

St. Croix County Zoning Ordinance Comprehensive Update

Summary of Proposed Changes

December 5, 2018

OVERVIEW

Update Purpose

The zoning ordinance regulates the use and improvement of land in most unincorporated parts of the County. The goals of this process are to make our ordinance consistent with current state laws and legal standards, to establish districts and regulations that fit the varied needs of towns across the county, and to make it easier for all users to understand and apply the ordinance. This update should enable the Towns and County to implement adopted land use plans while also minimizing future conflicts between incompatible land uses.

Update Process

The update process started in the summer of 2017 and featured meetings with stakeholder committees, the Towns and the public in the fall of 2017. We met again with those committees and the Towns in February 2018 to discuss and revise preliminary ideas about changes to the code, and have been working since then to draft the specific text of those changes. The current draft will be presented to and discussed with the County's Code Update Task Force and Community Development Committee, then the Towns, then a public meeting. This winter, County staff plan to meet with each Town individually at their own meetings to seek feedback on the draft before it is finalized and adopted by the County Board in spring 2019. After County adoption, each County-zoned Town will need to adopt the revised code within one year to continue with County zoning.

Change in Structure

The ordinance has been entirely reorganized and reformatted. Content is presented in the order that it is typically used, starting with the zoning districts and concluding with rarely used legal language. Duplicative information has been eliminated, reducing the risk of creating internal inconsistencies during future updates (i.e. by updating some instances of a policy but not others). Users will routinely need to check at least three parts of the code to understand the applicable regulations (the Districts, the Use Table, and the Development Standards). This is facilitated by hyperlinks and built-in instructions on how to use the code.

Most Important Changes

The most important change is the elimination and replacement of several zoning districts. As proposed, the two residential districts will be replaced by three new districts, and the two commercial districts will be replaced by four new districts. This change requires a map amendment to assign those lands to one of the new districts. The intent is to offer more tools to enable more flexibility in the implementation of town preferences and land use plans.

Things that Haven't Changed

Most of the content of the new code was carried forward from the current code with no substantive changes. The Agricultural Districts are unchanged, to protect their State certification for Farmland Preservation tax credit purposes.

There are a few potential changes that were discussed earlier in the process but that are NOT included in this draft. These include:

- Additional regulation on certain agricultural activities more likely to conflict with nearby homes, such as manure pits and corn dryers. We determined that additional setbacks for these uses did not offer sufficient benefit to justify additional restrictions at this time.
- Requiring a minimum separation distance between R-2 zoning and agricultural zoning, as part of the R-2 rezoning requirements. This was determined to be too difficult to administer.
- Adding building or site design standards to the C-3 commercial district. We elected not to add additional standards.
- Changing the maximum “active” mining area from 20 acres to 25 or 30 acres; adding additional setbacks for sand mining. These regulations are part of Chapter 14 Nonmetallic Mining and we have decided not to make amendments to Chapter 14 at this time.
- A ban on exotic animals. This was determined to not be a zoning issue.
- Eliminating the minimum dwelling unit size. The minimum is still 720 SF for a single family home.

NOTEWORTHY PROPOSED POLICY CHANGES

Zoning Districts

- **Three new residential districts:**
 - **R-1** is similar to the current Rural Residential (RR) District except that there is now a density limit of 1 dwelling unit per 10 acres (instead of 1 unit per 2 acres) and major subdivisions are not allowed. Animal units allowed are same as current RR District (up to 499 as a permitted use or more with a Conditional Use Permit). In addition, the minimum lot size has been revised from 2 acres to 1 ½ acres. (17.230)
 - **R-2** is similar to the current Rural Residential except that the limit on animal units is now just 200 (as compared to 500+) and the minimum lot size has been revised from 2 acres to 1 ½ acres. (17.231)

