

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

**CHAPTER 17
ZONING**

Subchapter VII
Administration and Enforcement
17.70-17.72

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SUBCHAPTER VII

ADMINISTRATION AND ENFORCEMENT

17.70 ADMINISTRATION.

(1) INTRODUCTION AND EXPLANATION.

- (a) This section describes how the chapter shall be administered. Subsection (2) creates and defines the County Zoning Administrator's Office. The Administrator is a County officer who advises citizens and landowners of their rights and obligations under this chapter, issues permits, makes inspections to determine compliance with this chapter, issues compliance orders and recommends legal actions to obtain compliance with this chapter. The Administrator acts under authority delegated by the County Board.
- (b) Subsection (3) governs permits. Septic tank permits must be obtained from the County Zoning Administrator. The County has deputized zoning administrators in each town. From these deputy administrators one can obtain building permits.
- (c) The deputy administrator usually makes the decision on building permits when the use for which permission is requested is listed in the chapter as a permitted use. The deputy administrator's decision on such cases can be appealed to the County Zoning Board of Adjustment.
- (d) Subsection (4) describes how the chapter applies to structures and uses which existed prior to the adoption of this chapter. In general, zoning is not retroactive and such uses may continue as "nonconforming uses" subject to some limitations defined by State Statutes and spelled out in this section.
- (e) Subsection (5) describes the Board of Adjustment. This 3-member board has 2 powers directly granted to it by the State Legislature and others granted by the County Board. The statutory duties of the Board are to hear and decide appeals from decisions of the Administrator or deputy and to consider variances from the strict requirements of this chapter where a unique hardship exists and where a waiver of the strict rule of the chapter can be granted without destroying the purpose.
- (f) The County Board has granted to the Board of Adjustment the tasks of deciding disputes about zoning district boundaries and deciding whether to approve conditional uses.
- (g) Subsection (7) deals with conditional uses. These are labeled as conditional uses in subchapters II, III and IV, of this chapter. They are called conditional uses and made subject to review by the Board of Adjustment, as contrasted with permitted uses that are decided by the deputy administrators because their nature and the impact of the proposed use change is more complex, requiring an individual look

at the precise situation. An application for a conditional use comes before the Board of Adjustment which holds a public hearing, applies standards found in this section or in subchapters II, III, and IV and decides whether or not to approve the application. The Board may impose conditions on a conditional use as well as on a variance.

(2) ZONING ADMINISTRATOR.

(a) Created. There is hereby created the office of County Zoning Administrator with the powers and duties set forth in par. (b) below.

(b) Powers and Duties. The Zoning Administrator shall:

1. Advise Applicants. Advise applicants for permits as to the provisions of the chapter and assists them in preparing applications.
2. Issue Permits. Issue permits as provided in sub. (3).
3. Keep Records. Keep records of all permits issued, inspections made, work approved and other official actions.
4. Determine District Boundaries. Determine questions of the exact location of district boundaries.
5. Inspect Water and Sewage Systems. Inspect new and existing water and sewage systems to determine compliance with applicable ordinances.
6. Making On-site Investigations of Subdivisions. Make on-site investigations required for subdivision administration as provided in Ch. 18.
7. Access to Premises for Inspection Purposes. Have access to any structure or premises for the purpose of performing his duties. This power shall be exercised at a reasonable hour and after a 24-hour notice.
8. Procedures in Case Violations.
 - a. In the case of a violation of this chapter, notify the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it.
 - b. The Zoning Administrator shall also report all violations to the comprehensive Parks, Planning and Zoning Committee of the County Board. The Zoning Administrator is also authorized to report the violation to the District Attorney and to sign a complaint.
9. Deputy Zoning Administrators.

a. There is hereby created the office of deputy zoning administrator. There shall be one deputy zoning administrator for each town in St. Croix County. The town board of each town shall designate one representative for this assignment. The County Zoning Administrator shall keep a current roster of deputies and shall generally oversee the activities of such deputies.

b. Building permits for buildings and nonstructural land uses which are not connected to a private sewerage disposal system may be issued by the deputy zoning administrator without referral to the County Zoning Administrator. The County Zoning Administrator shall, however, be sent a copy of the application immediately after its receipt by the deputy. Permit applications for buildings which require a private sewerage disposal system shall be sent by the deputy zoning administrator to the County Zoning Administrator. The County Zoning Administrator shall determine whether the application involves a parcel that was created in compliance with County ordinances and shall review the application against all applicable setback and sanitary regulations and shall make an inspection.

c. Following such review and inspection, if the parcel is found to have been legally created and if all applicable setback and sanitary requirements are deemed to be satisfied, the County Zoning Administrator shall issue a septic tank permit and shall give written approval to issuance of a building permit. Upon transmittal of such septic tank permit and the approved application back to the deputy zoning administrator, the deputy shall issue a building permit. Building permits issued without compliance to this section shall have no legal effect.

