by the St. Croix County Public Health-Licensing and Inspections staff.
  15. Compliance with state and local approvals.
- E. Each conditional use permit application shall be accompanied by a sketch plan that identifies the locations and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, sanitary facilities, areas where visitors will be permitted and restricted as well as identification of landscaping designed to buffer adjoining residential structures and such other or further information requested by the Board of Adjustment.
- F. General Limitations Applicable to Both Permitted and Conditionally Permitted Uses in the AG-2 District.
1. Building Height Limits.
    - a. For buildings containing offices, sales rooms and service areas as well as for residential buildings, the maximum height shall be two and one-half (2 1/2) stories or 35 feet, whichever is the lesser.
    - b. For all other buildings, including, but not limited to, silos, bins, barns and seed storage facilities, there shall be no maximum height limitation.
  2. Density and Minimum Lot Area. One single-family farm residence based on a density of two (2) lots per quarter-quarter (1/4-1/4) with a minimum lot size of three (3) acres. After reaching maximum density allowed, the remaining farm

- acreage may only be used for the permitted and conditional uses set forth in Section B and C above, except that no additional residential uses are allowed.
3. Setback Requirements. Buildings that are erected, altered or moved to land in the AG-2 District shall be subject to the setbacks prescribed in §§ 17.60(6) and 17.13(4) and (5), subject to the following express requirements imposed in the AG-2 District:
    - a. Side yard setbacks on each side of buildings:
      - 1) The aggregate width of the side yards for the principal building shall not be less than 25' and no single side yard shall be less than 10' wide. ~~The highway setback regulations in Subch. VI shall apply to all corner lots.~~
      - 2) For lots less than eighty (80) feet wide and of record as of the effective date of this ordinance, the aggregate width of the side yards shall be equivalent to 3" for each foot of the lot width and no single side yard shall be less than 40% of the aggregate width. The buildable width of any lot shall not be reduced to less than 24'.
      - 3) The minimum permitted side yard for an accessory building shall be 5' provided that it is detached from the principal building. When an accessory building is attached to the principal building, it shall be considered to be part of the principal building and the standards under ~~§1) above~~, shall apply.
      - 4) To be considered detached, an accessory building shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
      - 5) The highway setback regulations set forth in ~~§17.60 Subch. VI~~ shall apply to all corner lots.
    - b. Rear yard setbacks. There shall be a rear yard of not less than 25' in depth for all principal buildings. Placement of accessory buildings shall require a minimum rear yard setback of 5'.
      - 1) To be considered detached, accessory buildings shall be separated from all other buildings by a minimum of 10', measured from the edges of each roof overhang.
  4. Off-Street Parking. Off-street parking shall be required to the extent provided in §§ 17.55 to 17.57.
  5. Rezoning of land in the AG-2 District to another Zoning Classification. No land in the AG-2 District shall be rezoned except in accordance with §17.72(2)0(h)~~(43)~~ and §91.48, Wis. Stats.

17.15 RURAL RESIDENTIAL DISTRICT. This district is created to establish areas within which agricultural uses, commercial uses serving agriculture; limited commercial, institutional residential uses may be located. The Rural Residential District is intended to include areas in which exclusive agricultural use on an area-wide basis is not warranted due to such factors as the existence of mixed uses prior to the date the district was established and located, demonstrated or expected ability of farm and selected nonfarm uses to exist in close proximity without undue conflict or a determination that the area is in a state of transition to urban residential character.

(1) PERMITTED USES.

- (a) Agricultural Uses; except livestock facilities that exceed one animal unit per acre of land suitable for animal waste utilization or livestock facilities of 500 animal units or more.
  - (b) Livestock facilities that do not exceed one animal unit per acre of land suitable for animal waste utilization or less than 500 animal units, are allowed without a land use permit, if all the following minimum standards are met:
    - 1. Wisconsin Administrative Code Chapter NR 243, Animal Feeding Operations.
    - 2. Wisconsin Administrative Code Chapter NR 151, Runoff Management.
    - 3. St. Croix County Code of Ordinances Chapter 11, Animal Waste Storage Facilities.
    - 4. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.
  - (c) Agricultural supply businesses such as farm machinery dealers and seed, fertilizer and chemical dealers, and industries which process agricultural products largely produced on nearby farms.
  - (d) Roadside stands selling only produce from the farm operation on the premises by members of the farm family.
  - (e) One single-family dwelling.
  - (f) Preexisting residences that were either permitted or continued residential uses under Wisconsin Statutes §97.75, 1989, may be continued in residential use and may be exempted from any limitations imposed or authorized under Wisconsin Statutes §59.69(10)
  - (g) Conservation Design Development pursuant to § 17.21 CONSERVATION DESIGN DEVELOPMENT and Conservation Design Development application, and design review, objectives and standards pursuant to Chapter 13 Land Division Ordinance.
  - (h) Minor home occupation, pursuant to §17.155.
- (2) MINIMUM LOT AREA. Lot area shall be an average of not less than two (2) acres with a minimum lot area of one and one-half (1.5) acres. Lots in a cluster subdivision authorized by an applicable town subdivision ordinance may have a minimum lot area of one (1) acre. § 17.15 (2). (Does not apply to Conservation Design Development.)
- (a) The minimum lot size for Conservation Design Development shall be one-half (½) acre.
- (3) HEIGHT. The provisions of §17.13(3) shall apply to buildings used for human habitation.

