

CHAPTER 17

ZONING CODE

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|-------------|--|
| 17.01..... | Interpretation, Purposes and Definitions |
| 17.02..... | Districts |
| 17.03..... | General Provisions |
| 17.034..... | Conditional Uses |
| 17.035..... | Site Plan Approval |
| 17.038..... | Towers |
| 17.04..... | Residence District (R-1) |
| 17.05..... | Residence and Planned Mobile Home Development District (R-2) |
| 17.055..... | Right to Farm |
| 17.06..... | Farmland Preservation District (A-1) |
| 17.065..... | Agricultural Residential District (A-2) |
| 17.07..... | Commercial District (C-1) |
| 17.075..... | Large Scale Retail Development |
| 17.08..... | Industrial District (IND) |
| 17.085..... | Light Industry District (LI) |
| 17.09..... | Board of Appeals |
| 17.10..... | Changes and Amendments |
| 17.11..... | Zoning Administrator |
| 17.125..... | Clean Fill Sites |
| 17.13..... | Sign Regulations |
| 17.14..... | Regulation of Adult Oriented Establishments |
| 17.15..... | Violations and Penalties |

28 **17.01 INTERPRETATION, PURPOSES AND DEFINITIONS.**
29

30 (1) **MINIMUM REQUIREMENTS.** The provisions in this chapter shall be held to be
31 minimum requirements adopted to promote the health, safety, morals, comfort,
32 prosperity and general welfare of the Town.
33

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

43 (3) **DEFINITIONS.** (Cr. # 1990-1)
44

45 **ACCESSORY BUILDING.** Any building, except the principal building or
46 buildings on a lot. In the case of a house and detached garage on a lot, the
47 accessory building is the garage.
48

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

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

59 **BOARDERS OR ROOMERS.** Any person who gets meals and/or a room in a
60 dwelling unit for pay or other consideration.
61

62 **DUPLEX.** A residential building containing 2 dwelling units.
63

64 **DWELLING.** Any building which is wholly or partly used or intended to be used
65 for living or sleeping by human occupants, provided that temporary housing as
66 herein defined shall not be regarded as a dwelling.
67

68 **DWELLING UNIT.** Any room or group of rooms located within a dwelling and
69 forming a single habitable unit with facilities which are used or intended to be
70 used for living, sleeping, cooking and eating.
71

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

74 single housekeeping unit and using common cooking facilities. For purposes of
75 this chapter, a group of not more than 5 persons not necessarily so related, but
76 living together in a single living unit and using common cooking facilities, shall
77 be considered equivalent to a single family.
78

79 FARM. Means all land under common ownership that is primarily devoted to
80 agricultural use.
81

82 FARMLAND. Includes all soils classified by the NRCS (Natural Resource
83 Conservation Service) regardless of current or previous use.
84

85 FORESTED AREA. A grove of twenty (20) or more naturally-occurring trees that
86 are five (5) inches or larger in trunk diameter when measured four-and-a-half
87 (4.5) feet from the ground.
88

89 GARAGE, PRIVATE. An accessory building or space for the storage only of not
90 more than 2 motor driven vehicles.
91

92 GARAGE, STORAGE. Any building or premises used for storage only of motor
93 driven vehicles and where no vehicle equipment, parts, fuel or oil are sold and
94 where no vehicle exceeding 2 tons capacity shall be stored.
95

96 KENNEL. Any lot or premises on which 4 or more dogs of at least 4 months of
97 age are kept.
98

99 LIVESTOCK. Means bovine animals, equine animals, goats, poultry, sheep,
100 farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
101

102 LOT. A parcel of land described in a recorded plat, certified survey map or deed.
103

104 MOBILE HOME. That which is or was as originally constructed, designed to be
105 transported by any motor vehicle upon a public highway and designed, equipped
106 and used primarily for sleeping, eating and living quarters or is intended to be so
107 used and includes any additions, attachments, annexes, foundations and
108 appurtenances.
109

110 MULTIPLE DWELLING. Any dwelling containing more than one dwelling unit.
111

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

120 building or structure.

121

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

124

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

129

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

136

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

141

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

145

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

152

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

154

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

159

160 **17.02 DISTRICTS.**

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

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

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(b) Residence and Planned Mobile Home Development District (R-2).

(c) Farmland Preservation District (A-1).

(d) Commercial District (C-1).

(e) Industrial District (IND).

1. Light Industry. (LI)

2. Heavy Industrial.

(f) Agriculture - Residential District (A-2)

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

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

17.03 GENERAL PROVISIONS.

(1) AIRPORT HEIGHT RESTRICTIONS. Except as otherwise provided, no building or object of natural growth located within 3 miles of the boundaries of any airport, landing field or landing and takeoff strip shall hereafter be erected, altered or permitted to grow to a height above the elevation of the nearest point on the boundary of such airport, landing field or landing and takeoff strip greater than 1/30 of the distance from such point on such boundary. No overhead power, telephone or telegraph lines shall be erected within 1/2 mile of any boundary of the site of any airport, landing field or landing and take-off strip. No building or land located within 3 miles of the boundary of any airport landing field or landing and takeoff strip, shall be so used that by reason of the emission of smoke, gas or other emanation, it shall produce a hazard to the operation of aircraft. The regulations set forth in this subsection shall not apply to growing field crops which are harvested at least once a year nor to fences not over 5' high.

(2) USES, HEIGHT AND AREA. Except as otherwise provided:

(a) The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the

212 regulations established herein for the district in which such land or building is
213 located.

214

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

223

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

227

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

231

232

233 (3) NONCONFORMING USES.

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

239

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

245

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

249

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

257

- 258 (e) Nothing herein contained shall require any change in the plans, construction
259 size or designated use of any building or part thereof for which a building
260 permit has been issued before the effective date of this chapter and the
261 construction of which shall have been started within 6 months from the date of
262 such permit.
263
- 264 (f) In any commercial or industrial district, wherever a lot abuts upon a public or
265 private alley, sufficient space for the loading or unloading of vehicles shall be
266 provided on the lot in connection with any commercial or industrial use so
267 that the alley shall at all times be free and unobstructed to the passage of
268 traffic.
269
- 270 (g) All theaters, arenas, auditoriums, churches or other places of public gathering
271 hereafter erected, except such as are rebuilt on the sites occupied at the time of
272 the adoption of this chapter, shall provide an accessible parking space of
273 sufficient size to accommodate at least one car for every 5 seats provided.
274
- 275 (h) Any side yard, rear yard or court abutting a district boundary line shall have a
276 minimum width and depth in the less restricted district equal to the average of
277 the required minimum widths and depths for such yards and courts in the 2
278 districts which abut the district boundary line.
279
- 280 (i) When a housing project consisting of a group of 2 or more buildings is to be
281 constructed on a site not subdivided into customary lots and streets or where
282 an existing lot and street layout make it impractical to apply the requirements
283 of this chapter to the individual building units, the Town Board may approve
284 a development plan provided it complies with the regulations of this chapter
285 as applied to the whole plat.
286

287 **17.03(4) CONDITIONAL USES**

288

- 289 (1) APPLICATION. Application for conditional use permits shall be submitted to
290 the Zoning Administrator on forms provided and shall be accompanied by a plan
291 showing the location, size and shape of the lot(s) involved and of any proposed
292 structures, and the existing and proposed use of each structure and lot. The cost
293 of conditional use permits shall be established from time to time by the Town
294 Board. In addition to the application fee the applicant shall pay all legal and
295 engineering fees incurred by the Town in connection with review and issuance of
296 the permit (excluding administrative fees and the cost of publication and special
297 meeting per diem fees, same being included in the application fee). These fees
298 shall be paid in advance to the Town Clerk as estimated by the Zoning
299 Administrator. No permit shall be issued until all such costs and fees have been
300 paid.
301
- 302 (2) REVIEW. In all cases where a conditional use is proposed, the Plan Commission
303 shall review the site, existing and proposed structures, architectural plans,
304 neighboring, uses, parking areas, driveway locations, highway access, traffic

305 generation and circulation, drainage, sewerage and water systems and other
306 aspects of the proposed use.

307

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

311

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

315

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

320

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

324

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

327

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

331

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

352 activities, in determining whether the application shall be granted. In all cases
353 where a permit for conditional use is granted, the Town Board shall require such
354 evidence and guarantees as it may deem necessary to ensure the conditions
355 stipulated in connection therewith are being and will be complied with.

356

357 (5) COMPLIANCE. Conditional uses shall comply with all other provisions of this
358 chapter including lot width and area, yards, height, parking and loading.

359

360 (6) PERMIT ISSUANCE. The Town Board may authorize the Zoning Administrator
361 to issue a conditional use permit after review and public hearing, provided such
362 uses are in accordance with the purpose and intent of this chapter. Such permit
363 shall be issued to a specific person, partnership or corporation for a specific
364 property, and only for the uses stated in the permit. The conditional use permit
365 shall terminate upon sale of the property or business for which it was issued, and
366 may not be transferred to another person or location without a new application,
367 review, and public hearing.

368

369 (7) TIME PERIOD. A conditional use permit shall allow the recipient to use the
370 subject premises or structure in the manner conditionally permitted for such
371 period as the Town Board may deem appropriate. The period may be indefinite,
372 subject to such periodic review as the Town Board may in its discretion deem
373 appropriate.

374

375 (8) REVIEW OF CONDITIONAL USES. The Zoning Administrator shall from time
376 to time conduct a review of the conditional use to insure all conditions set by the
377 conditional use permit are being met. Failure at any time by the permittee to
378 adhere to the conditions set forth in the permit may result in a public hearing to
379 determine whether the conditional use permit should be modified or cancelled.

380

381 (9) RESUBMISSION. No application for a conditional use which has been denied
382 wholly or in part by the Town Board shall be resubmitted for a period of one year
383 from the date of said denial, except where substantial new evidence or proof of
384 compliance with applicable conditions is demonstrated.

385

386 (10) USES. In addition to the conditional uses permitted under the districts established
387 under this Chapter, conditional uses may be granted in the following districts for
388 the following specified uses:

389

390 (a) Agricultural Residential District: A commercial use.

391

392 (b) Commercial District: An agricultural, residential, or industrial use.

393

394 (c) Light Industrial District: A residential, commercial or agricultural use.”

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396

397 **17.034 CONDITIONAL USE PERMITS.** The Town Board, after investigation and
398 public hearing by the Plan Commission, in addition to the uses which may be permitted

399 under Section 17.065(6) may authorize the location of the uses specified herein in the
400 districts specified, from which they would otherwise be excluded, provided the Town
401 Board shall find the proposed location is appropriate or necessary in order to serve the
402 public health safety, convenience or general welfare, and provided each such structure or
403 use shall comply with all other regulations for the district in which it is proposed to be
404 located. The Town Board may attach reasonable conditions and safeguards to the
405 Conditional Use Permit in order to protect the value of neighboring buildings or uses.
406

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

409 (a) Government and cultural uses such as administrative offices, fire and police
410 stations, community centers, libraries, public emergency shelters, parks,
411 playgrounds and museums in all residential and business districts.
412

413 (b) Utilities in all districts provided all principal structures and uses are not less
414 than fifty (50) feet from any residential district lot line, and all utility
415 structures are enclosed by a protection fence at least 8 feet high.
416

417 (c) Public, parochial, private, preschool, elementary and secondary schools and
418 churches in all residential, commercial and agricultural districts.
419

420 (d) Hospitals and cemeteries in the Ag-residential districts provided all principal
421 structures are not less than twenty five (25) feet from any lot line.
422

423 (e) Cemeteries in the Exclusive Ag district.
424

425 (2) APPLICATION FOR CONDITIONAL USE PERMIT. The application for
426 conditional use permit shall be filed with the Zoning Administrator. The matter
427 shall thereupon be referred to the Plan Commission for public hearing and
428 recommendation. The Town Board shall consider the recommendation of the
429 Plan Commission before acting upon the application. The hearing before the
430 Board and Plan Commission shall be preceded by the notice required under
431 §17.10. The Zoning Administrator or Plan Commission may request the Town
432 Engineer review any conditional permit application or, after a permit has been
433 issued, to review the conditional use to determine compliance with the conditions
434 under which it was issued.
435

436 **17.035 SITE PLAN APPROVAL**

437 (1) SITE PLAN REVIEW.

438 (a) A prerequisite for issuance of a permit for new construction or additions to
439 existing structures and buildings for commercial, industrial, institutional
440 government buildings, churches, clubs, schools or multi-family uses is the
441 approval of a site plan, as set forth below. The purpose of such approval is to
442 assure site designs which are harmonious with neighboring tracts, creates safe
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446 and attractive site layouts and structures, provides proper access to streets and
447 transportation and contributes to effective land use in the Town of River Falls.
448

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

455 (c) Upon completion of the review of the site plan, the Plan Commission will
456 make its recommendation to the Town Board. The Town Board has final
457 approval authority for all site plans.
458

459 (2) PROFESSIONAL FEES & DISBURSEMENTS.
460

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

470 1. Review of such application and proposed use and improvements and the
471 plans therefor.
472

473 2. Inspection of the site and the improvements as and after such
474 improvements are constructed.
475

476 3. Tests and other evaluations deemed necessary by such professional
477 employees and consultants for their review and inspection.
478

479 4. Drafting or other preparation of any written opinions, advice and
480 suggestions with respect thereto.
481

482 5. Drafting and preparation of any ordinances, resolutions, contracts,
483 agreements and other documents with respect thereto.
484

485 6. Attendance at public meetings or hearings and telephone and actual
486 conferences.
487

488 7. Any other professional services and disbursements charged to the Town
489 which were necessitated by the submission and review of such application
490 and proposed use and improvements, and construction of improvements
491 and erosion and sediment control measures therein.
492

493 (b) At or prior to submission of any application for a permit that involves new
494 construction or an addition to an existing building or other structure, the
495 applicant or the applicant's representative shall deposit in escrow with the
496 Town Clerk the amount specified. Such specified fees will be set by the Town
497 Board from time to time. If the sum determined herein is inadequate or
498 excessive for anticipated expenses, the Town Board may increase or decrease
499 the required deposit at any time. Additionally, the Town may waive all or part
500 of the required escrow deposit to the extent that a determination on the
501 application will probably not include any of the employees, experts or tests
502 necessary to make a determination on the application. Should the Town
503 Board thereafter determine that a greater escrow deposit is required up to the
504 amount required under this section, the applicant must pay the additional
505 amount to the Town Clerk within the time specified. Notice of the meeting
506 for consideration of the application shall be mailed to the applicant or
507 applicant's agent at least 5 days prior thereto. Upon final action on the
508 application, approval of all improvements and erosion and sediment control
509 measures required therein and payment of all professional expenses incurred
510 by the Town, any balance in escrow shall be returned to the applicant. This
511 shall not prohibit the Town collecting any additional professional expenses
512 subsequently charged to the Town. The Town Board may agree in writing
513 with the owner of any premises generally leased to tenants to require less than
514 the foregoing escrow deposit from an existing or prospective tenant if such
515 owner in writing personally guarantees and provides satisfactory surety for
516 payment of any sums then or thereafter due to the Town which could have
517 been collected from a higher escrow deposit by such tenant.
518

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

520
521 (a) Identification:

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

528
529
530 (b) Graphic Representation:

- 531 1. Three copies of the site plan shall be submitted.
- 532 2. Site plan scale shall be no less than 20 feet to the inch and show date,
533 north arrow and graphic scale.
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(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, wet lands, 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.