(3) ZONING AND SEPTIC TANK PERMITS.

(a) When a Permit is Required. A permit issued by the County Zoning Administrator or deputy zoning administrator shall be secured prior to:

1. The Erection, Addition or Alteration of any Building, Structure or Portion Thereof. A permit for such activity shall be known as a County building permit and may be issued by the deputy zoning administrator in each town.
2. The Construction or Structural Alteration of any Private Sewerage System. This permit shall be known as a septic tank permit and shall be issued by the County Zoning Administrator.

(b) Application for a Permit.

1. Application for permits shall be made to the office of the Zoning Administrator or deputy upon forms furnished by the Zoning Administrator.
2. All applications shall contain the following data:
 - a. Name and address of the applicant and the owner of the property.
 - b. Legal description of the property, volume and page of the records of the St. Croix County Register of Deeds at which is located the recorded legal description of the parcel in the form of a plat or survey map, deed or similar instrument and type of proposed use.
 - c. A sketch of the dimensions of the lot and location of any buildings from the lot lines, centerline of abutting watercourse and water marks at the day of the sketch.
3. Where a private water or sewerage system is to be installed, the application shall contain the following information in addition to that required above:
 - a. Type of proposed installation.
 - b. Name of person in charge of installation and any State license held by such person.
 - c. Type of occupancy, number of occupants or patrons and estimated water consumption.
 - d. Size and location of the proposed sewerage disposal system.
 - e. A sketch showing:
 - Location of wells, streams, lakes, buildings, privies and septic tank systems within 100' of the proposed sewage disposal site.
 - The location of all percolation test holes and report of each test and soil boring as run by a sanitary technician.
 - Depth to groundwater or bedrock if less than 6'.
 - Slope in feet per one hundred or contour lines at 2 foot intervals in the area of the proposed absorption field and well.
4. When the application concerns land subject to floodplain zoning, the plans shall also include detailed information on the elevation of the lot and the location of existing or proposed fill or storage materials. This shall be in addition to that required by pars. (b)2. and 3. above.

5. Applications which are found by the County Zoning Administrator on the basis of slope indications on the application, sketch or observations made in the course of field inspection, to involve slopes in excess of 12% shall be approved only if the proposed construction is in compliance with erosion control conditions set in the course of subdivision review under this chapter or in the case of properties not subject to such conditions, if the project is deemed not to threaten serious erosion or sedimentation problems. The Administrator may attach reasonable erosion prevention conditions to a permit approved for issuance.

6. Permits or conditional uses issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

(c) Fees.

1. Schedule. Whenever an applicant files an application for any permit or review in this chapter, the applicant shall pay a fee in accordance with a schedule that shall be adopted and amended from time to time as necessary by the Zoning Committee.

2. Temporary Occupancy Permits. Any other provisions to the contrary notwithstanding, no person shall place, occupy or use a trailer, van, mobile home, recreational vehicle, tent, bus, truck, automobile or similar apparatus for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for such occupancy. However, the owner of a parcel who holds a valid building permit and sanitary permit for construction of a principal structure may apply for and obtain approval by a Land Use Permit, issued by the St. Croix County zoning office, for temporary placement and occupancy of a travel trailer or manufactured home during construction on condition of connecting such unit to the use of a legal sanitary system. The Zoning Office shall send a copy of the Land Use Permit to the town wherein the lot is located. All residential occupancy of the travel trailer or manufactured home shall cease when the principal home is capable of occupancy. Additionally, when the residence becomes occupied, the manufactured home shall be removed from the property. Temporary occupancy shall not exceed one year, unless an extension is granted by the St. Croix County zoning office.

(4) NONCONFORMING USES & STRUCTURES.

(a) General Limitations. When any structure or the use of any structure or premises has become a nonconforming use as defined in §17.09, such use may continue subject to the following limitations:

- 1. As long as no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or more restricted classification. Once a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- 2. No nonconforming use shall be expanded, enlarged or altered in any way which increases its nonconformity.
- 3. No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed 50% of its market value at the time of its becoming a nonconforming use, unless the structure is permanently changed to a conforming use. The value of alterations, additions and repair work shall include the value of all labor and material, even if contributed or provided without cash outlay.