- (4) SIDE YARD. The provisions of §17.12(14) and §17.13(4) shall apply.
- (5) REAR YARD. The provisions of §17.12(14) and §17.13(5) shall apply.
- (6) CONDITIONAL USES. The following uses may be allowed within the Rural Residential District as a conditional use upon approval of the Board of Adjustment as provided in [§17.70 subchapter VII](#).
  - (a) Two family dwellings.
  - (b) Drive-in theaters. The Board of Adjustment will give special consideration to problems of traffic congestion, parking and proximity of residential districts.
  - (c) Medical, correctional or charitable institutions. Buildings devoted wholly or partly to such uses or accessory thereto shall be not less than 50' from any lot line shared with premises used for residential purposes.
  - (d) Contractor's storage yard. Any such yard shall be so placed or screened by planting as not to be visible from any public highway or any residential building other than that of the owner of such yard, his agent or employee.
  - (e) Pea viners, sawmills or charcoal kilns, which shall not be located less than 700' from any lot line shared with property upon which a dwelling may be located.
  - (f) Commercial Kennels
  - (g) Quarrying or gravel pits, subject to the provisions of the nonmetallic mining ordinance.
  - (h) Slaughterhouses, which shall not be located less than 700' from any lot line shared with property upon which a dwelling may be located.
  - (i) Junkyard, salvage operation or storage of junk.
  - (j) Licensed game management or fur farms as set forth in Ch. 29. Wis. Stats.
  - (k) Mobile home parks, subject to the provisions of §17.35(3)(f) of this chapter.
  - (l) 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 to be located as to avoid unreasonable interference with other uses permitted or existing in the district.

- (m) Limited commercial recreational activities which are found to be subordinate to the primary agricultural use of the property, compatible with the agricultural use on that and surrounding properties and not likely to attract other related commercial uses.
- (n) Hot mix plants engaged in public highway-related projects, provided that such operations be of a temporary nature not exceeding 120 days in operation.
- (o) Airstrips, private or personal, subject to the procedures and standards established under §17.145(C)(8).
- (p) Bed and breakfast establishment, in compliance with §50.50, Wisconsin Statutes.
- (q) Golf course and uses incidental to a golf course, including the limited serving of food and beverages.
- (r) Major home occupation, pursuant to sec. 17.155.
- (s) Institutional and governmental uses.
- (t) Temporary establishment and operation of a portable ready-mix concrete plant for the production of material to be used in the construction or maintenance of public roads, to be limited in time to a specific project duration.
- (u) Livestock facilities that exceed one animal unit per acre of land suitable for animal waste utilization or livestock facilities of 500 animal units or more, may be allowed with a conditional use permit, if all the following minimum standards are met:
  1. Wisconsin Administrative Code Chapter ATCP 51, Livestock Facility Siting.
  2. Wisconsin Administrative Code Chapter NR 243, Animal Feeding Operations.
  3. Wisconsin Administrative Code Chapter NR 151, Runoff Management.
  4. St. Croix County Code of Ordinances Chapter 11, Animal Waste Storage Facilities.
  5. Natural Resources Conservation Service (NRCS) Conservation Practice Standard Code 590, Nutrient Management.



17.155 HOME OCCUPATION OVERLAY DISTRICT.

- (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, Rural Residential and Agricultural districts.
  
- (2) INTENT. The intent of this section is to provide for certain types of restricted occupational uses within the Residential, Rural Residential and Agricultural districts which:
  - (a) Are incidental to the use of the premises as a residence or a farm;
  - (b) Are compatible with residential or agricultural uses;
  - (c) Are limited in extent; and
  - (d) Do not detract from the residential or agricultural character of the neighborhood.
  
- (3) DEFINITIONS.
  - (a) A home occupation is defined as any business or commercial activity that is conducted on property that is zoned for residential, rural residential or agricultural use.
  - (b) A minor home occupation is a home occupation authorized by this section without a hearing or permit.
  - (c) A major home occupation is a home occupation that is authorized as a conditional use by the Board of Adjustment under ~~§§sections~~ 17.70(5)-(8).
  - (d) A nonconforming home occupation is one which was established and maintained prior to the effective date of this section but is no longer allowed because of the application of this section or any amendment hereto.

- (4) GENERAL STANDARDS. The following standard shall apply to all home occupations:
- (a) The person principally responsible for the home occupation must reside at the location of the proposed home occupation.
  - (b) All home occupations shall be clearly incidental and secondary to the use of a dwelling or accessory structure for residential or agricultural purposes, and the appearance of the structure shall not be altered or the occupation within the dwelling or accessory structure be conducted in such a manner which would cause the premises to differ from its residential or agricultural character by either the use of colors, materials, construction, lighting, signs, or the emission of sounds, noises, odors or vibrations.
  - (c) In no case shall any home occupation be open to the public at times earlier than 8:00 a.m. nor later than 10:00 p.m.
  - (d) A home occupation shall have adequate parking spaces available to compensate for additional parking needs generated.
  - (e) There shall be no exterior storage of business equipment, materials, merchandise, inventory, vehicles or heavy equipment.
  - (f) Home occupations shall not produce noise or objectionable odors, vibrations, glare, fumes or electrical interference detectable beyond the lot line of the parcel on which the home occupation is located.
  - (g) Home occupations shall not illegally discharge any materials, fluids or gases into the sewer system or into an on-site waste disposal system nor discharge such items in violation of any applicable government code.
  - (h) Garage sales, craft sales or other similar sales are permitted without special permit provided that they meet the following standards:
    - 1. Sales last no longer than three days.
    - 2. Sales are held no more than twice yearly.
    - 3. Sales are conducted on the owner's property. Multiple family sales are permitted if they are held on the property of one of the participants.
    - 4. No goods purchased for resale are offered for sale.
    - 5. No consignment goods may be offered for sale.
  - (i) Sign(s) as allowed in §§17.65 D.4.b.5) and D.5.a.

(5) MINOR HOME OCCUPATIONS.

- (a) A home occupation shall be considered a minor home occupation that is allowed without permit or hearing, provided that said home occupation conforms to all of the following standards.
  - 1. Minor home occupations shall not be conducted in any building on the premises other than the principal dwelling.
  - 2. No person other than a resident of the principal dwelling may be engaged or employed in a minor home occupation.
  - 3. The area set aside for the home occupation shall not exceed twenty percent (20%) of the total floor area of such residence.
  - 4. There shall not be conducted on the premises the selling of stocks of merchandise, supplies or products, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, the direct sale of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.
  - 5. Parties for the purpose of selling merchandise or taking orders shall not be held more than four times each month.
- (b) Permitted minor home occupations include, but are not limited, to the following:
  - 1. Dressmaking, sewing and tailoring;
  - 2. Painting, sculpturing or writing;
  - 3. Telephone answering or marketing;
  - 4. Home crafts for sale off-site;
  - 5. Tutoring for one student at a time;
  - 6. Home cooking and preserving for sale off-site;
  - 7. Computer programming, data entry or other data processing services;
  - 8. Secretarial services.