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

589 (4) SITE PLAN REVIEW AND FINDINGS. The Plan Commission shall review the
590 site plan following submittal of all plan materials as required in 17.035(3) and
591 upon payment of the fee pursuant to 17.35(2). The Plan Commission may
592 recommend approval with such written conditions as it deems appropriate. If the
593 Plan Commission or the Town Board rejects the site plan, a written summary of
594 the objections shall be communicated to the applicant(s) who shall then have an
595 opportunity to respond and amend the site plan. The Plan Commission shall not
596 recommend a site plan for approval to the Town Board until the Plan Commission
597 has determined the proposed site plan is in conformance with the intent and
598 purpose of this chapter and is deemed to satisfactorily address the following:
599

600
601 (a) The relationship of the site plan to the land use plans and policies adopted by
602 the Town of River Falls.

603
604 (b) Parking, loading, traffic generation and traffic flow layout so as to:

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

615
616 (c) Provisions for surface and subsurface drainage, including drainage
617 connections, are to be done in such a manner that existing drainage serving the
618 area is not overloaded, as an overload could increase the danger of erosion,
619 flooding, landslide, or other endangerment of adjacent or surrounding
620 property and shall comply to Chapter 21, Storm Water Management.

621
622 (d) The use of landscaping so as to:

- 623 1. Maintain existing mature trees and shrubs to the maximum extent
624 practical.

- 634
- 635 2. Buffer adjacent uses where appropriate to minimize impact on
- 636 neighboring uses.
- 637
- 638 3. Screen unsightly activities from public view.
- 639
- 640 4. Break up large expanses of asphalt and buildings with plant material.
- 641
- 642 5. Provide a landscaping design that is in harmony with the surroundings.
- 643
- 644 6. Make optimum use of open spaces.
- 645
- 646 7. Provide plant materials and landscaping designs suitable to the climate.
- 647
- 648 (e) Location of principal structure(s), accessory structure(s), lighting, free-
- 649 standing signs, refuse container(s), mechanical equipment, etc., so placement:
- 650
- 651 1. does not impede safe and efficient traffic flow,
- 652
- 653 2. adversely impact the development of adjacent property or the character of
- 654 surrounding neighborhood, and
- 655
- 656 3. creates an attractive grouping, spacing and placement of buildings,
- 657 structures, lighting, etc. in relation to the site and its environs.
- 658
- 659 (f) Reference or standards for size of trees, shrubs, buffer islands etc. shall be set
- 660 forth from recommendations by a soil conservation forester or other state or
- 661 local agency.
- 662
- 663 (g) The architectural character of the project construction materials and colors,
- 664 are to be such that they are appropriate to the intended use, and compatible
- 665 with surrounding buildings and uses.
- 666
- 667 (h) The operations of the proposed use to avoid negative activity effect on
- 668 adjacent properties.
- 669
- 670 (5) SURETIES. The Town Board shall require appropriate sureties, including but not
- 671 limited to cash bonds, performance bonds and letters of credit to guarantee
- 672 conditions and requirements will be completed on schedule. Such sureties shall
- 673 equal 100% of the value of the finished project. Each day where failure to
- 674 complete required improvements within the specified time limit for the respective
- 675 improvement, shall constitute a separate violation.
- 676
- 677 (6) REVIEW SCHEDULE.
- 678
- 679 (a) No later than 90 days after receipt by the Town Board of a site plan and the
- 680 appropriate fee, the Plan Commission shall:

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1. Recommend the site plan to the Town Board,
 2. Request additional information, in writing, from the applicant [see 17.035(3)(c)11.]
 3. Recommend the site plan contingent upon incorporation of conditions enumerated by the Plan Commission, or
 4. Recommend rejection stating their reasons.
- (b) No later than 90 days after the receipt of any additional information requested from the applicant [see 17.035(3)(c)11.], the Plan Commission shall:
1. Recommend the site plan to the Town Board,
 2. Recommend the site plan contingent upon incorporation of conditions enumerated by the Plan Commission, or
 3. Reject the site plan in writing [see 17.035(4)].
- (c) No later than 60 days after receiving an amended site plan, where the site plan had initially been rejected [see 17.035(4)], the Plan Commission shall:
1. Recommend the site plan to the Town Board,
 2. Recommend the site plan contingent upon incorporation of conditions enumerated by the Plan Commission, or
 3. Reject the site plan in writing [see 17.035(4)].
- (d) No later than 45 days after a site plan has been forwarded to the Town Board from the Plan Commission for final action [see 17.035(4)], the Town Board shall:
1. Approve the site plan,
 2. Approve the site plan with incorporated conditions, or
 3. Reject the site plan in writing.
- (7) APPEALS. Any person or persons aggrieved by any decision of the Town Board related to site plan review may appeal the decision to the Board of Appeals. Such appeal shall be filed with the Board of Appeals within 30 days of the decision of the Town Board.

729 **17.038 TOWERS**

730

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

733

734 (2) **DEFINITIONS.**

735

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

740

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

743

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

746

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

749

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

752

753 **FAA.** The Federal Aviation Administration.

754

755 **FCC.** The Federal Communications Commission.

756

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

759

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

763

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

769

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

773

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

778
779 TOWER HEIGHT. The distance between the ground upon which the tower or
780 tower base sits and the top of the highest appurtenance mounted on the tower.

781
782 TOWER, MULTI-USER. A tower to which is attached the antennas of more than
783 one commercial wireless telecommunication service provider or governmental
784 entity.

785
786 TOWER, SINGLE-USER. A tower to which is attached only the antennas of a
787 single user, although the tower may be designed to accommodate the antennas of
788 multiple users as required in this Code.

789
790 WCSF. Wireless Communications Service Facility.

791
792 (3) TOWER ZONING APPLICATIONS. A building permit and a land use permit
793 shall be obtained from the Town Zoning Administrator prior to construction of
794 any tower. The land use permit will be reviewed by the Plan Commission and
795 approved or denied by the Town Board within 90 days of its receipt. Towers shall
796 be registered with the Town at the time the permit is obtained. Each application
797 for a permit shall include the following information, supplied by the tower owner,
798 operator, or contractor installing the tower.

799
800 (4) PROCEDURE.

801
802 (a) The application for siting and construction of a Wireless Communications
803 Service Facility (WCSF) shall include:

- 804
805 1. Name and business address of, and the contact individual for, the
806 applicant;
807
808 2. The location of the proposed or affected support structure;
809
810 3. The location of the proposed mobile service facility;
811
812 4. A construction plan which describes the mobile service support structure
813 and the equipment and network components including antennas,
814 transmitters, receivers, base stations, power supplies, cabling, and related
815 equipment to be placed on or around the new mobile service support
816 structure;
817
818 5. An explanation as to why the applicant chose the proposed location and
819 why the applicant did not choose colocation, including a sworn statement

820 from an individual who has responsibility over the placement of the
821 mobile service support structure attesting that colocation within the
822 applicant's search ring would not result in the same mobile service
823 functionality, coverage, and capacity, is technically infeasible or is
824 economically burdensome to the mobile service provider.;

825
826 (b) The application for a substantial modification of an existing WCSF shall
827 include:

- 828
- 829 1. The name and business address of, and the contact individual for, the
830 applicant;
 - 831
 - 832 2. The location of the proposed or affected support structure;
 - 833
 - 834 3. The location of the proposed mobile service facility;
 - 835
 - 836 4. A construction plan which describes the proposed modifications to the
837 support structure and the equipment and network components including
838 antennas, transmitters, receivers, base stations, power supplies, cabling,
839 and related equipment associated with the proposed modifications.

840
841 (5) APPLICATION FEES. The Town requires an application fee, of an amount set
842 by the Town Board from time to time, for the registration, processing, and
843 permitting of communication towers and wind generator towers. No application
844 shall be considered filed with the Town unless and until said application is
845 accompanied by the fee. Maximum fee shall not exceed the amount specified in
846 §66.0404, Wi Stats.

847
848 (6) TOWER CONSTRUCTION. Plans and specifications for the tower design as
849 specified by the tower manufacturer or as approved by a registered professional
850 engineer experienced in the design and/or analysis of towers shall be submitted to
851 the Town Board by the tower owner, operator, or contractor installing the tower.

852
853 (7) TOWER SET BACK REQUIREMENTS. Towers shall conform with all of the
854 following minimum setback requirements:

- 855
- (a) Yards (minimum):
- 857 1. Front, see setbacks from highway and navigable water regulations,
 - 858
 - 859 2. Rear, 40 ft. where adjacent to R zone, 10 ft. otherwise,
 - 860
 - 861 3. Side, 20 ft. except that any side yard abutting on R-1, R-2, A-1, or A-2
862 Districts shall be 40 ft.
 - 863

864
865 (8) EXCLUSIONS.

- 866
867 (a) Communication towers less than 190 feet in height and designed and intended
868 for private noncommercial use shall be exempt from the requirements of this
869 Section.
870
871 (b) Any communication tower erected before enactment of this ordinance.
872
873 (c) The Board, at its discretion, may exempt certain communication towers that
874 are designed for and intended to be used solely by public safety or emergency
875 communications agencies.
876
877 (9) TOWER LIABILITY. Prior to granting a tower land use permit, the applicant
878 will demonstrate proof to the Town Board that it has adequate liability insurance
879 for the communication tower, support structures, and any and all easements or
880 non-public access roads. The liability insurance will cover accidents within the
881 boundaries of the tower as shown on the site plan, personnel falls from the tower
882 (whether employees or agents of the applicant or not), and private property
883 damage caused by the tower, or debris from the tower.
884
885 (10) TOWER INSPECTIONS.
886
887 (a) Towers shall be inspected in accordance with FCC or other applicable
888 directives.
889
890 (b) Inspection records shall be kept by the tower owner and made available upon
891 request by the Town Board.
892
893 (11) SECURITY.
894
895 (a) Eight (8) feet high security fencing shall be required around the base of the
896 tower.
897
898 (b) Accessory or equipment buildings installed as part of the tower facility shall
899 be secured.
900
901 (12) ACCESS ROADS.
902
903 (a) Access roads shall be constructed so as to meet the following requirements:
904
905 1. Access road construction plans shall be designed to minimize adverse
906 environmental impact.
907
908 2. The access road shall be constructed so as to minimize soil erosion.
909
910 3. Access roads shall be designed and routed to so as to minimize the loss of
911 agricultural crop land.

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

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

(13) SIGNS AND ADVERTISING.

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

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

(14) ACCESSORY BUILDINGS.

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

(b) Ground mounted equipment shall be screened from view by suitable vegetation, except where a design of non-vegetative screening better reflects and complements the architectural character of the surrounding area or neighborhood. 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.

(15) STRUCTURALLY UNSAFE TOWERS.

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

(16) TOWER REMOVAL.

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

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

957 balance due shall be assessed against the premises as a special charge and
958 placed on the tax roll.

959

960 (c) If the tower is located on public land, or if is located in plain sight of public
961 roads or residential areas, the applicant shall be required to restore the tower
962 site to its original condition. This includes the removal of the tower, tower
963 support equipment, accessory buildings, security fences and all other
964 equipment and structures. The applicant is also required to restore or replant
965 native vegetation at the tower site and along the access road.

966

967 (d) In the event that the tower applicant fails to restore the land to its pre-tower
968 condition to the satisfaction of the Town Board, the applicant shall forfeit its
969 tower removal bond or escrow account.

970

971 (17) LANDSCAPING AND SCREENING.

972

973 (a) On site vegetation should be preserved to the maximum extent practical.

974

975 (18) APPLICABILITY.

976

977 (a) This section supersedes all other tower ordinances.

978

979 (b) This section supersedes all other State and County tower regulations except
980 where noted or where such other regulations have legal precedence.

981

982 (c) This section complies with the requirements of Wisconsin state statute
983 66.0404.

984

985

986 **17.04 RESIDENCE DISTRICT (R-1).**

987

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

991

992 (a) Dwelling

993

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

999

1000 (2) SETBACK. Unless otherwise provided, there shall be a setback line of not less
1001 than 75 ft. Such setback line shall be the minimum horizontal distance between
1002 the street line and the nearest point of a building or any projection thereof,
1003 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

1051 in the conservation reserve program under 16 USC 3831 to 3836; participating
1052 in the milk production termination program under 7 USC 1446(d); and
1053 vegetable raising.

1054

1055 (c) OWNER means a resident of this state owning land and includes an
1056 individual, legal guardian, corporation incorporated in this state, business
1057 trust, estate, trust, limited liability company, partnership or association or 2 or
1058 more persons having a joint or common interest in the land. However, where
1059 land is subject to a land contract, it means the vendor in agreement with the
1060 vendee.

1061

1062 (d) USE CONSISTENT WITH AGRICULTURAL USE means any activity that
1063 meets all of the following conditions:

1064

1065 1. The activity will not convert land that has been devoted primarily to
1066 agricultural use.

1067

1068 2. The activity will not limit the surrounding land's potential for agricultural
1069 use.

1070

1071 3. The activity will not conflict with agricultural operations on the land
1072 subject to a farmland preservation agreement.

1073

1074 4. The activity will not conflict with agricultural operations on other
1075 properties.

1076

1077 (e) AGRICULTURAL PRACTICE means any activity associated with an
1078 agricultural use.

1079

1080 (3) NUISANCE.

1081

1082 (a) An Agricultural use or an agricultural practice may not be found to be a
1083 nuisance if all of the following apply:

1084

1085 1. The agricultural use or agricultural practice alleged to be a nuisance is
1086 conducted on, or on a public right-of-way adjacent to, land that was in
1087 agricultural uses without substantial interruption before the plaintiff began
1088 the use of property that the plaintiff alleges was interfered with by the
1089 agricultural use or agricultural practice.

1090

1091 2. The agricultural use or agricultural practice does not present a substantial
1092 threat to public health or safety.

1093

1094 (b) The provisions of this subsection apply without regard to whether a change in
1095 agricultural use or agricultural practice is alleged to have contributed to the
1096 nuisance.

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

(4) ROLE OF THE ZONING ADMINISTRATOR.