4. a. Damaged or destroyed nonconforming structures may be restored to the size, location and use that they had immediately before the damage or destruction occurred, without limitation as to the costs of repair reconstruction, or improvement, if all of the following apply:

- 1) A Land Use Permit per §17.70(3) is required.
- 2) The nonconforming structure was damaged or destroyed after March 2, 2006.
- 3) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation.
- 4) A land owner has demonstrated by a permit application and approval the scope, nature and extent of the damage done as well as the dimensions of the damaged structure and proposed restoration.
- 5) Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed.
- 6) Repair and reconstruction are in compliance with applicable provisions of this ordinance and other County, State and Federal requirements.

b. The size of a structure shall be allowed to be larger than the size it was immediately before the damage or destruction, if necessary for the structure to comply with applicable County, State or Federal requirements.

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~~4. If any structure containing a nonconforming use is destroyed or damaged by any means to an extent of 50% or more of its market value, it shall not be reconstructed except in conformity with the provisions of this chapter.~~

5. If any nonconforming use is discontinued for 12 consecutive months, any future use of the structure or premises shall conform to this chapter.

6. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

7. Except as provided in subpar. 6. above, any use which has been permitted as a conditional use shall not be considered a nonconforming use.

8. Maintenance and repair of nonconforming boat houses which are located below the ordinary high water mark of any navigable waters shall comply with the requirements of §30.121, Wis. Stats.

(5) BOARD OF ADJUSTMENT.

(a) Authorization and Composition. The County Board Chairman shall appoint a Board of Adjustment consisting of ~~3-5~~ members and 2 alternates. All appointments shall be subject to confirmation by the County Board.

(b) Procedural Rules.

1. The Board of Adjustment shall select its own chairman and meet at the call of the chairman and at such other times as the Board may determine, at a fixed time and place.

2. All meetings of the Board of Adjustment shall be open to the public.

3. The Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator as a public record.

4. In the case of all appeals, the Board of Adjustment shall solicit and weigh information and comments from the County Comprehensive Parks, Planning and Zoning Committee.

(c) Powers and Duties. The Board of Adjustment shall:

1. Adopt such rules as it considers desirable for the conduct of business, subject to the provisions of this section and relevant State Statutes.

2. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter. All such appeals shall be governed by the provisions of sub. (6).
3. Grant variances from the strict terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the chapter will result in unnecessary hardship so that the spirit of the chapter shall be observed and substantial justice done. Variances shall be granted only subject to the provisions of sub. (6). No variance shall have the effect of allowing in any district uses not permitted in that district.
4. Grant conditional uses as provided in sub. (7).
5. Whenever there is a dispute over the exact boundary of a district, the Board shall decide the matter as an appeal. Where boundary disputes concern floodplains, the regional flood elevation for the point in question shall be the governing factor in locating the floodplain boundary on the land. The person contesting the matter shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence, if he so desires.

(6) PROCEDURES.

- (a) Appeals from Actions of Administrative Officials. Appeals to the Board of Adjustment may be taken by any person aggrieved or by the officer, department, board or committee of the County affected by the decision of the Zoning Administrator or a deputy zoning administrator. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the ground thereof. The officer from whom the appeal is taken shall immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- (b) Stay Appeals from Administrative Actions. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by a restraining order from the Board of Adjustment or a court of law.
- (c) Hearings on Appeals, Variances, Conditional Uses. Upon the filing with the Board of an appeal from a decision of the Zoning Administrator or deputy administrator, an application for a conditional use or a variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and publish a Class 2 notice under Ch. 985, Wis. Stats., as well as giving due notice by mail to all

the parties in interest. When the matter concerns the shoreland or floodplain regulations the Board shall submit to the Department of Natural Resources a copy of the notice and application for the proposed variance or conditional use sufficiently in advance so that the Department of Natural Resources will receive at least 10 days notice of the hearing. At the hearing any party may appear in person or by agent or attorney and present written and oral evidence for the record.

(d) Decisions on Appeals, Variances or Conditional Uses. The Board shall arrive at a decision on such appeal, conditional use or variance within a reasonable time. In passing upon an appeal the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination appealed from and it shall make its decision in writing setting forth the findings of fact and the reasons for its decision. A copy of all decisions granting variances or conditional uses affecting any provision of the shoreland or floodplain regulations shall be forwarded to the Department of Natural Resources within 10 days of such action.

