

CHAPTER 17

ZONING CODE

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32 **17.01 INTERPRETATION, PURPOSES AND DEFINITIONS.**
33

34 (1) **MINIMUM REQUIREMENTS.** The provisions in this chapter shall be held to be
35 minimum requirements adopted to promote the health, safety, morals, comfort,
36 prosperity, and general welfare of the Town.
37

38 (2) **ABROGATION.** It is not intended by this chapter to repeal, abrogate, annul,
39 impair or interfere with any existing easement, covenants or agreements between
40 parties or with any rules, regulations or permits previously adopted or issued
41 pursuant to laws provided, however, where this chapter imposes a greater
42 restriction upon the use of buildings or premises or upon the height of a building
43 or requires larger open spaces than are required by other rules, regulations or
44 permits or by easements, covenants or agreements, the provisions of this chapter
45 shall govern.
46

47 (3) **DEFINITIONS.** (Cr. # 1990-1)
48

49 **ACCESSORY BUILDING.** Any building, except the principal building or
50 buildings on a lot. In the case of a house and detached garage on a lot, the
51 accessory building is the garage.
52

53 **AREA.** For purposes of determining minimum area requirements, “area” shall be
54 the square footage of a parcel or lot exclusive of that portion thereof consisting of
55 wetlands, floodplains, ponds, lakes, drainage ways, road rights-of-way and non-
56 utility easements.
57

58 **BLOCK.** A group of platted lots that is entirely bounded by a combination or
59 combinations of streets, water bodies, subdivision boundaries or corporate limit
60 lines. Whenever a block is enlarged by succeeding subdivision acts, it shall only
61 constitute one block.
62

63 **BOARDERS OR ROOMERS.** Any person who gets meals and/or a room in a
64 dwelling unit for pay or other consideration.
65

66 **DUPLEX.** A residential building containing 2 dwelling units.
67

68 **DWELLING.** Any building which is wholly or partly used or intended to be used
69 for living or sleeping by human occupants, provided that temporary housing as
70 herein defined shall not be regarded as a dwelling.
71

72 **DWELLING UNIT.** Any room or group of rooms located within a dwelling and
73 forming a single habitable unit with facilities which are used or intended to be
74 used for living, sleeping, cooking and eating.
75

76 **FAMILY.** A person living alone or 2 or more individuals who are related to each
77 other by blood, marriage, adoption or legal guardianship living together as a

single housekeeping unit and using common cooking facilities. For purposes of this chapter, a group of not more than 5 persons not necessarily so related, but living together in a single living unit and using common cooking facilities, shall be considered equivalent to a single family.

FARM. Means all land under common ownership that is primarily devoted to agricultural use.

FARMLAND. Includes all soils classified by the NRCS (Natural Resource Conservation Service) regardless of current or previous use.

FORESTED AREA. A grove of twenty (20) or more naturally occurring trees that are five (5) inches or larger in trunk diameter when measured four-and-a-half (4.5) feet from the ground.

GARAGE, PRIVATE. An accessory building or space for the storage only of not more than 2 motor driven vehicles.

GARAGE, STORAGE. Any building or premises used for storage only of motor driven vehicles and where no vehicle equipment, parts, fuel or oil are sold and where no vehicle exceeding 2 tons capacity shall be stored.

KENNEL. Any lot or premises on which 4 or more dogs of at least 4 months of age are kept.

LIVESTOCK. Means bovine animals, equine animals, goats, poultry, sheep, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

LOT. A parcel of land described in a recorded plat, certified survey map or deed.

MOBILE HOME. That which is or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, and used primarily for sleeping, eating, and living quarters or is intended to be so used and includes any additions, attachments, annexes, foundations and appurtenances.

MULTIPLE DWELLING. Any dwelling containing more than one dwelling unit.

NON-FARM BUILDING. A building or structure not used primarily for agriculture purposes, which is not an integral part of the agriculture operation and does not contribute materially and substantially to the production of income because of agricultural use of the land upon which it is located. By way of example, but not otherwise intended to limit the definition, a barn, milking parlor, chicken coop, farrow shed, and silo are considered farm buildings or structures. A pole shed used to store property, other than farm machinery used in agricultural production on the premises, or a garage or a dwelling is considered a non-farm

124 building or structure.

125

126 OUTLOT. A parcel of land not to be used for building purposes, so designed on a
127 plat or Certified Survey Map.

128

129 PERMANENT STREAM. A waterway shown on the Town of River Falls official
130 "Floodplain and Shoreland Map" that requires a culvert or bridge of twenty-five
131 (25) square feet or larger opening to meet the Town driveway standard 8.02(2)(g)
132 "Access Roads and Driveways over Bridges and Culverts."

133

134 PROFESSIONAL HOME OFFICES. Residences of doctors of medicine,
135 practitioners, dentists, clergymen, architects, landscape architects, professional
136 engineers, registered land surveyors, lawyers, artists, teachers, authors, musicians
137 or other recognized professions used to conduct their professions where the office
138 does not exceed one-half the area of only one floor of the residence and only one
139 nonresident person is employed.

140

141 ROOMING HOUSE. Any dwelling containing one or more rooming units in
142 which space is let by the owner or operator to 3 or more persons for pay or other
143 consideration. It is intended that cooperatives, communes or other non-chartered
144 groups of people be included under this definition.

145

146 ROOMING UNIT. Any room or group of rooms forming a single habitable unit
147 used or intended to be used for living and sleeping, but not for cooking or eating
148 purposes.

149

150 RURAL HOME & FAMILY OCCUPATION. A gainful occupation conducted by
151 members of the family only, and including not more than two full time equivalent
152 employees not residents of the parcel, only on their property at which they reside,
153 provided that no article is offered for sale on the property except as is produced
154 by the occupation, or is reasonably related thereto, and that no sign other than one
155 unlighted nameplate no more than six (6) sq. ft. is installed."

156

157 STRUCTURE. Anything constructed or erected having location on the ground.

158

159 TEMPORARY HOUSING. Any tent, trailer or other structure used for human
160 shelter which is designed to be transportable, and which is not attached to the
161 ground, to another structure or to any utilities system on the same premises for
162 more than 30 consecutive days.

163

164 **17.02 DISTRICTS.**

165

166 (1) ESTABLISHED. For the purposes of this chapter, the Town
167 is hereby divided into 6 districts, as follows:

168

169 (a) Residence District (R-1).

- 170
171 (b) Residence and Planned Mobile Home Development District (R-2).
172
173 (c) Farmland Preservation District (A-1).
174
175 (d) Commercial District (C-1).
176
177 (e) Industrial District (IND).
178
179 1. Light Industry. (LI)
180
181 2. Heavy Industrial.
182
183 (f) Agriculture - Residential District (A-2)
184

185 (2) BOUNDARIES. The boundaries of the above districts are
186 hereby established as shown on the entitled, *Zoning Map, Town*
187 *of River Falls, Pierce County, Wisconsin*, which map is made a
188 part of this chapter. All notations and references shown on the
189 district map are as much a part of this chapter as though
190 specifically described herein.
191

192 (3) UNSUBDIVIDED PROPERTY. In unsubdivided property, the
193 district boundary lines shown on the district map shall be
194 determined by use of the scale shown on such map.
195

196 **17.03 GENERAL PROVISIONS.**

- 197
198 (1) AIRPORT HEIGHT RESTRICTIONS. Except as otherwise provided, no
199 building or object of natural growth located within 3 miles of the boundaries of
200 any airport, landing field or landing and takeoff strip shall hereafter be erected,
201 altered or permitted to grow to a height above the elevation of the nearest point on
202 the boundary of such airport, landing field or landing and takeoff strip greater
203 than 1/30 of the distance from such point on such boundary. No overhead power,
204 telephone or telegraph lines shall be erected within 1/2 mile of any boundary of
205 the site of any airport, landing field or landing and take-off strip. No building or
206 land located within 3 miles of the boundary of any airport landing field or landing
207 and takeoff strip shall be so used that by reason of the emission of smoke, gas or
208 other emanation, it shall produce a hazard to the operation of aircraft. The
209 regulations set forth in this subsection shall not apply to growing field crops
210 which are harvested at least once a year nor to fences not over 5' high.
211
212 (2) USES, HEIGHT AND AREA. Except as otherwise provided:
213
214 (a) The use and height of buildings hereafter erected, converted, enlarged or
215 structurally altered and the use of any land shall be in compliance with the

216 regulations established herein for the district in which such land or building is
217 located.
218

219 (b) No building or other structure shall be erected on any parcel of land smaller
220 than a parcel of land as defined herein. For purposes of this chapter, a lot is
221 defined as any single piece or parcel of land constituting at least 2 acres of
222 land, exclusive of that portion of the parcel used for roadways and streets. No
223 lot area shall be reduced so that the yards and open spaces are smaller than is
224 required by this chapter nor shall the density of the population be increased in
225 any manner, except in conformity with the area regulations hereby established
226 for the district in which a building or premises is located.
227

228 (c) No part of a yard or other open space provided about any building for the
229 purpose of complying with the provisions of this chapter shall be included as a
230 part of a yard or other open space required for another building.
231

232 (d) Every building hereafter erected, converted, enlarged or structurally altered
233 shall be located on a lot and in no case shall there be more than one main
234 building containing a dwelling or dwelling units on one lot.
235
236

237 (3) NONCONFORMING USES.
238

239 (a) The existing lawful use of a building or premises at the time of the enactment
240 of this chapter or any amendment thereto may be continued although such use
241 does not conform with the provisions of this chapter for the district in which it
242 is located, but such nonconforming use shall not be extended.
243

244 (b) If no structural alterations are made, a nonconforming use of a building may
245 be changed to another nonconforming use of the same or a more restricted
246 classification. Whenever a nonconforming use has been changed to a more
247 restricted nonconforming use or a conforming use, such use shall not
248 thereafter be changed to a less restricted use.
249

250 (c) If a nonconforming use of a building or premises is discontinued for a period
251 of 12 months, any future use of the building or premises shall conform to the
252 regulation for the district in which it is located.
253

254 (d) When a building containing a nonconforming use is damaged by fire,
255 explosion, act of God or the public enemy to the extent of more than 50% of
256 its current local assessed value, it shall not be restored except in conformity
257 with the regulations of the district in which it is located. The total structural
258 repairs or alterations in any nonconforming use shall not during its life exceed
259 50% of the local assessed value of the building at the time of it becoming a
260 nonconforming use unless permanently changed to a conforming use.
261

- (e) Nothing herein contained shall require any change in the plans, construction size or designated use of any building or part thereof for which a building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.
- (f) In any commercial or industrial district, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- (g) All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected, except such as are rebuilt on the sites occupied at the time of the adoption of this chapter, shall provide an accessible parking space of sufficient size to accommodate at least one car for every 5 seats provided.
- (h) Any side yard, rear yard or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the 2 districts which abut the district boundary line.
- (i) When a housing project consisting of a group of 2 or more buildings is to be constructed on a site not subdivided into customary lots and streets or where an existing lot and street layout make it impractical to apply the requirements of this chapter to the individual building units, the Town Board may approve a development plan provided it complies with the regulations of this chapter as applied to the whole plat.

17.03(4) CONDITIONAL USES

- (1) APPLICATION. Application for conditional use permits shall be submitted to the Zoning Administrator on forms provided and shall be accompanied by a plan showing the location, size and shape of the lot(s) involved and of any proposed structures, and the existing and proposed use of each structure and lot. The cost of conditional use permits shall be established from time to time by the Town Board. In addition to the application fee the applicant shall pay all legal and engineering fees incurred by the Town in connection with review and issuance of the permit (excluding administrative fees and the cost of publication and special meeting per diem fees, same being included in the application fee). These fees shall be paid in advance to the Town Clerk as estimated by the Zoning Administrator. No permit shall be issued until all such costs and fees have been paid.
- (2) REVIEW. In all cases where a conditional use is proposed, the Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring, uses, parking areas, driveway locations, highway access, traffic

309 generation and circulation, drainage, sewerage and water systems and other
 310 aspects of the proposed use.

311

312 (3) STANDARDS. No permit for a conditional use shall be granted unless the Town
 313 Board, following recommendation of the Plan Commission, shall find that the
 314 following conditions are present:

315

316 (a) That the establishment, maintenance, or operation of the conditional use will
 317 not be detrimental to or endanger the public health, safety, morals, comfort or
 318 general welfare.

319

320 (b) That the uses, values and enjoyment of other property in the neighborhood
 321 used for purposes already permitted shall be in no foreseeable manner
 322 substantially impaired or diminished by the establishment, maintenance or
 323 operation of the conditional use.

324

325 (c) That the establishment of the conditional use will not impede the normal and
 326 orderly development and improvement of the surrounding property for uses
 327 permitted in the district.

328

329 (d) That adequate utilities, access roads, drainage, and other necessary site
 330 improvements have been or are being provided.

331

332 (e) That adequate measures have been or will be taken to provide ingress or
 333 egress so designed as to minimize traffic congestion and traffic hazards in the
 334 public streets.

335

336 (4) CONDITIONS AND GUARANTEES. Prior to granting a permit for a
 337 conditional use, the Town Board may stipulate such conditions and restrictions
 338 upon the establishment, maintenance and operation of the conditional use as it
 339 may find necessary to promote the public health, safety and general welfare of the
 340 community, and to secure compliance with the standards specified in 17.03(4)(c)
 341 above. Establishment, maintenance and operation shall be construed to include,
 342 but shall not be limited to, landscaping, architectural design, type of construction,
 343 construction commencement and completion dates, sureties, lighting, fencing,
 344 operational control, hours of operation, traffic circulation, deed restrictions,
 345 access restrictions, yard and parking requirements, insofar as the Town Board
 346 shall find same are necessary or desirable to fulfill the purpose and intent of this
 347 chapter. The Board may also increase the required set-back and side yards;
 348 impose specifications concerning disposal of liquid or solid waste; impose natural
 349 or artificial screening requirements; require sureties; restrict or designate hours of
 350 operation; impose operational controls and regulations; require certain
 351 reclamation measures; require performance bonds and sureties; and, impose
 352 special inspection requirements. The Board may assess the applicant additional
 353 fees to offset the cost of administration, monitoring and enforcing restrictions and
 354 conditions imposed. The Board may consider past and present history of the
 355 applicant, in this Town and elsewhere, in connection with related and unrelated

- activities, in determining whether the application shall be granted. In all cases where a permit for conditional use is granted, the Town Board shall require such evidence and guarantees as it may deem necessary to ensure the conditions stipulated in connection therewith are being and will be complied with.
- (5) COMPLIANCE. Conditional uses shall comply with all other provisions of this chapter including lot width and area, yards, height, parking and loading.
- (6) PERMIT ISSUANCE. The Town Board may authorize the Zoning Administrator to issue a conditional use permit after review and public hearing, provided such uses are in accordance with the purpose and intent of this chapter. Such permit shall be issued to a specific person, partnership or corporation for a specific property, and only for the uses stated in the permit. The conditional use permit shall terminate upon sale of the property or business for which it was issued, and may not be transferred to another person or location without a new application, review, and public hearing.
- (7) TIME PERIOD. A conditional use permit shall allow the recipient to use the subject premises or structure in the manner conditionally permitted for such period as the Town Board may deem appropriate. The period may be indefinite, subject to such periodic review as the Town Board may in its discretion deem appropriate.
- (8) REVIEW OF CONDITIONAL USES. The Zoning Administrator shall from time to time conduct a review of the conditional use to insure all conditions set by the conditional use permit are being met. Failure at any time by the permittee to adhere to the conditions set forth in the permit may result in a public hearing to determine whether the conditional use permit should be modified or cancelled.
- (9) RESUBMISSION. No application for a conditional use which has been denied wholly or in part by the Town Board shall be resubmitted for a period of one year from the date of said denial, except where substantial new evidence or proof of compliance with applicable conditions is demonstrated.
- (10) USES. In addition to the conditional uses permitted under the districts established under this Chapter, conditional uses may be granted in the following districts for the following specified uses:
- (a) Agricultural Residential District: A commercial use.
 - (b) Commercial District: An agricultural, residential, or industrial use.
 - (c) Light Industrial District: A residential, commercial or agricultural use.”

17.034 CONDITIONAL USE PERMITS.

The Town Board, after investigation and public hearing by the Plan Commission, in

addition to the uses which may be permitted under Section 17.065(6) may authorize the location of the uses specified herein in the districts specified, from which they would otherwise be excluded, provided the Town Board shall find the proposed location is appropriate or necessary in order to serve the public health safety, convenience or general welfare, and provided each such structure or use shall comply with all other regulations for the district in which it is proposed to be located. The Town Board may attach reasonable conditions and safeguards to the Conditional Use Permit in order to protect the value of neighboring buildings or uses.

(1) PUBLIC AND SEMIPUBLIC USES. The following conditional uses may be permitted:

(a) Government and cultural uses such as administrative offices, fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums in all residential and business districts.

(b) Utilities in all districts provided all principal structures and uses are not less than fifty (50) feet from any residential district lot line, and all utility structures are enclosed by a protection fence at least 8 feet high.

(c) Public, parochial, private, preschool, elementary and secondary schools and churches in all residential, commercial and agricultural districts.

(d) Hospitals and cemeteries in the Ag-residential districts provided all principal structures are not less than twenty five (25) feet from any lot line.

(e) Cemeteries in the Exclusive Ag district.

(2) APPLICATION FOR CONDITIONAL USE PERMIT. The application for conditional use permit shall be filed with the Zoning Administrator. The matter shall thereupon be referred to the Plan Commission for public hearing and recommendation. The Town Board shall consider the recommendation of the Plan Commission before acting upon the application. The hearing before the Board and Plan Commission shall be preceded by the notice required under §17.10. The Zoning Administrator or Plan Commission may request the Town Engineer review any conditional permit application or, after a permit has been issued, to review the conditional use to determine compliance with the conditions under which it was issued.

17.035 SITE PLAN APPROVAL

(1) SITE PLAN REVIEW.

(a) A prerequisite for issuance of a permit for new construction or additions to existing structures and buildings for commercial, industrial, institutional government buildings, churches, clubs, schools or multi-family uses is the approval of a site plan, as set forth below. The purpose of such approval is to

450 assure site designs which are harmonious with neighboring tracts, creates safe
451 and attractive site layouts and structures, provides proper access to streets and
452 transportation and contributes to effective land use in the Town of River Falls.