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

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

1. The decision of the Plan Commission shall be considered a final administrative agency decision.
2. If the Zoning Administrator's decision is not appealed with 30 days the Zoning Administrator's decision shall be binding.
3. All costs associated with such opinions shall be borne by the party 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:

- 1190 (a) AA farm residence as defined in Wis. Stat. §91.01(19), or that existed prior to
1191 January 1, 2014. A dwelling lawfully existing upon the date of the adoption of
1192 this section which does not conform to this paragraph may be continued in
1193 residential use and shall not be subject to the limitations imposed or
1194 authorized under this section. A “farm residence” as defined in Wis. Stat.
1195 §91.01(10)(a)2 or 3 is allowed only pursuant to Conditional Use Permit
1196 granted under Section 17.06(4) of Town Code.
1197
- 1198 (b) Agricultural uses, meaning any of the following uses conducted for the
1199 purpose of earning an income or livelihood:
1200
- 1201 1. Crop or forage production,
 - 1202
 - 1203 2. Keeping livestock.
 - 1204
 - 1205 3. Beekeeping.
 - 1206
 - 1207 4. Nursery, sod, or Christmas tree production.
 - 1208
 - 1209 5. Floriculture.
 - 1210
 - 1211 6. Aquaculture.
 - 1212
 - 1213 7. Fur farming.
 - 1214
 - 1215 8. Forest management.
 - 1216
 - 1217 9. Enrollment of land in a federal agricultural commodity payment program
1218 or a federal or state agricultural land conservation payment program.
1219
 - 1220 10. Any other use that the Wisconsin Department of Agriculture, by rule,
1221 identifies as an agricultural use.
1222
- 1223 (c) Accessory uses. As defined in Wis. Stat. §91.01(1), except those specifically
1224 regulated as conditional uses in 17.06(4).
1225
- 1226 1. Any other use that the department, by rule, identifies as an accessory use.
1227
- 1228 (d) In-season roadside stands for the sale of farm products produced on the
1229 premises and up to 2 unlighted signs not larger than 16 sq. ft. for each
1230 advertising sign.
1231
- 1232 (4) **CONDITIONAL USES.** The following conditional uses may also be allowed in the
1233 Farmland Preservation District, if a conditional use permit is obtained:
1234
- 1235 (a) The owner of the premises may construct one single family dwelling provided

- 1236 the use is consistent with agricultural use as provided in Wis. Stat. §91.01(2).
 1237 Where application is made by a non-owner, a single family dwelling may be
 1238 permitted, not to exceed one per farm operation, for occupancy by a person or
 1239 family earning more than 50% of his/her/its livelihood from the farm
 1240 operation.
- 1241
- 1242 (b) Commercial stables that meet Wis. Stat. §91.01(1).
 1243
- 1244 (c) Gas and electric utilities that meet Wis. Stat. §91.46(4) unless they are a
 1245 permitted use under Wis. Stat. §91.44(1)(f).
 1246
- 1247 (d) Governmental uses that meet Wis. Stat. §91.46(5), such as police and fire
 1248 stations, highway storage garages, solid waste disposal and sewage treatment
 1249 plants, schools, parks and campgrounds, airports and landing strips and
 1250 resource recovery sites.
 1251
- 1252 (e) Veterinary supplies and services primarily for livestock.
 1253
- 1254 (f) Livestock supply sales, feed and farm implement sales.
 1255
- 1256 (g) Horse and riding equipment sales and service.
 1257
- 1258 (h) Temporary housing for seasonal farm labor under Wis. Stat. §103.92.
 1259
- 1260 (i) Gravel pits, quarries and excavation activities, providing that they are for
 1261 specific projects, primarily for governmental operations or are incident to
 1262 farming operations. All nonmetallic mining must meet Wis. Stat. §91.46(6).
 1263
- 1264 (j) Home occupations and professional offices conducted within and accessory to
 1265 single family dwelling and that meet Wis. Stat. §91.01(1).
 1266
- 1267 (k) Rural home occupations which meet Wis. Stat. §91.01(1) and the following
 1268 conditions:
 1269
- 1270 1. The outside storage area and all vehicles, materials and equipment being
 1271 stored there shall be screened and/or landscaped in such a manner as to
 1272 prevent it from being visible at any time of the year from the road rights-
 1273 of-way, public properties and surrounding dwellings.
 1274
 - 1275 2. Rural home occupations shall be limited to existing farm residences or
 1276 structures or portion of the existing farmstead which is not dedicated to
 1277 agricultural uses.
 1278
- 1279 (5) PROHIBITED USES. All uses not listed as permitted or conditional uses are
 1280 prohibited including, but not limited to, mobile home parks, dance halls and
 1281 outdoor concerts and structures and improvements inconsistent with agricultural

- 1282 uses.
- 1283
- 1284 (6) STANDARDS FOR CONDITIONAL USES. The Department of Agricultural,
- 1285 Trade and Consumer Protection shall be notified of the approval of any
- 1286 conditional uses. In reviewing applications for conditional uses, the Town shall
- 1287 consider the following criteria:
- 1288
- 1289 (a) Purposes of this chapter and the intent of the A-1 Zoning District.
- 1290
- 1291 (b) Potential for conflict with agricultural uses.
- 1292
- 1293 (c) Need of the proposed use for a location in an agricultural area.
- 1294
- 1295 (d) Availability of alternative locations.
- 1296
- 1297 (e) Compatibility with existing or permitted uses on adjacent lands.
- 1298
- 1299 (f) Productivity of the lands involved.
- 1300
- 1301 (g) Location of the proposed use so as to reduce to a minimum the amount of
- 1302 productive agricultural land converted.
- 1303
- 1304 (h) Current and future need for public services created by the proposed use.
- 1305
- 1306 (i) Availability of adequate public services and the ability of affected local
- 1307 units of government to provide them without an unreasonable burden.
- 1308
- 1309 (j) Effect of the proposed use on water or air pollution, soil erosion and
- 1310 rare or irreplaceable natural resources.
- 1311
- 1312 (7) APPLICATION FOR CONDITIONAL USE PERMITS. This subsection permits
- 1313 the application for a conditional use permit in the Farmland Preservation District.
- 1314 Such an application for conditional use shall be filed with the Zoning
- 1315 Administrator. Thereupon, the matter shall be referred to the Plan Commission for
- 1316 public hearing and recommendation. The recommendation of the Plan
- 1317 Commission shall be submitted to the Town Board for final hearing and actions.
- 1318 The hearings shall be preceded by the notice required under §17.10 of Town
- 1319 Code.
- 1320
- 1321 (8) CONDITIONS WHICH MAY BE ATTACHED TO CONDITIONAL USES.
- 1322
- 1323 (a) Upon consideration of information supplied at the public hearing and a review
- 1324 of the standards contained in sub. (6) above, the following conditions may be
- 1325 attached to the granting of a conditional use:
- 1326
- 1327 1. Increased setbacks and yards.
- 1328

- 1329 2. Specifications for water supply, liquid waste and solid waste disposal
1330 facilities.
1331
1332 3. Landscaping and planting screens, sureties, operational controls and time
1333 of operation.
1334
1335 4. Air pollution controls, erosion prevention measures.
1336
1337 5. Reclamation measures and performance bonds.
1338
1339 6. Special inspections.
1340
1341 7. Additional fees to offset public costs of administering, monitoring and
1342 enforcing conditions.
1343
1344 8. Location of the use.
1345
1346 9. Similar requirements found necessary to fulfill the purpose and intent of
1347 this section.
1348

1349 (b) Violation of the conditions shall constitute a violation of this section as
1350 provided in Section 17.15 of Town Code.
1351

1352 (9) HEIGHT, AREA AND SETBACK REQUIREMENTS.
1353

1354 (a) General building requirements, unless otherwise specified.
1355

1356 (b) Minimum lot area for a residence or farm operation is 35 acres, except as
1357 provided below:
1358

- 1359 1. The minimum lot area for an additional dwelling for persons earning more
1360 than 50% of their livelihood from the farm operation or parents or children
1361 of the farm operator shall be 2 acres.
1362
1363 2. The minimum lot area for farm dwellings or structures existing before
1364 January 1, 2014 and which are separated from a larger parcel through farm
1365 consolidation may be up to 5 acres, but not less than 2 acres.
1366
1367 3. Non-farm residences can be built in the A-1 district only if they are issued
1368 a conditional use permit in accordance with Wis. Stat. §91.46(2)(c). Any
1369 building, structure or accessory use or building may be erected on any
1370 single lot of record at the effective date of adoption or amendment of this
1371 chapter, except that all other provisions of this chapter shall apply. Such
1372 lot shall be in separate ownership. This provision shall apply even though
1373 such lots fail to meet the requirements for area, width or both that are
1374 applicable in the district, provided that yard dimensions and requirements

1375 other than those previously stated shall conform to the regulations for the
1376 district. Variance of yard requirements shall be obtained through action of
1377 the Board of Appeals.
1378

1379 (10) MINIMUM LOT SIZE, BUILDING HEIGHT AND YARD REQUIREMENTS
1380 FOR CONDITIONAL USES. The minimum lot size, building height and yard
1381 requirements for conditional uses shall be specified in the conditional use permit,
1382 but in no case shall the side yard requirement be less than 50' and the front yard
1383 requirement less than the distance specified in the general provisions of this
1384 section.
1385

1386 (11) BUILDING RESTRICTIONS ON PRIME FARMLAND OR FARMLAND OF
1387 STATEWIDE IMPORTANCE, CLASS I-III.
1388

1389 (a) No dwellings shall be erected on land classified as Prime Farmland or
1390 Farmland of Statewide Importance, also known as Class I, II, or III, by the
1391 Natural Resources Conservation Service, a division of the U.S. Department of
1392 Agriculture, as shown on the official soil survey maps for the Town.
1393

1394 (b) Building restrictions on soils classified as Prime Farmland or Farmland of
1395 Statewide Importance.
1396

1397 1. Natural Resources Conservation Service (NRCS) Digital Soil Survey
1398 adopted. The NRCS Soil Survey and definitions, and all amendments
1399 thereto, is adopted and incorporated by reference and shall apply to the
1400 placement, location and erection (i.e., the "siting") of all dwellings.
1401

1402 2. All dwellings shall be sited on or touching "Not Prime Farmland" as
1403 identified and delineated in the latest NRCS Web Soil Survey of the
1404 Town, or "Not Prime Farmland" that has been identified and mapped by a
1405 certified professional soil scientist. The presence of "Not Prime Farmland"
1406 shall be demonstrated by no fewer than three (3) soil tests located no less
1407 than 40 feet apart from one another. If "Not Prime Farmland" has been
1408 verified as being present on a parcel the Town Board may grant Alternate
1409 Site Approval, at its discretion, following recommendation of the Plan
1410 Commission.
1411

1412 a. Submittal of a delineation of "Not Prime Farmland" by a certified
1413 professional soil scientist shall be accompanied by:
1414

1415 i. Name and address of owner.
1416

1417 ii. Map of survey or proposed Certified Survey Map (CSM) of site
1418 with soils data clearly delineated.
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1420 iii. A current copy of the credentials of the certified professional soil
1421 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.

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(13) AMENDMENTS.

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

1. In addition, when considering an amendment of the Farmland Preservation Zoning District (A-1), the procedures and standards listed in 12(a)2.a-i of Town Code shall be used.
2. The Department of Agriculture, Trade and Consumer Protection shall be notified of all rezonings by March 1 of the following year per Wis. Stat. §91.48(2). Pierce County Land Management also shall be notified by March 1 of the following year per Wis. Stat. §91.48(3). All rezones out of the certified district must meet Wis. Stat. §91.48(1). Decisions on petitions for rezoning areas zoned for Farmland Preservation shall be based on findings which consider:
 - a. Adequacy of existing or proposed facilities to serve the development.
 - b. Burden upon the local government by providing these facilities.
 - c. Suitability of the land for development.
 - d. Air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas which the development causes.
 - e. Potential for conflict with remaining agricultural uses in the area.
 - f. Need of the proposed development for a location in an agricultural area.
 - g. Availability of alternative locations.
 - h. Productivity of the agricultural lands involved.
 - i. Location of the proposed development to minimize the amount of agricultural land converted.

17.065 AGRICULTURAL RESIDENTIAL DISTRICT (A-2).

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

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1. Definitions:

- a. Accessory Dwelling Unit (ADU): An ADU is a second dwelling unit (17.01.3), subordinate to a principal single-family dwelling, within or attached to the principle dwelling or in a detached accessory building on the same zoning lot and which is owned by the owner of the principle dwelling.
- b. Owner Family: A family, for the purposes of an ADU, is a lineally related family.
- c. Caregiver: A caregiver is a person engaged to assist member or members of the owner’s family who are elderly or have health care needs to live independently by assisting with cleaning, cooking, housekeeping chores, and personal hygiene assistance or other activities of daily living. For the purposes of an ADU, the caregiver may be a member of the owner’s family.

2. Standards and Conditions:

- a. A Conditional Use Permit (CUP) (17.03(4)) is required for accessory dwelling units in A-2
- b. In the ETZ, a Conditional Use Permit must be submitted to the Plan Commission for review and subsequent recommendation to the Town Board. After review, the Town Board must send a written recommendation to the City of River Falls.
- c. The ADU must conform to WI Uniform Dwelling Code. A building permit must be obtained for the change of use and/or construction work.
- d. Only one ADU is allowed on a lot.
- e. The ADU must share the septic system and well of the principal residence as well as all utilities.
- f. The ADU must be self-contained, having its own kitchen, threequarter (3/4) or full bathroom, and sleeping area.
- g. Occupants:
 - i. The property owner must permanently reside in either the principal dwelling or the ADU. An ADU shall be converted to another permitted use or shall be removed if one of the two dwelling units is not owner occupied.
 - ii. The dwelling in which the owner does not reside may be occupied by either the owner’s family member and/or a caregiver.
- h. Sale and renting:
 - i. The ADU may not be rented.
 - ii. The ADU and the land it occupies may not be sold separately from the principal dwelling unit.
 - iii. The ADU may not be a separate tax parcel nor have a separate address.
 - iv. Impact fees do not apply to ADU’s because they are not separate parcels.
- i. Detached accessory dwelling units:

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- i. Lot size must be at least two (2) acres in order to construct a detached ADU.
 - ii. ADUs must meet the setbacks required for principal dwelling.
 - iii. The ADU must be no more than the maximum height for the zoning district.
 - iv. The detached ADU must be on a permanent foundation and meet all relevant construction and zoning codes for a dwelling, including site plan approval (17.035).
 - v. The exterior building materials must be consistent with the exterior materials used on the principal dwelling unless otherwise permitted in the CUP.
 - vi. Detached ADUs may not exceed 800 square feet of floor area.
 - vii. Provided that the parking requirement is met for the principal one-family dwelling, no additional parking is required.
 - j. Accessory dwelling units located within the principal unit:
 - i. The principal structure must be at least 1,000 square feet and the ADU cannot exceed one-half (1/2) of the total floor area of the principal structure.
 - ii. If the principal structure has more than one story, the maximum floor area of an ADU may be equal to that of the first floor, but shall be less than or equal to fifty percent (50%) of the total floor area of the structure.
 - iii. An ADU on the upper floors of the principal structure shall have an interior stairway to the primary entrance of the accessory unit. Secondary stairways may be located on the exterior, but not on the front of the structure.
 - k. Town Notification: The owner shall notify the Town Chair in writing within thirty (30) days once the ADU is no longer needed, the property is sold, or for some other reason no longer meets the requirements for ADUs. Upon notification, the ADU Conditional Use Permit shall terminate.
 - l. Annual Review: After the construction of the ADU has been completed, a building Certificate of Occupancy will be issued by the Town Board. Every year thereafter, the property owner will be required to file an annual affidavit verifying continued owner occupancy of the property as their permanent and principal residence.
 - m. Fees:
 - i. A Conditional Use Permit fee is required in the amount set from time to time by the Town Board.
 - ii. A Land Use Permit fee is required in the amount set from time to time by the Town Board.
 - iii. A Building Permit fee is required in the amount set from time to time by the Town Board.
 - iv. An Annual Review fee is required in the amount set from time to time by the Town Board

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PROHIBITED USES.