(e) A variance shall not:

1. Grant, extend or increase any use prohibited in the zoning district.
2. Be granted for a hardship based solely on an economic gain or loss.
3. Be granted for a hardship which is self-created.
4. Damage the rights or property values of other persons in the area.
5. Allow actions without the appropriate amendments to this ordinance or its associated map(s)
6. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.

(f) Conditions Attached to Variances. In granting a variance, the Board of Adjustment may prescribe appropriate conditions and safeguards which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards when made a part of the terms under which the variance is granted shall be deemed a violation of this chapter.

(7) **CONDITIONAL USES.** Certain uses and situations are of such special nature or their effect is so dependent upon actual contemporary circumstances as to make impractical the determination in advance of permissibility. Provision has been made in this chapter for the determination of such cases by the Board of Adjustment as conditional uses. Conditional uses shall only be granted subject to the following provisions:

(a) General Standards.

1. No grant of a conditional use shall violate the spirit or general intent of this chapter.

2. No conditional use shall be allowed which would be contrary to the public health, safety or general welfare or which would be substantially adverse to property values in the neighborhood affected.
3. No use shall be permitted by conditional use that would constitute a nuisance by reason of noise, dust, smoke, odor or other similar factors.
4. The board shall also apply standards set forth in other sections of this chapter which apply to particular classes of conditional uses.

(b) Factors Specifically Applicable to Conditional Uses in Shoreland Overlay Districts. When a provision of the shoreland overlay districts section is involved, no conditional use shall be granted by the Board of Adjustment without specific consideration of the following factors:

1. The maintenance of safe and healthful standards.
2. The prevention and control of water pollution including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
4. The location of the site with respect to floodplains and floodways of rivers and streams.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
6. The location of the site with respect to existing or future access to roads.
7. The need of the proposed use for shoreland location.
8. Its compatibility with uses on adjacent land.
9. The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.
10. Locational factors under which:
 - a. Domestic uses shall be generally preferred.
 - b. Uses not inherently a source of pollution shall be preferred over uses that are or may be a pollution source.

c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase the possibility.

(c) General Procedure. In addition to the provisions of this section, applications for conditional uses shall be processed in this manner.

1. Applications. Applications for any use listed in this chapter as requiring a conditional use may be allowed only upon application to the Board of Adjustment on forms furnished by the Zoning Administrator. Conditional Use permit applications can include single parcels of land or groupings of parcels contiguous or noncontiguous.
2. Notice and Public Hearing. Before passing upon an application for conditional use, the Board of Adjustment shall hold a public hearing with notice provided as required by State law.
3. Determination in Writing. The conditions of approval or reasons for disapproval shall be stated in writing by the Board of Adjustment and made a permanent part of the minutes.
4. Recording. When a conditional use is approved, an appropriate record shall be made of the land use and structures permitted and such grant shall be applicable solely to the structures, use and property so described.
5. Termination. Where a conditional use does not continue in conformity with the conditions of the original approval, the conditional use shall be terminated by action of the Board of Adjustment preceded by a public hearing and notice to affected parties.
6. Time to Act Upon Application. The Board shall act on an application in the manner described above within 90 days of receiving the application, except that where additional information is required by the Board under par. (d) below. The Board shall render a written decision within 10 days of its decision stating a reason or reasons for the action and provide it to the applicant.

(d) Requests for Additional Information.

1. Before passing upon an application for a conditional use, the Board of Adjustment may require the applicant to furnish further relevant information. The requirement may be for specific points or it may be to have the required information compiled in the format of an environmental impact statement as described in sub. (8).
2. Where a provision of the shoreland overlay districts section is involved, the Board of Adjustment may, prior to rendering a decision on the application,

require the applicant to furnish, in addition to the information otherwise required for a conditional use permit, the following information:

- a. A plan of the area showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetative cover.
- b. Location of buildings, parking areas, traffic access driveways, walkways, piers, open spaces and landscaping.
- c. Plans of buildings, sewage disposal facilities, water supply systems and arrangements of the operations.
- d. Specifications for areas of proposed filling, grading, lagooning or dredging.
- e. Other pertinent information necessary to determine if the proposed use meets the requirements of this chapter.

3. In evaluating each application the Board of Adjustment may request the County Soil and Water Conservation District to make available expert assistance from those State and federal agencies which are assisting such district under a memorandum of understanding and any other State and federal agencies which can provide technical assistance.