## (6) 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 as provided in section 17.70(4) and may only be allowed in the Rural Residential and Agricultural districts.
- (b) A major home occupation may only be authorized as a conditional use by the Board of Adjustment following the provisions of sections 17.70(5)-(8) of this ordinance. Conditional use permits for major home occupations shall not be granted when it appears to the Board of Adjustment that the proposed home occupation will constitute a fire hazard to neighboring property owners, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise, odors or other circumstances.
- (c) In order to guarantee that a major home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these guidelines, the Board of Adjustment may impose reasonable conditions necessary to protect the public health, safety and welfare.
- (d) In addition to any specific conditions imposed by the Board of Adjustment, all major home occupations shall also meet all of the following standards:
  - 1. Major home occupations must be conducted within the principal dwelling or permitted accessory structure.
  - 2. Major home occupations may not be located within five hundred (500) feet of any preexisting neighboring residence.
  - 3. No more than two (2) persons other than a resident of the principal dwelling may be employed or engaged in a major home occupation.
  - 4. The area set aside for the major home occupation shall not exceed twenty percent (20%) of the total floor area of the principal dwelling. Where an accessory structure is used, the total floor area dedicated to the home occupation, including any area used in the dwelling, shall be limited to one thousand (1,000) square feet. The Board of Adjustment shall determine an appropriate maximum square footage for the specific proposed home occupation as part of its review.
  - 5. Only merchandise directly incidental to a service provided may be displayed or sold within the dwelling or structure used for a major home occupation.

6. Major home occupations authorized in the Agricultural District must be limited to agriculturally-related activities.
  - (e) Conditional use permits for major home occupations granted by this section shall be temporary in nature and shall be granted to a designated person who resides at the location of the home occupation. They are not transferable from person to person or from address to address.
  - (f) Applications for major home occupation conditional use permits shall be filed in the Zoning Office with an application fee. The application shall be forwarded to the Board of Adjustment for public hearing. All such hearings shall be at public meetings of the Board of Adjustment. Legal notice shall be given to adjoining landowners as required for other conditional uses.
- (7) General Provisions
- (a) Inspections. There may be one (1) annual inspection each year of any authorized home occupation by the Zoning Administrator or his designee. In addition, the Zoning Administrator or his designee shall have the right at any time, upon reasonable request, to enter and inspect the premises for safety and compliance purposes.
  - (d) Transfers. Should a home occupation permit holder or conditional use permit holder die or move to a new location, the existing permit shall be automatically terminated, except that, in the case of death, should a surviving spouse or child residing at the same address desire to continue the home occupation, the Board of Adjustment may authorize continuation of that permit upon written request without further hearing.
  - (e) Revocation. Conditional use permits for a major home occupation, once granted, may be revoked by the Board of Adjustment for cause after hearing before the Board of Adjustment. All such revocations shall be administered in accordance with [§section 17.70\(7\)\(c\)5](#) of this [ordinancechapter](#).
  - (f) Abatement. Any nonconforming home occupation shall be discontinued or comply with all the applicable provisions of this section within one year after the home occupation first became nonconforming.

17.16 **CONSERVANCY DISTRICT.** The Conservancy District is established to preserve and perpetuate in an open state certain areas such as lowland swamps, marshes and wetlands, floodplains and stream beds, slopes, bluffs, wooded areas, native or restored prairie, parks, recreation areas, wildlife habitat and other areas of aesthetic value which, because of their unique physical features, are deemed desirable to be retained for the benefit of this and future generations. The regulations of the Conservancy District are intended not only to preserve and perpetuate open space land and water areas consistent with the intent and purpose of this chapter, but also to protect the community and the County from costs and consequences which may be incurred when unsuitable development occurs in such areas.

- (1) **PERMITTED USES.**
  - (a) Grazing.
  - (b) The harvesting of any wild crop such as marsh, hay, ferns, wild rice, berries, tree fruits and tree seeds.
  - (c) Forest Management.
  - (d) Preservation of scenic, historic, and scientific areas and wildlife areas.
  - (e) Nonresident buildings used solely in conjunction with the raising of waterfowl, minnows and other similar lowland animals, fowl or fish.
  - (f) Hiking and biking trails or bridle paths.
  - (g) Accessory uses and structures.
  - (h) Public parks, picnic areas, and similar recreational uses.
  - (i) Signs, subject to the restrictions of §17.65.
  - (j) Soil and water conservation practices and stream bank protection, provided that such uses do not involve structures, fill, soil or peat removal, or disruption of the natural flow of any water course or altering the natural topography.
- (2) **CONDITIONAL USES.** The following uses upon issuance of a conditional use permit as provided in §17.70 (5)-(7) of this chapter. In reviewing conditional uses, the Board of Adjustment shall seek to preserve the natural character of the land for its value to wildlife, water conservation, flood control, forestry and the purposes of this district that are appropriate to the physical characteristics of the land.
  - (a) Dams, power plants, utility uses such as, but not restricted to telecommunication facilities and power transfer stations and substations.
  - (b) Ponds, flowages and relocation of any watercourse.
  - (c) Filling, draining or dredging of wetlands.

- (d) Removal of topsoil or peat.
- (e) Cultivation of agricultural crops.
- (f) Private parks, picnic areas, golf courses and similar recreational uses.

17.17 **RESTRICTED COMMERCIAL DISTRICT**. The Restricted Commercial District is created to establish and protect certain types of commercial uses which lend themselves to a contiguous grouping as a unified and arcaded shopping center, producing a conservation of space, savings in structural costs and improved community appearance. This district also allows as permitted uses or conditional uses certain other uses which are compatible with the primary uses and which provide convenience to customers.