- (a) No trailer camps or planned mobile home developments shall be permitted in the Agricultural District.
- (b) Building restrictions on prime farmland or farmland of statewide importance, Class I-III.
 - 1. No dwellings shall be erected on land classified as Prime Farmland or Farmland of Statewide Importance, also known as Class I, II, or III, by the Natural Resources Conservation Service, a division of the U.S. Department of Agriculture, as shown on the official soil survey maps for the Town.
 - 2. All dwellings shall be sited on or touching “Not Prime Farmland” as identified and delineated in the latest NRCS Web Soil Survey of the Town, or "Not Prime Farmland" that has been identified and mapped by a certified professional soil scientist. The presence of "Not Prime Farmland" shall be demonstrated by no fewer than three (3) soil tests located no less than 40 feet apart from one another. If "Not Prime Farmland" has been verified as being present on a parcel the Town Board may grant Alternate Site Approval, at its discretion, following recommendation of the Plan Commission.
 - a. Submittal of a delineation of "Not Prime Farmland" by a certified professional soil scientist shall be accompanied by:
 - i. Name and address of owner.
 - ii. Map of survey or proposed Certified Survey Map (CSM) of site with soils data clearly delineated.
 - iii. A current copy of the credentials of the certified professional soil scientist who identified and delineated soils present on the site.
 - 3. All non-farm buildings shall be sited on or touching “Not Prime Farmland” as identified and located in the latest NRCS Web Soil Survey of the Town unless the Town Board of Supervisors has granted Alternate Site Approval. Alternate Site Approval may be granted by the Town Board if the alternate site is “Farmland of Statewide Importance” (Class 3); 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 disturbance of soils defined as “Prime” and the alternate site would not Where an alternate site has replaced a compliant site, the

- 1699 otherwise compliant site cannot be used as a site for non-farm buildings.
1700
- 1701 a. Application for Alternate Site Approval shall be made to the Town
1702 Zoning Administrator and reviewed by the Town Plan Committee
1703 which shall formulate a recommendation prior to Town Board
1704 consideration. Application shall be made on forms provided by the
1705 Zoning Administrator and shall contain the following:
1706
- 1707 i. Name and address of owner.
1708
- 1709 ii. NRCS Soil Survey Map of compliant site and proposed alternate
1710 site.
1711
- 1712 iii. An accurately drawn plot plan that shows the entire parcel
1713 including present and proposed buildings.
1714
- 1715 iv. A narrative explaining why the proposed alternate site is superior
1716 to the compliant site.
1717
- 1718 v. A non-refundable fee, in an amount which shall be established
1719 from time to time by the Town Board.
1720
- 1721 4. If an attached deck or garage is used to achieve the requirements of
1722 Section 17.065(3)(b)(2) above, the footings for the deck or garage must be
1723 installed at the same time as the main structure.
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- 1725 5. If an attached deck or garage is used to achieve the requirements of
1726 Section 17.065(3)(b)(2) above, the dimensions of this attachment cannot
1727 exceed the main floor of the main structure in length or width.
1728
- 1729 6. In the event of a fire, storm or other non self-imposed casualty causing
1730 destruction or substantial damage to any single family dwelling house
1731 and/or garage existing in the Town prior to August 7, 2000, which damage
1732 or destruction is sufficient to render such dwelling house and/or garage
1733 uninhabitable, the owner or occupant of such dwelling house and/or
1734 garage shall be allowed to rebuild a dwelling house and/or garage, as the
1735 case may be, within 100 feet of the previous dwelling on said farm
1736 regardless of soil classification. The uninhabitable house and/or garage
1737 must be removed prior to reconstruction of the new dwelling house or
1738 garage.
1739
- 1740 7. If an owner desires to replace an existing non-farm building located on
1741 soils classified as Prime Farmland or Important Farmland, the existing
1742 structure can be removed only after written approval by the Town Zoning
1743 Administrator. Where permission is granted by the Zoning Administrator
1744 to remove an existing structure, the existing structure must be removed

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prior to its replacement. When the non-farm building to be replaced is a dwelling, the Board may grant the owner or applicant a period not exceeding one hundred eighty (180) days to remove the existing structure following issuance of an occupancy permit for the new residence. The Board shall establish the date by which the removal must be completed in such instance. The new dwelling shall be within 100 feet of the old dwelling and meet current setbacks.

- 8. If the owner or applicant can prove that a residence existed on Prime Farmland and/or Important Farmland prior to the establishment of this ordinance (such proof can be official records or remains of an existing residence) a non-farm building may be permitted by the Town Board on Prime Farmland and/or Important Farmland within 100 feet of the old structure. Such proof shall be presented to the Plan Commission for their recommendation to the Town Board. The overall permitted density of lots per quarter quarter section as set forth in elsewhere in this Chapter is otherwise unaffected.
- 9. Where an owner or applicant has obtained written dwelling site approval, subsequent changes in soil classification shall not result in cancellation or revocation of such site approval. Where written site approval is granted by the Town the approved site shall be considered one "lot" for purpose of establishing maximum density under Section 17.065(6).
- 10. No site approval will be given under this subsection where the parcel upon which the proposed single family residence and/or garage is located if the parcel is under 15 acres in area, unless the parcel has a legal description established by Certified Survey Map or is a separate, pre-existing legal description with separate tax parcel number.
 - a. No rural home occupation or professional home offices shall be allowed unless granted a conditional use permit by the Town Board, after a public hearing. The Town Board may, at its discretion, apply conditions to that permit. Examples of these conditions could include, but not be limited to the following: driveway standards, excessive traffic, septic inspection, fencing or screening, health or safety considerations, letter of intent to include, but not be limited to, general services, typical hours of operation, presence of chemicals or hazardous materials and waste. Permits may not be transferred from one owner to another. A new permit must be obtained by each owner.

(4) NUMBER OF EMPLOYEES.

- (a) Not more than 2 full time equivalent employees associated with the home or farm based occupation, who are not residents of the parcel, may be employed.

- 1791 (5) CONDITIONAL USES.
1792
1793 (a) Enterprises engaged in the sale and service of machinery used in agricultural
1794 production.
1795
1796 (b) Facilities for the centralized bulk collection, storage, and distribution of
1797 agricultural products to wholesale and retail markets.
1798
1799 (c) Storage and sale of seeds, feeds, and similar products essential to agricultural
1800 production.
1801
1802 (d) Bed and Breakfast Inns.
1803
1804 (e) Other uses essential for the support of agricultural production, provided such
1805 uses do not conflict with the purposes of the Agriculture District.
1806
1807 (f) Structures exceeding 35 ft. in height.
1808
1809
1810 (6) LOTS. (Cr. 10/19/98, Amended 5/15/23)
1811
1812 (a) There shall be no more than 4 lots per quarter quarter section (as laid out in
1813 the system of rectangular survey relating to base lines established by the
1814 Federal Government).
1815
1816 (b) Maximum Residential Density
1817
1818 1. Official density map. Allowable residential density will be recorded on an
1819 official maximum residential density map kept on file in the Town Hall by
1820 the Zoning Administrator. The number of residential sites created shall be
1821 noted on the map.
1822 2. Applicability. Maximum residential density shall apply to the creation of
1823 residential lots in A-2 Ag. Residential.
1824 3. Number of residential lots. Parcels of land existing on the effective date of
1825 this Chapter shall not be divided into residential sites which exceed the
1826 allowable number of sites per 40 acres or portion thereof.
1827 a. Calculation. The allowable number of residential lots shall be
1828 calculated by multiplying the size of the tract in acres by the
1829 maximum residential density per 40 acres. (Example: A parcel of
1830 26 acres in the A-2 District results in 26 x 4/40)
1831 b. Rounding. Any fractional lot resulting from the calculation in
1832 17.065(6)(b)(3)a which is least .55 shall be rounded up to the next
1833 whole number. Therefore, in the above (3)a example the result
1834 would be 3 allowable lots.
1835 c. Wetlands. Wetland acreage, as shown on the Wisconsin Wetland
1836 Inventory Maps, may count toward parcel size, except that
1837 wetlands shall not count for more than 25% of parcel size, and all

- 1838 building sites shall be located outside of the wetlands.
- 1839 d. Existing Residences. Any residence which exists on the tract of
- 1840 land to be divided shall count against the maximum residential
- 1841 density allowed. This shall not apply to a second farm residence
- 1842 which is located on the same lot as the principal farm residence.
- 1843 e. Minimum lot size. No lot or building site shall be created which
- 1844 does not meet the minimum lot area requirements of this Chapter.
- 1845 f. Transfer of allowable density. The transfer of allowable density
- 1846 from one parcel to a contiguous parcel under the same ownership
- 1847 is permitted. Such transfer may also be across a public or private
- 1848 road to a parcel under the same ownership which has opposite
- 1849 frontage.
- 1850 g. All lots to contain allowance for residential use. No parcel shall be
- 1851 created which does not carry with it the allowance for at least one
- 1852 dwelling unit under the maximum density calculation unless such
- 1853 parcel is permanently deed restricted to nonresidential use.
- 1854
- 1855 (c) Minimum lot areas. The minimum lot area shall be 2 acres. All residential
- 1856 lot sizes shall comply with ILHR 85 of the Wisconsin Administrative Code.
- 1857
- 1858 (d) Only one single family residence shall be permitted per lot.
- 1859
- 1860 (e) Minimum Yards.
- 1861
- 1862 1. Side & Rear. The minimum side and rear yard shall be 10 ft. as measured
- 1863 from the lot line to the nearest point of the structure.
- 1864
- 1865 (7) BUILDINGS.
- 1866
- 1867 (a) Height. No building structure or sign shall exceed 35 ft. in height above the
- 1868 grade elevation except as provided in subsection (7)(a)1.
- 1869
- 1870 1. Agricultural structures such as silos, barns, and grain storage
- 1871 buildings or grain elevators.
- 1872
- 1873 (b) Duplexes will not be allowed.
- 1874
- 1875 (8) Livestock facilities with over 500 animal units shall not be permitted in the
- 1876 Agriculture Residential District. They are permitted only in the Farmland
- 1877 Preservation District.
- 1878
- 1879 **17.07 COMMERCIAL DISTRICT (C-1).**
- 1880
- 1881 (1) PURPOSE. The Commercial District provides an area for commercial, business
- 1882 and professional service uses and other areas of compact development served by
- 1883 private or public sewage systems as specified in ILHR 85 of the Wisconsin

1884 Administrative Codes.

1885

1886 (2) PERMITTED.

1887

1888 (a) By way of illustration, and not exclusion, the following and like business
1889 services are permitted: appliance dealers; art, gift, jewelry and notions shops;
1890 bakeries, insurance and real estate offices; barber shops; beauty parlors; banks
1891 and financial institutions; clinics; clothing stores; drug stores and pharmacies;
1892 eating and drinking establishments; florists; food lockers; fruit, vegetable,
1893 meat, fish, grocery supermarkets, and other retail food stores; furniture,
1894 department, and hardware stores; hotels, motels, motor lodges, and inns;
1895 laundries and dry cleaners; liquor stores; music, radio and television stores,
1896 news-stands; offices; optical stores; parking lots; places of entertainment;
1897 retail stores; sporting goods stores; clubs, fraternal organizations, and lodges
1898 operated for profit; vehicular sales and service; gasoline stations; funeral
1899 homes; municipal buildings; mini-storage or self-storage facilities; and
1900 security fences.

1901

1902 (3) PARKING REQUIREMENTS.

1903

1904 (a) One space per 200 sq. ft. of building.

1905

1906 (4) SIGN REGULATIONS.

1907

1908 (a) Any sign being erected must follow the regulations in Section 17.13 of this
1909 Code.

1910

1911 (5) EROSION CONTROL.

1912

1913 (a) The erosion control regulations in Section 17.12 must be followed.

1914

1915 (6) SITE PLAN.

1916

1917 (a) When an application for a use permit is submitted, the owner or developer
1918 shall also submit a site plan of the proposed development (following Section
1919 17.035 of this Code) showing the location of the building, required setback lines,
1920 internal streets and parking areas, landscaping, screening, adequate street
1921 lighting, and other information as may be required by the Plan Commission. No
1922 use permit shall be issued unless the site plan has been approved by the Plan
1923 Commission and the Town Board.

1924

1925 **17.075 LARGE SCALE RETAIL DEVELOPMENT**

1926

1927 (1) The magnitude of large scale retail developments pose unique challenges to the
1928 community due to size, impact on traffic circulation, parking, storm water
1929 facilities, and visual impact on the community that sets them apart from smaller

1930 establishments within the Town commercial zoning districts. Pursuant to the
1931 Authority of Section 62.23 (3), Wis. Stats., this Section is created to establish
1932 requirements which further the goal of guiding and accomplishing coordinated
1933 harmonious development of large scale retail development within the Town.
1934 Specifically, the requirements created by this ordinance are to ensure that large-
1935 scale retail developments are compatible with surrounding land uses and
1936 contribute to the unique community character of River Falls as well as to its
1937 aesthetics and the health, safety, and general welfare of the Town and its
1938 citizens are protected.

1939

1940 (2) Definitions. The following definitions shall control interpretation and application
1941 of this ordinance:

1942

1943 (a) ACCESSORY STRUCTURE means structures, which are subordinate to the
1944 principal structure used as a large retail establishment, including but not
1945 limited to garages, sheds, automobile maintenance centers or storage or
1946 maintenance facilities.

1947

1948 (b) ADJOINING RESIDENTIAL PROPERTY means a lot, parcel or other legal
1949 division of land which is zoned residential or on which a single or multiple
1950 family dwelling is located, whether consistent with or inconsistent with
1951 current zoning regulations, or could be located consistent with current zoning
1952 regulations.

1953

1954 (c) BUILDINGS means a structure with walls and a roof, which are suitable for
1955 use by humans or for storage.

1956

1957 (d) COMMERCIAL ESTABLISHMENT means a retail business consisting of on
1958 or more retail operations, stores, or shops, whether jointly or separately owned
1959 or operated, doing business from a principal structure subject to this
1960 ordinance.

1961

1962 (e) FAÇADE means each side of a principal structure subject to this ordinance.

1963

1964 (f) FRONT CORNERS mean each corner of the side of the principal structure,
1965 which faces the public street on which its main customer entry or entries are
1966 located.

1967

1968 (g) GROSS FLOOR AREA means the square footage of all space contained
1969 within the exterior walls of the principal structure.

1970

1971 (h) LARGE RETAIL ESTABLISHMENT means a commercial establishment,
1972 further defined under (d), above, whose gross floor area equals or exceeds
1973 25,000 square feet.

1974

1975 (i) OPEN AREA means that portion of a lot, parcel, or other legal division of
1976 land used as a large retail establishment, but which does not consist of

- 1977 structures or buildings.
- 1978
- 1979 (j) OUTDOOR STORAGE OR SERVICE AREA means an area not situated in a
- 1980 building or structure used for the storage or processing of solid waste,
- 1981 maintenance equipment or other materials.
- 1982
- 1983 (k) OWNER means the owner, or developer of a large retail establishment.
- 1984
- 1985 (l) PRINCIPAL STRUCTURE means the main structure on the lot, parcel or
- 1986 other legal division of land used for the conduct of a commercial
- 1987 establishment referred to herein as a large retail establishment.
- 1988
- 1989 (m)PROJECT SITE means the lot, parcel or other legal division of land on which
- 1990 a large retail establishment is located.
- 1991
- 1992 (n) STRUCTURE means anything man made which is constructed or erected
- 1993 having a location on or attached to something having a location on or under
- 1994 the ground, including but not limited to a building.
- 1995
- 1996 (3) Applicability. Each retail commercial establishment with a gross floor area of
- 1997 25,000 square feet or more shall conform to the following development standard
- 1998 in addition to all other applicable requirements enforced pursuant to ordinances,
- 1999 rules, regulations, and laws. Any building in existence as of (insert date of
- 2000 adoption) shall comply with this ordinance if an addition constructed exceeds fifty
- 2001 (50) percent of the original gross floor area and the total gross floor area after
- 2002 construction equals or exceeds 25,000 square feet.
- 2003
- 2004 (4) Zoning. Classifications of Large Retail Establishments: Large retail
- 2005 establishments shall be located only upon land which is zoned commercial. Large
- 2006 retail establishments whose gross floor areas are equal to or exceeds 25,000
- 2007 square feet and less than 150,000 square feet shall comply with the requirements
- 2008 of this Section while those which exceed 150,000 square feet in gross floor area
- 2009 shall be required to apply for and receive a conditional use permit from the Town
- 2010 Board which shall apply the standards of the General Code of Ordinances, in
- 2011 addition to those set forth herein, in determining whether to grant such permit.
- 2012
- 2013 (5) Application for Conditional Use Permit for a Large Scale Retail Development
- 2014 Larger than 150,000 Square Feet. An application for conditional use shall be filed
- 2015 with the Zoning Administrator. Thereupon the matter shall be referred to the
- 2016 Planning Commission for public hearing and recommendation. The
- 2017 recommendation of the Planning Commission shall be submitted to the Town
- 2018 Board for final hearing. The hearings shall be preceded by notice required under
- 2019 Section 17.10.
- 2020
- 2021 (6) Professional Fees & Disbursements. Each retail commercial establishment with
- 2022 25,000 square feet shall pay a fee to the Town Clerk equal to the actual costs to

