

St. Croix County Zoning Ordinance Comprehensive Update

PUBLIC HEARING DRAFT Summary of Proposed Changes

June 12, 2018

PROJECT 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.

Important themes

The public engagement process highlighted the need to accommodate the differing needs of urbanizing towns and rural towns. It also reinforced that the zoning ordinance helps to manage the balance between allowing rural homes and protecting agricultural land, and also the balance between industrial agriculture uses and the enjoyment of rural lands and settings.

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 and November 2018 to discuss and revise proposed code changes. Since that time we have hosted a public meeting about the draft ordinance changes, met several times with the Community Development Committee, met individually with Towns at their meetings, and presented the draft changes to County Board. In total, 45 public meetings have been conducted in conjunction with this update. The Public Hearing is scheduled for July 11, 2019 and County Board adoption is anticipated in August. 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 three new districts. These changes require map amendments 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.

A copy of the proposed map is attached and available on the St. Croix County web page for this project: <https://www.sccwi.gov/839/Comprehensive-Zoning-Update>

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.
- A C-4 Hamlet Commercial district with shallow front yard setbacks to make existing buildings in those areas legal, conforming structures. This was abandoned due to concern that there should not be new structures that close to the street. Existing buildings are instead legal, nonconforming in the C-3 district.
- Accessory dwelling units on single-family residential lots. This was first revised to allow them only if attached to the principal dwelling, and then eliminated entirely, because concerns about unintended consequences outweighed the likely affordable housing benefits, and property owners can still add on to existing homes.

NOTEWORTHY PROPOSED POLICY CHANGES

ZONING DISTRICTS

- **Three new residential districts:** *(to replace the current “Rural Residential” and “Residence” Zoning Districts)*
 - **R-1** is similar to the current Rural Residential (RR) District except:
 - i. Density limit of 4 dwelling units per 40 acres
 - ii. Animal units same as current RR District (up to 499 as a permitted use and 500+ as a CUP)
 - iii. Major subdivisions (5+ lots) are not allowed
 - iv. Minimum lot size revised from “1½ acres lot minimum, 2 acres average” to “1½ acres minimum”
 - **R-2** is similar to the current Rural Residential except:
 - i. Limit on animal units is now 200 (as compared to 500+ in R-1 District)
 - ii. Minimum lot size revised from “1½ acres lot minimum, 2 acres average” to “1½ acres minimum”
 - **R-3** is similar to the current Residence District except:
 - i. Requires public sewer or community septic and water supply
 - ii. Requires basic landscaping and screening improvements for multifamily structures

See attached “Residential District Comparison Table”

- **Three new commercial districts:**
 - **C-1** is similar to the current Commercial except:
 - i. No paving requirement
 - ii. Minimum landscaping requirement reduced from 15% to 5% of the parcel
 - **C-2** is entirely new, intended for agricultural tourism uses that are not in Farmland Preservation
 - **C-3** is similar to the current Commercial District
- **Two new industrial districts:**
 - **I-1** is similar to the current Industrial except:
 - i. Does not allow certain more intensive industrial uses such as commercial composting, heavy construction services, metal extraction, or wrecking and demolition services
 - **I-2** is similar to the current Industrial District
- A new **Planned Development (PD) district** to allow for negotiated zoning standards for projects that demonstrate a high degree of design quality and enhanced public benefit.
- A new **Use Table** to describe which uses are permitted, conditional, or not allowed at all in each district. We’ve added many uses and made a few adjustments to where each can be approved.

PROCEDURES

- A procedure for **Town Recommendations** is added.

USE REGULATIONS

- New rules to allow **Chickens and Ducks** in residential districts on lots less than three acres. Maximum of 12 per parcel - only female hens. Must be within a henhouse or enclosure, setbacks apply.
- **Fence and Wall Heights** are now regulated, including 8 feet tall along lot lines not abutting streets. Reduced heights to protect vision triangle near intersections.
- Standards for **Major Home Occupations** are relaxed:
 - 50% use of the home (instead of 20%) for business use
 - 1,500 total square feet (vs 1,000)
 - 100 foot minimum buffer from a neighboring home (vs 500 feet)
 - Allows transfer of the conditional use permit to a new property owner

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- Revised **Junk** definition and standards – enhanced ordinance language in order to more effectively regulate outdoor junk problems
- New **Housing** regulations:
 - Tiny Homes allowed, only in Planned Development Districts (PD).
- **Commercial Kennel** standards revised:
 - 300 foot setback may be reduced to 100 feet with additional fencing/berming/landscaping
 - No more than 10 adult dogs or cats in any single enclosure unit and outside at any one time
 - Waste management plan must be provided
 - All animals must be housed indoors from 9 PM to 6 AM
 - Bark suppression collars no longer required
- Acknowledgement of **Short Term Rentals**:
 - Tourist Rooming House license required by Wisconsin DATCP (Dept. of Trade, Agriculture and Consumer Protection)
 - These licenses are issued through the St. Croix County Public Health Dept. Public Health contracts with DATCP for licensing and inspections
 - The license year for all licenses is July 1 to June 30 of the following year
- **Solar and Wind Energy Systems** regulations are now consistent with State law, which limits their regulation locally, and with state guidelines. (17.385, 17.395). Development standards and guidelines are established in State Statute and Administrative Codes. (66.0401 & 66.0403).

DEVELOPMENT STANDARDS

- **Access Management and Driveways:** Residential uses allowed a second driveway in certain circumstances; requirement to convert private roads to public if adding access to a third lot is no longer regulated by the County; towns will determine.
- **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.
- **Parking and Loading:** the paving requirements are revised, asphalt or concrete paving now required only in R-3, C-3, I-1 and I-2; grass parking permitted in C-2.