- **R-3** is similar to the current Residence District except that it now requires public sewer or community septic, municipal water supply, and basic landscaping and screening improvements for multifamily structures. *(17.232)*
- **Four new commercial districts:**
 - **C-1** is similar to the current Commercial except that it does not require paved parking and the minimum landscaping requirement is reduced from 15% of the parcel to 5% of the parcel. *(17.240)*
 - **C-2** is entirely new, intended for rural recreation and agricultural tourism uses. *(17.241)*
 - **C-3** is similar to the current Commercial District. *(17.242)*
 - **C-4** is entirely new, intended to accommodate the format of existing commercial uses in rural hamlets, including no street yard setback requirement. *(17.243)*
- **Two new industrial districts:**
 - **I-1** is similar to the current Industrial except that it does not allow certain more intensive industrial uses such as commercial composting, heavy construction services, metal extraction, or wrecking and demolition services. *(17.250)*
 - **I-2** is similar to the current Industrial District. *(17.251)*
- A new **Planned Development (PD) district** to allow for negotiated development design when a developer wants to do something that the conventional district standards don't allow. The code language is focused on the approval process rather than specific standards. *(17.280)*
- There is a new **Use Table** *(17.285)* to more concisely describe what uses are permitted in each district, or potentially permitted as conditional uses. This table reflects many adjustments, including the addition of uses not previously described and a variety of changes in the uses permitted. The table format enables easy comparison across districts.

Use Regulations

- There is a new section on the keeping of **Chickens and Ducks** in residential districts on lots less than three acres. *(17.335)*. 6 per parcel - only female hens. Must be within a henhouse or enclosure, setbacks apply. Not previously allowed as chickens were considered livestock animal units.
- **Fence and Wall Heights** are now regulated. *(17.340)*. 6 feet tall along lot lines not abutting streets. Reduced heights to protect vision triangle abutting roads.
- The standards for **Major Home Occupations** are relaxed to allow 50% use of the home (instead of 20%) for business use, 1,500 total SF (vs 1,000), a 100 foot buffer from a neighboring home (vs 500 feet), and the transfer of the conditional use permit to a new property owner. *(17.345)*
- A new section on **Housing** includes regulations for Tiny Houses, Manufactured Homes, Accessory Dwelling Units (ADU) and Caretaker Units with Self Storage Facilities. *(17.350)*. Tiny Homes allowed only in Planned Development Districts (PD). ADUs allowed in all AG and RES districts. One per lot, attached or detached. Compliance with setbacks and locations –

between principal home and rear lot line. Maximum 1,000 square feet max or ½ the size of main home, whichever is less. Two (2) bedroom max / max occupancy of 4 people.

- The standards on **Commercial Kennels** are revised to offer more site design flexibility and to eliminate the requirement for bark suppression collars. (17.355). 300 foot setback. May be reduced to 100 feet if additional fencing/berming/landscaping is provided. Waste management plan must be provided. All animals must be housed indoors from 9 PM to 6 AM.
- There is a new section on **Short Term Rentals**. (17.375). State DATCP License required. There must be a designated contact/agent for the property. Notice provided to County Clerk. Copy of license must be provided to neighborhood association or abutting property owners. No more than 180 nights per year.
- **Solar and Wind Energy Systems** regulations are now consistent with State law, which limits their regulation locally. (17.385, 17.395). Development standards and guidelines are established in State Statute and Administrative Codes.

Development Standards

- **Access Management and Driveways:** Residential uses allowed a second driveway in certain circumstances; a requirement to convert private roads to public if adding access to a third lot is eliminated. (17.405)
- **Grading and Land Disturbance:** the measurement of regulated slopes is more clearly described. (17.415). Utilizes County LIDAR technology for slope identification.
- **Landscaping and Tree Preservation:** “Civic Space” is added as a method of meeting part of the landscaping requirements; landscaping requirements are adjusted to increase flexibility. (17.420)
- **Parking and Loading:** the paving requirements are revised, asphalt or concrete paving now required only in R-3, C-3, C-4, I-1 and I-2; grass parking permitted in C-2. (17.430)

Procedures

- A procedure for **Town Recommendations** is added. (17.530)
- The process for handling **Conditional Use Permits** is adjusted for consistency with State law, to ensure that decisions are based on substantial evidence. (17.550)

Submittal Requirements

- An **Application Checklist** is added. (17.590)

Agencies

- The role of Deputy Zoning Administrator is eliminated.

Definitions and Rules of Interpretation

- Many definitions have been added. (17.805)