453
454 (b) The Plan Commission shall review, with regard to the proposed operation, the
455 existing site, proposed structures, architectural plans, neighboring uses, use of
456 landscaping and open space, parking areas, driveway location, loading and
457 unloading areas, highway access, traffic patterns, lighting, drainage and
458 water and sewer systems.

459
460 (c) Upon completion of the review of the site plan, the Plan Commission will
461 make its recommendation to the Town Board. The Town Board has final
462 approval authority for all site plans.

463
464 (2) PROFESSIONAL FEES & DISBURSEMENTS.

465
466 (a) The applicant for any permit shall pay a fee to the Town Clerk equal to the
467 actual costs to the Town for the professional fees and disbursements
468 incurred by the Town by reason of the review of the application and
469 proposed use and improvements by any professional employees and
470 consultants, including without limitation by way of enumeration, the
471 planner, engineer, surveyor, attorney and any other professional employees
472 or consultants hired by the Town with respect to consideration thereof.
473 This shall include, without limitation by way of enumeration, the following:

- 474
475 1. Review of such application and proposed use and improvements and the
476 plans therefor.
477
478 2. Inspection of the site and the improvements as and after such
479 improvements are constructed.
480
481 3. Tests and other evaluations deemed necessary by such professional
482 employees and consultants for their review and inspection.
483
484 4. Drafting or other preparation of any written opinions, advice and
485 suggestions with respect thereto.
486
487 5. Drafting and preparation of any ordinances, resolutions, contracts,
488 agreements and other documents with respect thereto.
489
490 6. Attendance at public meetings or hearings and telephone and actual
491 conferences.
492
493 7. Any other professional services and disbursements charged to the Town
494 which were necessitated by the submission and review of such application
495 and proposed use and improvements, and construction of improvements
496 and erosion and sediment control measures therein.

(b) At or prior to submission of any application for a permit that involves new construction or an addition to an existing building or other structure, the applicant or the applicant's representative shall deposit in escrow with the Town Clerk the amount specified. Such specified fees will be set by the Town Board from time to time. If the sum determined herein is inadequate or excessive for anticipated expenses, the Town Board may increase or decrease the required deposit at any time. Additionally, the Town may waive all or part of the required escrow deposit to the extent that a determination on the application will probably not include any of the employees, experts or tests necessary to make a determination on the application. Should the Town Board thereafter determine that a greater escrow deposit is required up to the amount required under this section, the applicant must pay the additional amount to the Town Clerk within the time specified. Notice of the meeting for consideration of the application shall be mailed to the applicant or applicant's agent at least 5 days prior thereto. Upon final action on the application, approval of all improvements and erosion and sediment control measures required therein and payment of all professional expenses incurred by the Town, any balance in escrow shall be returned to the applicant. This shall not prohibit the Town collecting any additional professional expenses subsequently charged to the Town. The Town Board may agree in writing with the owner of any premises generally leased to tenants to require less than the foregoing escrow deposit from an existing or prospective tenant if such owner in writing personally guarantees and provides satisfactory surety for payment of any sums then or thereafter due to the Town which could have been collected from a higher escrow deposit by such tenant.

(3) SITE PLAN REQUIREMENTS. All site plan applications shall include:

(a) Identification:

1. Name of project.
2. Owner's and, where appropriate, developer's name, address and telephone number.
3. Architect and/or engineer's name, address and telephone number.
4. Address of project.
5. Date site plan was prepared.

(b) Graphic Representation:

1. Three copies of the site plan shall be submitted.
2. Site plan scale shall be no less than 20 feet to the inch and show date,

north arrow and graphic scale.

(c) Site Plan Information:

1. Lot boundaries, including legal description, and required setback distances.
2. Location of all public and private roads, official map showing streets and easements.
3. Location of all water courses, drainage ditches, wetlands, flood plains, and required setback.
4. Location of all existing and proposed public and private utilities, wells, drainage structures and lighting.
5. Existing and proposed structures and buildings, structures to be removed, description of proposed use of all structures and their dimensions.
6. Floor plans and elevations, including dimensions; and exterior plans showing the design and character of each structure and building.
7. Traffic aspects (flow, volume, type, etc.) of existing and proposed driveways and parking lots, including parking stall sizes and layout, handicap stalls and ramps, loading zones, driveway widths and traffic direction, sidewalks and pedestrian walkways and similar improvements.
8. Existing and proposed vegetation, areas of permanent open space, landscaping, fences, ground cover, areas of filling and grading in excess of 6 “ and contours.
9. Location of signs. (See Section 17.13)
10. Detailed Construction schedule and construction phases. The Town Board may impose time schedules for completion of (including, but not limited to) buildings, parking areas, dedication of open space use areas, drainage and erosion control systems and landscaping of the site (including open space use areas) and shall conform to Chapter 21, Storm Water Management.
11. Other pertinent information as may be requested by the Plan Commission during review of the site plan. Items from this list of required information may be waived by the Plan Commission. Waiver requests must be made in writing and include reasons therefore.
12. Site plans prepared by Architects or Engineers should be sealed and signed by the Architect or Engineer.

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13. The site plan should indicate the zoning of the property include in the site plan and the NRCS (SCS) soil types present on the site.

(4) SITE PLAN REVIEW AND FINDINGS. The Plan Commission shall review the site plan following submittal of all plan materials as required in 17.035(3) and upon payment of the fee pursuant to 17.35(2). The Plan Commission may recommend approval with such written conditions as it deems appropriate. If the Plan Commission or the Town Board rejects the site plan, a written summary of the objections shall be communicated to the applicant(s) who shall then have an opportunity to respond and amend the site plan. The Plan Commission shall not recommend a site plan for approval to the Town Board until the Plan Commission has determined the proposed site plan is in conformance with the intent and purpose of this chapter and is deemed to satisfactorily address the following:

(a) The relationship of the site plan to the land use plans and policies adopted by the Town of River Falls.

(b) Parking, loading, traffic generation and traffic flow layout so as to:

1. Minimize hazardous traffic movements.
2. Achieve efficient traffic flow in accordance with standards in the Institute of Traffic Engineers' Transportation and Traffic Engineering Handbook.
3. Provide for optimum number of parking spaces.
4. Provide for optimum loading and unloading in the case of commercial and industrial use.
5. Provide for optimum access to public streets and highways.
6. Provide for pedestrian safety
7. Provide for public roads. (See Section 8.01)
8. Comply with all sections in this General Code for the Town of River Falls.

(c) Provisions for surface and subsurface drainage, including drainage connections, are to be done in such a manner that existing drainage serving the area is not overloaded, as an overload could increase the danger of erosion, flooding, landslide, or other endangerment of adjacent or surrounding property and shall comply to Chapter 21, Storm Water Management.

(d) The use of landscaping so as to:

1. Maintain existing mature trees and shrubs to the maximum extent

- 638 practical.
- 639
- 640 2. Buffer adjacent uses where appropriate to minimize impact on
- 641 neighboring uses.
- 642
- 643 3. Screen unsightly activities from public view.
- 644
- 645 4. Break up large expanses of asphalt and buildings with plant material.
- 646
- 647 5. Provide a landscaping design that is in harmony with the surroundings.
- 648
- 649 6. Make optimum use of open spaces.
- 650
- 651 7. Provide plant materials and landscaping designs suitable to the climate.
- 652
- 653 (e) Location of principal structure(s), accessory structure(s), lighting, free-
- 654 standing signs, refuse container(s), mechanical equipment, etc., so placement:
- 655
- 656 1. does not impede safe and efficient traffic flow,
- 657
- 658 2. adversely impact the development of adjacent property or the character of
- 659 surrounding neighborhood, and
- 660
- 661 3. creates an attractive grouping, spacing and placement of buildings,
- 662 structures, lighting, etc. in relation to the site and its environs.
- 663
- 664 (f) Reference or standards for size of trees, shrubs, buffer islands etc. shall be set
- 665 forth from recommendations by a soil conservation forester or other state or
- 666 local agency.
- 667
- 668 (g) The architectural character of the project construction materials and colors are
- 669 to be such that they are appropriate to the intended use, and compatible with
- 670 surrounding buildings and uses.
- 671
- 672 (h) The operations of the proposed use to avoid negative activity effect on
- 673 adjacent properties.
- 674
- 675 (5) SURETIES. The Town Board shall require appropriate sureties, including but not
- 676 limited to cash bonds, performance bonds and letters of credit to guarantee
- 677 conditions and requirements will be completed on schedule. Such sureties shall
- 678 equal 100% of the value of the finished project. Each day where failure to
- 679 complete required improvements within the specified time limit for the respective
- 680 improvement, shall constitute a separate violation.
- 681
- 682 (6) REVIEW SCHEDULE.
- 683
- 684 (a) No later than 90 days after receipt by the Town Board of a site plan and the

685 appropriate fee, the Plan Commission shall:
686
687 1. Recommend the site plan to the Town Board,
688
689 2. Request additional information, in writing, from the applicant [see
690 17.035(3)(c)11.])
691
692 3. Recommend the site plan contingent upon incorporation of conditions
693 enumerated by the Plan Commission, or
694
695 4. Recommend rejection stating their reasons.
696
697 (b) No later than 90 days after the receipt of any additional information requested
698 from the applicant [see 17.035(3)(c)11.], the Plan Commission shall:
699
700 1. Recommend the site plan to the Town Board,
701
702 2. Recommend the site plan contingent upon incorporation of conditions
703 enumerated by the Plan Commission, or
704
705 3. Reject the site plan in writing [see 17.035(4)].
706
707 (c) No later than 60 days after receiving an amended site plan, where the site plan
708 had initially been rejected [see 17.035(4)], the Plan Commission shall:
709
710 1. Recommend the site plan to the Town Board,
711
712 2. Recommend the site plan contingent upon incorporation of conditions
713 enumerated by the Plan Commission, or,
714
715 3. Reject the site plan in writing [see 17.035(4)].
716
717 (d) No later than 45 days after a site plan has been forwarded to the Town Board
718 from the Plan Commission for final action [see 17.035(4)], the Town Board
719 shall:
720
721 1. Approve the site plan,
722
723 2. Approve the site plan with incorporated conditions, or
724
725 3. Reject the site plan in writing.
726
727 (7) APPEALS. Any person or persons aggrieved by any decision of the Town Board
728 related to site plan review may appeal the decision to the Board of Appeals. Such
729 appeal shall be filed with the Board of Appeals within 30 days of the decision of
730 the Town Board.
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17.038 TOWERS

(1) **PURPOSE.** It is the intent of this Section to comply with Wis. Stat. 66.0404 regarding the placement of towers.

(2) **DEFINITIONS.**

ANTENNA. Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

BUILDING CODE. The most recently adopted or amended Town of River Falls Building Code.

COMMUNICATION TOWER. A structure that is used primarily as a communication antenna or as a communications antenna support structure.

EFFECTIVE TOWER HEIGHT. The distance from the highest point of rigid, non-guyed support to the top of the highest appurtenance mounted on the tower.

ANSI/TIA-222G. Electronics Industries Association Standard 222-G, "Structural Standards for Steel Antenna Towers and Antenna Support Structures."

FAA. The Federal Aviation Administration.

FCC. The Federal Communications Commission.

FREE STANDING TOWER. A tower which has the tower base as the only or primary means of resisting the designed tower loads.

GUY SUPPORTED TOWER. Means a tower which requires the use of flexible guying cables or wires as the only or principle means of resisting the designed tower loads.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICES. Licensed commercial wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (ESMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

NON-COMMERCIAL COMMUNICATIONS TOWER. A tower used for purposes in which there is no commercial gain, i.e. amateur radio, Civil Air Patrol, Red Cross, etc.

TOWER. Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including supporting lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

TOWER HEIGHT. The distance between the ground upon which the tower or tower base sits and the top of the highest appurtenance mounted on the tower.

TOWER, MULTI-USER. A tower to which is attached the antennas of more than one commercial wireless telecommunication service provider or governmental entity.

TOWER, SINGLE-USER. A tower to which is attached only the antennas of a single user, although the tower may be designed to accommodate the antennas of multiple users as required in this Code.

WCSF. Wireless Communications Service Facility.

- (3) TOWER ZONING APPLICATIONS. A building permit and a land use permit shall be obtained from the Town Zoning Administrator prior to construction of any tower. The land use permit will be reviewed by the Plan Commission and approved or denied by the Town Board within 90 days of its receipt. Towers shall be registered with the Town at the time the permit is obtained. Each application for a permit shall include the following information, supplied by the tower owner, operator, or contractor installing the tower.

(4) PROCEDURE.

(a) The application for siting and construction of a Wireless Communications Service Facility (WCSF) shall include:

1. Name and business address of, and the contact individual for, the applicant;
2. The location of the proposed or affected support structure;
3. The location of the proposed mobile service facility;
4. A construction plan which describes the mobile service support structure and the equipment and network components including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure;
5. An explanation as to why the applicant chose the proposed location and why the applicant did not choose colocation, including a sworn statement

- 824 from an individual who has responsibility over the placement of the
825 mobile service support structure attesting that colocation within the
826 applicant's search ring would not result in the same mobile service
827 functionality, coverage, and capacity, is technically infeasible or is
828 economically burdensome to the mobile service provider.;
- 829
- 830 (b) The application for a substantial modification of an existing WCSF shall
831 include:
- 832
- 833 1. The name and business address of, and the contact individual for, the
834 applicant;
- 835
- 836 2. The location of the proposed or affected support structure;
- 837
- 838 3. The location of the proposed mobile service facility;
- 839
- 840 4. A construction plan which describes the proposed modifications to the
841 support structure and the equipment and network components including
842 antennas, transmitters, receivers, base stations, power supplies, cabling,
843 and related equipment associated with the proposed modifications.
- 844
- 845 (5) APPLICATION FEES. The Town requires an application fee, of an amount set
846 by the Town Board from time to time, for the registration, processing, and
847 permitting of communication towers and wind generator towers. No application
848 shall be considered filed with the Town unless and until said application is
849 accompanied by the fee. Maximum fee shall not exceed the amount specified in
850 §66.0404, Wi Stats.
- 851
- 852 (6) TOWER CONSTRUCTION. Plans and specifications for the tower design as
853 specified by the tower manufacturer or as approved by a registered professional
854 engineer experienced in the design and/or analysis of towers shall be submitted to
855 the Town Board by the tower owner, operator, or contractor installing the tower.
- 856
- 857 (7) TOWER SET BACK REQUIREMENTS. Towers shall conform with all of the
858 following minimum setback requirements:
- 859
- 860 (a) Yards (minimum):
- 861
- 862 1. Front, see setbacks from highway and navigable water regulations,
- 863
- 864 2. Rear, 40 ft. where adjacent to R zone, 10 ft. otherwise,
- 865
- 866 3. Side, 20 ft. except that any side yard abutting on R-1, R-2, A-1, or A-2
867 Districts shall be 40 ft.
- 868
- 869 (8) EXCLUSIONS.

- 870
- 871 (a) Communication towers less than 190 feet in height and designed and intended
- 872 for private noncommercial use shall be exempt from the requirements of this
- 873 Section.
- 874
- 875 (b) Any communication tower erected before enactment of this ordinance.
- 876
- 877 (c) The Board, at its discretion, may exempt certain communication towers that
- 878 are designed for and intended to be used solely by public safety or emergency
- 879 communications agencies.
- 880
- 881 (9) TOWER LIABILITY. Prior to granting a tower land use permit, the applicant
- 882 will demonstrate proof to the Town Board that it has adequate liability insurance
- 883 for the communication tower, support structures, and any and all easements or
- 884 non-public access roads. The liability insurance will cover accidents within the
- 885 boundaries of the tower as shown on the site plan, personnel falls from the tower
- 886 (whether employees or agents of the applicant or not), and private property
- 887 damage caused by the tower, or debris from the tower.
- 888
- 889 (10) TOWER INSPECTIONS.
- 890
- 891 (a) Towers shall be inspected in accordance with FCC or other applicable
- 892 directives.
- 893
- 894 (b) Inspection records shall be kept by the tower owner and made available upon
- 895 request by the Town Board.
- 896
- 897 (11) SECURITY.
- 898
- 899 (a) Eight (8) feet high security fencing shall be required around the base of the
- 900 tower.
- 901
- 902 (b) Accessory or equipment buildings installed as part of the tower facility shall
- 903 be secured.
- 904
- 905 (12) ACCESS ROADS.
- 906
- 907 (a) Access roads shall be constructed so as to meet the following requirements:
- 908
- 909 1. Access road construction plans shall be designed to minimize adverse
- 910 environmental impact.
- 911
- 912 2. The access road shall be constructed so as to minimize soil erosion.
- 913
- 914 3. Access roads shall be designed and routed to so as to minimize the loss of
- 915 agricultural crop land.

916
917 4. No tower access road shall cross or otherwise be sited on, in, or within 10
918 feet of wetlands or rivers.

919
920 (b) Tower access roads must conform to the Town of River Falls driveway
921 ordinance.

922
923 (13) SIGNS AND ADVERTISING.

924
925 (a) Appropriate signage shall be posted indicating that trespassing and/or
926 vandalism to the property may be punishable under local, state, or federal
927 statutes.

928
929 (b) The use of any portion of a tower for signs other than warning or equipment
930 information signs is prohibited.

931
932 (14) ACCESSORY BUILDINGS.

933
934 (a) All utility buildings and structures accessory to a tower shall meet the
935 minimum setback requirements of the zoning district of the property.

936
937 (b) Ground mounted equipment shall be screened from view by suitable
938 vegetation, except where a design of non-vegetative screening better reflects
939 and complements the architectural character of the surrounding area or
940 neighborhood. Screening with natural vegetation or fencing, as approved by
941 the Plan Commission, shall be provided along property lines bordering R-1,
942 R-2, A-1, A-2, or C-1 Districts.

943
944
945 (15) STRUCTURALLY UNSAFE TOWERS.

946
947 (a) Any tower found to be structurally unsafe and that cannot be brought into
948 compliance within 180 days must be removed at the owner's expense.

949
950 (16) TOWER REMOVAL.

951
952 (a) The surety bond required in (b) and (c) below is competitively neutral, non-
953 discriminatory, and commensurate with historical records for other facilities.