2023 the Town for the professional fees and disbursements incurred by the Town by
2024 reason of the review and proposed use and improvements by any professional
2025 employees and consultants, including without limitation by way of enumeration,
2026 the planner, engineer, surveyor, ,attorney and any other professional employees or
2027 consultants hired by the Town with respect to consideration thereof. This shall
2028 include, without limitation by way of enumeration, the following:
2029

- 2030 (a) Review of such application and proposed use and improvements and the plans
2031 therefore.
- 2032
- 2033 (b) Inspection of the site and the improvements as and after such improvements
2034 are constructed.
- 2035
- 2036 (c) Tests and other evaluations deemed necessary by such professional employees
2037 and consultants for their review and inspection.
- 2038
- 2039 (d) Drafting or other preparation of any written opinions, advice and suggestions
2040 with with respect thereto.
- 2041
- 2042 (e) Drafting and preparation of any ordinances, resolutions, contracts, agreements
2043 and other documents with respect thereto.
- 2044
- 2045 (f) Attendance at public meetings or hearings and telephone and actual
2046 conferences.
- 2047
- 2048 (g) Any other professional services and disbursements charged to the Town which
2049 were necessitated by the submission and review of such application and
2050 proposed use and improvements, and construction of improvements and
2051 erosion and sediment control measures therein.
- 2052
- 2053 (7) Design Standards. The development shall meet all design standards of this
2054 section and shall be subject to such other regulation and standards as directed by
2055 the Town Board.
- 2056
- 2057 (a) Architectural Style. Architectural style shall be coordinated to create visual
2058 cohesiveness. Within the development collectively constituting the large
2059 retail establishment, all buildings, the principal structure, accessory structures,
2060 canopies, parking lots and other open spaces as well as signs shall be of a
2061 unified design.
- 2062
- 2063 (b) Building Setbacks. The minimum setback for building facades shall be thirty-
2064 five (35) feet as measured from the nearest property line. No structure or
2065 building may be placed between the setback line and a property line unless
2066 approved as part of a Planned Unit Development.
- 2067
- 2068 (c) Building Height. Maximum height shall not exceed thirty-five (35) feet.
- 2069

- 2070 (d) Building Width and Facade. Facades greater than one hundred (100) feet in
 2071 length shall incorporate wall plan projections or recesses having a depth of at
 2072 least three (3) percent of the length of the facade and extending at least twenty
 2073 (20) percent of the length of the facade. No uninterrupted length of any
 2074 facade shall exceed one hundred (100) horizontal feet.
 2075
- 2076 (e) Facade and Exterior Walls. Ground floor facades that face public streets shall
 2077 have arcades, display windows, entry areas, awnings and other such design
 2078 features as may be selected by the owner along no less than sixty (60) percent
 2079 of their horizontal length. Where large retail establishments contain
 2080 separately owned stores with separate exterior customer entrances the street
 2081 level facade and facades that face the main entry to the establishment shall be
 2082 transparent between the height of three (3) feet and eight (8) feet above the
 2083 walkway grade no less than sixty (60) percent of the horizontal length of the
 2084 building facade.
 2085
- 2086 (f) Rear Facades/Delivery Loading Operations. Delivery/loading operations shall
 2087 be screened from public areas by landscaping or walls of not less than six (6)
 2088 feet in height, constructed of the same materials as are used in the principal
 2089 structure.
 2090
- 2091 (g) Optional rear entrances are encouraged, but not required. In the event that the
 2092 owner desires or intends to facilitate delivery, loading, trash removal or
 2093 compaction or other similar noise producing activities between the hours of
 2094 10:00 p.m. and 6:00 a.m., the owner shall submit evidence of the placement of
 2095 appropriate sound barriers which shall effectively reduce noise emissions to a
 2096 level of forty five (45) dB as measured at the lot line of any adjoining
 2097 residential property.
 2098
- 2099 (h) Entries. Each large retail establishment shall have a clearly defined, highly
 2100 visible customer entrance featuring no less than three (3) of the following as
 2101 determined by the Town Board.
 2102
- 2103 1. Canopies or Porticos
 - 2104
 - 2105 2. Overhangs
 - 2106
 - 2107 3. Recess/Projections
 - 2108
 - 2109 4. Arcades
 - 2110
 - 2111 5. Raised Cornice Parapets over the Door
 - 2112
 - 2113 6. Peaked Room Forms
 - 2114
 - 2115 7. Arches

- 2116
2117 8. Outdoor Patios
2118
2119 9. Display Windows
2120
2121 10. Architectural details such as tile work and molding, which are integrated
2122 into the building structure and design.
2123
2124 11. Integral Planters or Wing Walls. Each large retail establishment may
2125 install planters or wing walls that incorporate landscaped areas and/or
2126 places for sitting.
2127
2128 (i) Where all facades of a large retail establishment directly face two (2) abutting
2129 public streets, this requirement shall apply to only two (2) sides of the
2130 structure, including the side of the structure facing the primary street and
2131 another side of the structure facing a second street.
2132
2133 (j) Roof Treatment. Roofs shall have no less than two (2) of the following
2134 features:
2135
2136 1. Parapets concealing flat roofs and roof top equipment such as HVAC units
2137 from public view. The average height of such parapets shall not exceed
2138 fifteen (15) percent of the height of the supporting wall and such parapets
2139 shall not at any point exceed one third (1/3) of the height of the supporting
2140 wall. Such parapets shall feature three dimensional cornice treatments.
2141
2142 2. Overhanging eaves, extending no less than three (3) feet past the
2143 supporting walls.
2144
2145 3. Surface coverings on flat roofs shall be of material that is non-reflective
2146 and non-glare. Heavy-duty contoured asphalt shingles, cedar shakes, and
2147 and standing seam metal roofing materials are acceptable for pitched
2148 roofs.
2149
2150 4. Sloping roofs that do not exceed the average height of the supporting
2151 walls, with an average slope greater than or equal to one (1) foot of the
2152 vertical rise for every one foot of horizontal run.
2153
2154 5. Three (3) or more roof slope planes.
2155
2156 (k) Awnings and Canopies. Awnings and canopies shall be considered part of the
2157 establishment's open area. Awnings and canopies that are part of an arcade
2158 shall constitute at least fifty (50) percent of the length of the arcade.
2159 Internally illuminated awnings are prohibited.
2160
2161 (l) Mechanical Equipment. All rooftop equipment shall be screened from view
2162 from adjacent streets, public right-of-ways, and adjacent properties. Rooftop

2163 equipment shall be screened by the building parapet or located out of view
2164 from the ground. If this is deemed not feasible by the Planning Commission
2165 the equipment may be grouped within a single enclosure as permitted by the
2166 Planning Commission. This structure shall be set back a distance of one and
2167 one half (1-1/2) times the height of any façade fronting a public street.
2168 Screens shall be of durable materials (not including wood) that are compatible
2169 with the primary building materials.

2170

2171 (m) If an outdoor storage or service area faces an adjacent residential area, public
2172 street alley or walkway, it shall be screened from view by masonry walls or an
2173 earthen berm five (5) feet wide and plant material at least five (5) feet in
2174 height. Screen walls shall be architecturally compatible with the principal
2175 structure.

2176

2177 (n) Parking Lot Layout. No more than fifty (50) percent of the off street parking
2178 area for the lot, tract, or area of the land devoted to the large retail
2179 establishment shall be located between the front facade of the large retail
2180 establishment and the abutting streets.

2181

2182 1. The front parking area shall be determined by extending a line from the
2183 front corners of the principal structure to the nearest property corners. If
2184 any such line, when connected to the plan of the front facade of the
2185 principal structure creates an angle greater than one-hundred-eighty (180)
2186 degrees then the line shall be adjusted to create an angle of one-hundred-
2187 eighty (180) degrees when connected to the plan of the front facade of the
2188 principal structure.

2189

2190 2. If any such line when connected to the plan of the front facade of the
2191 principal structure creates an angle less than ninety (90) degrees, then the
2192 line shall be adjusted to create an angle of ninety (90) degrees when
2193 connected to the plan of the front facade of the principal structure.

2194

2195 3. Parking areas shall be designed so that no more than one hundred (100)
2196 parking spaces are part of a clearly delineated grouping of spaces of the
2197 total required spaces. Such groups shall be separated by landscaping or
2198 weather protected pedestrian walkways, significant landscape or
2199 geographic features and/or design components of the proposed building.

2200

2201 4. Six spaces per 1,000 square feet of an integrated center shall be required.
2202 However, 25 percent of the required spaces shall be maintained as grass
2203 and shall be reserved for future parking development and shall not be
2204 improved to ordinance standards until a demonstrated need requires
2205 improvement. A demonstrated need shall be documented by the developer
2206 and approved by the Planning Commission. The Planning Commission
2207 shall also have the authority to require development of reserved spaces at
2208 any time.

2209

- 2210 (o) Landscaping and Screening of Parking Areas. Landscaped green areas within
 2211 parking lots include landscaped walkways, driveways, separators, parking lot
 2212 islands, and linear landscape features shall, at a minimum, comprise an area
 2213 equal to ten (10) percent of the paved parking area within the development,
 2214 including driveways.
 2215
- 2216 1. Shrubs and ground covers shall comprise fifty (50) percent of the required
 2217 parking lot landscape areas and no individual required landscape area shall
 2218 be devoid of shrubs or ground cover.
 2219
 - 2220 2. Parking lots shall provide a minimum of one (1) tree per ten (10) parking
 2221 spaces. At least fifty (50) percent of these trees must be shade trees. Rows
 2222 of parking shall be broken every ten (10) spaces by a landscape break a
 2223 minimum of seven feet in width.
 2224
- 2225 (p) General Landscaping and Screening. Where any facade faces an adjoining
 2226 residential property, an earthen berm no less than six (6) feet in height
 2227 containing, at a minimum, evergreen trees planted at intervals of twenty (20)
 2228 feet on center, or in clusters or clumps shall be provided.
 2229
- 2230 1. Where the large retail development directly abuts residential properties, a
 2231 six foot high screening wall shall be required. Where visible from any
 2232 right-of-way these walls will also have a three (3) foot high (within one
 2233 year of planting) hedge on the side facing the right-of-way and running the
 2234 length of the wall where visible. Maintenance of the landscaping shall be
 2235 the responsibility of the commercial property owner. Alternative buffers
 2236 may be approved on a case- by-case basis by staff.
 2237
 - 2238 2. At a minimum, a ten (10) foot landscape buffer is required between
 2239 adjoining parcels (side and rear boundaries). This buffer shall be planted
 2240 with two (2) shade trees per one hundred (100) linear feet and three (3)
 2241 understory trees per hundred (100) linear feet. An under story tree shall be
 2242 defined as any tree with a maximum height at maturity of twenty-five (25)
 2243 feet or less, and shall be acceptable to the County Forester with regards to
 2244 species and variety.
 2245
 - 2246 3. Where adjoining parcels are designed as one buffer the combined buffers
 2247 may be reduced to ten (10) feet if the shrubs and ground cover are
 2248 increased to seventy-five (75) percent of the required buffer area. No less
 2249 than five (5) feet will be required on each of the two adjoining parcels.
 2250
 - 2251 4. A minimum of a ten (10) foot wide landscape area shall be located around
 2252 all portions of a building facing a public street or public parking area, or
 2253 an adjoining building facing the property.
 2254
 - 2255 5. Shrubs and ground covers shall comprise at least thirty (30) percent of the
 2256 required buffer area, and shall form a continuous three (3) foot high

- 2257 landscape screen (within one year of planting).
 2258
 2259 6. All open areas around structures shall be landscaped with trees, shrubs,
 2260 ground covers, perennials, annuals, or sod.
 2261
 2262 7. An average of one (1) shade tree or under story tree shall be provided for
 2263 every thirty (30) linear feet of structure perimeter.
 2264
 2265 8. All edges of structures shall have a planting of shrubs and other suitable
 2266 vegetation approved by the Town Board providing minimum groundcover
 2267 of 50% of the adjoining surface area within the distance of 20 feet of the
 2268 structure.
 2269
 2270 (q) Pedestrian/Bicycle Circulation. Sidewalks shall be at least eight (8) feet in
 2271 width and shall be provided along all sides of the lot that abut a public street.
 2272 Sidewalks no less than eight (8) feet in width shall be provided along the full
 2273 length of the structure along any facade featuring a customer entrance and
 2274 along any facade abutting public parking areas. Such sidewalks shall be
 2275 located at least six (6) feet from the facade of the building to provide planting
 2276 beds for foundation landscaping, except where features such as arcades or
 2277 entryways are part of the facade.
 2278
 2279 1. Bicycles shall share access to all pathways. Bicycle racks shall be placed
 2280 at convenient access points near the entrance.
 2281
 2282 2. Continuous internal pedestrian/bicycle pathways not less than eight (8)
 2283 feet in width shall be provided from the public sidewalk or right-of-way to
 2284 the principal customer entrance of all large retail establishments. At a
 2285 minimum, pathways shall connect focal points of pedestrian activity such
 2286 as but not limited to transit stops, street crossings, building and store entry
 2287 points, and shall feature adjoining landscaped areas that include trees,
 2288 shrubs, benches, flower beds, ground covers, or other such materials for
 2289 no less than fifty (50) percent of the length of the pathway.
 2290
 2291 3. Internal pedestrian walkways shall provide weather protection features
 2292 such as awnings or arcades within thirty (30) feet of all customer
 2293 entrances. All internal pedestrian walkways shall be distinguished from
 2294 driving surfaces through the use of durable, low maintenance surface
 2295 materials such as pavers, bricks, or scored concrete to enhance pedestrian
 2296 safety and comfort as well as attractiveness of the walkways.
 2297
 2298 (r) Signs. Freestanding signs shall not exceed a maximum area of 32 square feet
 2299 per parcel of land. Maximum height of a freestanding sign shall be twelve
 2300 (12) feet as measured from the elevation of the nearest sidewalk and shall be
 2301 no closer than ten (10) feet from the right-of-way and shall not infringe on any
 2302 required vision sight lines for traffic safety.
 2303

- 2304 1. A maximum of 32 square feet of display surface area signage shall be
2305 allowed on the facade of the structure. Display surface shall be defined as
2306 the area enclosed by the outer extremities of all letters, characters, or
2307 delineations used for purposes to attract attention to a given sign. A
2308 display surface shall not include supports or devices used to attach the sign
2309 to another surface.
2310
- 2311 2. Animated signs, flashing signs, blinking signs, or signs that have copy that
2312 changes automatically are prohibited.
2313
- 2314 3. No more than twenty-five (25) percent of window area may be occupied
2315 by signage of any kind. The design and materials from which signs are
2316 constructed shall be consistent with those incorporated into the principal
2317 structure of the large scale retail development in question.
2318
- 2319 (s) Outdoor Space. Each large retail establishment subject to these standards
2320 shall contribute to the establishment and enhancement of community and
2321 public spaces by providing at least two (2) of the following: patio/seating area,
2322 pedestrian plaza with benches, transportation center, window shopping
2323 walkway, outdoor play ground area, kiosk area, water feature, clock tower, or
2324 other such deliberately shaped areas and/or a focal feature or amenity that
2325 enhances such community and public spaces. Any such areas shall have a
2326 combined minimum of 5% of the gross floor area and shall have direct access
2327 to the public sidewalk network and such features shall not be constructed of
2328 materials that are inferior to the principal materials and landscape.
2329
- 2330 (t) Gateways. Large retail establishments shall provide an aesthetically pleasing
2331 transition between the public right-of-way and entrance to the development
2332 through the use of at least three (3) of the following elements as determined
2333 by the Town Board:
2334
- 2335 1. Tree lined boulevards
2336
- 2337 2. Landscaped medians.
2338
- 2339 3. Enhanced pedestrian and bicycle linkages distinguished from driving
2340 surfaces through the use of durable low maintenance materials such as
2341 pavers, bricks or scored concrete.
2342
- 2343 4. Pedestrian scale lighting.
2344
- 2345 5. Entry focal point.
2346
- 2347 6. Distinctive directional signage.
2348
- 2349 (u) Outdoor Lighting. Light design and installation shall emphasize low level,
2350 uniform lighting to avoid abrupt changes from bright lights to darkness.