(f) Conditions. The Board of Adjustment may make the granting of an application for a conditional use contingent upon such express conditions as it considers necessary to further the aims of this chapter. These conditions may include, but are not limited to, specifications of:

1. The period of time in which all or part of the use may be permitted.
2. Increased setback and yard dimensions.
3. Specified sewerage disposal and water supply facilities.
4. Landscaping and planting screens.
5. Operational control.
6. Sureties.
7. Deed restrictions.
8. Location of docks, piers or other structures, signs, etc.
9. Location and amount of parking facilities.

- 10. Type of construction.
- 11. Type of shore cover.
- (g) Special Procedures for Conditional Uses in the Agricultural Districts (AG-1 & AG-2).
 - 1. The following special procedures and standards apply to all conditional use applications involving lands in the AG-1 and AG-2 Districts.
 - 2. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all such applications by sending the Department a copy of the hearing notice published for the application and of the disposition of all such applications by sending the Department a copy of the Board of Adjustment's written decision.

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- ~~(h) Special Procedures for Rezoning in the Agricultural Districts (A1 & A2):~~
 - ~~31. Decisions on rezones of land from the Agricultural Districts to conservancy, residential, commercial or industrial districts by the Zoning Committee, the County Board and the affected town board shall be governed by the standards of §91.48, Wis. Stats. These standards shall be read into the record of the meeting of the Committee, the County Board and the Town Board before votes may be taken to approve of a rezone and either the report accompanying the County Board ordinance and the Town Board Resolution of approval or the ordinance and resolutions themselves shall contain findings that the rezone will meet the standards listed below:~~
 - ~~(a) The land is better suited for a use not allowed in the Farmland Preservation Zoning District.~~
 - ~~(b) The rezoning is consistent with any applicable comprehensive plan, (St. Croix County's Comprehensive Plan and its respective town comprehensive plan).~~
 - ~~(c) The rezoning is substantially consistent with the St. Croix County Farmland Preservation Plan.~~
 - ~~(d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted agricultural use.~~
 - ~~(e) There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning.~~
 - ~~(f) The burdens on the local governments for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable.~~
 - ~~(g) The development will not cause unreasonable air or water pollution, soil erosion, or adversely affect natural areas of aesthetic or ecological value to the community.~~

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~~(h) The soil productivity rating has been considered in the location of the area proposed for rezoning.~~

(8) IMPACT STUDIES AND REPORTS.

(a) Purpose. In the administration of this chapter, the various boards and committees which are assigned decision-making responsibilities hereunder will find themselves occasionally confronting proposed land use changes which have unusually significant consequences or which arouse unusually high levels of citizen interest. In such cases, the unit responsible for making the decision may find that the procedures specified in the sections of this chapter which govern the case do not allow for a full and complete examination and articulation of the environmental and other impacts of the proposed change in use. This situation is to be expected since the procedures set forth here in are generally tailored to the more average or routine cases and are designed to balance, in such cases, the need of the board or committee for information against the burdens which a more complete procedure would impose upon landowners. The purpose of this subsection is to provide a special procedure for the handling of more complex cases or applications.

(b) Coverage. This section shall apply to:

1. Proposed amendments to the County land use regulations governed by subchapter §17.72.
2. Proposed conditional uses governed by the general zoning provisions of this chapter.
3. Variances and appeals governed by this section.
4. Proposed minor or full subdivisions to which the suitability standards of §18.08 of the subdivision regulations are being applied.

(c) Determination that Impact Studies are Needed. The board or committee which has before it a matter listed in this subsection may, for reasons stated in a written determination, decide that the particular application, petition or matter raises unusually significant questions of impact (environmental or other) or that an unusually high level of citizen interest has been evidenced in the proposed use, change or amendment, or both. Such decision shall be followed by adoption by the board or committee of a resolution in which it shall set forth the impact questions on which it requires research, data and input from affected or interested person. The listing of impact questions can include items of data which this chapter already enables the board or committee to obtain or it may include additional items of information which are relevant to the impact questions specified in the resolution. The resolution may also assign responsibility for the acquisition of data on the specified impact questions to County agencies or officials, to officials or agencies in other units of government who have or may be willing to assist or to the developer or applicant. The resolution may set a date

for the return of the requested data and information and it may specify the format in which the data is to be presented.

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

(e) Suspension of Time Limits to Allow for Impact Study and Review. Prior to commencing activities under this subsection, the board or committee shall consult the sections under which it is operating and its legal counsel to determine the time limits, if any, which are placed upon its deliberations on the matter before it. Other provisions of this chapter notwithstanding, those time limits which are not specified in State law and which do not permit the board or committee sufficient time to conduct an impact review under this section may be suspended by passage of the resolution described in par. (c). In the case of time limits set by State law which conflict with the availability of reasonable time for an impact review, a formal request shall be made to the applicant for a consent to a reasonable and adequate extension of time.