954
955 (b) If a tower is located on public land, the applicant will be required to post a
956 bond or establish an escrow account that is equal to ten (10) percent of the
957 tower's construction cost, not to exceed \$20,000, to protect the Town's interest
958 in the event the owner fails to remove the tower in a timely manner when
959 required to do so. In the event the owner does not timely remove the tower the
960 Town may do so and charge the cost thereof against the bond posted and any

- 961 balance due shall be assessed against the premises as a special charge and
962 placed on the tax roll.
- 963
- 964 (c) If the tower is located on public land, or if is located in plain sight of public
965 roads or residential areas, the applicant shall be required to restore the tower
966 site to its original condition. This includes the removal of the tower, tower
967 support equipment, accessory buildings, security fences and all other
968 equipment and structures. The applicant is also required to restore or replant
969 native vegetation at the tower site and along the access road.
- 970
- 971 (d) In the event that the tower applicant fails to restore the land to its pre-tower
972 condition to the satisfaction of the Town Board, the applicant shall forfeit its
973 tower removal bond or escrow account.

974

975 (17) LANDSCAPING AND SCREENING.

976

- 977 (a) On-site vegetation should be preserved to the maximum extent practical.
- 978

979 (18) APPLICABILITY.

980

- 981 (a) This section supersedes all other tower ordinances.
- 982
- 983 (b) This section supersedes all other State and County tower regulations except
984 where noted or where such other regulations have legal precedence.
- 985
- 986 (c) This section complies with the requirements of Wisconsin state statute
987 66.0404.
- 988
- 989

990 **17.04 RESIDENCE DISTRICT (R-1).**

991

- 992 (1) USE. In the R-1 District no building or premises shall be used and no building
993 shall hereafter be erected or structurally altered, unless otherwise provided in this
994 chapter, except for one or more of the following uses:
- 995

- 996 (a) Dwelling
- 997

- 998 (b) Churches, schools, libraries, municipal buildings, public recreational and
999 community center buildings and grounds, cemeteries, truck gardening,
1000 nurseries, greenhouses, accessory buildings, private garages and professional
1001 home offices as defined in Section 17.065(2)(b)1 and 2. No mobile homes or
1002 mobile home developments shall be permitted in this district.
- 1003

- 1004 (2) SETBACK. Unless otherwise provided, there shall be a setback line of not less
1005 than 75 ft. Such setback line shall be the minimum horizontal distance between
1006 the street line and the nearest point of a building or any projection thereof,
1007 including uncovered steps.

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**17.05 RESIDENCE AND PLANNED MOBILE HOME
DEVELOPMENT DISTRICT (R-2).**

In the R-2 District no building or premises shall be used and no building shall hereafter be erected or structurally altered, except for one or more of the following uses:

- (1) Any use permitted in the R-1 District.
- (2) A planned mobile home development district for which a permit has been issued under §12.05 of this General Code. Location of mobile homes in a planned mobile home development and setback therein shall be governed by the provisions of §12.05.

17.055 RIGHT TO FARM

- (1) **PURPOSE AND AUTHORITY.** It is the declared policy of the Town of River Falls to conserve and protect agricultural land and to encourage agricultural use within the Township. Where non-agricultural land uses, including but not limited to residential development, extend into or adjoin areas of agricultural land, agricultural users have become the subject of nuisance complaints. As a result, agricultural uses could sometimes be forced to curtail or cease operations, and users therefore discouraged from making investments in farm improvements to the detriment of the economic viability of the Town's agricultural industry as a whole. It is the purpose and intent of this Section to reduce the loss to the Township of its agricultural resources by limiting circumstances under which agricultural uses may be considered a nuisance. This Section is not to be construed as in any way modifying or abridging State law relative to nuisances, but is to be utilized in the interpretation and enforcement of the provisions of this Code and other applicable Town regulations. The Statutory Authority of the Town to enact these regulations was established by Sec. 823.08, Stats., Actions Against Agricultural Uses. The Legislature believes that local units of government, through the exercise of their zoning power, can best prevent such conflicts from arising in the future and the legislature urges local units of government to use their zoning power accordingly.
- (2) **DEFINITIONS.**
 - (a) **AGRICULTURAL LAND** means those lands of the Town which are zoned as A-1 (Exclusive Agriculture) or A-2 (Agriculture Residential).
 - (b) **AGRICULTURAL USE** means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payment in kind; owning land, at least 35 acres of which is enrolled

1055 in the conservation reserve program under 16 USC 3831 to 3836; participating
 1056 in the milk production termination program under 7 USC 1446(d); and
 1057 vegetable raising.
 1058

1059 (c) OWNER means a resident of this state owning land and includes an
 1060 individual, legal guardian, corporation incorporated in this state, business
 1061 trust, estate, trust, limited liability company, partnership or association or 2 or
 1062 more persons having a joint or common interest in the land. However, where
 1063 land is subject to a land contract, it means the vendor in agreement with the
 1064 vendee.
 1065

1066 (d) USE CONSISTENT WITH AGRICULTURAL USE means any activity that
 1067 meets all of the following conditions:
 1068

- 1069 1. The activity will not convert land that has been devoted primarily to
 1070 agricultural use.
 1071
- 1072 2. The activity will not limit the surrounding land's potential for agricultural
 1073 use.
 1074
- 1075 3. The activity will not conflict with agricultural operations on the land
 1076 subject to a farmland preservation agreement.
 1077
- 1078 4. The activity will not conflict with agricultural operations on other
 1079 properties.
 1080

1081 (e) AGRICULTURAL PRACTICE means any activity associated with an
 1082 agricultural use.
 1083

1084 (3) NUISANCE.
 1085

1086 (a) An Agricultural use or an agricultural practice may not be found to be a
 1087 nuisance if all of the following apply:
 1088

- 1089 1. The agricultural use or agricultural practice alleged to be a nuisance is
 1090 conducted on, or on a public right-of-way adjacent to, land that was in
 1091 agricultural uses without substantial interruption before the plaintiff began
 1092 the use of property that the plaintiff alleges was interfered with by the
 1093 agricultural use or agricultural practice.
 1094
- 1095 2. The agricultural use or agricultural practice does not present a substantial
 1096 threat to public health or safety.
 1097

1098 (b) The provisions of this subsection apply without regard to whether a change in
 1099 agricultural use or agricultural practice is alleged to have contributed to the
 1100 nuisance.

1101
1102 (c) No present or future agricultural use or any of its appurtenances (any
1103 equipment, such as tools or instruments used for a specific purpose or task)
1104 conducted or maintained for commercial, private or public purposes and in a
1105 manner consistent with proper and accepted customs and standards of the
1106 agricultural industry on agricultural land shall become or be a nuisance,
1107 private or public, due to any changed condition of the use of adjacent land in
1108 or about the locality thereof, provided that the provisions of this Section shall
1109 not apply whenever a nuisance results from the negligent or improper
1110 operation of any such agricultural use and its appurtenances of the agricultural
1111 activity or appurtenances obstruct the free passage or use in the customary
1112 manner of any navigable lake, stream, river, canal or business or any public
1113 park, square, street or highway.
1114

1115 (4) ROLE OF THE ZONING ADMINISTRATOR.

1116 (a) Anyone may submit a written request to the Zoning Administrator to
1117 determine whether a particular agricultural use constitutes a nuisance. In the
1118 event a dispute arises between the farm owner (or operator) and a resident, (or
1119 residents) in or about the locality thereof, as to whether a particular
1120 agricultural use constitutes a nuisance, an interested party(s) may submit a
1121 written request for issuance of an advisory opinion or to mediate a dispute.
1122 The request shall be made to the Zoning Administrator in writing. Upon
1123 receiving the request, the Zoning Administrator shall provide a copy of the
1124 complaint to the subject of the complaint. The subject of the complaint shall
1125 have 20 days to answer, in writing, a response to the allegation to the Zoning
1126 Administrator. After review of the complainant's comments and the
1127 responsive answer, the Zoning Administrator may call upon professional or
1128 educational agriculture personnel as technical advisor(s) to evaluate the
1129 dispute. The Zoning Administrator's written opinion on the agricultural
1130 practice shall be forwarded to the farm owner (or operator), the complainant,
1131 the Plan Commission, the Town Board and any other individuals deemed
1132 appropriate by the Zoning Administrator, within 60 days of the date of the
1133 original written request.
1134

1135 (b) Any person aggrieved by any decision of the Zoning Administrator regarding
1136 agricultural practices may appeal the decision to the Plan Commission within
1137 30 days of receipt of the Zoning Administrator's final determination.
1138

- 1139 1. The decision of the Plan Commission shall be considered a final
1140 administrative agency decision.
1141
1142 2. If the Zoning Administrator's decision is not appealed with 30 days the
1143 Zoning Administrator's decision shall be binding.
1144
1145 3. All costs associated with such opinions shall be borne by the party
1146 submitting the request and any cost for appeal.

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17.06 FARMLAND PRESERVATION DISTRICT (A-1).

- (1) INTENT. The intent of the A-1 District is to preserve the more productive agricultural soils in larger tracts to maintain agriculture as a permanent, viable land use and to comply with the provisions of the Wisconsin Farmland Preservation Law. Nonfarm residences will be rezoned to Ag-Residential A-2 as the situation arises. The Farmland Preservation Law permits eligible landowners to receive tax credits..
- (2) DESIGNATION. The Farmland Preservation Lands designated A-1 on the Town Zoning Map shall be for the purposes of this section:
 - (a) All those contiguous parcels of 35 or more acres each, under common ownership, that are primarily devoted to agricultural use as defined in Wis. Stat. §91.01(2) and contain 70% or greater land designated as Productive Farmland as rated by United States Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS). As of the date of adoption of this Section, as amended, this information is available at the following website: <http://www.nrcs.usda.gov/wps/portal/nrcs/site/national/home/>. The maps produced by USDA, NRCS designating Productive Farmland shall be the official soil survey maps for the Town. Additional contiguous parcels under the same common ownership with less than 70%, but more than 50%, Productive Farmland will also be included.
 - (b) All those contiguous parcels of 35 or more acres, under common ownership, that are primarily devoted to agricultural use as defined in Wis. Stat. §91.01(2), are included on the Certified Pierce County Farmland Preservation Map for the Town of River Falls, and which score a minimum point total of 30.9 using the Land Evaluation Site Assessment (LESA) system developed by USDA, NRCS to rate site assessment (SA) factors. The SA factors used to evaluate and score for purpose of this subsec. (2)(b) are size of tract of total contiguous commonly owned parcels, compatibility of adjacent land uses, and compatibility of adjacent Farmland Preservation zoning.
 - (c) A farm having a current or previous Farmland Preservation Agreement with the Department of Agriculture, Trade and Consumer Protection (DATCP) or its predecessors.
 - (d) Parcels historically identified as having participated in farmland preservation programs, not currently independently verifiable, but verified by the present parcel owner.
- (3) PERMITTED USES. The following uses are permitted:

- 1194 (a) AA farm residence as defined in Wis. Stat. §91.01(19), or that existed prior to
1195 January 1, 2014. A dwelling lawfully existing upon the date of the adoption of
1196 this section which does not conform to this paragraph may be continued in
1197 residential use and shall not be subject to the limitations imposed or
1198 authorized under this section. A “farm residence” as defined in Wis. Stat.
1199 §91.01(10)(a)2 or 3 is allowed only pursuant to Conditional Use Permit
1200 granted under Section 17.06(4) of Town Code.
1201
- 1202 (b) Agricultural uses, meaning any of the following uses conducted for the
1203 purpose of earning an income or livelihood:
1204
- 1205 1. Crop or forage production,
 - 1206
 - 1207 2. Keeping livestock.
 - 1208
 - 1209 3. Beekeeping.
 - 1210
 - 1211 4. Nursery, sod, or Christmas tree production.
 - 1212
 - 1213 5. Floriculture.
 - 1214
 - 1215 6. Aquaculture.
 - 1216
 - 1217 7. Fur farming.
 - 1218
 - 1219 8. Forest management.
 - 1220
 - 1221 9. Enrollment of land in a federal agricultural commodity payment program
 - 1222 or a federal or state agricultural land conservation payment program.
 - 1223
 - 1224 10. Any other use that the Wisconsin Department of Agriculture, by rule,
 - 1225 identifies as an agricultural use.
 - 1226
- 1227 (c) Accessory uses. As defined in Wis. Stat. §91.01(1), except those specifically
1228 regulated as conditional uses in 17.06(4).
1229
- 1230 1. Any other use that the department, by rule, identifies as an accessory use.
 - 1231
- 1232 (d) In-season roadside stands for the sale of farm products produced on the
1233 premises and up to 2 unlighted signs not larger than 16 sq. ft. for each
1234 advertising sign.
1235
- 1236 (4) CONDITIONAL USES. The following conditional uses may also be allowed in the
1237 Farmland Preservation District, if a conditional use permit is obtained:
1238
- 1239 (a) The owner of the premises may construct one single family dwelling provided

1240 the use is consistent with agricultural use as provided in Wis. Stat. §91.01(2).
 1241 Where application is made by a non-owner, a single family dwelling may be
 1242 permitted, not to exceed one per farm operation, for occupancy by a person or
 1243 family earning more than 50% of his/her/its livelihood from the farm
 1244 operation.
 1245
 1246 (b) Commercial stables that meet Wis. Stat. §91.01(1).
 1247
 1248 (c) Gas and electric utilities that meet Wis. Stat. §91.46(4) unless they are a
 1249 permitted use under Wis. Stat. §91.44(1)(f).
 1250
 1251 (d) Governmental uses that meet Wis. Stat. §91.46(5), such as police and fire
 1252 stations, highway storage garages, solid waste disposal and sewage treatment
 1253 plants, schools, parks and campgrounds, airports and landing strips and
 1254 resource recovery sites.
 1255
 1256 (e) Veterinary supplies and services primarily for livestock.
 1257
 1258 (f) Livestock supply sales, feed and farm implement sales.
 1259
 1260 (g) Horse and riding equipment sales and service.
 1261
 1262 (h) Temporary housing for seasonal farm labor under Wis. Stat. §103.92.
 1263
 1264 (i) Gravel pits, quarries and excavation activities, providing that they are for
 1265 specific projects, primarily for governmental operations or are incident to
 1266 farming operations. All nonmetallic mining must meet Wis. Stat. §91.46(6).
 1267
 1268 (j) Home occupations and professional offices conducted within and accessory to
 1269 single family dwelling and that meet Wis. Stat. §91.01(1).
 1270
 1271 (k) Rural home occupations which meet Wis. Stat. §91.01(1) and the following
 1272 conditions:
 1273
 1274 1. The outside storage area and all vehicles, materials and equipment being
 1275 stored there shall be screened and/or landscaped in such a manner as to
 1276 prevent it from being visible at any time of the year from the road rights-
 1277 of-way, public properties, and surrounding dwellings.
 1278
 1279 2. Rural home occupations shall be limited to existing farm residences or
 1280 structures or portion of the existing farmstead which is not dedicated to
 1281 agricultural uses.
 1282
 1283 (5) PROHIBITED USES. All uses not listed as permitted or conditional uses are
 1284 prohibited including, but not limited to, mobile home parks, dance halls and
 1285 outdoor concerts and structures and improvements inconsistent with agricultural

1286 uses.

1287

1288 (6) STANDARDS FOR CONDITIONAL USES. The Department of Agricultural,
1289 Trade and Consumer Protection shall be notified of the approval of any
1290 conditional uses. In reviewing applications for conditional uses, the Town shall
1291 consider the following criteria:

1292

1293 (a) Purposes of this chapter and the intent of the A-1 Zoning District.

1294

1295 (b) Potential for conflict with agricultural uses.

1296

1297 (c) Need of the proposed use for a location in an agricultural area.

1298

1299 (d) Availability of alternative locations.

1300

1301 (e) Compatibility with existing or permitted uses on adjacent lands.

1302

1303 (f) Productivity of the lands involved.

1304

1305 (g) Location of the proposed use so as to reduce to a minimum the amount of
1306 productive agricultural land converted.

1307

1308 (h) Current and future need for public services created by the proposed use.

1309

1310 (i) Availability of adequate public services and the ability of affected local units
1311 of government to provide them without an unreasonable burden.

1312

1313 (j) Effect of the proposed use on water or air pollution, soil erosion and rare or
1314 irreplaceable natural resources.

1315

1316 (7) APPLICATION FOR CONDITIONAL USE PERMITS. This subsection permits
1317 the application for a conditional use permit in the Farmland Preservation District.
1318 Such an application for conditional use shall be filed with the Zoning
1319 Administrator. Thereupon, the matter shall be referred to the Plan Commission for
1320 public hearing and recommendation. The recommendation of the Plan
1321 Commission shall be submitted to the Town Board for final hearing and actions.
1322 The hearings shall be preceded by the notice required under §17.10 of Town
1323 Code.

1324

1325 (8) CONDITIONS WHICH MAY BE ATTACHED TO CONDITIONAL USES.

1326

1327 (a) Upon consideration of information supplied at the public hearing and a review
1328 of the standards contained in sub. (6) above, the following conditions may be
1329 attached to the granting of a conditional use:

1330

1331 1. Increased setbacks and yards.