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1. Design limits and intensity requirements shall be placed by the Town Board on large retail establishments consistent with neighboring uses and designed to provide ample ground level lighting while minimizing reflection of light into the atmosphere.
 2. Parking and security lights shall not be taller than the adjacent structures or a maximum of twenty-four (24) feet above the pavement, whichever is less. All lighting must be shielded or angled at a 90-degree angle directly horizontal to the ground so as to avoid light pollution.
- (8) Maintenance and Abandonment. The owner shall enter into an Escrow Agreement with the Town. The escrow fund total shall be set at 5% per year of the assessed value of the completed improvements. Escrow payments shall be required on an annual basis with the first payment due on or before December 31 of the year the assessed value is established and each year thereafter for a period of 20 years. The funds are to be used by the Town for the following purposes:
- (a) Demolition of all or part of the improvements in the event that the property is abandoned or is the subject of a tax deed under Chapter 75 of the Wisconsin Statutes, for non-payment of real estate taxes, special assessments, or other charges or taxes.
 - (b) In the event that the retail use of the improved real estate by the owner, its successors or assigns is terminated, whether voluntarily or involuntarily, the Town may devote escrow monies toward all recruitment of other retail or other businesses to make use of all or part of the improvements.
 - (c) Maintenance repairs and general upkeep of the real estate in the event that, upon thirty (30) day notice, the owner, its successors or assigns, fail or refuse to engage in adequate efforts to keep the property from being legally susceptible to condemnation.
 - (d) To pay the cost of any remedial action which must be undertaken by the Town to bring the premises in compliance with this Section or to pay any fines, forfeiture, court costs, disbursements and attorney fees to enforce this Section.
- (9) Prohibition Against Covenants or Other Use Restrictions. The owner, its successors and assigns shall not encumber the real estate with any restrictive covenants or other restrictions whose effect shall be to limit, restrict, prohibit or forbid any subsequent owner, tenant, or other user of the property from making use of the property for any purpose which is allowed under local or State law. This prohibition shall apply to and shall act to prevent the owner from restricting or prohibiting competing retail use of the property.
- (10) Capital Costs. The owner shall provide and pay for a capital cost study to determine its proportionate share of the capital improvements necessary to

2398 support the development. Capital costs shall be defined as the costs to construct,
2399 expand, or improve public facilities, including the cost of land, legal services,
2400 engineering, planning, and design costs to construct, expand, or improve public
2401 facilities. A capital cost does not include other non-capital costs to construct,
2402 expand, or improve public facilities or the costs of equipment to construct, expand
2403 or improve public facilities.

2404

2405 (11) Most Restrictive Ordinance. In the event of a conflict or inconsistency between
2406 the requirements of the Large Retail Development Ordinance and any other
2407 ordinances, the more restrictive requirement shall apply.

2408

2409 (12) Severability. If any section, phrase, sentence, or portion of this ordinance for any
2410 reason is held invalid or unconstitutional by a court of competent jurisdiction,
2411 such portions shall be deemed separate, distinct, and independent provision, and
2412 such holding shall not affect the validity of the remaining portions thereof.

2413

2414 (13) Application Form and Copy of this Ordinance. The Town Clerk shall maintain in
2415 his/her office copies of this ordinance, application forms and a form of Escrow
2416 Agreement acceptable to the Town.

2417

2418

2419 **17.08 INDUSTRIAL DISTRICT (IND).** In the Industrial District no building shall
2420 hereafter be erected or structurally altered, unless otherwise provided in this chapter,
2421 except for one or more of the following uses:

2422

2423 (1) Any use permitted in the Commercial District.

2424

2425 (2) Any light or heavy industrial plants.

2426

2427 **17.085 LIGHT INDUSTRY DISTRICT (LI).**

2428

2429 (1) PURPOSE. The purpose of the Light Industry District is to delineate areas best
2430 suited for light industrial development because of location, topography, existing
2431 facilities and relationship to other land uses. The purpose of the LI District is as
2432 follows:

2433

2434 (a) To provide for limited, low impact manufacturing, assembly, warehousing,
2435 storage, contracting, and maintenance use which may not require municipal
2436 services or significant transportation improvements, and which provide
2437 services and facilities required by the local area.

2438

2439 (b) To establish conditions and restrictions for such uses.

2440

2441 (c) To identify select locations in the Town of River Falls which have capacity
2442 for consolidation, expansion and start-up of light industrial uses in those sites
2443 where transportation and other necessary services can best be provided to
2444 foster high quality development. Such appropriate locations may include

2445 intersections of major county roads and sites along state highways. The LI
2446 District is not intended to be used for spot zones accommodating small,
2447 individual sites of new or existing uses in dispersed locations.
2448

2449 (2) PERMITTED USES. Principal permitted uses in the LI District.
2450

2451 (a) Light Industry. Light industry as defined means the assembly or
2452 manufacturing of goods from component parts which shall not include basic
2453 industrial or heavy industrial processes such as metal foundries, metal plating,
2454 thermoforming of plastics, blending or formulation of fuels or other hazardous
2455 substances, extensive painting or coating of products which would require a
2456 spray booth, waterwall, drying oven or apparatus, or any process or activity
2457 which involves hazardous materials, produces hazardous wastes, produces
2458 excessive noise, creates air or water emissions requiring pretreatment, special
2459 treatment or pollution control devices, produces odors detectable in the
2460 ambient outdoor air, or which causes any other condition or nuisance which
2461 impairs the full use of neighboring properties.
2462

- 2463 1. All operations must take place in buildings.
2464
- 2465 2. Outside storage of materials or products shall be screened from public
2466 right-of-way except where such right-of way, is an internal street in the LI
2467 District.
2468
- 2469 3. Screening with natural vegetation or fencing as approved by the Plan
2470 Commission shall be provided along property lines bordering R-1, R-2, A-
2471 1, A-2, or C-1 Districts.
2472

2473 (b) Commercial storage facilities which for the purposes of this section shall be
2474 defined as indoor storage of customer's items within partitioned buildings
2475 with individual access to each partitioned area. Commercial storage shall be
2476 subject to the following conditions in addition to all other applicable
2477 requirements of this ordinance.
2478

- 2479 1. All one-way driveways shall provide for one 10 ft. wide parking lane and
2480 one 15 ft. wide travel lane. All two-way drives shall provide one 10 ft.
2481 wide parking lane and two 12 ft. travel lanes. The parking lanes may be
2482 eliminated when the driveway does not serve storage cubicles.
2483
- 2484 2. Commercial storage facilities shall not be used for non storage activities.
2485
- 2486 3. Outside storage shall be prohibited.
2487
- 2488 4. Lighting shall be shielded to prevent direct illumination of adjacent
2489 properties not in the IND or LI Districts, or public rights of way.
2490
- 2491 5. Screening with natural vegetation or fencing as approved by the Plan

2492 Commission shall be provided along property lines bordering R-1, R-2, A-
2493 1, A-2, or C-1 Districts.

2494

2495 6. All non-paved surfaces shall be kept in a dust-free condition.

2496

2497 (c) Trade or Contractor's shops, including such uses as plumbing, electrical,
2498 painting, heating and air conditioning contractors, excavators, carpenters,
2499 wastewater system contractors, and well drillers, whose primary work is
2500 performed off premises, subject to the following:

2501

2502 1. Outside storage of equipment or goods shall not be permitted.

2503

2504 2. Uses shall not include the manufacturing or fabrication of any goods or
2505 use of any processes except as allowed under the definition of light
2506 industry.

2507

2508 3. Screening with natural vegetation or fencing as approved by the Plan
2509 Commission shall be provided along property lines bordering R-1, R-2, A-
2510 1, A-2, or C-1 Districts.

2511

2512 (d) Warehousing and storage, which, for the purposes of this section is defined as
2513 the holding of packaged, or wholly or partially finished materials, goods, or
2514 products within an enclosed building. Examples of such uses include
2515 wholesale establishments, storage wherein customers do not have individual
2516 access to storage cubicles, and boat or vehicle storage. Inside storage shall be
2517 subject to the following limitations:

2518

2519 1. All structures shall be on concrete slabs.

2520

2521 2. All truck parking and loading areas shall be paved.

2522

2523 3. The number of trucks parked outside on the site shall not exceed the
2524 number of loading bays, and all such trucks shall be engaged in the
2525 transshipment of goods or materials. Any truck not engaged in
2526 transshipment shall be inside.

2527

2528 4. Screening with natural vegetation or fencing, as approved by the Plan
2529 Commission, shall be provided along property lines bordering R-1, R-2,
2530 A-1, A-2, or C-1 Districts.

2531

2532 (e) Indoor maintenance, which for the purpose of this section shall include the
2533 repair or goods and equipment, such as automobile body shops, boat repair
2534 and service, electronics maintenance and repair. Indoor maintenance shall not
2535 include auto, boat, or vehicle sales. Indoor maintenance uses shall be subject
2536 to the following limitations:

2537

2538 1. All operations, except loading, shall be in an enclosed building.

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2. The rebuilding or assembly of automobiles, engines, transmissions on a factory basis, and/or disassembly of automobiles shall not be permitted except in the IND District.
 3. All damaged or inoperable goods and equipment shall be stored indoors.
 4. Outside storage of inoperable vehicles other than those delivered for the immediate service (within 72 hours) shall not be permitted. Storage of operable vehicles for more than 5 days shall not be permitted. All permitted storage of vehicles for repair shall be behind the building setback line.
 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.
- (f) Recycling and Non-Hazardous/Non-Toxic/Non-Organic Waste Recovery Facilities, provided:
1. All activities are conducted indoors.
 2. Outside storage of goods or equipment is not permitted.
 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.
- (3) ACCESSORY USES. Accessory uses in the LI District shall be:
- (a) On-site parking and loading.
 - (b) Office associated with principal use, and housed in the same building as the principal use.
 - (c) Sales incidental to manufacturing, provided that:
 1. No more that 15% of the principal building is used for sales purposes.
 2. No outside display of materials or products is permitted, except as part of a permitted sign.
 3. Only products manufactured on the site, or installed on the site as part of indoor maintenance activities, may be sold.
 - (d) Storage buildings customarily accessory to permitted principal uses, provided that storage buildings meet all requirements for principal buildings.

- 2586
2587 (e) Essential Services. *Essential services* means services provided by public and
2588 private utilities, necessary for the exercise of the principal use or service of the
2589 principal structure. These services include underground, surface, or overhead
2590 gas, electric, steam, water, sanitary sewerage, stormwater drainage, and
2591 communication systems and accessories thereto, such as poles, wires, mains,
2592 drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage
2593 tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals,
2594 pumps, lift stations, and hydrants, but not including buildings.
2595
- 2596 (4) CONDITIONAL USES. Conditional uses in the LI District shall be:
2597
- 2598 (a) Any building or combination of buildings greater than 15,000 sq. ft. in
2599 footprint area.
2600
- 2601 (b) Bulk material storage and distribution, which for the purpose of this section,
2602 shall be defined as the holding of bulk raw materials and products for
2603 distribution and use off the premises. Examples of such uses include propane
2604 and fuel oil distributorships, fertilizer distributorships, grain elevators and
2605 bins.
2606
- 2607 (5) SITE PLAN APPROVAL. All new construction or additions to existing
2608 buildings shall comply with the site plan requirements of **Section 14.05(3)**.
2609
- 2610 (6) LOT AND BUILDING SPECIFICATIONS. Lot and building specifications in
2611 the LI District shall be as follows:
2612
- 2613 (a) Minimum lot area, 20,000 sq. ft. if served by public sewer, 1.0 acres (43,560
2614 square feet) if not;
2615
- 2616 (b) Setbacks (minimum):
2617
- 2618 1. Front: 42 feet from road right of way.
2619
- 2620 2. Rear: 40 feet where adjacent to R-1 and R-2 zoning districts, 10 feet
2621 otherwise.
2622
- 2623 3. Side: 40 feet where adjacent to R-1, R-2, A-1 and A-2 zoning districts, 10
2624 feet otherwise.
2625
- 2626 4. Setbacks from roads and navigable water shall be as established in
2627 Sections 240.27 and 240.28, Pierce County Code, which are hereby
2628 adopted by reference.
2629
- 2630 (c) Building height: 35 feet maximum
2631
- 2632 (d) No driveway shall be permitted on a slope greater than 8%.

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17.09 BOARD OF APPEALS.

- (1) ESTABLISHED. A Board of Appeals is hereby established. The Board of Appeals shall consist of 5 members appointed by the Town Board for 3 year terms. The members shall serve without compensation and shall be removable by the Town Board for cause upon written charges and after public hearing. The Town Board shall designate one of the members chairman. The Board of Appeals may employ a secretary and other employees. The Town Board shall appoint an alternate member who shall act with full power only when a member of the Board of Appeals refuses to vote because of interest. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (2) RULES OF CONDUCT.
 - (a) The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board of Appeals may determine. The Chairman or in his absence the acting chairman may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
 - (b) The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.
 - (c) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Town affected by any decision of the administrative officers. Such appeal shall be taken within a reasonable time as provided by the rules of the Board of Appeals by filing with the officers from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof. The officers from whom the appeal is taken shall immediately transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest and shall decide the same within a reasonable time.
 - (d) In rendering decisions the Board of Appeals shall do so in writing together with findings of facts and reasons.
- (3) POWERS OF THE BOARD. The Board of Appeals shall have the following powers:

- 2679
2680 (a) To hear and decide appeals where it is alleged there is error in any order,
2681 requirement, decision or determination made by an administrative official in
2682 the enforcement of this chapter.
2683
2684 (b) To hear and decide special exceptions to the terms of this chapter upon which
2685 the Board of Appeals is required to pass.
2686
2687 (c) To authorize upon appeal in specific cases such variance from the terms of
2688 this chapter as will not be contrary to the public interest, where owing to
2689 special conditions a literal enforcement will result in practical difficulty or
2690 unnecessary hardship, so that the spirit of the chapter shall be observed, public
2691 safety and welfare secured and substantial justice done.
2692
2693 (d) The Board of Appeals may reverse or affirm wholly or in part or may modify
2694 any order, requirement, decision or determination appealed from and make
2695 such order, requirement, decision or determination as in its opinion ought to
2696 be made in the premises and to that end shall have all the powers of the
2697 administrative official. The concurring vote of 4 (four) members of the Board
2698 of Appeals shall be necessary to reverse any order, requirement, decision or
2699 determination appealed from or to decide in favor of the applicant on any
2700 matter on which it is required to pass or to effect any variation in the
2701 requirement of this chapter.
2702
2703