17.71 ENFORCEMENT AND PENALTIES.

(1) INTRODUCTION AND EXPLANATION. This section provides for enforcement and penalties for violations of this chapter. The County may initiate court action to enforce the chapter. The result of such an enforcement can be a court injunction or forfeitures.

(2) DECLARATION OF UNLAWFUL CONDUCT, ACTIVITIES AND CONDITIONS.

(a) Violation of Land Use Provisions.

1. No building or structure shall be erected, constructed, placed, moved or structurally altered nor any use of land, premises, building or structure established or changed in violation of the provisions of this chapter.

2. No person shall fail to comply with any standard of this chapter or with any condition or qualification placed upon the issuance of a permit, approval or variance granted in due course under this chapter.

(3) IDENTIFICATION AND LIABILITY OF PARTIES.

(a) Owners of land or properties, occupants of land or premises and agents of owners or occupants including, without limitation because of enumeration, building contractors, surveyors, plumbers, installers, soil technicians, road builders, grading and excavating contractors and their agents and lending institutions and insurer and their agents are responsible for compliance with all provisions of this chapter which bear upon their area of competency and responsibility.

(b) Any person who violates or aids or abets in a violation of this chapter shall be liable to prosecution or remedial action.

(c) This chapter applies fully to all public governmental and quasi-public and quasi-governmental lands, developments and activities unless specifically exempted by State or federal law.

(4) INVESTIGATION OF COMPLIANCE, NOTICE OF VIOLATIONS.

(a) The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities with the terms of this chapter.

(b) If upon such inspection or investigation the Zoning Administrator becomes aware of a condition which he concludes is or is likely to become a violation as defined in sub. (2) above, he shall immediately notify the parties he deems to be responsible and potentially liable pursuant to sub. (3) above of the detected violation. Such notice shall include:

1. A demand that the condition that is alleged to constitute the present or potential violation be halted, prevented from occurring or remedied; or

2. A statement that a complaint on the condition and demand for prosecution has been or will be transmitted to the District Attorney or enforcement officials, State agencies or both.

(c) If an enforcement demand is issued under par. (b) above and is not complied with, the Zoning Administrator shall immediately file a complaint and demand for prosecution under par. (b)2. above, unless an administrative appeal has been commenced and a stay order has been issued pursuant to §17.90(6)(b) of this chapter.

(5) PROSECUTION; INJUNCTIONS AND PENALTIES IN COURT PROCEEDINGS.

(a) The District Attorney shall expeditiously prosecute all violations of this chapter reported by the Zoning Administrator.

(b) Nothing in this section shall be deemed to prevent private prosecutions of violations pursuant to §59.97(11) or other sections of the Wisconsin Statutes or common law.

(c) For violation specified in sub. (1), a forfeiture of not less than \$100 nor more than \$500 shall be imposed upon conviction or adjudication, plus the cost of prosecution for each violation if so ordered by the court.

(d) Each day a violation exists or continues shall constitute a separate offense.

(e) As a substitute for or an addition to forfeiture actions, the District Attorney may, on behalf of the County, seek enforcement of any and all parts of this chapter by court actions seeking injunctive orders or restraining orders.

(6) OTHER ENFORCEMENT PROVISIONS.

(a) Where a conditional use or a variance has been approved subject to specified conditions and where such conditions are not complied with, the Board of Adjustment may conduct a hearing following procedures similar to those followed in considering the granting of such a conditional use or variance. Finding of noncompliance with the conditions originally imposed shall be grounds for revocation.

(b) The County Board may upon recommendation of the Zoning Committee, order an assessor's plat pursuant to the procedures of §70.27, Wis. Stats., whenever the conditions specified in that section are found to be present.

(c) The Zoning Committee may require creation, Committee approval and recording of correction instruments correcting errors in distances, angles, directions, bearings, chords, block or lot numbers, street names or other details of a recorded map or plat at the expense of the subdivider or affected property owners.

(d) No provision of this chapter shall be construed to bar action to enjoin or abate the use or occupancy of any land or structure as a nuisance under the laws of Wisconsin.

17.72 AMENDMENTS.

(1) INTRODUCTION AND EXPLANATION.