1332

- 1333 2. Specifications for water supply, liquid waste and solid waste disposal
1334 facilities.
1335
- 1336 3. Landscaping and planting screens, sureties, operational controls and time
1337 of operation.
1338
- 1339 4. Air pollution controls, erosion prevention measures.
1340
- 1341 5. Reclamation measures and performance bonds.
1342
- 1343 6. Special inspections.
1344
- 1345 7. Additional fees to offset public costs of administering, monitoring and
1346 enforcing conditions.
1347
- 1348 8. Location of the use.
1349
- 1350 9. Similar requirements found necessary to fulfill the purpose and intent of
1351 this section.
1352
- 1353 (b) Violation of the conditions shall constitute a violation of this section as
1354 provided in Section 17.15 of Town Code.
1355
- 1356 (9) HEIGHT, AREA AND SETBACK REQUIREMENTS.
1357
- 1358 (a) General building requirements, unless otherwise specified.
1359
- 1360 (b) Minimum lot area for a residence or farm operation is 35 acres, except as
1361 provided below:
1362
- 1363 1. The minimum lot area for an additional dwelling for persons earning more
1364 than 50% of their livelihood from the farm operation or parents or children
1365 of the farm operator shall be 2 acres.
1366
- 1367 2. The minimum lot area for farm dwellings or structures existing before
1368 January 1, 2014 and which are separated from a larger parcel through farm
1369 consolidation may be up to 5 acres, but not less than 2 acres.
1370
- 1371 3. Non-farm residences can be built in the A-1 district only if they are issued
1372 a conditional use permit in accordance with Wis. Stat. §91.46(2)(c). Any
1373 building, structure or accessory use or building may be erected on any
1374 single lot of record at the effective date of adoption or amendment of this
1375 chapter, except that all other provisions of this chapter shall apply. Such
1376 lot shall be in separate ownership. This provision shall apply even though
1377 such lots fail to meet the requirements for area, width or both that are
1378 applicable in the district, provided that yard dimensions and requirements

1379 other than those previously stated shall conform to the regulations for the
1380 district. Variance of yard requirements shall be obtained through action of
1381 the Board of Appeals.
1382

1383 (10) MINIMUM LOT SIZE, BUILDING HEIGHT AND YARD REQUIREMENTS
1384 FOR CONDITIONAL USES. The minimum lot size, building height and yard
1385 requirements for conditional uses shall be specified in the conditional use permit,
1386 but in no case shall the side yard requirement be less than 50' and the front yard
1387 requirement less than the distance specified in the general provisions of this
1388 section.
1389

1390 (11) BUILDING RESTRICTIONS ON PRIME FARMLAND OR FARMLAND OF
1391 STATEWIDE IMPORTANCE, CLASS I-III.
1392

1393 (a) No dwellings shall be erected on land classified as Prime Farmland or
1394 Farmland of Statewide Importance, also known as Class I, II, or III, by the
1395 Natural Resources Conservation Service, a division of the U.S. Department of
1396 Agriculture, as shown on the official soil survey maps for the Town.
1397

1398 (b) Building restrictions on soils classified as Prime Farmland or Farmland of
1399 Statewide Importance.
1400

1401 1. Natural Resources Conservation Service (NRCS) Digital Soil Survey
1402 adopted. The NRCS Soil Survey and definitions, and all amendments
1403 thereto, is adopted and incorporated by reference and shall apply to the
1404 placement, location and erection (i.e., the "siting") of all dwellings.
1405

1406 2. All dwellings shall be sited on or touching "Not Prime Farmland" as
1407 identified and delineated in the latest NRCS Web Soil Survey of the
1408 Town, or "Not Prime Farmland" that has been identified and mapped by a
1409 certified professional soil scientist. The presence of "Not Prime Farmland"
1410 shall be demonstrated by no fewer than three (3) soil tests located no less
1411 than 40 feet apart from one another. If "Not Prime Farmland" has been
1412 verified as being present on a parcel the Town Board may grant Alternate
1413 Site Approval, at its discretion, following recommendation of the Plan
1414 Commission.
1415

1416 a. Submittal of a delineation of "Not Prime Farmland" by a certified
1417 professional soil scientist shall be accompanied by:
1418

1419 i. Name and address of owner.
1420

1421 ii. Map of survey or proposed Certified Survey Map (CSM) of site
1422 with soils data clearly delineated.
1423

1424 iii. A current copy of the credentials of the certified professional soil
1425 scientist who identified and delineated soils present on the site.

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3. Alternate Site Approval may be granted by the Town Board, at its discretion, if the alternate site is productive farmland and, if the driveway length is reduced by a least fifty percent (50%); or, if utilization of an otherwise compliant site would require crossing a permanent stream or traversing an existing forested area; or if the compliant site is in excess of 20% slope; or use of the compliant site would result in greater disturbance of soils defined as “Prime” than the alternate site. Where an alternate site has replaced a compliant site, the otherwise compliant site cannot be used as a site for dwellings.

a. Application for Alternate Site Approval shall be made to the Town Zoning Administrator and reviewed by the Town Plan Commission which shall formulate a recommendation prior to Town Board consideration. Application shall be made on forms provided by the Zoning Administrator and shall contain the following:

- i. Name and address of owner.
- ii. NRCS Soil Survey Map of compliant site and proposed alternate site.
- iii. An accurately drawn plot plan that shows the entire parcel including present and proposed buildings.
- iv. A narrative explaining why the proposed alternate site is superior to the compliant site.
- v. A non-refundable fee, in an amount which shall be established from time to time by the Town Board.

(c) Restriction Exception. In the event of a fire, storm or other casualty causing destruction or substantial damage to any single family dwelling house and/or garage existing in the Town prior to January 1, 2014, which damage or destruction is sufficient to render such dwelling house uninhabitable, the owner or occupant of such dwelling and/or garage shall be able to rebuild on said farm regardless of soil classification. The uninhabitable house and/or garage must be removed.

(12) All new livestock facilities over 500 animal units, and existing livestock facilities which expand more than 20% after May 1, 2006, which will have over 500 animal units in total, shall be subject to the Livestock Facility Siting rules, regulations and provisions as set forth in § 93.90 Wisconsin Statutes, and Chapter ATCP 51, Wisconsin Administrative Code, and any and all amendments made thereto.

1472 (13) AMENDMENTS.
1473

1474 (a) The Town may amend the districts and regulations in accordance with Wis.
1475 Stat. §62.23(7a)(f).
1476

1477 1. In addition, when considering an amendment of the Farmland Preservation
1478 Zoning District (A-1), the procedures and standards listed in 12(a)2.a-i of
1479 Town Code shall be used.
1480

1481 2. The Department of Agriculture, Trade and Consumer Protection shall be
1482 notified of all rezonings by March 1 of the following year per Wis. Stat.
1483 §91.48(2). Pierce County Land Management also shall be notified by
1484 March 1 of the following year per Wis. Stat. §91.48(3). All rezones out of
1485 the certified district must meet Wis. Stat. §91.48(1). Decisions on petitions
1486 for rezoning areas zoned for Farmland Preservation shall be based on
1487 findings which consider:
1488

1489 a. Adequacy of existing or proposed facilities to serve the development.
1490

1491 b. Burden upon the local government by providing these facilities.
1492

1493 c. Suitability of the land for development.
1494

1495 d. Air and water pollution, soil erosion or adverse effects on rare or
1496 irreplaceable natural areas which the development causes.
1497

1498 e. Potential for conflict with remaining agricultural uses in the area.
1499

1500 f. Need of the proposed development for a location in an agricultural
1501 area.
1502

1503 g. Availability of alternative locations.
1504

1505 h. Productivity of the agricultural lands involved.
1506

1507 i. Location of the proposed development to minimize the amount of
1508 agricultural land converted.

1509 **17.065 AGRICULTURAL RESIDENTIAL DISTRICT (A-2).**
1510

1511 (1) PURPOSE. The Agriculture Residential District is intended to preserve
1512 productive farmlands and to protect farming operations from conflicting land
1513 uses. Further, this District is designed to prevent the inefficient spread of urban
1514 development into agricultural areas that are inadequately served by public
1515 facilities.
1516

1517 (2) PERMITTED USES.

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- (a) In the Agricultural Residential District no structure or premises shall be used and no structure shall hereafter be erected or structurally altered, unless otherwise provided in this Chapter, except for one or more the following uses:
 - 1. Forestry, nurseries, orchards, specialty cropping, and similar agricultural production operations.
 - 2. In season removable roadside stands for the sale of farm products produced on the premises, and up to 2 signs not larger than 10 sq. ft. each for advertising the permitted roadside stand.
 - 3. Farm dwellings which serve as the principal residence for the owner, operators and employees of the agricultural enterprise.
 - 4. General farming including raising and caring for livestock.
 - 5. Dwellings and accessory buildings.
- (b) Professional home offices and rural home occupations.
 - 1. Professional home offices, and the following rural home occupations: activities such as cabinet making, auto and auto body repair, retail sales, pottery manufacturing, day care and baby-sitting, real estate sales, insurance sales, laundering, beauty shops, barber shops, gunsmithing, jewelry making, the making of crafts, dance studios, woodcarving studios, outboard motor and small engine repair, lawn care and/or landscaping, upholstering, dressmaking, curtain making and other such similar activities. Any rural home occupation conducted in the agricultural residential district must be consistent with, and is restricted by, the definition of same in Section 17.01(3).
 - 2. The professional home offices and rural home occupations specified above are permitted within a single dwelling unit provided that no more than 25% of total floor space is used for the home or farm based occupation or within a single detached accessory structure or outbuilding up to 1000 sq. ft. in total floor area, and where no equipment, supplies, miscellaneous items, raw materials, items to be sold or repaired, or other items associated outside of the allowable indoor floor area. The parcel must be at least 5 acres in area and be located in the Agricultural Zoning District. Property line setbacks must be at least 100 ft. when adjoining any parcel located in the Residential Zoning Districts. There shall be no more than two rural home occupations or professional home offices per lot. Normal, customary and permitted agricultural uses or practices may continue without restriction.
- (3) PROHIBITED USES.

- 1565
- 1566 (a) No trailer camps or planned mobile home developments shall be permitted in
- 1567 the Agricultural District.
- 1568
- 1569 (b) Building restrictions on prime farmland or farmland of statewide importance,
- 1570 Class I-III.
- 1571
- 1572 1. No dwellings shall be erected on land classified as Prime Farmland or
- 1573 Farmland of Statewide Importance, also known as Class I, II, or III, by the
- 1574 Natural Resources Conservation Service, a division of the U.S.
- 1575 Department of Agriculture, as shown on the official soil survey maps for
- 1576 the Town.
- 1577
- 1578 2. All dwellings shall be sited on or touching "Not Prime Farmland" as
- 1579 identified and delineated in the latest NRCS Web Soil Survey of the
- 1580 Town, or "Not Prime Farmland" that has been identified and mapped by a
- 1581 certified professional soil scientist. The presence of "Not Prime Farmland"
- 1582 shall be demonstrated by no fewer than three (3) soil tests located no less
- 1583 than 40 feet apart from one another. If "Not Prime Farmland" has been
- 1584 verified as being present on a parcel the Town Board may grant Alternate
- 1585 Site Approval, at its discretion, following recommendation of the Plan
- 1586 Commission.
- 1587
- 1588 a. Submittal of a delineation of "Not Prime Farmland" by a certified
- 1589 professional soil scientist shall be accompanied by:
- 1590
- 1591 i. Name and address of owner.
- 1592
- 1593 ii. Map of survey or proposed Certified Survey Map (CSM) of site
- 1594 with soils data clearly delineated.
- 1595
- 1596 iii. A current copy of the credentials of the certified professional soil
- 1597 scientist who identified and delineated soils present on the site.
- 1598
- 1599 3. All non-farm buildings shall be sited on or touching "Not Prime
- 1600 Farmland" as identified and located in the latest NRCS Web Soil Survey
- 1601 of the Town unless the Town Board of Supervisors has granted Alternate
- 1602 Site Approval. Alternate Site Approval may be granted by the Town
- 1603 Board if the alternate site is "Farmland of Statewide Importance" (Class
- 1604 3); and if the driveway length is reduced by a least fifty percent (50%); or,
- 1605 if utilization of an otherwise compliant site would require crossing a
- 1606 permanent stream or traversing an existing forested area; or if the
- 1607 compliant site is in excess of 20% slope; or use of the compliant site
- 1608 would result in disturbance of soils defined as "Prime" and the alternate
- 1609 site would not Where an alternate site has replaced a compliant site, the
- 1610 otherwise compliant site cannot be used as a site for non-farm buildings.

- 1611
- 1612 a. Application for Alternate Site Approval shall be made to the Town
- 1613 Zoning Administrator and reviewed by the Town Plan Committee
- 1614 which shall formulate a recommendation prior to Town Board
- 1615 consideration. Application shall be made on forms provided by the
- 1616 Zoning Administrator and shall contain the following:
- 1617
- 1618 i. Name and address of owner.
- 1619
- 1620 ii. NRCS Soil Survey Map of compliant site and proposed alternate
- 1621 site.
- 1622
- 1623 iii. An accurately drawn plot plan that shows the entire parcel
- 1624 including present and proposed buildings.
- 1625
- 1626 iv. A narrative explaining why the proposed alternate site is superior
- 1627 to the compliant site.
- 1628
- 1629 v. A non-refundable fee, in an amount which shall be established
- 1630 from time to time by the Town Board.
- 1631
- 1632 4. If an attached deck or garage is used to achieve the requirements of
- 1633 Section 17.065(3)(b)(2) above, the footings for the deck or garage must be
- 1634 installed at the same time as the main structure.
- 1635
- 1636 5. If an attached deck or garage is used to achieve the requirements of
- 1637 Section 17.065(3)(b)(2) above, the dimensions of this attachment cannot
- 1638 exceed the main floor of the main structure in length or width.
- 1639
- 1640 6. In the event of a fire, storm or other non-self-imposed casualty causing
- 1641 destruction or substantial damage to any single family dwelling house
- 1642 and/or garage existing in the Town prior to August 7, 2000, which damage
- 1643 or destruction is sufficient to render such dwelling house and/or garage
- 1644 uninhabitable, the owner or occupant of such dwelling house and/or
- 1645 garage shall be allowed to rebuild a dwelling house and/or garage, as the
- 1646 case may be, within 100 feet of the previous dwelling on said farm
- 1647 regardless of soil classification. The uninhabitable house and/or garage
- 1648 must be removed prior to reconstruction of the new dwelling house or
- 1649 garage.
- 1650
- 1651 7. If an owner desires to replace an existing non-farm building located on
- 1652 soils classified as Prime Farmland or Important Farmland, the existing
- 1653 structure can be removed only after written approval by the Town Zoning
- 1654 Administrator. Where permission is granted by the Zoning Administrator
- 1655 to remove an existing structure, the existing structure must be removed
- 1656 prior to its replacement. When the non-farm building to be replaced is a

- 1657 dwelling, the Board may grant the owner or applicant a period not
1658 exceeding one hundred eighty (180) days to remove the existing structure
1659 following issuance of an occupancy permit for the new residence. The
1660 Board shall establish the date by which the removal must be completed in
1661 such an instance. The new dwelling shall be within 100 feet of the old
1662 dwelling and meet current setbacks.
1663
- 1664 8. If the owner or applicant can prove that a residence existed on Prime
1665 Farmland and/or Important Farmland prior to the establishment of this
1666 ordinance (such proof can be official records or remains of an existing
1667 residence) a non-farm building may be permitted by the Town Board on
1668 Prime Farmland and/or Important Farmland within 100 feet of the old
1669 structure. Such proof shall be presented to the Plan Commission for their
1670 recommendation to the Town Board. The overall permitted density of lots
1671 per quarter quarter section as set forth elsewhere in this Chapter is
1672 otherwise unaffected.
1673
- 1674 9. Where an owner or applicant has obtained written dwelling site approval,
1675 subsequent changes in soil classification shall not result in cancellation or
1676 revocation of such site approval. Where written site approval is granted
1677 by the Town the approved site shall be considered one "lot" for purpose of
1678 establishing maximum density under Section 17.065(6).
1679
- 1680 10. No site approval will be given under this subsection where the parcel upon
1681 which the proposed single-family residence and/or garage is located if the
1682 parcel is under 15 acres in area, unless the parcel has a legal description
1683 established by Certified Survey Map or is a separate, pre-existing legal
1684 description with separate tax parcel number.
1685
- 1686 a. No rural home occupation or professional home offices shall be
1687 allowed unless granted a conditional use permit by the Town Board,
1688 after a public hearing. The Town Board may, at its discretion, apply
1689 conditions to that permit. Examples of these conditions could include,
1690 but not be limited to the following: driveway standards, excessive
1691 traffic, septic inspection, fencing or screening, health or safety
1692 considerations, letter of intent to include, but not be limited to, general
1693 services, typical hours of operation, presence of chemicals or
1694 hazardous materials and waste. Permits may not be transferred from
1695 one owner to another. A new permit must be obtained by each owner.
1696
- 1697 (4) NUMBER OF EMPLOYEES.
1698
- 1699 (a) Not more than 2 full time equivalent employees associated with the home or
1700 farm based occupation, who are not residents of the parcel, may be employed.
1701
- 1702 (5) CONDITIONAL USES.
1703

- 1704 (a) Enterprises engaged in the sale and service of machinery used in agricultural
1705 production.
1706
- 1707 (b) Facilities for the centralized bulk collection, storage, and distribution of
1708 agricultural products to wholesale and retail markets.
1709
- 1710 (c) Storage and sale of seeds, feeds, and similar products essential to agricultural
1711 production.
1712
- 1713 (d) Bed and Breakfast Inns.
1714
- 1715 (e) Other uses essential for the support of agricultural production, provided such
1716 uses do not conflict with the purposes of the Agriculture District.
1717
- 1718 (f) Structures exceeding 35 ft. in height.
1719
1720
- 1721 (6) LOTS. (Cr. 10/19/98)
1722
- 1723 (a) There shall be no more than 4 lots per quarter quarter section (as laid out in
1724 the system of rectangular survey relating to base lines established by the
1725 Federal Government).
1726
- 1727 (b) A quarter quarter section is not merely an aggregate 40 acre parcel of real
1728 estate, rather it is what is typically known as a forty being synonymous with a
1729 quarter quarter section.
1730
- 1731 (c) Minimum lot areas. The minimum lot area shall be 2 acres. All residential
1732 lot sizes shall comply with ILHR 85 of the Wisconsin Administrative Code.
1733
- 1734 (d) Only one single family residence shall be permitted per lot.
1735
- 1736 (e) Minimum Yards.
1737
- 1738 1. Side & Rear. The minimum side and rear yard shall be 10 ft. as measured
1739 from the lot line to the nearest point of the structure.
1740
- 1741 (7) BUILDINGS.
1742
- 1743 (a) Height. No building structure or sign shall exceed 35 ft. in height above the
1744 grade elevation except as provided in subsection (7)(a)1.
1745
- 1746 1. Agricultural structures such as silos, barns, and grain storage
1747 buildings or grain elevators.
1748
- 1749 (b) Duplexes will not be allowed.
1750

1751 (8) Livestock facilities with over 500 animal units shall not be permitted in the
1752 Agriculture Residential District. They are permitted only in the Farmland
1753 Preservation District.

1754

1755 **17.07 COMMERCIAL DISTRICT (C-1).**

1756

1757 (1) **PURPOSE.** The Commercial District provides an area for commercial, business
1758 and professional service uses and other areas of compact development served by
1759 private or public sewage systems as specified in ILHR 85 of the Wisconsin
1760 Administrative Codes.