2704 **17.095 POWERS OF THE PLAN COMMISSION**
2705

- 2706 (1) To grant a permit for the extension of a district boundary for a district of not more
2707 than 25' ft. where the boundary of a district divides a lot in a single ownership at
2708 the time of the adoption of this chapter.
2709
2710 (2) By conditional use permit, after due notice and public hearing, recommend the
2711 location of any of the following buildings or uses in any district from which they
2712 are excluded by this chapter, provided that such building or use shall comply with
2713 all other regulations in the district in which it is proposed to be relocated:
2714
2715 (a) Nurseries and greenhouses for the propagation and cultivation of plants.
2716
2717 (b) Private clubs and lodges, excepting those the chief activity of which is a
2718 service customarily carried on as a business. However, no conditional use
2719 permit for a private club or lodge shall be issued in the Exclusive Agricultural
2720 Zoning District.
2721
2722 (c) Hospital and clinics.
2723
2724 (d) Institutions of a philanthropic (charitable) or eleemosynary (generous) nature.
2725

- 2726 (e) Cemeteries.
2727
2728 (f) Churches.
2729
2730 (g) Public utilities and private towers.
2731
2732 (h) Government offices and the like.
2733
2734 (3) On passing upon the above uses, the Plan Commission and the Town Board may
2735 establish adequate safeguards and conditions in harmony with the terms of this
2736 chapter, particularly as they apply to structures of a height and bulk greater than
2737 the normal standards of the district in which the proposed use may be located.
2738
2739 (4) Interpret the provisions of this chapter in such a way as to carry out the intent and
2740 purpose of the master plan as shown on the district zoning map.
2741

2742 **17.10 CHANGES AND AMENDMENTS.**

- 2743
2744 (1) The Town Board may from time to time on its own motion or petition appeal a
2745 decision of the Zoning Administrator to the Board of Appeals and amend,
2746 supplement, or change the district boundaries, the zoning map or the regulations
2747 herein or subsequently established. Any petition or motion for change in zoning
2748 district or change or amendment of this chapter shall be heard by the Town Board
2749 after recommendation of the Plan Commission, noticed by three (3) publications
2750 in a newspaper likely to give notice in the area, one to be at least 18 days, one to
2751 be at least 11 days and one to be at least 4 days prior to such hearing. Any appeal
2752 for variance or permit made to the Board of Appeals or the Plan Commission shall
2753 be heard at a public hearing, noticed by one publication at least 4 days prior to
2754 such hearing. Where the matter petitioned or appealed involves one parcel or lot,
2755 notice of the hearing and its subject matter shall be mailed by the Town Clerk to
2756 at least one of the record owners of each parcel or lot abutting the subject
2757 premises and any other party in interest.
2758
2759 (2) In case of protest against such change signed and acknowledged by the owners of
2760 20% or more either of the areas of land included in such proposed amendment,
2761 supplement or change or by the owners of 20% or more of the land directly
2762 opposite thereto extending 100' from the street frontage of such opposite land,
2763 such amendment, supplement or change shall not become effective except by the
2764 favorable vote of 2/3 of the members of the Town Board.
2765

2766 **17.11 ZONING ADMINISTRATOR.**

- 2767
2768 (1) **APPOINTMENT.** The office of Town Zoning Administrator is hereby created.
2769 The Zoning Administrator shall be appointed by the Town Board and shall serve
2770 such term as is designated by the Board.
2771
2772 (2) **PERMIT REQUIRED.** Every person or entity desiring to build a structure on any

2773 premises in the Town or to structurally alter a structure in the Town where the
2774 value of construction or improvement exceeds a value set from time to time by the
2775 Town Board and every person desiring to change the use of a premises, change
2776 the zoning or use designation of a premises or obtain a conditional use permit
2777 shall first make application to the Zoning Administrator for a conditional use
2778 permit. No construction, structural alteration or change in such use shall be
2779 commenced or effected without first receiving approval and written permit
2780 therefor from the Zoning Administrator and, where also necessary, from the Plan
2781 Commission or Board of Appeals, or Town Board.

2782

2783 (3) FEES.

2784

2785 (a) (Am. 6/19/95) The application for a use permit shall be accompanied by a
2786 nonrefundable application fee to be set by the Town Board.

2787

2788 (b) In addition to the foregoing fees, where publication of notice of a meeting is
2789 required, the permit applicant shall pay for any such publication.

2790

2791 (4) APPLICATION.

2792

2793 (a) Form. The application shall be on forms designated by the Zoning
2794 Administrator, signed by the applicant and accompanied by a location sketch
2795 in duplicate showing the location; actual shape and dimensions of the lot to be
2796 built upon; the exact size and location on the lot of the proposed or existing
2797 building and accessory building or buildings; the lines within which the
2798 building or buildings shall be erected, altered or moved; the existing or
2799 intended use of each building or part of a building; the number of families the
2800 main building is intended to accommodate; and such other information with
2801 regard to the structure or structures, the lot and neighboring lots or buildings
2802 as may be deemed necessary to determine and provide for the enforcement of
2803 this chapter.

2804

2805 (b) Dimensions, Stakes. Where the lot is 2 acres or less in area, all dimensions
2806 shown relating to the location and size of the lot shall be based upon actual
2807 survey. The lot and the location of the structures thereon shall be staked out
2808 on the ground before construction is started. The responsibility for the
2809 accuracy and location of such stakes shall be the applicant's.

2810

2811 (5) ISSUANCE.

2812

2813 (a) Time Limit. The decision of the Zoning Administrator shall be made not more
2814 than 10 days subsequent to proper application having been made. The decision
2815 of the Zoning Administrator shall be made in writing. The applicant shall be
2816 notified of the decision of the Zoning Administrator.

2817

2818 (b) Plan Commission Approval. In the event a structure, whether principal or
2819 accessory, exceeds the value set by the Town Board from time to time, then

2820 the application for zoning permits shall be first submitted to the Plan
2821 Commission for their review and approval. After review by the Plan
2822 Commission, the application shall be resubmitted to the Zoning Administrator
2823 for his action upon such a recommendation. The Zoning Administrator shall
2824 follow the recommendation of the Plan Commission.
2825

2826 (c) Prior Approval. Where preliminary approval is first required from the Board
2827 of Appeals, Plan Commission or Town Board, the Zoning Administrator shall
2828 direct the application to the appropriate body and the application shall be
2829 considered by the Zoning Administrator subsequent to approval from the
2830 preliminary reviewing Board or Commission, in which event the
2831 determination of the Zoning Administrator shall be made within 10 days of his
2832 receipt of the determination by such Board or Commission.
2833

2834 (6) EXPIRATION. Any use permit issued for a structural alteration or new structure
2835 shall expire and become null and void, unless substantial construction has begun
2836 within 6 months of the date of issue and, in any case, such permit shall expire 2
2837 years from the date of issue. Substantial construction of a new structure requires a
2838 minimum substantial excavation and placement of footings. Substantial
2839 construction of an alteration requires a minimum substantial change in the
2840 structure or use to be altered. All construction of exterior or structural members
2841 shall be completed within one year from date of issue. Items to be completed
2842 include finished interior walls, plumbing, electrical and heat systems, windows,
2843 interior and exterior doors, kitchen cabinetry and steps and stoops.
2844

2845 (7) INTERPRETATION.
2846

2847 (a) Strict Interpretation. The Zoning Administrator shall strictly interpret the
2848 provisions of this chapter in considering any application for a use permit.
2849

2850 (b) Conditional Use Permits. Consistent with the declared purposes of this
2851 chapter, the desire for compatibility of uses within the Town and respective
2852 zoning districts, the protection of the safety, health, general welfare and
2853 comfort of the public, conditional use permits may be issued by the Town
2854 Board.
2855

2856 (8) ENFORCEMENT. The Zoning Administrator is empowered with the primary
2857 responsibility to enforce the provisions of this chapter. He may advise applicants
2858 as to the provisions of this chapter and assist them in preparing applications for
2859 use permits. He shall issue use permits in connection with those applications that
2860 meet all applicable terms of this chapter. He may inspect any premises for which
2861 a use permit has been issued at reasonable times and hours.
2862

2863 (9) GENERAL POWERS, DUTIES. The Zoning Administrator shall have the
2864 following powers to enforce the provisions of this chapter:
2865

2866 (a) Examine and approve any application pertaining to the use of land, buildings

- 2867 or structures to determine if the application conforms with the provisions of
2868 this chapter.
2869
2870 (b) Issue all zoning certificates and keep permanent records thereof.
2871
2872 (c) Conduct inspections of buildings, structures, and uses of land to determine
2873 their compliance with this chapter.
2874
2875 (d) Receive, file and forward for action all applications for appeals, variation,
2876 conditional uses, and amendments to this chapter which are filed with him.
2877
2878 (e) Initiate, direct and review from time to time a study of the provisions of this
2879 section and make reports of his recommendations to the Plan Commission and
2880 the Town Board not less frequently than once a year.
2881
2882 (f) Revoke certificates of zoning compliance where provisions of this chapter are
2883 being violated.
2884
2885 (g) Maintain permanent and current records of this chapter, including all maps,
2886 amendments, conditional uses, and variations.
2887
2888 (h) Provide and maintain public information relative to all matters arising out
2889 of this chapter.
2890

2891 (10) ASSISTANT ZONING ADMINISTRATOR
2892

- 2893 (a) The Town Board may from time to time appoint one or more Assistant Zoning
2894 Administrators whose term shall be as prescribed by the Town Board.
2895
2896 (b) The Assistant Zoning Administrator(s) shall have the following powers:
2897
2898 1. In the absence or unavailability of the Zoning Administrator to perform all
2899 things which can be performed by the Zoning Administrator unless
2900 specifically limited by the Town Board.
2901
2902 2. When requested by the Zoning Administrator, to assist the Zoning
2903 Administrator in the enforcement of this chapter.
2904
2905 3. When requested by the Zoning Administrator, Plan Commission or Town
2906 Board, to assist in planning and subdivision and plat review under Chapter
2907 18.
2908
2909

2910 **17.125 CLEAN FILL SITES.**
2911

- 2912 (1) The purpose of this section is to regulate and control the management of clean fill
2913 disposal sites within the Town so as to protect the health, safety and welfare of the

2914 public.
2915
2916 (2) DEFINITIONS. Whenever any of the following terms are used in this section,
2917 such terms shall be deemed and construed to have the meaning ascribed to them
2918 as follows:
2919
2920 (a) CLEAN FILL means clean soil, brick, building stone, concrete, reinforced
2921 concrete, and broken pavement.
2922
2923 (b) CLEAN FILL DISPOSAL SITE means a site used only to dispose of clean fill
2924 of 1000 or more cubic yards.
2925
2926 (3) REQUIREMENTS FOR CLEAN FILL DISPOSAL SITES.
2927
2928 (a) Where Permitted. In Farmland Preservation or Ag Residential zoned districts
2929 with a conditional use permit.
2930
2931 (b) Application. The application for a conditional use permit for the clean fill
2932 disposal site shall include, but not be limited, to the following:
2933
2934 1. Location, size and ownership of land upon which the operation will be
2935 situated.
2936
2937 2. Complete construction site plan as applied in §17.035 and erosion control
2938 plan as applied in Storm Water Management in Chapter 21, along with
2939 proposed operating procedures for the operation, including but not limited
2940 to fill volume and type of fill.
2941
2942 3. A topographic map of the site showing existing contours with minimum
2943 vertical contour intervals of five feet, trees, proposed and existing access
2944 roads and buildings, the area and dimensions of the proposed fill site(s)
2945 and distances to buildings, lot lines, existing wells, and/or other utilities.
2946
2947 4. The restoration plan provided by the applicant shall contain at minimum,
2948 final slopes, extent of fill area, grading, seeding and mulching, depth and
2949 type of final cover, surface water runoff control, erosion control,
2950 restoration commencement and completion dates. The applicant shall
2951 furnish the necessary fees to provide for the inspection and administrative
2952 costs and the necessary sureties which will enable the Town to perform the
2953 planned restoration of the site in event of default by the applicant. The
2954 amount of such sureties shall be based upon cost estimates prepared by the
2955 engineer and the form and type of such sureties shall be approved by the
2956 Town's legal counsel.
2957
2958 5. Copies of all application documents submitted to any other governmental
2959 agency for permitting purposes.
2960

- 2961 6. An affidavit from the landowner giving the agent permission to conduct
 2962 the operation on the landowner's property, plus a copy of the contractor's
 2963 Disposal Agreement.
 2964
- 2965 7. An affidavit from the Town Zoning Administrator showing that approval
 2966 has been granted by the Recycling Committee and the Plan Commission.
 2967
- 2968 8. Notification of all residents within ¼ mile of the site to include:
 2969
 2970 a. A copy of the application.
 2971
 2972 b. Dates and times of public hearings.
 2973
- 2974 (c) Other Requirements.
 2975
- 2976 1. Screening. Enclosure (fencing) regulations, other restrictions and
 2977 inspection costs shall be as set forth by the Town Board.
 2978
- 2979 2. Inspection. Before final placement of material the Town Board or its agent
 2980 shall inspect the clean fill.
 2981
- 2982 3. The clean fill disposal site condition use permit shall be in effect for a
 2983 period not to exceed two years and may be renewed upon application for a
 2984 period not to exceed two years. Modification or additional conditions may
 2985 be imposed upon application for renewal by the Town Board.
 2986
- 2987 (d) Conditional Use Permit Application Review.
 2988
- 2989 1. Town representatives shall particularly consider the effect of the proposed
 2990 operation upon existing streets, neighboring development, proposed land
 2991 use, drainage, water supply, soil erosion, natural beauty, character, and
 2992 land value of the locality and shall also consider the practicality of the
 2993 proposed restoration plan for site.
 2994
- 2995 2. The Recycling Committee shall review each application so a
 2996 recommendation can be made to the Plan Commission and the Town
 2997 Board. The Plan Commission and Town Board shall hold public hearings.
 2998 Upon completion of a review and the public hearing the Plan Commission
 2999 shall make a recommendation to the Town Board.
 3000
- 3001 3. Subject to completeness of the data submitted and conformity of the
 3002 proposed clean fill disposal site with all applicable ordinance and
 3003 regulations, the Town Board shall be empowered to grant a clean fill
 3004 disposal site permit. At the same time that an application is submitted, or
 3005 renewed, the applicant shall pay a non-refundable permit fee to be
 3006 established by the Town Board.
 3007

3008 **17.13 SIGN REGULATIONS.**

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- (1) PURPOSE. The purpose of these requirements is to ensure that the outstanding visual resources of the Town are protected and that traffic safety is enhanced by setting requirements for the size, number, placement and lighting of signs.
- (2) DEFINITIONS. Whenever any of the following terms are used in this section, such terms shall be deemed and construed to have the meaning ascribed to them as follows:

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

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

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

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

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

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

SIGN, POLITICAL CAMPAIGN. Any sign urging the election or defeat of a candidate seeking any elective office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company.

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

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

3055 SIGN, TEMPORARY. A sign that is to be displayed only for a short time which
3056 isn't permanently attached to the ground or a building, which is larger than 32 sq.
3057 ft. and which doesn't fit the definition of a portable sign. For purposes of this
3058 section, permanently attached includes such means of attachment as bolts,
3059 concrete footing or foundation or similar such devises. All signs on wheels are
3060 temporary signs; temporary signs shall not include real estate signs and political
3061 campaign signs.

3062
3063 ON-PROPERTY SIGN. A sign advertising activity conducted on the property on
3064 which it is located; includes a sign which identifies the establishment's principal
3065 product or services offered on the premises.

3066
3067 PROJECTING SIGN. A sign attached to the face of a building and extending
3068 outward.

3069
3070 FARM SIGN. A sign located on farm property which identifies the farm or its
3071 products produced on that farm.

3072
3073 (3) APPLICABILITY

3074
3075 (a) Signs restricted. Unless exempted under subsection (b), no sign shall
3076 hereafter be located, erected, structurally altered, moved or reconstructed
3077 except as permitted by this article.