- (1) **PERMITTED USES.**
  - (a) Motels or hotels.
  - (b) The following retail or customer service establishments, provided the business is conducted wholly within a completely enclosed building and the location, building and site plan are so grouped so as to be contiguous to one another in such a manner as to give an arcaded appearance.
    - 1. Restaurant, dinner club, drive-in food service.
    - 2. Drug store, pharmacy, soda fountain.
    - 3. Barber or beauty shop.
    - 4. Notion, variety or gift shop.
    - 5. Food products store.
- (2) **MINIMUM LOT SIZE.** There shall be no minimum lot area for this district.
- (3) **HEIGHT.** The provision of §17.13(3) shall apply.
- (4) **SIDE YARD.** There shall be a side yard of not less than 10' on each side of a building hereafter erected or moved.
- (5) **REAR YARD.** There shall be a rear yard of not less than 20' in depth.
- (6) **ACCESS TO CLASS A HIGHWAY.** There shall be no more than 2 points of ingress or egress from a Class A or B highway to a service road serving the Restricted Commercial District.
- (6) **CONDITIONAL USES.** Service stations, tire and battery service.

17.18 COMMERCIAL DISTRICT.

- (1) **PURPOSE.**
  - a. The Commercial District is established to provide for retail shopping and personal service uses to be developed either as a unit or in individual parcels to serve the needs of rural residents and other businesses.
  - b. This district will provide sufficient space in appropriate locations for certain commercial and other non-residential uses while affording protection to surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors.
  - c. This district also protects those locations in which a variety of compatible commercial uses may be located. Within this district most residential development and manufacturing and industrial enterprises are not allowed in the interest of furthering the livelihood of the permitted retail commercial uses and protecting uses from the effects of incompatibility.
  - d. This district and the uses in the district shall reflect the goals, objectives and policies regarding commercial uses and development in the [St. Croix County Comprehensive Plan, adopted November 5, 2012](#) and St. Croix County Development Management Plan, adopted March, 2000.
- (2) **GENERAL STANDARDS.** The following standards shall apply to all commercial uses, whether permitted or permitted with a conditional use permit:
  - a. Minimum road rights-of-way shall be 80 feet unless the right-of-way pre-exists adoption of this ordinance.
  - b. Minimum pavement width shall be 24 feet.
  - c. Minimum turn radiuses shall be sufficient to handle the size of vehicles likely to use the site.
  - d. Wastewater and water systems shall be sufficient to service the proposed uses.
  - e. All utilities, including electric, cable television, telephone, gas, water and storm and sanitary sewers, except electric power lines exceeding 1200 volts, shall be underground.
  - f. All lighting must be the minimal amount needed for safety and security and must be downward directed and shielded away from neighboring properties to prevent glare.
  - g. Specifications for planting and landscape areas. In design, every effort should be made to protect and retain existing trees, shrubbery and grasses not actually located in rights-of way, drainageways, vision triangles, and the like. Trees should be protected and preserved during construction. Planting shall be required in road setback areas and in side and rear yard offset areas, particularly where the development is immediately adjacent to a residential area. A minimum of at least 15 percent of the area within the property lines of each lot shall be devoted to landscape purposes.

- h. Any commercial lot that abuts or is across from a residential area shall have perimeter landscape screening that will substantially screen parking areas and headlights from vehicles.
  - i. Architectural control and appearance consistent with rules or guidelines adopted by the county or local community shall be followed.
  - j. All roads, walks, driveways, parking lots and loading areas shall be paved. Roads shall meet design standards approved by the County Highway Department.
  - k. Cross easements where commercial lots are side-by-side to allow linking of parking areas may be required for traffic safety reasons.
  - l. Road standards for commercial developments may be increased by the Board of Adjustment. An increase of these standards will be based on relevant information such as Town plan, driveway widths, speed limit, number and types of vehicles using the road, parking availability, sound engineering judgment, and any other pertinent information. The County Highway Department shall review road plans and submit comments.
  - m. Site plans and facility plans shall be submitted to the Zoning Administrator.
- (3) PERMITTED USES. The following uses shall be permitted:
- a. Barber, Hair Salon or Beauty Shop
  - b. Greenhouse/Nursery Wholesale
  - c. Garden Center
  - d. Group Day Care
  - e. Indoor Maintenance and Repair of Goods and Equipment
  - f. Retail Sales and Services less than 2500 s.f.
  - g. Self-Storage Facility
  - h. Wireless Communication Service and Other Transmission Facilities as specified in ~~Subchapter VIII~~, §§17.80--17.90.
- (4) MINIMUM LOT AREA. Lot area shall be an average of not less than two (2) acres with a minimum lot area of one and one-half (1.5) acres.
- (5) HEIGHT. No building shall be more than 2 ½ stories or 35 feet in height, whichever is greater, with height measurements commencing at the level of the lowest usable floor (basement or ground story).
- (6) SIDE YARD. There shall be a side yard on each side of a building.
- a. The aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide. The side yard for a main building on a commercial lot that abuts a residential area shall be 50 feet. The highway setback regulations in **§17.60** shall apply to all corner lots.
  - b. For lots less than 80 feet wide and of record as such on the effective date of this section, 17.18, the aggregate width of the side yards shall be equivalent to 3

inches for each foot of the lot width and no single side yard shall be less than 40 percent of the aggregate width. The buildable width of any such lot shall not be reduced to less than 24 feet.