1761

1762 (2) **PERMITTED.**

1763

1764 (a) By way of illustration, and not exclusion, the following and like business
1765 services are permitted: appliance dealers; art, gift, jewelry and notions shops;
1766 bakeries, insurance and real estate offices; barber shops; beauty parlors; banks
1767 and financial institutions; clinics; clothing stores; drug stores and pharmacies;
1768 eating and drinking establishments; florists; food lockers; fruit, vegetable,
1769 meat, fish, grocery supermarkets, and other retail food stores; furniture,
1770 department, and hardware stores; hotels, motels, motor lodges, and inns;
1771 laundries and dry cleaners; liquor stores; music, radio and television stores,
1772 news-stands; offices; optical stores; parking lots; places of entertainment;
1773 retail stores; sporting goods stores; clubs, fraternal organizations, and lodges
1774 operated for profit; vehicular sales and service; gasoline stations; funeral
1775 homes; municipal buildings; mini-storage or self-storage facilities; and
1776 security fences.

1777

1778 (3) **PARKING REQUIREMENTS.**

1779

1780 (a) One space per 200 sq. ft. of building.

1781

1782 (4) **SIGN REGULATIONS.**

1783

1784 (a) Any sign being erected must follow the regulations in Section 17.13 of this
1785 Code.

1786

1787 (5) **EROSION CONTROL.**

1788

1789 (a) The erosion control regulations in Section 17.12 must be followed.

1790

1791 (6) **SITE PLAN.**

1792

1793 (a) When an application for a use permit is submitted, the owner or developer
1794 shall also submit a site plan of the proposed development (following Section
1795 17.035 of this Code) showing the location of the building, required setback lines,
1796 internal streets and parking areas, landscaping, screening, adequate street

lighting, and other information as may be required by the Plan Commission. No use permit shall be issued unless the site plan has been approved by the Plan Commission and the Town Board.

17.075 LARGE SCALE RETAIL DEVELOPMENT

- (1) The magnitude of large-scale retail developments poses unique challenges to the community due to size, impact on traffic circulation, parking, storm water facilities, and visual impact on the community that sets them apart from smaller establishments within the Town commercial zoning districts. Pursuant to the Authority of Section 62.23 (3), Wis. Stats., this Section is created to establish requirements which further the goal of guiding and accomplishing coordinated harmonious development of large scale retail development within the Town. Specifically, the requirements created by this ordinance are to ensure that large-scale retail developments are compatible with surrounding land uses and contribute to the unique community character of River Falls as well as to its aesthetics and the health, safety, and general welfare of the Town and its citizens are protected.
- (2) Definitions. The following definitions shall control interpretation and application of this ordinance:
 - (a) ACCESSORY STRUCTURE means structures, which are subordinate to the principal structure used as a large retail establishment, including but not limited to garages, sheds, automobile maintenance centers or storage or maintenance facilities.
 - (b) ADJOINING RESIDENTIAL PROPERTY means a lot, parcel or other legal division of land which is zoned residential or on which a single or multiple family dwelling is located, whether consistent with or inconsistent with current zoning regulations, or could be located consistent with current zoning regulations.
 - (c) BUILDINGS means a structure with walls and a roof, which are suitable for use by humans or for storage.
 - (d) COMMERCIAL ESTABLISHMENT means a retail business consisting of on or more retail operations, stores, or shops, whether jointly or separately owned or operated, doing business from a principal structure subject to this ordinance.
 - (e) FAÇADE means each side of a principal structure subject to this ordinance.
 - (f) FRONT CORNERS mean each corner of the side of the principal structure, which faces the public street on which its main customer entry or entries are located.

- 1844 (g) GROSS FLOOR AREA means the square footage of all space contained
1845 within the exterior walls of the principal structure.
1846
- 1847 (h) LARGE RETAIL ESTABLISHMENT means a commercial establishment,
1848 further defined under (d), above, whose gross floor area equals or exceeds
1849 25,000 square feet.
1850
- 1851 (i) OPEN AREA means that portion of a lot, parcel, or other legal division of
1852 land used as a large retail establishment, but which does not consist of
1853 structures or buildings.
1854
- 1855 (j) OUTDOOR STORAGE OR SERVICE AREA means an area not situated in a
1856 building or structure used for the storage or processing of solid waste,
1857 maintenance equipment or other materials.
1858
- 1859 (k) OWNER means the owner, or developer of a large retail establishment.
1860
- 1861 (l) PRINCIPAL STRUCTURE means the main structure on the lot, parcel or
1862 other legal division of land used for the conduct of a commercial
1863 establishment referred to herein as a large retail establishment.
1864
- 1865 (m) PROJECT SITE means the lot, parcel or other legal division of land on which
1866 a large retail establishment is located.
1867
- 1868 (n) STRUCTURE means anything man made which is constructed or erected
1869 having a location on or attached to something having a location on or under
1870 the ground, including but not limited to a building.
1871
- 1872 (3) Applicability. Each retail commercial establishment with a gross floor area of
1873 25,000 square feet or more shall conform to the following development standard
1874 in addition to all other applicable requirements enforced pursuant to ordinances,
1875 rules, regulations, and laws. Any building in existence as of (insert date of
1876 adoption) shall comply with this ordinance if an addition constructed exceeds fifty
1877 (50) percent of the original gross floor area and the total gross floor area after
1878 construction equals or exceeds 25,000 square feet.
1879
- 1880 (4) Zoning. Classifications of Large Retail Establishments: Large retail
1881 establishments shall be located only upon land which is zoned commercial. Large
1882 retail establishments whose gross floor areas are equal to or exceeds 25,000
1883 square feet and less than 150,000 square feet shall comply with the requirements
1884 of this Section while those which exceed 150,000 square feet in gross floor area
1885 shall be required to apply for and receive a conditional use permit from the Town
1886 Board which shall apply the standards of the General Code of Ordinances, in
1887 addition to those set forth herein, in determining whether to grant such permit.
1888
- 1889 (5) Application for Conditional Use Permit for a Large-Scale Retail Development

1890 Larger than 150,000 Square Feet. An application for conditional use shall be filed
 1891 with the Zoning Administrator. Thereupon the matter shall be referred to the
 1892 Planning Commission for public hearing and recommendation. The
 1893 recommendation of the Planning Commission shall be submitted to the Town
 1894 Board for final hearing. The hearings shall be preceded by notice required under
 1895 Section 17.10.
 1896

1897 (6) Professional Fees & Disbursements. Each retail commercial establishment with
 1898 25,000 square feet shall pay a fee to the Town Clerk equal to the actual costs to
 1899 the Town for the professional fees and disbursements incurred by the Town by
 1900 reason of the review and proposed use and improvements by any professional
 1901 employees and consultants, including without limitation by way of enumeration,
 1902 the planner, engineer, surveyor, ,attorney and any other professional employees or
 1903 consultants hired by the Town with respect to consideration thereof. This shall
 1904 include, without limitation by way of enumeration, the following:
 1905

1906 (a) Review of such application and proposed use and improvements and the plans
 1907 therefore.
 1908

1909 (b) Inspection of the site and the improvements as and after such improvements
 1910 are constructed.
 1911

1912 (c) Tests and other evaluations deemed necessary by such professional employees
 1913 and consultants for their review and inspection.
 1914

1915 (d) Drafting or other preparation of any written opinions, advice and suggestions
 1916 with respect thereto.
 1917

1918 (e) Drafting and preparation of any ordinances, resolutions, contracts, agreements
 1919 and other documents with respect thereto.
 1920

1921 (f) Attendance at public meetings or hearings and telephone and actual
 1922 conferences.
 1923

1924 (g) Any other professional services and disbursements charged to the Town which
 1925 were necessitated by the submission and review of such application and
 1926 proposed use and improvements, and construction of improvements and
 1927 erosion and sediment control measures therein.
 1928

1929 (7) Design Standards. The development shall meet all design standards of this
 1930 section and shall be subject to such other regulation and standards as directed by
 1931 the Town Board.
 1932

1933 (a) Architectural Style. Architectural style shall be coordinated to create visual
 1934 cohesiveness. Within the development collectively constituting the large
 1935 retail establishment, all buildings, the principal structure, accessory structures,
 1936 canopies, parking lots and other open spaces as well as signs shall be of a

- 1937 unified design.
- 1938
- 1939 (b) Building Setbacks. The minimum setback for building facades shall be thirty-
- 1940 five (35) feet as measured from the nearest property line. No structure or
- 1941 building may be placed between the setback line and a property line unless
- 1942 approved as part of a Planned Unit Development.
- 1943
- 1944 (c) Building Height. Maximum height shall not exceed thirty-five (35) feet.
- 1945
- 1946 (d) Building Width and Facade. Facades greater than one hundred (100) feet in
- 1947 length shall incorporate wall plan projections or recesses having a depth of at
- 1948 least three (3) percent of the length of the facade and extending at least twenty
- 1949 (20) percent of the length of the facade. No uninterrupted length of any
- 1950 facade shall exceed one hundred (100) horizontal feet.
- 1951
- 1952 (e) Facade and Exterior Walls. Ground floor facades that face public streets shall
- 1953 have arcades, display windows, entry areas, awnings and other such design
- 1954 features as may be selected by the owner along no less than sixty (60) percent
- 1955 of their horizontal length. Where large retail establishments contain
- 1956 separately owned stores with separate exterior customer entrances the street
- 1957 level facade and facades that face the main entry to the establishment shall be
- 1958 transparent between the height of three (3) feet and eight (8) feet above the
- 1959 walkway grade no less than sixty (60) percent of the horizontal length of the
- 1960 building facade.
- 1961
- 1962 (f) Rear Facades/Delivery Loading Operations. Delivery/loading operations shall
- 1963 be screened from public areas by landscaping or walls of not less than six (6)
- 1964 feet in height, constructed of the same materials as are used in the principal
- 1965 structure.
- 1966
- 1967 (g) Optional rear entrances are encouraged, but not required. In the event that the
- 1968 owner desires or intends to facilitate delivery, loading, trash removal or
- 1969 compaction or other similar noise producing activities between the hours of
- 1970 10:00 p.m. and 6:00 a.m., the owner shall submit evidence of the placement of
- 1971 appropriate sound barriers which shall effectively reduce noise emissions to a
- 1972 level of forty-five (45) dB as measured at the lot line of any adjoining
- 1973 residential property.
- 1974
- 1975 (h) Entries. Each large retail establishment shall have a clearly defined, highly
- 1976 visible customer entrance featuring no less than three (3) of the following as
- 1977 determined by the Town Board.
- 1978
- 1979 1. Canopies or Porticos
- 1980
- 1981 2. Overhangs
- 1982

1983	3. Recess/Projections
1984	
1985	4. Arcades
1986	
1987	5. Raised Cornice Parapets over the Door
1988	
1989	6. Peaked Room Forms
1990	
1991	7. Arches
1992	
1993	8. Outdoor Patios
1994	
1995	9. Display Windows
1996	
1997	10. Architectural details such as tile work and molding, which are integrated
1998	into the building structure and design.
1999	
2000	11. Integral Planters or Wing Walls. Each large retail establishment may
2001	install planters or wing walls that incorporate landscaped areas and/or
2002	places for sitting.
2003	
2004	(i) Where all facades of a large retail establishment directly face two (2) abutting
2005	public streets, this requirement shall apply to only two (2) sides of the
2006	structure, including the side of the structure facing the primary street and
2007	another side of the structure facing a second street.
2008	
2009	(j) Roof Treatment. Roofs shall have no less than two (2) of the following
2010	features:
2011	
2012	1. Parapets concealing flat roofs and roof top equipment such as HVAC units
2013	from public view. The average height of such parapets shall not exceed
2014	fifteen (15) percent of the height of the supporting wall and such parapets
2015	shall not at any point exceed one third (1/3) of the height of the supporting
2016	wall. Such parapets shall feature three-dimensional cornice treatments.
2017	
2018	2. Overhanging eaves, extending no less than three (3) feet past the
2019	supporting walls.
2020	
2021	3. Surface coverings on flat roofs shall be of material that is non-reflective
2022	and non-glare. Heavy-duty contoured asphalt shingles, cedar shakes, and
2023	and standing seam metal roofing materials are acceptable for pitched
2024	roofs.
2025	
2026	4. Sloping roofs that do not exceed the average height of the supporting
2027	walls, with an average slope greater than or equal to one (1) foot of the
2028	vertical rise for every one foot of horizontal run.
2029	

2030 5. Three (3) or more roof slope planes.
2031
2032 (k) Awnings and Canopies. Awnings and canopies shall be considered part of the
2033 establishment's open area. Awnings and canopies that are part of an arcade
2034 shall constitute at least fifty (50) percent of the length of the arcade.
2035 Internally illuminated awnings are prohibited.
2036
2037 (l) Mechanical Equipment. All rooftop equipment shall be screened from view
2038 from adjacent streets, public right-of-ways, and adjacent properties. Rooftop
2039 equipment shall be screened by the building parapet or located out of view
2040 from the ground. If this is deemed not feasible by the Planning Commission
2041 the equipment may be grouped within a single enclosure as permitted by the
2042 Planning Commission. This structure shall be set back a distance of one and
2043 one half (1-1/2) times the height of any façade fronting a public street.
2044 Screens shall be of durable materials (not including wood) that are compatible
2045 with the primary building materials.
2046
2047 (m) If an outdoor storage or service area faces an adjacent residential area, public
2048 street alley or walkway, it shall be screened from view by masonry walls or an
2049 earthen berm five (5) feet wide and plant material at least five (5) feet in
2050 height. Screen walls shall be architecturally compatible with the principal
2051 structure.
2052
2053 (n) Parking Lot Layout. No more than fifty (50) percent of the off street parking
2054 area for the lot, tract, or area of the land devoted to the large retail
2055 establishment shall be located between the front facade of the large retail
2056 establishment and the abutting streets.
2057
2058 1. The front parking area shall be determined by extending a line from the
2059 front corners of the principal structure to the nearest property corners. If
2060 any such line, when connected to the plan of the front facade of the
2061 principal structure creates an angle greater than one-hundred-eighty (180)
2062 degrees then the line shall be adjusted to create an angle of one-hundred-
2063 eighty (180) degrees when connected to the plan of the front facade of the
2064 principal structure.
2065
2066 2. If any such line when connected to the plan of the front facade of the
2067 principal structure creates an angle less than ninety (90) degrees, then the
2068 line shall be adjusted to create an angle of ninety (90) degrees when
2069 connected to the plan of the front facade of the principal structure.
2070
2071 3. Parking areas shall be designed so that no more than one hundred (100)
2072 parking spaces are part of a clearly delineated grouping of spaces of the
2073 total required spaces. Such groups shall be separated by landscaping or
2074 weather protected pedestrian walkways, significant landscape or
2075 geographic features and/or design components of the proposed building.
2076

- 2077 4. Six spaces per 1,000 square feet of an integrated center shall be required.
2078 However, 25 percent of the required spaces shall be maintained as grass
2079 and shall be reserved for future parking development and shall not be
2080 improved to ordinance standards until a demonstrated need requires
2081 improvement. A demonstrated need shall be documented by the developer
2082 and approved by the Planning Commission. The Planning Commission
2083 shall also have the authority to require development of reserved spaces at
2084 any time.
2085
- 2086 (o) Landscaping and Screening of Parking Areas. Landscaped green areas within
2087 parking lots include landscaped walkways, driveways, separators, parking lot
2088 islands, and linear landscape features shall, at a minimum, comprise an area
2089 equal to ten (10) percent of the paved parking area within the development,
2090 including driveways.
2091
- 2092 1. Shrubs and ground covers shall comprise fifty (50) percent of the required
2093 parking lot landscape areas and no individual required landscape area shall
2094 be devoid of shrubs or ground cover.
2095
- 2096 2. Parking lots shall provide a minimum of one (1) tree per ten (10) parking
2097 spaces. At least fifty (50) percent of these trees must be shade trees. Rows
2098 of parking shall be broken every ten (10) spaces by a landscape break a
2099 minimum of seven feet in width.
2100
- 2101 (p) General Landscaping and Screening. Where any facade faces an adjoining
2102 residential property, an earthen berm no less than six (6) feet in height
2103 containing, at a minimum, evergreen trees planted at intervals of twenty (20)
2104 feet on center, or in clusters or clumps shall be provided.
2105
- 2106 1. Where the large retail development directly abuts residential properties, a
2107 six foot high screening wall shall be required. Where visible from any
2108 right-of-way these walls will also have a three (3) foot high (within one
2109 year of planting) hedge on the side facing the right-of-way and running the
2110 length of the wall where visible. Maintenance of the landscaping shall be
2111 the responsibility of the commercial property owner. Alternative buffers
2112 may be approved on a case- by-case basis by staff.
2113
- 2114 2. At a minimum, a ten (10) foot landscape buffer is required between
2115 adjoining parcels (side and rear boundaries). This buffer shall be planted
2116 with two (2) shade trees per one hundred (100) linear feet and three (3)
2117 understory trees per hundred (100) linear feet. An under story tree shall be
2118 defined as any tree with a maximum height at maturity of twenty-five (25)
2119 feet or less, and shall be acceptable to the County Forester with regards to
2120 species and variety.
2121
- 2122 3. Where adjoining parcels are designed as one buffer the combined buffers
2123 may be reduced to ten (10) feet if the shrubs and ground cover are

- 2124 increased to seventy-five (75) percent of the required buffer area. No less
2125 than five (5) feet will be required on each of the two adjoining parcels.
2126
- 2127 4. A minimum of a ten (10) foot wide landscape area shall be located around
2128 all portions of a building facing a public street or public parking area, or
2129 an adjoining building facing the property.
2130
- 2131 5. Shrubs and ground covers shall comprise at least thirty (30) percent of the
2132 required buffer area and shall form a continuous three (3) foot high
2133 landscape screen (within one year of planting).
2134
- 2135 6. All open areas around structures shall be landscaped with trees, shrubs,
2136 ground covers, perennials, annuals, or sod.
2137
- 2138 7. An average of one (1) shade tree or under story tree shall be provided for
2139 every thirty (30) linear feet of structure perimeter.
2140
- 2141 8. All edges of structures shall have a planting of shrubs and other suitable
2142 vegetation approved by the Town Board providing minimum groundcover
2143 of 50% of the adjoining surface area within the distance of 20 feet of the
2144 structure.
2145
- 2146 (q) Pedestrian/Bicycle Circulation. Sidewalks shall be at least eight (8) feet in
2147 width and shall be provided along all sides of the lot that abut a public street.
2148 Sidewalks no less than eight (8) feet in width shall be provided along the full
2149 length of the structure along any facade featuring a customer entrance and
2150 along any facade abutting public parking areas. Such sidewalks shall be
2151 located at least six (6) feet from the facade of the building to provide planting
2152 beds for foundation landscaping, except where features such as arcades or
2153 entryways are part of the facade.
2154
- 2155 1. Bicycles shall share access to all pathways. Bicycle racks shall be placed
2156 at convenient access points near the entrance.
2157
- 2158 2. Continuous internal pedestrian/bicycle pathways not less than eight (8)
2159 feet in width shall be provided from the public sidewalk or right-of-way to
2160 the principal customer entrance of all large retail establishments. At a
2161 minimum, pathways shall connect focal points of pedestrian activity such
2162 as but not limited to transit stops, street crossings, building and store entry
2163 points, and shall feature adjoining landscaped areas that include trees,
2164 shrubs, benches, flower beds, ground covers, or other such materials for
2165 no less than fifty (50) percent of the length of the pathway.
2166
- 2167 3. Internal pedestrian walkways shall provide weather protection features
2168 such as awnings or arcades within thirty (30) feet of all customer
2169 entrances. All internal pedestrian walkways shall be distinguished from
2170 driving surfaces through the use of durable, low maintenance surface