(a) This chapter was adopted by the County Board and may be amended by the Board. State law prescribes how amendments are processed. Three major steps occur:

1. The County Comprehensive Parks, Planning & Zoning Committee holds a hearing and makes recommendations to the County Board.
2. The County Board votes on the proposal.
3. In the case of amendments to general zoning outside shoreland and floodplain areas, the affected town board can veto an amendment adopted by the County Board.

(b) In addition, persons owning lands proposed to be subject to zoning amendment or owners of abutting property can file a protest which requires a 3/4 vote of the County Board to approve the protested amendment. All of these procedures are subject to detailed statutory rules described in this section. This section should be reviewed carefully by all parties involved in zoning amendments.

(2) **PROCEDURE.** The provisions of this chapter are adopted under the zoning authority of §§59.97, 59.971, 87.30 and subchapter V of Ch. 91, Wis. Stats. As such, the following procedures shall be applied in considering amendments:

(a) Petitions for Amendments.

1. A petition for amendment of this chapter may be made by any property owner in the area to be affected by the amendment, the town board of any town in which the chapter is in effect, any member of the County Board or the County Comprehensive Parks, Planning and Zoning Committee.

2. The petition shall be presented to the County Clerk who shall refer the petition to the Parks, Planning and Zoning Committee with notice to the County Board.

~~3.~~—The Committee shall prescribe a form for the petition. An accurate metes and bounds property description shall be required to accompany the petition for amendments to the zoning districts. Prior to the time a building permit or occupancy permit is issued for a use on a parcel which was rezoned, the landowner shall cause a certified survey map to be made of the property and filed with the Register of Deeds. This requirement shall be a condition of all rezonings.

(b) Committee Hearing: Notice to Towns. Upon receipt of the petition referred to it by the County Clerk, the Committee shall set a time and place for a public hearing on the petition and shall publish notice of the hearing within the County as a Class 2 notice Ch. 985, Wis. Stats. A copy of the notice shall be made by registered mail to the town clerk of each town affected by the proposed amendment. This notice shall be mailed at least 10 days prior to the hearing. The town clerk shall also be sent an explanation of the procedures involved in the County's review of the proposed amendment. A written notice of the public hearing on any proposed shoreland amendment shall be submitted to the district office of the Department of Natural Resources at least 10 days prior to the hearing.

(c) Committee Action on the Proposed Amendment. As soon as possible after the public hearing, the committee shall take action to approve, approve with modifications or disapprove the proposed amendment. The Committee shall not recommend approval, but may only recommend disapproval or approval with modifications if it has received, subject to the time limits stated below, a certified copy of a resolution

disapproving the proposed change adopted by the town board of a town affected by a proposed change in zoning district boundaries. The certified copies of disapproving resolutions must be filed with the Committee at the time of or within 10 days after the public hearing to have the effect described herein. The provisions of this section shall apply to amendments to this chapter as they apply within shoreland or floodplain areas.

(d) Committee Report and Ordinance Preparation. If the Committee action is favorable to the proposed amendment as originally sought in the petition or with modifications, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance to the County Board. Accompanying the proposed ordinance shall be the recommendations of the Committee. If the Committee action is unfavorable to the petition, the Committee shall report its recommendations of denial to the County Board along with a statement of the reasons which support a negative recommendation. The report to the County shall also contain proof of publication of the notice of public hearing, proof of notice of hearing to town clerks and copies of all town board resolutions that were received. A copy of the Committee's findings and recommendations on every proposed shoreland amendment shall be sent to the district office of the Department of Natural Resources within 10 days after the submission of those findings and recommendations are sent to the County Board.

(e) County Board Action on the Committee Reports. The County Board action on the Committee report shall be one of the following:

1. The Board may adopt the ordinance submitted by the Committee or with amendments.
2. The Board may refuse to adopt the ordinance submitted or amended by the Committee.
3. The Board may refuse to deny the petition as recommended by the Committee. In such event, the Board shall refer the petition to the Committee with instructions to draft an ordinance effectuating the petition and report the ordinance back to the County Board, which may then adopt or reject the proposed ordinance.
4. The Board may establish, notice and conduct a hearing on the proposed amendment.
5. If a protest against a proposed amendment is filed with the County Clerk at least 24 hours prior to the date of the County Board meeting at which the report of the Committee is to be considered, signed and acknowledged by the owner of 50% or more of the area to be rezoned or by abutting owners of over 50% of the total perimeter of the area proposed to be rezoned included within 300' of the parcel or parcels proposed to be rezoned, action on the amendatory ordinance

may be deferred until the Committee has had a reasonable opportunity to ascertain and report to the County Board as to the authenticity of such ownership statements. Each signer shall state the amount of area or frontage owned by him and include a description of the lands owned by him. If such statements are found to be true, such ordinance shall not be adopted except by the affirmative vote of 3/4 of the members of the County Board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present, such protest shall not require a 3/4 vote.