- c. The minimum permitted side yard for an accessory building shall be 5 feet, provided it is detached from the main building. The side yard for an accessory building on a commercial lot that abuts a residential area shall be 20 feet. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions in par. a. above shall apply.
  - d. A detached accessory building shall be separated from other buildings by a minimum of 10 feet, measured from edge of roof overhang to edge of roof overhang.
- (7) REAR YARD.
- a. There shall be a rear yard of not less than 25 feet in depth for any main building. The rear yard for a main building on a commercial lot that abuts a residential area shall be 50 feet. There shall be a minimum rear yard of not less than 5 feet for accessory buildings. The rear yard for an accessory building on a commercial lot that abuts a residential area shall be 20 feet.
  - b. Accessory buildings shall be 10 feet from other buildings, measured from edge of roof overhang to edge of roof overhang.
- (8) FRONT YARD/HIGHWAY SETBACK. The provisions of **§17.60** shall apply.
- (9) CONDITIONAL USES. The following uses are allowed with a conditional use permit subject to the standards in **§17.18 (10)**, approval by the St. Croix County Board of Adjustment as provided in **§17.70 (5) -- (7)**, and approval of the town board of the town where the proposed use is located:
- a. Agricultural Business
  - b. Automotive Service, Repair & Towing
  - c. Bar or Tavern
  - d. Car Wash
  - e. Convenience Store/Gasoline Retail
  - f. Contractor Sales and Service
  - g. Contractor's Storage Yard
  - h. Dealerships: Motor Vehicles, Off-road Vehicles, Watercraft & Implement
  - i. Drug Store/Pharmacy
  - j. Financial or Investment Institution
  - k. Food Products/Grocery Sales
  - l. Funeral Home
  - m. Horse Production, Commercial
  - n. Indoor Recreation Facility

- o. Institutional
  - p. Commercial Kennel
  - q. Laundry: Cleaning or Dyeing
  - r. Liquor Sales
  - s. Lodging: Bed and Breakfast, Boarding House, Lodging House, Hotel or Motel
  - t. Non-Residential Health Care Facility
  - u. Outdoor Recreation Facility
  - v. Professional Office
  - w. Propane Storage and Distribution
  - x. Recycling Facility
  - y. Restaurant
  - z. Retail Sales and Services Equal or Greater Than 2,500 s.f.
  - aa. Theater, Movie or Performing Arts
  - bb. Vet Clinic
  - cc. Wireless Communication Service and Other Transmission Facilities as specified in ~~Subchapter VIII~~, §§17.80--17.90.
- (10) **CONDITIONAL USE STANDARDS.**
- a. In reviewing a conditional use permit application, the Board of Adjustment shall consider the following:
    - 1. 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.
    - 2. The effect on property values and scenic views in the surrounding area.
    - 3. Drainage.
    - 4. Erosion control.
    - 5. Environmental effects.
    - 6. How the proposed use relates to any adopted County or town comprehensive plan.
    - 7. The Board of Adjustment will consider such factors as smoke; dust; noxious or toxic liquids, gases or odors; noise; glare; vibration; heavy vehicular traffic; and increased traffic on the public streets.
  - b. Road standards for commercial developments may be adjusted by the Board of Adjustment. An adjustment of these standards will be based on relevant information such as Town plan or road standards, driveway widths, speed limit, number and types of vehicles using the road, parking availability, sound

engineering judgment, and any other pertinent information. The County Highway Department shall review road plans and submit comments.

- c. If the Board of Adjustment grants the conditional use permit, it shall impose conditions pursuant to **§17.70 (7)**.

(11) **NONCONFORMING USES.**

- a. Any uses that legally exist at the time of enactment of this section may continue as a legal nonconforming use but may not be expanded or altered.

(12) **USES NOT LISTED.**

- a. A use not specifically identified as a permitted use or a conditional use may still be permitted as a conditional use if sufficiently similar in nature and impact to a permitted use or a conditional use.
- b. An applicant shall submit all proofs or verification that he/she believes shows that the proposed use is similar to another permitted or conditional use and could be allowed.
- c. The Zoning Administrator shall initially determine if a proposed use is similar to another permitted or conditional use in the commercial district and could be allowed.
- d. If the Zoning Administrator determines that the proposed use could be allowed an application for a conditional use permit shall be submitted to the Board of Adjustment.
- e. If the Zoning Administrator determines that the proposed use should not be allowed, then the proposed use shall be denied and the applicant notified in writing. Such a determination may be appealed to the Board of Adjustment as an appeal of an administrative decision.
- f. Uses regulated by the State of Wisconsin and exempt from local control, are permitted subject to state regulations.

17.19 **INDUSTRIAL DISTRICT.**

(1) **PURPOSE.**

- a. The Industrial District is created to provide a means for the location of production, processing, assembly, warehousing and distribution uses.
- b. This district will provide sufficient space in appropriate locations for certain industrial uses while affording protection to surrounding properties from excessive noise, traffic, drainage, or other potential nuisance factors and air, water or thermal pollution or any other environmental degradation.
- c. This district also protects those locations in which a variety of compatible industrial uses may be located. Residential and institutional uses which would not be compatible with the permitted industrial uses and which would impede

the development of industrially zoned lands for industrial purposes are prohibited.

- d. This district and the uses in the district shall reflect the goals, objectives and policies regarding industrial uses and development in the St. Croix County Development Management Plan, adopted March, 2000.
- (2) GENERAL STANDARDS. The following standards shall apply to all industrial uses, whether permitted or permitted with a conditional use permit:
- a. Minimum road rights-of-way shall be 80 feet unless the right-of-way pre-exists adoption of this ordinance.
  - b. Minimum pavement width shall be 24 feet.
  - c. Minimum turn radiuses shall be sufficient to handle the size of vehicles likely to use the site.
  - d. Wastewater and water systems shall be sufficient to service the proposed uses.
  - e. All utilities, including electric, cable television, telephone, gas, water and storm and sanitary sewers, except electric power lines exceeding 1200 volts, shall be underground.
  - f. All lighting must be the minimal amount needed for safety and security and downward directed and shielded away from neighboring properties to prevent glare.
  - g. Specifications for planting and landscape areas. In design, every effort should be made to protect and retain existing trees, shrubbery and grasses not actually located in rights-of way, drainageways, vision triangles, and the like. Trees should be protected and preserved during construction. Planting shall be required in road setback areas and in side and rear yard offset areas, particularly where the development is immediately adjacent to a residential area. A minimum of at least 15 percent of the area within the property lines of each lot shall be devoted to landscape purposes.
  - h. Any industrial lot that abuts or is across from a residential area shall have perimeter landscape screening that will substantially screen parking areas and headlights from vehicles.
  - i. Architectural control and appearance consistent with rules or guidelines adopted by the county or local community shall be followed.
  - j. All roads, walks, driveways, parking lots and loading areas shall be paved. Roads shall meet design standards approved by the County Highway Department.
  - k. Cross easements where industrial lots are side-by-side to allow linking of parking areas may be required for traffic safety reasons.
  - l. Road standards for industrial developments may be increased by the Board of Adjustment. An increase of these standards will be based on relevant information such as Town plan, driveway widths, speed limit, number and types of vehicles using the road, parking availability, sound engineering judgment, and

any other pertinent information. The County Highway Department shall review road plans and submit comments.

m. Site plans and facility plans shall be submitted to the Zoning Administrator.