- 2171 materials such as pavers, bricks, or scored concrete to enhance pedestrian
2172 safety and comfort as well as attractiveness of the walkways.
2173
- 2174 (r) Signs. Freestanding signs shall not exceed a maximum area of 32 square feet
2175 per parcel of land. Maximum height of a freestanding sign shall be twelve
2176 (12) feet as measured from the elevation of the nearest sidewalk and shall be
2177 no closer than ten (10) feet from the right-of-way and shall not infringe on any
2178 required vision sight lines for traffic safety.
2179
- 2180 1. A maximum of 32 square feet of display surface area signage shall be
2181 allowed on the facade of the structure. Display surface shall be defined as
2182 the area enclosed by the outer extremities of all letters, characters, or
2183 delineations used for purposes to attract attention to a given sign. A
2184 display surface shall not include supports or devices used to attach the sign
2185 to another surface.
2186
- 2187 2. Animated signs, flashing signs, blinking signs, or signs that have copy that
2188 changes automatically are prohibited.
2189
- 2190 3. No more than twenty-five (25) percent of window area may be occupied
2191 by signage of any kind. The design and materials from which signs are
2192 constructed shall be consistent with those incorporated into the principal
2193 structure of the large-scale retail development in question.
2194
- 2195 (s) Outdoor Space. Each large retail establishment subject to these standards
2196 shall contribute to the establishment and enhancement of community and
2197 public spaces by providing at least two (2) of the following: patio/seating area,
2198 pedestrian plaza with benches, transportation center, window shopping
2199 walkway, outdoor play ground area, kiosk area, water feature, clock tower, or
2200 other such deliberately shaped areas and/or a focal feature or amenity that
2201 enhances such community and public spaces. Any such areas shall have a
2202 combined minimum of 5% of the gross floor area and shall have direct access
2203 to the public sidewalk network and such features shall not be constructed of
2204 materials that are inferior to the principal materials and landscape.
2205
- 2206 (t) Gateways. Large retail establishments shall provide an aesthetically pleasing
2207 transition between the public right-of-way and entrance to the development
2208 through the use of at least three (3) of the following elements as determined
2209 by the Town Board:
2210
- 2211 1. Tree lined boulevards
2212
- 2213 2. Landscaped medians.
2214
- 2215 3. Enhanced pedestrian and bicycle linkages distinguished from driving
2216 surfaces through the use of durable low maintenance materials such as
2217 pavers, bricks or scored concrete.

- 2218
2219 4. Pedestrian scale lighting.
2220
2221 5. Entry focal point.
2222
2223 6. Distinctive directional signage.
2224
2225 (u) Outdoor Lighting. Light design and installation shall emphasize low level,
2226 uniform lighting to avoid abrupt changes from bright lights to darkness.
2227
2228 1. Design limits and intensity requirements shall be placed by the Town
2229 Board on large retail establishments consistent with neighboring uses and
2230 designed to provide ample ground level lighting while minimizing
2231 reflection of light into the atmosphere.
2232
2233 2. Parking and security lights shall not be taller than the adjacent structures
2234 or a maximum of twenty-four (24) feet above the pavement, whichever is
2235 less. All lighting must be shielded or angled at a 90-degree angle directly
2236 horizontal to the ground so as to avoid light pollution.
2237
2238 (8) Maintenance and Abandonment. The owner shall enter into an Escrow
2239 Agreement with the Town. The escrow fund total shall be set at 5% per year of
2240 the assessed value of the completed improvements. Escrow payments shall be
2241 required on an annual basis with the first payment due on or before December 31
2242 of the year the assessed value is established and each year thereafter for a period
2243 of 20 years. The funds are to be used by the Town for the following purposes:
2244
2245 (a) Demolition of all or part of the improvements in the event that the property is
2246 abandoned or is the subject of a tax deed under Chapter 75 of the Wisconsin
2247 Statutes, for non-payment of real estate taxes, special assessments, or other
2248 charges or taxes.
2249
2250 (b) In the event that the retail use of the improved real estate by the owner, its
2251 successors or assigns is terminated, whether voluntarily or involuntarily, the
2252 Town may devote escrow monies toward all recruitment of other retail or
2253 other businesses to make use of all or part of the improvements.
2254
2255 (c) Maintenance repairs and general upkeep of the real estate in the event that,
2256 upon thirty (30) day notice, the owner, its successors or assigns, fail or refuse
2257 to engage in adequate efforts to keep the property from being legally
2258 susceptible to condemnation.
2259
2260 (d) To pay the cost of any remedial action which must be undertaken by the Town
2261 to bring the premises in compliance with this Section or to pay any fines,
2262 forfeiture, court costs, disbursements and attorney fees to enforce this Section.
2263
2264 (9) Prohibition Against Covenants or Other Use Restrictions. The owner, its

2265 successors and assigns shall not encumber the real estate with any restrictive
2266 covenants or other restrictions whose effect shall be to limit, restrict, prohibit or
2267 forbid any subsequent owner, tenant, or other user of the property from making
2268 use of the property for any purpose which is allowed under local or State law.
2269 This prohibition shall apply to and shall act to prevent the owner from restricting
2270 or prohibiting competing retail use of the property.

2271

2272 (10) Capital Costs. The owner shall provide and pay for a capital cost study to
2273 determine its proportionate share of the capital improvements necessary to
2274 support the development. Capital costs shall be defined as the costs to construct,
2275 expand, or improve public facilities, including the cost of land, legal services,
2276 engineering, planning, and design costs to construct, expand, or improve public
2277 facilities. A capital cost does not include other non-capital costs to construct,
2278 expand, or improve public facilities or the costs of equipment to construct, expand
2279 or improve public facilities.

2280

2281 (11) Most Restrictive Ordinance. In the event of a conflict or inconsistency between
2282 the requirements of the Large Retail Development Ordinance and any other
2283 ordinances, the more restrictive requirement shall apply.

2284

2285 (12) Severability. If any section, phrase, sentence, or portion of this ordinance for any
2286 reason is held invalid or unconstitutional by a court of competent jurisdiction,
2287 such portions shall be deemed separate, distinct, and independent provision, and
2288 such holding shall not affect the validity of the remaining portions thereof.

2289

2290 (13) Application Form and Copy of this Ordinance. The Town Clerk shall maintain in
2291 his/her office copies of this ordinance, application forms and a form of Escrow
2292 Agreement acceptable to the Town.

2293

2294

2295

17.08 INDUSTRIAL DISTRICT (IND).

2296

In the Industrial District no building shall hereafter be erected or structurally altered,
2297 unless otherwise provided in this chapter, except for one or more of the following uses:

2298

2299 (1) Any use permitted in the Commercial District.

2300

2301

(2) Any light or heavy industrial plants.

2302

2303

17.085 LIGHT INDUSTRY DISTRICT (LI).

2304

2305

(1) PURPOSE. The purpose of the Light Industry District is to delineate areas best
2306 suited for light industrial development because of location, topography, existing
2307 facilities and relationship to other land uses. The purpose of the LI District is as
2308 follows:

2309

2310

(a) To provide for limited, low impact manufacturing, assembly, warehousing,
2311 storage, contracting, and maintenance use which may not require municipal

2312 services or significant transportation improvements, and which provide
 2313 services and facilities required by the local area.
 2314
 2315 (b) To establish conditions and restrictions for such uses.
 2316
 2317 (c) To identify select locations in the Town of River Falls which have capacity
 2318 for consolidation, expansion and start-up of light industrial uses in those sites
 2319 where transportation and other necessary services can best be provided to
 2320 foster high quality development. Such appropriate locations may include
 2321 intersections of major county roads and sites along state highways. The LI
 2322 District is not intended to be used for spot zones accommodating small,
 2323 individual sites of new or existing uses in dispersed locations.
 2324
 2325 (2) PERMITTED USES. Principal permitted uses in the LI District.
 2326
 2327 (a) Light Industry. Light industry as defined means the assembly or
 2328 manufacturing of goods from component parts which shall not include basic
 2329 industrial or heavy industrial processes such as metal foundries, metal plating,
 2330 thermoforming of plastics, blending or formulation of fuels or other hazardous
 2331 substances, extensive painting or coating of products which would require a
 2332 spray booth, waterwall, drying oven or apparatus, or any process or activity
 2333 which involves hazardous materials, produces hazardous wastes, produces
 2334 excessive noise, creates air or water emissions requiring pretreatment, special
 2335 treatment or pollution control devices, produces odors detectable in the
 2336 ambient outdoor air, or which causes any other condition or nuisance which
 2337 impairs the full use of neighboring properties.
 2338
 2339 1. All operations must take place in buildings.
 2340
 2341 2. Outside storage of materials or products shall be screened from public
 2342 right-of-way except where such right-of way, is an internal street in the LI
 2343 District.
 2344
 2345 3. Screening with natural vegetation or fencing as approved by the Plan
 2346 Commission shall be provided along property lines bordering R-1, R-2, A-
 2347 1, A-2, or C-1 Districts.
 2348
 2349 (b) Commercial storage facilities which for the purposes of this section shall be
 2350 defined as indoor storage of customer's items within partitioned buildings
 2351 with individual access to each partitioned area. Commercial storage shall be
 2352 subject to the following conditions in addition to all other applicable
 2353 requirements of this ordinance.
 2354
 2355 1. All one-way driveways shall provide for one 10 ft. wide parking lane and
 2356 one 15 ft. wide travel lane. All two-way drives shall provide one 10 ft.
 2357 wide parking lane and two 12 ft. travel lanes. The parking lanes may be
 2358 eliminated when the driveway does not serve storage cubicles.

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2405
2. Commercial storage facilities shall not be used for non storage activities.
 3. Outside storage shall be prohibited.
 4. Lighting shall be shielded to prevent direct illumination of adjacent properties not in the IND or LI Districts, or public rights of way.
 5. Screening with natural vegetation or fencing as approved by the Plan Commission shall be provided along property lines bordering R-1, R-2, A-1, A-2, or C-1 Districts.
 6. All non-paved surfaces shall be kept in a dust-free condition.
- (c) Trade or Contractor's shops, including such uses as plumbing, electrical, painting, heating and air conditioning contractors, excavators, carpenters, wastewater system contractors, and well drillers, whose primary work is performed off premises, subject to the following:
1. Outside storage of equipment or goods shall not be permitted.
 2. Uses shall not include the manufacturing or fabrication of any goods or use of any processes except as allowed under the definition of light industry.
 3. Screening with natural vegetation or fencing as approved by the Plan Commission shall be provided along property lines bordering R-1, R-2, A-1, A-2, or C-1 Districts.
- (d) Warehousing and storage, which, for the purposes of this section is defined as the holding of packaged, or wholly or partially finished materials, goods, or products within an enclosed building. Examples of such uses include wholesale establishments, storage wherein customers do not have individual access to storage cubicles, and boat or vehicle storage. Inside storage shall be subject to the following limitations:
1. All structures shall be on concrete slabs.
 2. All truck parking and loading areas shall be paved.
 3. The number of trucks parked outside on the site shall not exceed the number of loading bays, and all such trucks shall be engaged in the transshipment of goods or materials. Any truck not engaged in transshipment shall be inside.
 4. Screening with natural vegetation or fencing, as approved by the Plan Commission, shall be provided along property lines bordering R-1, R-2,

2406 A-1, A-2, or C-1 Districts.
 2407
 2408 (e) Indoor maintenance, which for the purpose of this section shall include the
 2409 repair or goods and equipment, such as automobile body shops, boat repair
 2410 and service, electronics maintenance and repair. Indoor maintenance shall not
 2411 include auto, boat, or vehicle sales. Indoor maintenance uses shall be subject
 2412 to the following limitations:
 2413
 2414 1. All operations, except loading, shall be in an enclosed building.
 2415
 2416 2. The rebuilding or assembly of automobiles, engines, transmissions on a
 2417 factory basis, and/or disassembly of automobiles shall not be permitted
 2418 except in the IND District.
 2419
 2420 3. All damaged or inoperable goods and equipment shall be stored indoors.
 2421
 2422 4. Outside storage of inoperable vehicles other than those delivered for the
 2423 immediate service (within 72 hours) shall not be permitted. Storage of
 2424 operable vehicles for more than 5 days shall not be permitted. All
 2425 permitted storage of vehicles for repair shall be behind the building
 2426 setback line.
 2427
 2428 5. Screening with natural vegetation or fencing as approved by the Plan
 2429 Commission shall be provided along property lines bordering R-1, R-2, A-
 2430 1, A-2, or C-1 Districts.
 2431
 2432 (f) Recycling and Non-Hazardous/Non-Toxic/Non-Organic Waste Recovery
 2433 Facilities, provided:
 2434
 2435 1. All activities are conducted indoors.
 2436
 2437 2. Outside storage of goods or equipment is not permitted.
 2438
 2439 3. Screening with natural vegetation or fencing as approved by the Plan
 2440 Commission shall be provided along property lines bordering R-1, R-2,
 2441 A-1, A-2, or C-1 Districts.
 2442
 2443 (3) ACCESSORY USES. Accessory uses in the LI District shall be:
 2444
 2445 (a) On-site parking and loading.
 2446
 2447 (b) Office associated with principal use, and housed in the same building as the
 2448 principal use.
 2449
 2450 (c) Sales incidental to manufacturing, provided that:
 2451
 2452 1. No more that 15% of the principal building is used for sales purposes.

- 2453
- 2454 2. No outside display of materials or products is permitted, except as part of
- 2455 a permitted sign.
- 2456
- 2457 3. Only products manufactured on the site, or installed on the site as part of
- 2458 indoor maintenance activities, may be sold.
- 2459
- 2460 (d) Storage buildings customarily accessory to permitted principal uses, provided
- 2461 that storage buildings meet all requirements for principal buildings.
- 2462
- 2463 (e) Essential Services. *Essential services* means services provided by public and
- 2464 private utilities, necessary for the exercise of the principal use or service of the
- 2465 principal structure. These services include underground, surface, or overhead
- 2466 gas, electric, steam, water, sanitary sewerage, stormwater drainage, and
- 2467 communication systems and accessories thereto, such as poles, wires, mains,
- 2468 drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage
- 2469 tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals,
- 2470 pumps, lift stations, and hydrants, but not including buildings.
- 2471
- 2472 (4) CONDITIONAL USES. Conditional uses in the LI District shall be:
- 2473
- 2474 (a) Any building or combination of buildings greater than 15,000 sq. ft. in
- 2475 footprint area.
- 2476
- 2477 (b) Bulk material storage and distribution, which for the purpose of this section,
- 2478 shall be defined as the holding of bulk raw materials and products for
- 2479 distribution and use off the premises. Examples of such uses include propane
- 2480 and fuel oil distributorships, fertilizer distributorships, grain elevators and
- 2481 bins.
- 2482
- 2483 (5) SITE PLAN APPROVAL. All new construction or additions to existing
- 2484 buildings shall comply with the site plan requirements of **Section 14.05(3)**.
- 2485
- 2486 (6) LOT AND BUILDING SPECIFICATIONS. Lot and building specifications in
- 2487 the LI District shall be as follows:
- 2488
- 2489 (a) Minimum lot area, 20,000 sq. ft. if served by public sewer, 1.0 acres (43,560
- 2490 square feet) if not;
- 2491
- 2492 (b) Setbacks (minimum):
- 2493
- 2494 1. Front: 42 feet from road right of way.
- 2495
- 2496 2. Rear: 40 feet where adjacent to R-1 and R-2 zoning districts, 10 feet
- 2497 otherwise.
- 2498
- 2499 3. Side: 40 feet where adjacent to R-1, R-2, A-1 and A-2 zoning districts, 10

2500 feet otherwise.

2501

2502 4. Setbacks from roads and navigable water shall be as established in
2503 Sections 240.27 and 240.28, Pierce County Code, which are hereby
2504 adopted by reference.

2505

2506 (c) Building height: 35 feet maximum

2507

2508 (d) No driveway shall be permitted on a slope greater than 8%.

2509

2510

2511 **17.09 BOARD OF APPEALS.**

2512

2513 (1) ESTABLISHED. A Board of Appeals is hereby established. The Board of
2514 Appeals shall consist of 5 members appointed by the Town Board for 3 year
2515 terms. The members shall serve without compensation and shall be
2516 removable by the Town Board for cause upon written charges and after public
2517 hearing. The Town Board shall designate one of the members chairman. The
2518 Board of Appeals may employ a secretary and other employees. The Town
2519 Board shall appoint an alternate member who shall act with full power only
2520 when a member of the Board of Appeals refuses to vote because of interest.
2521 Vacancies shall be filled for the unexpired terms of members whose terms
2522 become vacant.

2523

2524 (2) RULES OF CONDUCT.

2525

2526 (a) The Board of Appeals shall adopt rules for its government and procedure.
2527 Meetings of the Board of Appeals shall be held at the call of the Chairman and
2528 at such other times as the Board of Appeals may determine. The Chairman or
2529 in his absence the acting chairman may administer oaths and compel the
2530 attendance of witnesses. All meetings shall be open to the public.

2531

2532 (b) The Board of Appeals shall keep minutes of its proceedings, showing the vote
2533 of each member upon each question or if absent or failing to vote, indicating
2534 such fact, and shall keep records of its examinations and other official actions,
2535 all of which shall be immediately filed in the office of the Board of Appeals
2536 and shall be a public record.