(f) Notice to Town Boards; Exercise of Town Board Veto.

1. The following procedures shall apply to all amendments specified in §91.73(4), Wis. Stats., and to all which affect district boundary lines and provisions other than those portions of this chapter which apply to shoreland and floodplains:

a. If the amendatory ordinance makes only the change sought in the petition and if the petition was not subject to a disapproval resolution by the town board of the town affected at or within 10 days of the hearing before the Committee, the ordinance shall be effective upon passage.

b. Any other amendatory ordinance which affects district boundary lines shall within 7 days after adoption be submitted in duplicate by registered mail by the County Clerk to the town clerk of each town in which land affected by the amendment are located.

c. Such ordinance shall be effective 40 days after adoption unless the town board of such town files with the County Clerk a certified copy of a resolution disapproving of the ordinance. If such town board approves the ordinance, the ordinance shall be effective upon the receipt of the approving town board resolution by the County Clerk.

2. The following procedures shall apply to all amendments which affect provisions other than district boundary lines and which affect provisions other than those portions of this chapter which apply to shorelands and floodplains: the provisions of subpar. 1. above shall apply except that notice shall be given to the town clerks of all towns affected by the proposed change and, except as provided in §91.73(4), Wis. Stats., disapproval or approval of the proposed change shall occur by action of a majority of the town boards subject to the ordinance being amended and affected by the amendatory ordinance.

3. Amendatory ordinances which affect portions of this chapter which apply to shorelands and floodplains shall be printed in the proceedings of the County Board.

4. The County Clerk shall record in his office the date on which amendatory ordinances become effective and shall notify the town clerk of all towns of such effective dates and shall make such report to the County Board, which reports shall be printed in the proceedings of the County Board.

(g) Special Provisions Applicable to Comprehensive Revisions. A single ordinance which repeals the existing County zoning ordinances and enacts a new ordinance changing numerous provisions and adding or altering districts may be voted by the County Board, following the normal amendment procedure. Such revision may provide that the existing County zoning ordinance remains in effect for up to one year or until the revision is approved by the town board, whichever period is shorter. The failure of a town board to approve the comprehensive revision within one year shall result in neither the comprehensive revision nor the prior County zoning being in force in such town.

(h) Special ~~Provisions-Procedures and Standards~~ Applicable to Amendments to the Zoning Map Removing Lands from the Agricultural District(s) (AG-1 & AG-2).

1. The following special procedures and standards apply to all petitions to rezone land out of the Agricultural District(s) (AG-1 & AG-2).
2. The Wisconsin Department of Agriculture, Trade and Consumer Protection shall be notified of all such petitions by sending the Department a copy of the Zoning Committee's hearing notice on the petition and of the disposition of all such petitions by sending the Department a copy of the proceedings of any County Board meeting that involves a vote on ordinance amendments involving rezones from the Agricultural District(s) or a recording of a receipt of town board resolutions on such amendments.
- ~~2.3.~~ St. Croix County shall by March 1 of each year provide a report and map to the Department of Agriculture, Trade, and Consumer Protection clearly identifying the number of acres that have been rezoned out of the certified farmland preservation zoning district(s) during the previous year.
- ~~3.4.~~ Decisions on rezones of land from the Agricultural District(s) (AG-1 & AG-2) to residential, commercial, or industrial districts by the Zoning Committee, the County Board and the affected town board shall be governed by the standards of §91.48, Wis. Stats. These standards shall be read into the record of the meeting of the Committee, the County Board and the town board before votes may be taken to approve of a rezone and either the report accompanying the County Board ordinance and the Town Board Resolution of approval or the ordinance and resolutions themselves shall contain findings that the rezone will meet standards listed below:

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- a. The land is better suited for a use not allowed in the Farmland Preservation Zoning District.
- b. The rezoning is consistent with any applicable comprehensive plan (St. Croix County's Comprehensive Plan and its respective town comprehensive plan).
- c. The rezoning is substantially consistent with the St. Croix County Farmland Preservation Plan
- d. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted agricultural use.
- e. There ~~will be~~ are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning.
- f. The burdens on the local government for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable.
- g. The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.
- h. The soil productivity rating has been considered in the location of the area proposed for rezoning.

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