- (3) **PERMITTED USES.** The following uses shall be permitted:
- a. Contractor's Storage Yard
  - b. Light Industry
  - c. Truck Service, Repair & Towing
  - d. Warehousing and Distribution <20,000 s.f.
  - e. Wholesaling Goods and Services
  - f. Wireless Communication Service and Other Transmission Facilities as specified in ~~Subchapter VIII~~, §§17.80--17.90.
- (4) **MINIMUM LOT AREA.** Lot area shall be an average of not less than two acres with a minimum lot area of one and one-half (1.5) acres.
- (5) **HEIGHT.** No building shall be more than 2 ½ stories or 35 feet in height, whichever is greater, with height measurements commencing at the level of the lowest usable floor (basement or ground story).
- (6) **SIDE YARD.** There shall be a side yard on each side of a building.
- a. The aggregate width of the side yards for the main building shall not be less than 25 feet and no single side yard shall be less than 10 feet wide. The side yard for a main building on an industrial lot that abuts a residential area shall be 100 feet. The highway setback regulations in §17.60 shall apply to all corner lots.
  - b. For lots less than 80 feet wide and of record as such on the effective date of this section, 17.19, the aggregate width of the side yards shall be equivalent to 3 inches for each foot of the lot width and no single side yard shall be less than 40 percent of the aggregate width. The buildable width of any such lot shall not be reduced to less than 24 feet.
  - c. The minimum permitted side yard for an accessory building shall be 5 feet, provided it is detached from the main building. The side yard for an accessory building on an industrial lot that abuts a residential area shall be 20 feet. When an accessory building is attached or connected to the main building, they shall be considered to be as one and the conditions in par. a. above shall apply.
  - d. A detached accessory building shall be separated from other buildings by a minimum of 10 feet, measured from edge of roof overhang to edge of roof overhang.
- (7) **REAR YARD.**
- a. There shall be a rear yard of not less than 25 feet in depth for any main building. The rear yard for a main building on an industrial lot that abuts a residential area shall be 100 feet. There shall be a minimum rear yard of not less than 5 feet for accessory buildings. The rear yard for an accessory building on an industrial lot that abuts a residential area shall be 20 feet.

- b. Accessory buildings shall be 10 feet from other buildings, measured from edge of roof overhang to edge of roof overhang.
- (8) FRONT YARD/HIGHWAY SETBACK. The provisions of **§17.60** shall apply.
- (9) CONDITIONAL USES. The following uses are allowed with a conditional use permit subject to the standards in **§17.19 (10)**, approval by the St. Croix County Board of Adjustment as provided in **§17.70 (5) -- (7)**, and approval of the town board of the town where the proposed use is located:
- a. Agriculture Products Processing
  - b. Heavy Industry
  - c. Salvage Operation/Junk Yard or Salvage Yard
  - d. Forest Products Processing
  - e. Solid Waste Processing or Transfer
  - f. Transportation/Motor Freight Terminal
  - g. Warehousing and Distribution  $\geq 20,000$  s.f.
  - h. Wireless Communication Service and Other Transmission Facilities as specified in ~~Subchapter VIII~~, §§17.80--17.90.
- (10) CONDITIONAL USE STANDARDS.
- a. In reviewing a conditional use permit application, the Board of Adjustment shall consider the following:
    - 1. 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.
    - 2. The effect on property values and scenic views in the surrounding area.
    - 3. Drainage.
    - 4. Erosion control.
    - 5. Environmental effects.
    - 6. How the proposed use relates to any adopted County or town comprehensive plan.
    - 7. The Board of Adjustment will consider such factors as smoke; dust; noxious or toxic liquids, gases or odors; noise; glare; vibration; heavy vehicular traffic; and increased traffic on the public streets.
  - b. Road standards for industrial developments may be adjusted by the Board of Adjustment. An adjustment of these standards will be based on relevant information such as Town plan or road standards, driveway widths, speed limit, number and types of vehicles using the road, parking availability, sound engineering judgment, and any other pertinent information. The County Highway Department shall review road plans and submit comments.

- c. If the Board of Adjustment grants the conditional use permit, it shall impose conditions pursuant to **§17.70 (7)**.
- (11) **NONCONFORMING USES.**
  - a. Any uses that legally exist at the time of enactment of this section may continue as a legal nonconforming use but may not be expanded or altered.
- (12) **USES NOT LISTED.**
  - a. A use not specifically identified as a permitted use or a conditional use may still be permitted as a conditional use if sufficiently similar in nature and impact to a permitted use or a conditional use.
  - b. An applicant shall submit all proofs or verification that he/she believes shows that the proposed use is similar to another permitted or conditional use and could be allowed.
  - c. The Zoning Administrator shall initially determine if a proposed use is similar to another permitted or conditional use in the industrial district and could be allowed.
  - d. If the Zoning Administrator determines that the proposed use could be allowed an application for a conditional use permit shall be submitted to the Board of Adjustment.
  - e. If the Zoning Administrator determines that the proposed use should not be allowed, then the proposed use shall be denied and the applicant notified in writing. Such a determination may be appealed to the Board of Adjustment as an appeal of an administrative decision.
  - f. Uses regulated by the State of Wisconsin and exempt from local control, are permitted subject to state regulations.