2537

2538 (c) Appeals to the Board of Appeals may be taken by any person aggrieved or by
2539 any officer, department, board or bureau of the Town affected by any decision
2540 of the administrative officers. Such appeal shall be taken within a reasonable
2541 time as provided by the rules of the Board of Appeals by filing with the
2542 officers from whom the appeal is taken and with the Board of Appeals a
2543 notice of appeal specifying the grounds thereof. The officers from whom the
2544 appeal is taken shall immediately transmit to the Board of Appeals all the
2545 papers constituting the record upon which the action appealed from was taken.

- 2546 The Board of Appeals shall fix a reasonable time for the hearing of appeals
2547 and give public notice thereof as well as due notice to the parties in interest
2548 and shall decide the same within a reasonable time.
2549
- 2550 (d) In rendering decisions the Board of Appeals shall do so in writing together
2551 with findings of facts and reasons.
2552
- 2553 (3) POWERS OF THE BOARD. The Board of Appeals shall have the following
2554 powers:
2555
- 2556 (a) To hear and decide appeals where it is alleged there is error in any order,
2557 requirement, decision or determination made by an administrative official in
2558 the enforcement of this chapter.
2559
- 2560 (b) To hear and decide special exceptions to the terms of this chapter upon which
2561 the Board of Appeals is required to pass.
2562
- 2563 (c) To authorize upon appeal in specific cases such variance from the terms of
2564 this chapter as will not be contrary to the public interest, where owing to
2565 special conditions a literal enforcement will result in practical difficulty or
2566 unnecessary hardship, so that the spirit of the chapter shall be observed, public
2567 safety and welfare secured and substantial justice done.
2568
- 2569 (d) The Board of Appeals may reverse or affirm wholly or in part or may modify
2570 any order, requirement, decision or determination appealed from and make
2571 such order, requirement, decision or determination as in its opinion ought to
2572 be made in the premises and to that end shall have all the powers of the
2573 administrative official. The concurring vote of 4 (four) members of the Board
2574 of Appeals shall be necessary to reverse any order, requirement, decision or
2575 determination appealed from or to decide in favor of the applicant on any
2576 matter on which it is required to pass or to effect any variation in the
2577 requirement of this chapter.
2578
2579

2580 **17.095 POWERS OF THE PLAN COMMISSION** 2581

- 2582 (1) To grant a permit for the extension of a district boundary for a district of not more
2583 than 25' ft. where the boundary of a district divides a lot in a single ownership at
2584 the time of the adoption of this chapter.
2585
- 2586 (2) By conditional use permit, after due notice and public hearing, recommend the
2587 location of any of the following buildings or uses in any district from which they
2588 are excluded by this chapter, provided that such building or use shall comply with
2589 all other regulations in the district in which it is proposed to be relocated:
2590
- 2591 (a) Nurseries and greenhouses for the propagation and cultivation of plants.
2592
- 2593 (b) Private clubs and lodges, excepting those the chief activity of which is a

2594 service customarily carried on as a business. However, no conditional use
2595 permit for a private club or lodge shall be issued in the Exclusive Agricultural
2596 Zoning District.

2597

2598 (c) Hospital and clinics.

2599

2600 (d) Institutions of a philanthropic (charitable) or eleemosynary (generous) nature.

2601

2602 (e) Cemeteries.

2603

2604 (f) Churches.

2605

2606 (g) Public utilities and private towers.

2607

2608 (h) Government offices and the like.

2609

2610 (3) On passing upon the above uses, the Plan Commission and the Town Board may
2611 establish adequate safeguards and conditions in harmony with the terms of this
2612 chapter, particularly as they apply to structures of a height and bulk greater than
2613 the normal standards of the district in which the proposed use may be located.

2614

2615 (4) Interpret the provisions of this chapter in such a way as to carry out the intent and
2616 purpose of the master plan as shown on the district zoning map.

2617

2618 **17.10 CHANGES AND AMENDMENTS.**

2619

2620 (1) The Town Board may from time to time on its own motion or petition appeal a
2621 decision of the Zoning Administrator to the Board of Appeals and amend,
2622 supplement, or change the district boundaries, the zoning map or the regulations
2623 herein or subsequently established. Any petition or motion for change in zoning
2624 district or change or amendment of this chapter shall be heard by the Town Board
2625 after recommendation of the Plan Commission, noticed by three (3) publications
2626 in a newspaper likely to give notice in the area, one to be at least 18 days, one to
2627 be at least 11 days and one to be at least 4 days prior to such hearing. Any appeal
2628 for variance or permit made to the Board of Appeals or the Plan Commission shall
2629 be heard at a public hearing, noticed by one publication at least 4 days prior to
2630 such hearing. Where the matter petitioned or appealed involves one parcel or lot,
2631 notice of the hearing and its subject matter shall be mailed by the Town Clerk to
2632 at least one of the record owners of each parcel or lot abutting the subject
2633 premises and any other party in interest.

2634

2635 (2) In case of protest against such change signed and acknowledged by the owners of
2636 20% or more either of the areas of land included in such proposed amendment,
2637 supplement or change or by the owners of 20% or more of the land directly
2638 opposite thereto extending 100' from the street frontage of such opposite land,
2639 such amendment, supplement or change shall not become effective except by the

favorable vote of 2/3 of the members of the Town Board.

17.11 ZONING ADMINISTRATOR.

- (1) **APPOINTMENT.** The office of Town Zoning Administrator is hereby created. The Zoning Administrator shall be appointed by the Town Board and shall serve such term as is designated by the Board.
- (2) **PERMIT REQUIRED.** Every person or entity desiring to build a structure on any premises in the Town or to structurally alter a structure in the Town where the value of construction or improvement exceeds a value set from time to time by the Town Board and every person desiring to change the use of a premises, change the zoning or use designation of a premises or obtain a conditional use permit shall first make application to the Zoning Administrator for a conditional use permit. No construction, structural alteration or change in such use shall be commenced or effected without first receiving approval and written permit therefor from the Zoning Administrator and, where also necessary, from the Plan Commission or Board of Appeals, or Town Board.
- (3) **FEES.**
 - (a) (Am. 6/19/95) The application for a use permit shall be accompanied by a nonrefundable application fee to be set by the Town Board.
 - (b) In addition to the foregoing fees, where publication of notice of a meeting is required, the permit applicant shall pay for any such publication.
- (4) **APPLICATION.**
 - (a) **Form.** The application shall be on forms designated by the Zoning Administrator, signed by the applicant and accompanied by a location sketch in duplicate showing the location; actual shape and dimensions of the lot to be built upon; the exact size and location on the lot of the proposed or existing building and accessory building or buildings; the lines within which the building or buildings shall be erected, altered or moved; the existing or intended use of each building or part of a building; the number of families the main building is intended to accommodate; and such other information with regard to the structure or structures, the lot and neighboring lots or buildings as may be deemed necessary to determine and provide for the enforcement of this chapter.
 - (b) **Dimensions, Stakes.** Where the lot is 2 acres or less in area, all dimensions shown relating to the location and size of the lot shall be based upon actual survey. The lot and the location of the structures thereon shall be staked out on the ground before construction is started. The responsibility for the accuracy and location of such stakes shall be the applicant's.

2687 (5) ISSUANCE.

2688

2689 (a) Time Limit. The decision of the Zoning Administrator shall be made not more
2690 than 10 days subsequent to proper application having been made. The decision
2691 of the Zoning Administrator shall be made in writing. The applicant shall be
2692 notified of the decision of the Zoning Administrator.

2693

2694 (b) Plan Commission Approval. In the event a structure, whether principal or
2695 accessory, exceeds the value set by the Town Board from time to time, then
2696 the application for zoning permits shall be first submitted to the Plan
2697 Commission for their review and approval. After review by the Plan
2698 Commission, the application shall be resubmitted to the Zoning Administrator
2699 for his action upon such recommendation. The Zoning Administrator shall
2700 follow the recommendation of the Plan Commission.

2701

2702 (c) Prior Approval. Where preliminary approval is first required from the Board
2703 of Appeals, Plan Commission or Town Board, the Zoning Administrator shall
2704 direct the application to the appropriate body and the application shall be
2705 considered by the Zoning Administrator subsequent to approval from the
2706 preliminary reviewing Board or Commission, in which event the
2707 determination of the Zoning Administrator shall be made within 10 days of his
2708 receipt of the determination by such Board or Commission.

2709

2710 (6) EXPIRATION. Any use permit issued for a structural alteration or new structure
2711 shall expire and become null and void, unless substantial construction has begun
2712 within 6 months of the date of issue and, in any case, such permit shall expire 2
2713 years from the date of issue. Substantial construction of a new structure requires
2714 at minimum substantial excavation and placement of footings. Substantial
2715 construction of an alteration requires at minimum substantial change in the
2716 structure or use to be altered. All construction of exterior or structural members
2717 shall be completed within one year from date of issue. Items to be completed
2718 include finished interior walls, plumbing, electrical and heat systems, windows,
2719 interior and exterior doors, kitchen cabinetry and steps and stoops.

2720

2721 (7) INTERPRETATION.

2722

2723 (a) Strict Interpretation. The Zoning Administrator shall strictly interpret the
2724 provisions of this chapter in considering any application for a use permit.

2725

2726 (b) Conditional Use Permits. Consistent with the declared purposes of this
2727 chapter, the desire for compatibility of uses within the Town and respective
2728 zoning districts, the protection of the safety, health, general welfare and
2729 comfort of the public, conditional use permits may be issued by the Town
2730 Board.

2731

2732 (8) ENFORCEMENT. The Zoning Administrator is empowered with the primary

2733 responsibility to enforce the provisions of this chapter. He may advise applicants
2734 as to the provisions of this chapter and assist them in preparing applications for
2735 use permits. He shall issue use permits in connection with those applications that
2736 meet all applicable terms of this chapter. He may inspect any premises for which
2737 a use permit has been issued at reasonable times and hours.
2738

2739 (9) GENERAL POWERS, DUTIES. The Zoning Administrator shall have the
2740 following powers to enforce the provisions of this chapter:

2741

2742 (a) Examine and approve any application pertaining to the use of land, buildings
2743 or structures to determine if the application conforms with the provisions of
2744 this chapter.

2745

2746 (b) Issue all zoning certificates and keep permanent records thereof.

2747

2748 (c) Conduct inspections of buildings, structures and uses of land to determine
2749 their compliance with this chapter.

2750

2751 (d) Receive, file and forward for action all applications for appeals, variation,
2752 conditional uses and amendments to this chapter which are filed with him.

2753

2754 (e) Initiate, direct and review from time to time a study of the provisions of this
2755 section and make reports of his recommendations to the Plan Commission and
2756 the Town Board not less frequently than once a year.

2757

2758 (f) Revoke certificates of zoning compliance where provisions of this chapter are
2759 being violated.

2760

2761 (g) Maintain permanent and current records of this chapter, including all maps,
2762 amendments, conditional uses and variations.

2763

2764 (h) Provide and maintain public information relative to all matters arising
2765 out of this chapter.

2766

2767 (10) ASSISTANT ZONING ADMINISTRATOR

2768

2769 (a) The Town Board may from time to time appoint one or more Assistant Zoning
2770 Administrators whose term shall be as prescribed by the Town Board.

2771

2772 (b) The Assistant Zoning Administrator(s) shall have the following powers:

2773

2774 1. In the absence or unavailability of the Zoning Administrator to perform all
2775 things which can be performed by the Zoning Administrator unless
2776 specifically limited by the Town Board.

2777

2778 2. When requested by the Zoning Administrator, to assist the Zoning
2779 Administrator in the enforcement of this chapter.

- 2780
2781 3. When requested by the Zoning Administrator, Plan Commission or Town
2782 Board, to assist in planning and subdivision and plat review under Chapter
2783 18.
2784
2785

2786 **17.125 CLEAN FILL SITES.**
2787

- 2788 (1) The purpose of this section is to regulate and control the management of clean fill
2789 disposal sites within the Town so as to protect the health, safety and welfare of the
2790 public.
2791

- 2792 (2) DEFINITIONS. Whenever any of the following terms are used in this section,
2793 such terms shall be deemed and construed to have the meaning ascribed to them
2794 as follows:
2795

2796 (a) CLEAN FILL means clean soil, brick, building stone, concrete, reinforced
2797 concrete, and broken pavement.
2798

2799 (b) CLEAN FILL DISPOSAL SITE means a site used only to dispose of clean fill
2800 of 1000 or more cubic yards.
2801

- 2802 (3) REQUIREMENTS FOR CLEAN FILL DISPOSAL SITES.
2803

2804 (a) Where Permitted. In Farmland Preservation or Ag Residential zoned districts
2805 with a conditional use permit.
2806

2807 (b) Application. The application for a conditional use permit for the clean fill
2808 disposal site shall include, but not be limited, to the following:
2809

2810 1. Location, size and ownership of land upon which the operation will be
2811 situated.
2812

2813 2. Complete construction site plan as applied in §17.035 and erosion control
2814 plan as applied in Storm Water Management in Chapter 21, along with
2815 proposed operating procedures for the operation, including but not limited
2816 to fill volume and type of fill.
2817

2818 3. A topographic map of the site showing existing contours with minimum
2819 vertical contour intervals of five feet, trees, proposed and existing access
2820 roads and buildings, the area and dimensions of the proposed fill site(s)
2821 and distances to buildings, lot lines, existing wells, and/or other utilities.
2822

2823 4. The restoration plan provided by the applicant shall contain at minimum,
2824 final slopes, extent of fill area, grading, seeding and mulching, depth and
2825 type of final cover, surface water runoff control, erosion control,
2826 restoration commencement and completion dates. The applicant shall

- 2827 furnish the necessary fees to provide for the inspection and administrative
2828 costs and the necessary sureties which will enable the Town to perform the
2829 planned restoration of the site in event of default by the applicant. The
2830 amount of such sureties shall be based upon cost estimates prepared by the
2831 engineer and the form and type of such sureties shall be approved by the
2832 Town's legal counsel.
2833
- 2834 5. Copies of all application documents submitted to any other governmental
2835 agency for permitting purposes.
2836
- 2837 6. An affidavit from the landowner giving the agent permission to conduct
2838 the operation on the landowner's property, plus a copy of the contractor's
2839 Disposal Agreement.
2840
- 2841 7. An affidavit from the Town Zoning Administrator showing that approval
2842 has been granted by the Recycling Committee and the Plan Commission.
2843
- 2844 8. Notification of all residents within ¼ mile of the site to include:
2845
2846 a. A copy of the application.
2847
2848 b. Dates and times of public hearings.
2849
- 2850 (c) Other Requirements.
2851
- 2852 1. Screening. Enclosure (fencing) regulations, other restrictions and
2853 inspection costs shall be as set forth by the Town Board.
2854
- 2855 2. Inspection. Before final placement of material the Town Board or its agent
2856 shall inspect the clean fill.
2857
- 2858 3. The clean fill disposal site condition use permit shall be in effect for a
2859 period not to exceed two years and may be renewed upon application for a
2860 period not to exceed two years. Modification or additional conditions may
2861 be imposed upon application for renewal by the Town Board.
2862
- 2863 (d) Conditional Use Permit Application Review.
2864
- 2865 1. Town representatives shall particularly consider the effect of the proposed
2866 operation upon existing streets, neighboring development, proposed land
2867 use, drainage, water supply, soil erosion, natural beauty, character, and
2868 land value of the locality and shall also consider the practicality of the
2869 proposed restoration plan for site.
2870
- 2871 2. The Recycling Committee shall review each application so a
2872 recommendation can be made to the Plan Commission and the Town
2873 Board. The Plan Commission and Town Board shall hold public hearings.

2874 Upon completion of a review and the public hearing the Plan Commission
2875 shall make a recommendation to the Town Board.

2876

2877 3. Subject to completeness of the data submitted and conformity of the
2878 proposed clean fill disposal site with all applicable ordinance and
2879 regulations, the Town Board shall be empowered to grant a clean fill
2880 disposal site permit. At the same time that an application is submitted, or
2881 renewed, the applicant shall pay a non-refundable permit fee to be
2882 established by the Town Board.

2883

2884 **17.13 SIGN REGULATIONS.**

2885

2886 (1) PURPOSE. The purpose of these requirements is to ensure that the outstanding
2887 visual resources of the Town are protected and that traffic safety is enhanced by
2888 setting requirements for the size, number, placement and lighting of signs.

2889 (2) DEFINITIONS. Whenever any of the following terms are used in this section,
2890 such terms shall be deemed and construed to have the meaning ascribed to them
2891 as follows:

2892

2893 BILLBOARD. A sign structure which directs attention to a business, commodity,
2894 service, activity or entertainment which may be, but is not necessarily, conducted
2895 or offered upon the premises where the structure is located.

2896

2897 SIGN EXPOSURE OR SURFACE AREA. The area enclosed by the outer
2898 extremities of all letters, characters or delineations used for purposes to attract
2899 attention to a given sign. A display surface shall not include support or devices
2900 used to attach the sign to another structure. In addition one face of a double-faced
2901 sign shall be considered in determining tile display surface area.

2902

2903 ERECT. To build, construct, attach, place, suspend or affix a sign to another
2904 structure.

2905

2906 NONCONFORMING SIGN. A sign which existed on April 19, 1993 which does
2907 not comply with the terms of this section.

2908

2909 SIGN. Any words, letters, figures, numerals, phrases, trade names or trademarks
2910 by which anything is made known and which are used to advertise or promote an
2911 individual, firm, association, corporation, professional business, commodity or
2912 product and which are visible from any public street or right-of-way.

2913

2914 SIGN, ADVERTISING. A sign which directs attention to a business,
2915 commodity, service, activity or entertainment which may be, but is not
2916 necessarily, conducted, sold or offered upon the premises where such signs are
2917 located.

2918

2919 SIGN, POLITICAL CAMPAIGN. Any sign urging the election or defeat of a

2920 candidate seeking any elective office, or urging the passage or defeat of any ballot
2921 measure, but not including any billboard owned or maintained by a commercial
2922 firm or advertising company.

2923

2924 SIGN, PORTABLE. A sign that is to be displayed only during business hours,
2925 which is not permanently attached to the ground or a building, which is no larger
2926 than 32 sq. ft., and is of an "A" frame, hinged or sandwich type design.