3078
3079 (b) Signs exempted. The following shall be exempt from the requirements of this
3080 article:

3081
3082 1. Memorial signs and tablets displayed on public property or in cemeteries.

3083
3084 2. Official traffic and parking signs and informational, legal or directional
3085 notices erected by federal, state, or local units of government.

3086
3087 3. Guidance signs authorized by the Wisconsin Department of Transportation
3088 under Section TRANS 200.03 of the Wisconsin Administrative Code.

3089
3090 4. Official government entity flags.

3091
3092 5. Outdoor murals or other outdoor artwork determined by the Zoning
3093 Administrator not to be signs.

3094
3095 6. Temporary incidental signs not exceeding nine square feet in sign face
3096 area which advertise items such as personal belongings or produce for
3097 sale, provided that such signs are displayed nor more than six months in
3098 any calendar year.

3099
3100 (4) REQUIREMENTS FOR ALL PERMITTED SIGNS. The following

- 3101 requirements shall apply to all permitted signs, unless exempted in 17.13(2).
3102
- 3103 (a) No undulating, swinging, rotating or otherwise moving sign shall be
3104 permitted.
3105
- 3106 (b) Except for flashing or fluttering time and/or temperature sign messages, no
3107 flashing, fluttering or otherwise animated sign messages shall be permitted.
3108
3109
- 3110 (c) No sign shall obstruct clear visibility of traffic along any public highway or at
3111 the intersection of any highways with either driveways or highways.
3112
- 3113 (d) No signs, except signs erected by a unit of government, shall project over or
3114 be located within any public right-of-way.
3115
- 3116 (e) Signs shall not resemble, imitate or approximate the shape, size, form or color
3117 of traffic signs, signals or devices. Signs shall not obstruct or interfere with
3118 the effectiveness of traffic signs, signals or devices nor be lighted in such a
3119 way so as to cause glare or impair driver visibility upon public roads.
3120
- 3121 (f) Signs shall not be located or maintained in such a way that prevents free
3122 ingress or egress from any floor, window or fire escape, and no sign shall be
3123 attached to a fire escape.
3124
- 3125 (g) Any spotlights used to illuminate signs shall be shielded such that their light
3126 source cannot be seen from adjoining roads or properties.
3127
- 3128 (h) No sign shall be placed on or over the roof of any building.
3129
- 3130 (i) No sign shall be painted or mounted on rocks or other natural features, except
3131 that nameplates and/or addresses for residences and “No Hunting,” “No
3132 Trespassing,” “No Dumping” and signs of a similar nature may be affixed to
3133 trees.
3134
- 3135 (j) No sign shall contain obscene or derogatory language, symbols or pictures.
3136
- 3137 (k) Wall signs.
3138
- 3139 1. Size. The sign face area of a wall sign shall not exceed 15% of the area of
3140 the side of the building to which it is attached. If more than one sign is
3141 present, the combined sign face area shall not exceed 15% of the area of
3142 the side of the building to which they are attached. The requirement shall
3143 be expanded to 20% of the area of the side of the building if such side is
3144 greater than 250 feet from the road right-of-way which is subject to a
3145 scenic easement.
3146
- 3147 2. Design. Wall signs shall not extend more than six inches from the
3148 building’s wall surface nor beyond the end of the wall.
3149
- 3150 (l) Window signs. The sign face area of window signs shall not exceed 20% of
3151 the glass area of the window.

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(m) Projecting signs.

1. Size. The sign face area of a projecting sign shall not exceed 24 square feet.
2. The sign shall not extend more than five feet from the wall to which it is attached.
3. The bottom of such sign shall be at least seven feet above the grade directly below the sign.
4. The top of such sign shall not extend above the building's roof.

(n) Freestanding signs.

1. Size. The maximum size of freestanding signs shall be as follows:
 - a. Directional signs shall not exceed three square feet in sign face area.
 - b. Nameplates and/or addresses for residences; "No Hunting," "No Trespassing," "No Dumping" and signs of a similar nature; "Open/Close" signs; "Vacancy/No Vacancy" signs; temporary on-premises real estate signs; and operational signs designating entrances, exits, service areas, parking areas, rest rooms and other functional operations of a building or premises shall not exceed four square feet in sign face area.
 - c. On-premises signs located in commercial and industrial districts shall not exceed 32 square feet in sign face area.
 - d. On premises signs which are not listed in subsection (3)(n)1 b or c shall not exceed 24 square feet in sign face area unless a conditional use permit is issued in accordance with 17.034; in such cases, sign face area shall not exceed 32 square feet.
2. Such signs shall be located at least five feet from all side lot lines.

(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.

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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.
 3. No such sign shall be erected prior to beginning of construction.
 4. All such signs shall be removed within one week after completion of construction and prior to occupancy.
 5. Construction signs which are freestanding signs shall be located at least 15 feet from any public right-of-way.
 6. Such signs shall not be illuminated.
- (d) Temporary new development signs. Signs promoting a new subdivision,

3248 apartment complex and other new developments shall not exceed 32 square
3249 feet in sign face area, shall be located on the premises of the new
3250 development, and shall not be illuminated. The sign permit for such signs
3251 shall expire after two years.

3252

3253 (e) On-premises residential neighborhood signs shall be freestanding signs only,
3254 shall be limited to identifying the name of a neighborhood area, such as a
3255 subdivision or housing development, shall not exceed 32 square feet in sign
3256 face area, and shall be placed only at the entrance(s) to the neighborhood area.

3257

3258 (f) Advertising signs.

3259

3260 1. Off premises. Advertising signs which are off-premises signs shall meet
3261 the following:

3262

3263 a. Number limited. No more than two such signs shall be permitted for
3264 each business establishment, commodity or product.

3265

3266 b. Sign spacing for freestanding and projecting signs. The spacing
3267 requirement shall only apply to advertising signs which are
3268 freestanding or projecting signs. In all districts, an off-premises
3269 advertising sign shall be located no closer to any advertising sign than
3270 a distance equal to one-half of the required minimum lot width for new
3271 lots in the zoning district in which the sign is located.

3272

3273 c. Off-premises advertising signs shall be allowed only in the C, LI and I
3274 Districts, except off-premises signs placed at the entrance to a
3275 community advertising a community, public or semipublic use shall
3276 also be allowed in the agricultural districts provided they do not
3277 exceed 24 square feet in sign face area and no more than one sign is
3278 placed at each entrance point to the community.

3279

3280 2. On premises. Advertising signs which are on-premises signs shall meet
3281 the following:

3282

3283 a. Number limited for freestanding and projecting signs. The maximum
3284 number of on-premises advertising signs which are freestanding or
3285 projecting signs shall be a total of three such signs per business.

3286

3287 b. Sign spacing for freestanding and projecting signs. The spacing
3288 requirement shall only apply to advertising signs which are
3289 freestanding or projecting signs. No on-premises advertising sign shall
3290 be located closer to any advertising sign that a distance equal to one-
3291 half of the required minimum lot width for new lots in the zoning
3292 district in which the sign is located.

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- (g) Directional signs. Directional signs shall be subject to the following:
1. Such signs may be in addition to, or in lieu of, off-premises advertising signs erected in accordance with Subsection (f) above.
 2. Directional signs are permitted where a change in travel direction is required. A directional sign which indicates that a use is straight ahead is permitted only where the person seeking the use might normally follow a main travel route.
 3. Unless limitation is waived, no more than four such signs shall be permitted for each use. If multiple travel routes to a particular use are logical, the Zoning Administrator may waive this limitation and authorize the number of such signs deemed necessary.
 4. Directional signs shall only contain information identifying the name of an establishment, the distance to the establishment and a directional arrow. No other information shall be identified on the sign.
 5. Such signs shall only be permitted in proximity of road intersections, but shall not obstruct clear visibility of traffic along any public road or intersection of roads.

(h) Opinion signs. One opinion sign. Not to exceed 18 square feet in sign face area, shall be allowed per lot.

(6) PERMITS.

- (a) The following shall require a sign permit.
1. Directional signs.
 2. On-premises signs which are any of the following:
 - a. Advertising signs which are freestanding or projecting signs.
 - b. Residential neighborhood signs.
 - c. Temporary new development signs.
 3. All off-premises signs, except temporary civic event signs which promote events of community significance.
- (b) All other signs not listed in Subsection (a) above shall not require a sign permit but shall comply with the other requirements of this article.

3340 (c) The changing or altering of the sign face area shall require a sign permit,
3341 unless the sign is exempted from the permit requirements as provided in
3342 Subsection (b) above. The changing of text or logos or the repainting and
3343 routine maintenance of signs shall not be deemed changes or alterations
3344 requiring a sign permit.
3345

3346 (7) NONCONFORMING SIGNS.
3347

3348 (a) Except as specified in Subsection (b) below, nonconforming signs may
3349 continue, but structural alterations or repairs are prohibited, unless the sign is
3350 brought into conformity with this chapter.
3351

3352 (b) Removal of signs; no increase in surface area square
3353 footage.

3354

3355 1. Signs that are nonconforming because they are in a public right-of-way;
3356 are flashing, fluttering, or moving signs; contain obscene language,
3357 symbols, or pictures; or which remain beyond a time limit specified by
3358 this chapter or by the sign permits shall be removed or brought into
3359 compliance. If such sign is not removed or brought into compliance, the
3360 owner or lessee of the property upon which the sign is located shall be
3361 subject to prosecution and penalties as provided in section 17.15.
3362

3363 2. Nonconforming on-premise signs located in commercial or industrial
3364 districts may be repaired or replaced, but repair or replacement shall not
3365 result in an increase in surface area square footage.
3366

3367 (8) ABANDONED SIGNS.
3368

3369 (a) Abandoned signs shall be removed by the owner or lessee of the property
3370 upon which the sign is located, unless the sign's message is changed in
3371 compliance with this chapter. Such removal or change of message shall be
3372 completed within one year of the date upon which it becomes an abandoned
3373 sign.
3374

3375 (b) If the owner or lessee fails to remove the sign, the Zoning Administrator shall
3376 give the owner 60 days' written notice to remove said sign or change its
3377 message in compliance with this chapter. Upon failure to comply with this
3378 notice, the owner or lessee of the property upon which the sign is located shall
3379 be subject to prosecution and penalties as provided in section 17.15.
3380

3381

3382 **17.14 ADULT ESTABLISHMENTS**
3383

3384 (1) PURPOSE.
3385

3386 (a) To create an overlay zoning district whereby adult establishments are
3387 sufficiently separated from each other and conflicting uses so as to ameliorate

3388 the negative secondary effects of adult uses while providing adult
3389 establishments sufficient area and opportunity to operate within the Town so
3390 as not to suppress their existence.
3391

3392 (2) DEFINITIONS.
3393

3394 (a) ADULT ESTABLISHMENT. Shall include, adult book stores, adult motion
3395 picture theaters, adult novelty stores, and further means any premises to which
3396 public patrons or members are invited or admitted that is substantially devoted
3397 to the purveyance, demonstration or display of specified sexual activities or
3398 specified anatomical areas.
3399

3400 (b) ADULT BOOKSTORE. Means an establishment which as its substantial
3401 course of conduct, presents adult entertainment for observation by patrons
3402 therein, or which, as part of its substantial course of conduct, offers for sale,
3403 rent, trade, lease, inspection or viewing books, films, video cassettes,
3404 magazines or other such media, which are distinguished or characterized by
3405 their emphasis on matters depicting, describing or relating to specified
3406 anatomical areas or specified sexual activities.
3407

3408 (c) ADULT ENTERTAINMENT. Any exhibition of any motion picture, live
3409 performance, display or dance of any type which has as a significant or
3410 substantial portion of such performance, or is distinguished or characterized
3411 by an emphasis on, any actual or simulated performance of specified
3412 sexual activities or exhibition and viewing of specified anatomical areas.
3413

3414 (d) ADULT MOTION PICTURE THEATER. Any establishment for the
3415 presentation of motion pictures that as its dominant theme, or distinguished or
3416 characterized by an emphasis on, matters depicting, describing or relating to
3417 specified sexual activities, or specified anatomical areas for observations by
3418 patrons therein.
3419

3420 (e) ADULT NOVELTY STORE. Any establishment which as its substantial
3421 course of conduct offers for sale, rent, trade, lease, inspection or viewing any
3422 adult novelty items, sex toys, sexual gratification appliances, or other similar
3423 products, excluding contraceptives or similar products of medical value, that
3424 are distinguished or characterized by their emphasis on matters depicting,
3425 describing or relating to specified anatomical areas or specified sexual
3426 activities.
3427

3428 (f) SPECIFIED ANATOMICAL AREAS. Means either:
3429

- 3430 1. Less than completely and opaquely covered human genitals pubic region.
3431
- 3432 2. Human male genitals in a discernible turgid state, even if opaquely
3433 covered.

- 3434
- 3435 3. Less than completely and opaquely covered nipples or areolas of the
- 3436 human female breast.
- 3437
- 3438 (g) SPECIFIED SEXUAL ACTIVITIES. Means simulated or actual:
- 3439
- 3440 1. Showing of human genitals in a state of sexual stimulation or
- 3441 arousal; or
- 3442
- 3443 2. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia,
- 3444 sadomasochistic abuse, fellatio or cunnilingus; or
- 3445
- 3446 3. Fondling or erotic touching of human genitals, pubic region, buttocks or
- 3447 female breasts.
- 3448
- 3449 (h) SUBSTANTIAL. Forty percent (40%) or more of a business stock in trade,
- 3450 display space, floor space or retail sales in any one month. Upon reasonable
- 3451 belief that an entity is in excess of the forty percent (40%) threshold, that
- 3452 entity shall provide all necessary records, receipts and documentation to
- 3453 the Town upon request. Failure to do so shall result in a presumption that the
- 3454 entity is operating in excess of the threshold.
- 3455
- 3456 (3) LOCATION.
- 3457
- 3458 (a) No adult establishment shall be located:
- 3459
- 3460 1. Within any zoning district other than general commercial and
- 3461 industrial districts.
- 3462
- 3463 2. Within 1320 feet of an existing adult establishment.
- 3464
- 3465 3. Within 1320 feet of any lot with a residential dwelling.
- 3466
- 3467 4. Within 2640 feet of any preexisting school, church or daycare.
- 3468
- 3469 5. Within 1320 feet of any preexisting establishment licensed to sell or
- 3470 dispense fermented malt beverages or intoxicating liquor.
- 3471
- 3472 (b) For purposes of this section, distances are to be measured in straight line,
- 3473 without regard to intervening structures or objects, from the property line of
- 3474 the adult establishment, to the nearest property line of another adult
- 3475 establishment, dwelling, school, church, daycare or establishment selling of
- 3476 dispensing fermented malt beverages of intoxicating liquor.
- 3477
- 3478 (4) HOURS OF OPERATION
- 3479
- 3480 (a) No adult establishment shall be open between the hours of 2:00 a.m. and
- 3481 12:00 noon, Monday through Friday, between the hours of 2:30 a.m. and

3482 12:00 noon on Saturdays, or on Sundays.

3483

3484 (b) All adult establishments shall be open to inspection at all reasonable times by
3485 the police department and the code enforcement officer.

3486

3487 (5) SIGN REGULATIONS.

3488

3489 (a) See Section 17.13.

3490

3491 (6) SEVERABILITY. If any section of this ordinance is found to be unconstitutional
3492 or otherwise invalid, the validity of the remaining sections shall not be affected.

3493

3494 **17.15 VIOLATION AND PENALTIES.** Any person found to be in violation of any
3495 provision of this chapter shall be subject to a penalty of not less than \$250.00 per
3496 offense, and not more than \$5,000.00 per offense, plus costs of prosecution.