17.20 ADULT ENTERTAINMENT OVERLAY (AEO) DISTRICT (AEO).

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

(2) Definitions. For the purpose of this section:

"Specified sexual activities" is defined as:

- (a) Human genitals in a state of sexual stimulation or arousal;
- (b) Acts of human masturbation, sexual intercourse or sodomy;
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock or female breast;
- (d) Flagellation or torture in the context of a sexual relationship;
- (e) Masochism, erotic or sexually oriented torture, beating or the infliction of pain;
- (f) Erotic touching, fondling or other such contact with an animal by a human being; or
- (g) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (a) through (f) above.

"Specified anatomical areas" is defined as:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anal region or female breast below a point immediately above the top of the areola; or
- (b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

"Adult establishments" includes bookstores, motion picture theaters, mini motion picture theaters, bath houses, massage parlors, modeling studios, body painting studios, cabarets, and video stores and are more specifically defined as:

- (a) Adult bookstore. An establishment having as a substantial or significant portion of its stock-in-trade in books, magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale or display of such material.
- (b) Adult motion picture theater. An enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- (c) Adult motion picture theater. (outdoor). A parcel of land from which individuals may view a motion picture presented out of doors which present material distinguishably characterized by an emphasis on matter depicting, describing or relating to "specified sexual activity" or "specified anatomical areas".
- (d) Adult mini-motion picture theater. An enclosed building with a capacity for less than 50 persons used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" as defined herein for observation by patrons therein.
- (e) Adult bath houses. As establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin and which establishment provides to its patrons an opportunity for engaging in "specified sexual activities" as defined in this ordinance.
- (f) Adult massage parlors. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by medical practitioner or professional physical therapist licensed by the State of Wisconsin and which establishment provides for its patrons the opportunity to engage in "specified sexual activity" as defined in this ordinance.
- (g) Adult modeling studios. An establishment or business which provides the services of modeling for the purpose of reproducing the human body wholly

or partially in the nude by means of photography, painting, sketching, drawing or otherwise.

- (h) Adult body painting studios. An establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
  - (i) Adult Cabaret. An establishment or business which features male and/or female topless and/or bottomless dancers, go-go dancers, exotic dancers, strippers, burlesque shows, male or female impersonators, or similar entertainers.
  - (j) Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock-in-trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, "specified sexual activity" as defined herein or stimulating such activity.
  - (k) Adult video store. An establishment having as a substantial or significant portion of its stock and trade in videotapes for sale or rent which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas" as defined herein or an establishment with a segment or section devoted to the sale, display or rental of such material.
- (3) Adult Entertainment District. So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land there is hereby created an Adult Entertainment Overlay District which, subject to the standards set forth in the Ordinance may be used for an adult establishment as defined herein except as may be prohibited in section 17.20(8).
- (4) Principal Uses. No principal uses shall be permitted as a matter of right in the Adult Entertainment Overlay District. All uses shall be conditional uses.
- (5) Conditional Uses.
- (a) Adult Bath Houses
  - (b) Adult Body Painting Studios
  - (c) Adult Bookstores
  - (d) Adult Cabarets
  - (e) Adult Massage Parlors
  - (f) Adult Mini-motion Picture Theaters

- (g) Adult Modeling Studios
  - (h) Adult Motion Picture Theater
  - (i) Adult Motion Picture Theater (outdoor)
  - (j) Adult Novelty Shops
  - (k) Adult Video Stores
- (6) Underlying District Standards. Lot area and width, building height and area, yard and sanitary sewer system requirements in the underlying district shall be complied with in the Adult Entertainment Overlay District.
- (7) Procedure for Establishing Adult Entertainment District.
- (a) A petition to amend the County Zoning Ordinance to establish an Adult Entertainment District petitioning and an application for a conditional use permit shall be filed with the County Planning and Development Committee. The committee shall refer each application to the Town Board of Supervisors of the town wherein the property seeking to be zoned is located which Town Board of Supervisors shall review and make a recommendation regarding such petition and application. The County Planning and Development Committee shall make a recommendation to the County Board of Supervisors regarding the petition for amending the County Zoning Ordinance, but not until it has received a recommendation from the Town Board of Supervisors, or until such time as the Town Board of Supervisors has failed to act within a reasonable time after a referral of an application. The procedure set forth in section 59.97(5)(e)3 of the Wisconsin Statutes and section 17.72 of this ordinance shall be followed. In addition, those requirements set forth in section 17.70(7) of this ordinance relating to the issuance of a conditional use permit shall be adhered to. No Adult Entertainment Overlay District shall be created which does not substantially comply with the standards set forth in this ordinance.
  - (b) A petition to amend the County Zoning Ordinance to establish an Adult Entertainment Overlay District must be accompanied by three copies of the proposed site plan prepared by a certified land surveyor or planner in addition to any other information required under section 17.72(2) of this ordinance.
  - (c) The County Planning and Development Committee shall within a reasonable time after a receipt of the recommendation of the Town Board of Supervisors, review the petition and application in accordance with the requirements of this Ordinance. After such review, the Planning and Development Committee shall make a recommendation to the St. Croix County Board of Supervisors in accordance with section 59.97(5)(e)3 of the Wisconsin Statutes. Such recommendation may approve, disapprove or

approve subject to modifications the petition for zoning, and shall include a written statement of the Committee's findings. No petition for an Adult Entertainment Overlay District shall be approved by the Committee and County Board unless, however, the following findings have been made:

1. That all the standards and requirements in this Ordinance will be met by the proposed use.
  2. That the proposed use will not be a detriment to the public welfare.
  3. That the proposed zoning is consistent with the general intent of any comprehensive plan in existence.
  4. That the existing streets and utility services are adequate for the proposed use.
  5. That the proposed use will in no substantial way contribute to the deterioration of the surrounding neighborhood.
  6. That the presence of the proposed use will not have a harmful influence on children residing in or frequenting the area.
- (8) Standards for Adult Entertainment Uses. In addition to all other applicable requirements of this Ordinance, all adult entertainment uses shall meet the following standards:
- (a) The Adult Entertainment Overlay District shall only be established in situations in which the underlying district is a Commercial or Restricted Commercial District.
    1. No adult entertainment use shall be permitted within 500 feet of the center of any of its public entrances to the center of any public entrance to any establishment serving or selling alcoholic beverages, and vice versa, or within 2,000 feet of the center of any public entrance to a school, library, church, park, playground or daycare facility. The distance shall be measured along the shortest route along the street or highway between the points where lines perpendicular to the centers of the public entrances intersect with the street or highway.
    2. No adult entertainment use shall be permitted within 1,000 feet of property zoned Residential or Rural Residential, or within 1,500 feet of any property zoned AG-1 or AG-2. The distance shall be measured from the center of any public entrance of the adult entertainment use in a straight line to the closest point of the other property.
  - (b) There shall be no sale of intoxicating beverages in the Adult Entertainment Overlay District.