2927

2928 SIGN, PYLON. A freestanding sign erected upon a single pylon or post which is
2929 in excess of 10 ft. in height.

2930

2931 SIGN, TEMPORARY. A sign that is to be displayed only for a short time which
2932 isn't permanently attached to the ground or a building, which is larger than 32 sq.
2933 ft. and which doesn't fit the definition of a portable sign. For purposes of this
2934 section, permanently attached includes such means of attachment as bolts,
2935 concrete footing or foundation or similar such devices. All signs on wheels are
2936 temporary signs; temporary signs shall not include real estate signs and political
2937 campaign signs.

2938

2939 ON-PROPERTY SIGN. A sign advertising activity conducted on the property on
2940 which it is located; includes a sign which identifies the establishment's principal
2941 product or services offered on the premises.

2942

2943 PROJECTING SIGN. A sign attached to the face of a building and extending
2944 outward.

2945

2946 FARM SIGN. A sign located on farm property which identifies the farm or its
2947 products produced on that farm.

2948

2949 (3) APPLICABILITY

2950

2951 (a) Signs restricted. Unless exempted under subsection (b), no sign shall
2952 hereafter be located, erected, structurally altered, moved or reconstructed
2953 except as permitted by this article.

2954

2955 (b) Signs exempted. The following shall be exempt from the requirements of this
2956 article:

2957

2958 1. Memorial signs and tablets displayed on public property or in cemeteries.

2959

2960 2. Official traffic and parking signs and informational, legal or directional
2961 notices erected by federal, state, or local units of government.

2962

2963 3. Guidance signs authorized by the Wisconsin Department of Transportation
2964 under Section TRANS 200.03 of the Wisconsin Administrative Code.

2965

- 2966 4. Official government entity flags.
2967
2968 5. Outdoor murals or other outdoor artwork determined by the Zoning
2969 Administrator not to be signs.
2970
2971 6. Temporary incidental signs not exceeding nine square feet in sign face
2972 area which advertise items such as personal belongings or produce for
2973 sale, provided that such signs are displayed not more than six months in
2974 any calendar year.
2975
- 2976 (4) REQUIREMENTS FOR ALL PERMITTED SIGNS. The following
2977 requirements shall apply to all permitted signs, unless exempted in 17.13(2).
2978
- 2979 (a) No undulating, swinging, rotating or otherwise moving sign shall be
2980 permitted.
2981
- 2982 (b) Except for flashing or fluttering time and/or temperature sign messages, no
2983 flashing, fluttering or otherwise animated sign messages shall be permitted.
2984
2985
- 2986 (c) No sign shall obstruct clear visibility of traffic along any public highway or at
2987 the intersection of any highways with either driveways or highways.
2988
- 2989 (d) No signs, except signs erected by a unit of government, shall project over or
2990 be located within any public right-of-way.
2991
- 2992 (e) Signs shall not resemble, imitate or approximate the shape, size, form or color
2993 of traffic signs, signals or devices. Signs shall not obstruct or interfere with
2994 the effectiveness of traffic signs, signals or devices nor be lighted in such a
2995 way so as to cause glare or impair driver visibility upon public roads.
2996
- 2997 (f) Signs shall not be located or maintained in such a way that prevents free
2998 ingress or egress from any floor, window or fire escape, and no sign shall be
2999 attached to a fire escape.
3000
- 3001 (g) Any spotlights used to illuminate signs shall be shielded such that their light
3002 source cannot be seen from adjoining roads or properties.
3003
- 3004 (h) No sign shall be placed on or over the roof of any building.
3005
- 3006 (i) No sign shall be painted or mounted on rocks or other natural features, except
3007 that nameplates and/or addresses for residences and "No Hunting," "No
3008 Trespassing," "No Dumping" and signs of a similar nature may be affixed to
3009 trees.
3010
- 3011 (j) No sign shall contain obscene or derogatory language, symbols or pictures.
3012
- 3013 (k) Wall signs.
3014

- 3015 1. Size. The sign face area of a wall sign shall not exceed 15% of the area of
3016 the side of the building to which it is attached. If more than one sign is
3017 present, the combined sign face area shall not exceed 15% of the area of
3018 the side of the building to which they are attached. The requirement shall
3019 be expanded to 20% of the area of the side of the building if such side is
3020 greater than 250 feet from the road right-of-way which is subject to a
3021 scenic easement.
3022
- 3023 2. Design. Wall signs shall not extend more than six inches from the
3024 building's wall surface nor beyond the end of the wall.
3025
- 3026 (l) Window signs. The sign face area of window signs shall not exceed 20% of
3027 the glass area of the window.
3028
- 3029 (m) Projecting signs.
3030
- 3031 1. Size. The sign face area of a projecting sign shall not exceed 24 square
3032 feet.
3033
- 3034 2. The sign shall not extend more than five feet from the wall to which it is
3035 attached.
3036
- 3037 3. The bottom of such sign shall be at least seven feet above the grade
3038 directly below the sign.
3039
- 3040 4. The top of such sign shall not extend above the building's roof.
3041
- 3042 (n) Freestanding signs.
3043
- 3044 1. Size. The maximum size of freestanding signs shall be as follows:
3045
- 3046 a. Directional signs shall not exceed three square feet in sign face area.
3047
- 3048 b. Nameplates and/or addresses for residences; "No Hunting," "No
3049 Trespassing," "No Dumping" and signs of a similar nature;
3050 "Open/Close" signs; "Vacancy/No Vacancy" signs; temporary on-
3051 premises real estate signs; and operational signs designating entrances,
3052 exits, service areas, parking areas, rest rooms and other functional
3053 operations of a building or premises shall not exceed four square feet
3054 in sign face area.
3055
- 3056 c. On-premises signs located in commercial and industrial districts shall
3057 not exceed 32 square feet in sign face area.
3058
- 3059 d. On premises signs which are not listed in subsection (3)(n)1 b or c
3060 shall not exceed 24 square feet in sign face area unless a conditional
3061 use permit is issued in accordance with 17.034; in such cases, sign face
3062 area shall not exceed 32 square feet.
3063
- 3064 2. Such signs shall be located at least five feet from all side lot lines.
3065
- 3066 (5) SPECIFIC REQUIREMENTS FOR PARTICULAR SIGNS. In addition to the

requirements of 17.13(3), the following requirements shall be met for each specified sign. There shall be no specific requirements for particular signs that are not listed in this section, but such signs shall comply with the requirements of 17.13(3).

(a) Election campaign signs shall be subject to the following:

1. Such signs located on residential property, as defined in §12.04, Wis. Stats., shall not be erected or displayed prior to the election campaign period, as defined in §12.04, Wis. Stats., and shall be removed within seven days after the election.
2. Such sign located on property other than residential property, as defined in §12.04, Wis. Stats., shall meet the following:
 - a. The sign shall not be placed on public property.
 - b. The sign shall not exceed 24 square feet in sign face area.
 - c. The sign shall not be erected or displayed earlier than 60 days prior to the election to which they pertain.
 - d. The sign shall be removed within seven days after the election
 - e. The sign shall not be illuminated.

(b) Temporary real estate signs advertising the sale, rent or lease of property on which the sign is placed shall be subject to the following:

1. Such signs shall be located at least 15 feet from a lot line.
2. Such signs shall not be illuminated.
3. Such signs shall be removed within 10 days of the sale, rent or lease of the property.
4. The number of such signs shall be limited to one along each road that abuts the property.

(c) Temporary on-site construction signs promoting a building under construction and/or the contractor(s) for such building shall be subject to the following:

1. Only one construction sign shall be allowed per construction project.
2. No such sign shall exceed 24 square feet in sign face area.

- 3113 3. No such sign shall be erected prior to beginning of construction.
3114
3115 4. All such signs shall be removed within one week after completion of
3116 construction and prior to occupancy.
3117
3118 5. Construction signs which are freestanding signs shall be located at least 15
3119 feet from any public right-of-way.
3120
3121 6. Such signs shall not be illuminated.
3122
3123 (d) Temporary new development signs. Signs promoting a new subdivision,
3124 apartment complex and other new developments shall not exceed 32 square
3125 feet in sign face area, shall be located on the premises of the new
3126 development, and shall not be illuminated. The sign permit for such signs
3127 shall expire after two years.
3128
3129 (e) On-premises residential neighborhood signs shall be freestanding signs only,
3130 shall be limited to identifying the name of a neighborhood area, such as a
3131 subdivision or housing development, shall not exceed 32 square feet in sign
3132 face area, and shall be placed only at the entrance(s) to the neighborhood area.
3133
3134 (f) Advertising signs.
3135
3136 1. Off premises. Advertising signs which are off-premises signs shall meet
3137 the following:
3138
3139 a. Number limited. No more than two such signs shall be permitted for
3140 each business establishment, commodity or product.
3141
3142 b. Sign spacing for freestanding and projecting signs. The spacing
3143 requirement shall only apply to advertising signs which are
3144 freestanding or projecting signs. In all districts, an off-premises
3145 advertising sign shall be located no closer to any advertising sign than
3146 a distance equal to one-half of the required minimum lot width for new
3147 lots in the zoning district in which the sign is located.
3148
3149 c. Off-premises advertising signs shall be allowed only in the C, LI and I
3150 Districts, except off-premises signs placed at the entrance to a
3151 community advertising a community, public or semipublic use shall
3152 also be allowed in the agricultural districts provided they do not
3153 exceed 24 square feet in sign face area and no more than one sign is
3154 placed at each entrance point to the community.
3155
3156 2. On premises. Advertising signs which are on-premises signs shall meet
3157 the following:
3158

- 3159 a. Number limited for freestanding and projecting signs. The maximum
3160 number of on-premises advertising signs which are freestanding or
3161 projecting signs shall be a total of three such signs per business.
3162
- 3163 b. Sign spacing for freestanding and projecting signs. The spacing
3164 requirement shall only apply to advertising signs which are
3165 freestanding or projecting signs. No on-premises advertising sign shall
3166 be located closer to any advertising sign than a distance equal to one-
3167 half of the required minimum lot width for new lots in the zoning
3168 district in which the sign is located.
3169
- 3170 (g) Directional signs. Directional signs shall be subject to the following:
3171
- 3172 1. Such signs may be in addition to, or in lieu of, off-premises advertising
3173 signs erected in accordance with Subsection (f) above.
3174
- 3175 2. Directional signs are permitted where a change in travel direction is
3176 required. A directional sign which indicates that a use is straight ahead is
3177 permitted only where the person seeking the use might normally follow a
3178 main travel route.
3179
- 3180 3. Unless limitation is waived, no more than four such signs shall be
3181 permitted for each use. If multiple travel routes to a particular use are
3182 logical, the Zoning Administrator may waive this limitation and authorize
3183 the number of such signs deemed necessary.
3184
- 3185 4. Directional signs shall only contain information identifying the name of an
3186 establishment, the distance to the establishment and a directional arrow.
3187 No other information shall be identified on the sign.
3188
- 3189 5. Such signs shall only be permitted in proximity of road intersections, but
3190 shall not obstruct clear visibility of traffic along any public road or
3191 intersection of roads.
3192
- 3193 (h) Opinion signs. One opinion sign. Not to exceed 18 square feet in sign face
3194 area, shall be allowed per lot.
3195
- 3196 (6) PERMITS.
3197
- 3198 (a) The following shall require a sign permit.
3199
- 3200 1. Directional signs.
3201
- 3202 2. On-premises signs which are any of the following:
3203
- 3204 a. Advertising signs which are freestanding or projecting signs.

3205
3206 b. Residential neighborhood signs.
3207
3208 c. Temporary new development signs.
3209
3210 3. All off-premises signs, except temporary civic event signs which promote
3211 events of community significance.
3212
3213 (b) All other signs not listed in Subsection (a) above shall not require a sign
3214 permit but shall comply with the other requirements of this article.
3215
3216 (c) The changing or altering of the sign face area shall require a sign permit,
3217 unless the sign is exempted from the permit requirements as provided in
3218 Subsection (b) above. The changing of text or logos or the repainting and
3219 routine maintenance of signs shall not be deemed changes or alterations
3220 requiring a sign permit.
3221
3222 (7) NONCONFORMING SIGNS.
3223
3224 (a) Except as specified in Subsection (b) below, nonconforming signs may
3225 continue, but structural alterations or repairs are prohibited, unless the sign is
3226 brought into conformity with this chapter.
3227
3228 (b) Removal of signs; no increase in surface area square
3229 footage.
3230
3231 1. Signs that are nonconforming because they are in a public right-of-way;
3232 are flashing, fluttering, or moving signs; contain obscene language,
3233 symbols, or pictures; or which remain beyond a time limit specified by
3234 this chapter or by the sign permits shall be removed or brought into
3235 compliance. If such sign is not removed or brought into compliance, the
3236 owner or lessee of the property upon which the sign is located shall be
3237 subject to prosecution and penalties as provided in section 17.15.
3238
3239 2. Nonconforming on-premise signs located in commercial or industrial
3240 districts may be repaired or replaced, but repair or replacement shall not
3241 result in an increase in surface area square footage.
3242
3243 (8) ABANDONED SIGNS.
3244
3245 (a) Abandoned signs shall be removed by the owner or lessee of the property
3246 upon which the sign is located, unless the sign's message is changed in
3247 compliance with this chapter. Such removal or change of message shall be
3248 completed within one year of the date upon which it becomes an abandoned
3249 sign.
3250
3251 (b) If the owner or lessee fails to remove the sign, the Zoning Administrator shall
3252 give the owner 60 days' written notice to remove said sign or change its

3253 message in compliance with this chapter. Upon failure to comply with this
3254 notice, the owner or lessee of the property upon which the sign is located shall
3255 be subject to prosecution and penalties as provided in section 17.15.
3256
3257

3258 **17.14 ADULT ESTABLISHMENTS**

3259

3260 (1) PURPOSE.

3261

- 3262 (a) To create an overlay zoning district whereby adult establishments are
3263 sufficiently separated from each other and conflicting uses so as to ameliorate
3264 the negative secondary effects of adult uses while providing adult
3265 establishments sufficient area and opportunity to operate within the Town so
3266 as not to suppress their existence.
3267

3268 (2) DEFINITIONS.

3269

- 3270 (a) ADULT ESTABLISHMENT. Shall include, adult bookstores, adult motion
3271 picture theaters, adult novelty stores, and further means any premises to which
3272 public patrons or members are invited or admitted that is substantially devoted
3273 to the purveyance, demonstration or display of specified sexual activities or
3274 specified anatomical areas.
3275

- 3276 (b) ADULT BOOKSTORE. Means an establishment which as its substantial
3277 course of conduct, presents adult entertainment for observation by patrons
3278 therein, or which, as part of its substantial course of conduct, offers for sale,
3279 rent, trade, lease, inspection or viewing books, films, video cassettes,
3280 magazines or other such media, which are distinguished or characterized by
3281 their emphasis on matters depicting, describing or relating to specified
3282 anatomical areas or specified sexual activities.
3283

- 3284 (c) ADULT ENTERTAINMENT. Any exhibition of any motion picture, live
3285 performance, display or dance of any type which has as a significant or
3286 substantial portion of such performance, or is distinguished or characterized
3287 by an emphasis on, any actual or simulated performance of specified
3288 sexual activities or exhibition and viewing of specified anatomical areas.
3289

- 3290 (d) ADULT MOTION PICTURE THEATER. Any establishment for the
3291 presentation of motion pictures that as its dominant theme, or distinguished or
3292 characterized by an emphasis on, matters depicting, describing or relating to
3293 specified sexual activities, or specified anatomical areas for observations by
3294 patrons therein.
3295

- 3296 (e) ADULT NOVELTY STORE. Any establishment which as its substantial
3297 course of conduct offers for sale, rent, trade, lease, inspection or viewing any
3298 adult novelty items, sex toys, sexual gratification appliances, or other similar
3299 products, excluding contraceptives or similar products of medical value, that

3300 are distinguished or characterized by their emphasis on matters depicting,
3301 describing or relating to specified anatomical areas or specified sexual
3302 activities.

3303

3304 (f) SPECIFIED ANATOMICAL AREAS. Means either:

3305

3306 1. Less than completely and opaquely covered human genitals pubic region.

3307

3308 2. Human male genitals in a discernible turgid state, even if opaquely
3309 covered.

3310

3311 3. Less than completely and opaquely covered nipples or areolas of the
3312 human female breast.

3313

3314 (g) SPECIFIED SEXUAL ACTIVITIES. Means simulated or actual:

3315

3316 1. Showing of human genitals in a state of sexual stimulation or
3317 arousal; or

3318

3319 2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia,
3320 sadomasochistic abuse, fellatio or cunnilingus; or

3321

3322 3. Fondling or erotic touching of human genitals, pubic region, buttocks or
3323 female breasts.

3324

3325 (h) SUBSTANTIAL. Forty percent (40%) or more of a business stock in trade,
3326 display space, floor space or retail sales in any one month. Upon reasonable
3327 belief that an entity is in excess of the forty percent (40%) threshold, that
3328 entity shall provide all necessary records, receipts and documentation to the
3329 Town upon request. Failure to do so shall result in a presumption that the
3330 entity is operating in excess of the threshold.

3331

3332

(3) LOCATION.

3333

3334

(a) No adult establishment shall be located:

3335

3336 1. Within any zoning district other than general commercial and industrial
3337 districts.

3338

3339 2. Within 1320 feet of an existing adult establishment.

3340

3341 3. Within 1320 feet of any lot with a residential dwelling.

3342

3343 4. Within 2640 feet of any preexisting school, church or daycare.

3344

3345 5. Within 1320 feet of any preexisting establishment licensed to sell or
3346 dispense fermented malt beverages or intoxicating liquor.

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(b) For purposes of this section, distances are to be measured in straight line, without regard to intervening structures or objects, from the property line of the adult establishment, to the nearest property line of another adult establishment, dwelling, school, church, daycare or establishment selling of dispensing fermented malt beverages of intoxicating liquor.

(4) HOURS OF OPERATION

(a) No adult establishment shall be open between the hours of 2:00 a.m. and 12:00 noon, Monday through Friday, between the hours of 2:30 a.m. and 12:00 noon on Saturdays, or on Sundays.

(b) All adult establishments shall be open to inspection at all reasonable times by the police department and the code enforcement officer.

(5) SIGN REGULATIONS.

(a) See Section 17.13.

(6) SEVERABILITY. If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

17.15 VIOLATION AND PENALTIES.

Any person found to be in violation of any provision of this chapter shall be subject to a penalty of not less than \$250.00 per offense, and not more than \$5,000.00 per offense, plus costs of prosecution.