- (c) Signs advertising any of the adult entertainment uses defined herein shall conform with §17.65.
- (d) Adequate parking shall be provided in a lighted area.
- (e) There shall be no pornographic displays or signs depicting specified sexual activities or specified anatomical areas in display windows on the premises.
- (f) The owner and/or operator of the adult entertainment establishment shall comply with all federal, state and local laws and ordinances, including obscenity, liquor and cabaret laws, and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited.
- (g) In the case of adult cabarets, the hours of operation for such establishments shall be limited to the same hours of operations for bars and taverns within that community within which the district is located.
- (h) In the case of outdoor adult motion picture theaters, the establishment shall confine its hours of operation to those hours of operation established for bars and taverns within the community within which the establishment is located. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway or residence and the premises shall be surrounded by solid fencing at least eight feet in height. All theaters shall comply with section 134.46 of the Wisconsin Statutes.
- (i) Prior to the establishment of an Adult Entertainment Overlay District, an inventory of the surrounding area and population shall be made along with a study of the proposed development and plans for the area so as to enable the Planning and Zoning Committee to make appropriate findings relative to the effect of the establishment of such a district in that area.
- (j) The owner of the parcel upon which the adult entertainment use is to be established and the operator of the establishment and owner of the establishment shall appear in person before the Planning and Zoning Committee.
- (k) In the event of non-compliance with any conditions imposed on the adult entertainment use, the conditional use permit may be revoked, the Adult Entertainment Overlay District may be abolished by the Committee, and the parcel shall revert to its underlying zoning.

17.21 CONSERVATION DESIGN DEVELOPMENT OVERLAY DISTRICT

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

- (j) To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes.
  - (k) To permit various means for owning common open space, preserved landscape elements, agricultural land, and to protect such areas from development in perpetuity.
  - (l) To create a stewardship approach to common open space by requiring a land management plan for the common open space.
- (2) The standards in this section shall replace the underlying zoning district's standards.
- (3) **PERMITTED USES.** Land within a Conservation Design Development (CDD) may be used for the following purposes:
- (a) Permitted uses in the residential portion, not the common open space portion, of the Conservation Design Development:
    - 1. Single-family dwelling units and related accessory structures.
    - 2. Parking areas where necessary to serve single-family dwellings.
  - (b) Permitted uses in the Common Open Space portion of the Conservation Design Development shall include all uses permitted in the CONSERVANCY DISTRICT (§17.16), except §17.16 (1)(e) and (g), and similar uses and golf courses.
- (4) **CONDITIONAL USES.** The following uses, upon issuance of a conditional use permit as provided in § 17.70 (7), and provided that the use shall not adversely impact the rural character of the development and shall be consistent with the design objectives listed in § 17.21 (1), may be allowed:
- (a) Conditional Uses in the residential portion, not the common open space portion of the Conservation Design Development.
    - 1. Institutional and government uses.
    - 2. Minor home occupations.
    - 3. Bed and breakfast establishments.
    - 4. Attached single-family residential dwelling units of 2, 3 or 4 dwelling units in one attachment. No more than 25 percent of the total number of dwelling units in the Conservation Design Development as identified in the yield plan shall be duplexes, twin homes or attached.
  - (b) Conditional Uses in the Common Open Space portion of the Conservation Design Development.
    - 1. Conditional Uses allowed in the CONSERVANCY DISTRICT.
    - 2. Equestrian boarding and riding facilities available only to development residents. A 590 Nutrient Management Plan is required.
    - 3. Swimming pools available only to development residents.
- (5) **PROHIBITED USES.** All permitted, principal, accessory and conditional uses not expressly provided for above are prohibited.

- (6) **DENSITY STANDARDS.** The total number of dwelling units allowed in a Conservation Design Development is referred to as the Residential Gross Density.
  - (a) **Residential Base Density.** The Residential Base Density, or the base number of allowable dwelling units, is determined by the yield plan pursuant to § 13.2 C. 3. St. Croix County Land Division Ordinance. Existing dwellings that may or may not be part of a farmstead that will be retained shall be counted toward the base density.
  - (b) **Residential Gross Density.** The Residential Gross Density, or the total number of dwelling units allowed in a Conservation Design Development, is the Residential Base Density plus 25 percent of the number of dwelling units prescribed by the Residential Base Density.

<b>CONSERVATION DESIGN DENSITY ALLOCATION EXAMPLES</b>					
<b>Yield Plan</b>	<b>Base Density</b>	<b>Gross Density</b>	<b>Dwelling Units Mix</b>	<b>Sample Breakdown</b>	<b>Totals</b>
18 Lots	18 D.U.	22 D.U.	22 S.F.D.U.	22 –1-Family Detached D.U.	22 D.U.
50 Lots	50 D.U.	62 D.U.	47 S.F.D.U.	47 –1-Family Detached D.U.	47 D.U.
			15 M.F.D.U.		15 D.U.
			62 D.U.	5 –3-Family Attached D.U.	62 D.U.
100 Lots	100 D.U.	125 D.U.	94 S.F.D.U.	94 –1 Family Detached D.U.	94 D.U.
			31 M.F.D.U.	7 – 2-Family Attached D.U.	14 D.U.
			125 D.U.	3 –3-Family Attached D.U.	9 D.U.
				2 –4-Family Attached D.U.	8 D.U.
					125 D.U.

**D.U.=Dwelling Units**  
**S.F.D.U.=Single Family Detached Dwelling Units**  
**M.F.D.U.=Multi Family Attached Dwelling Units**