

VILLAGE OF WEST BARABOO  
CODE OF ORDINANCES

CHAPTER 17

ZONING

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**17.01 TITLE.** This Ordinance shall be known as the "Village of West Baraboo, Wisconsin Zoning Code."

**17.02 AUTHORITY.** This Ordinance is adopted under the authority granted by the Wisconsin Statutes, including sections 61.35 and 62.23(7).

**17.03 PURPOSE.** The purpose of this ordinance is to promote the public health, safety, morals, comfort, aesthetics, prosperity and general welfare of the Village.

**17.04 INTENT.** The general intent of this Ordinance is to regulate and restrict the use of all structures, lands and waters; regulate and restrict lot coverage, population distribution and density, and the size and location of all structures so as to lessen congestion in, and promote the safety and efficiency of, the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding, avoid undue population concentration, facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the Village and provide for the administration and enforcement of this chapter and provide penalties for its violation.

- (1) GENERAL INTENT. It is the general intent of this Ordinance to:
  - (a) Promote and guide the continued growth and expansion of the Village while protecting the natural economic and scenic resources of the Village.
  - (b) Help achieve greater efficiency and economy of land development by promoting the grouping of those activities which have similar needs and are compatible.
  - (c) Prohibiting the formation or expansion of nonconforming uses of land, buildings, and structures adversely affecting the character and value of desirable development in each district.
  - (d) Help to prevent land development activities which lead to roadside blight and to minimize the effects of nuisance producing activities.
- (2) SPECIFIC INTENT. It is the specific intent of this Ordinance to implement the goals of the West Baraboo Comprehensive/Master Plan. To wit:
  - (a) Adopt land use ordinances that encourage high quality, attractive development;
  - (b) Provide highway corridors and intersections that are safe, welcoming to visitors, efficient and continually pleasing to residents;

- (c) Adopt ordinances that encourage good quality commercial development without placing undue burden on new businesses;
- (d) Encourage development of attractive, affordable housing appropriately placed; and
- (e) Ensure that all residents have access to open space and recreational activities.

**17.05 APPLICABILITY**

- (1) **GEOGRAPHIC SCOPE.** This Ordinance classifies and regulates the use of land, buildings, and structures within the corporate limits of the Village as hereinafter set forth.
- (2) **COMPLIANCE WITH CODE.** No structure, land or water shall hereafter be used, and no structure, or part thereof, shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without full compliance with the provisions of this chapter and all other applicable Village, county, state and federal statutes, ordinances, codes and regulations.
- (3) **EFFECTIVE DATE OF AMENDMENTS.** This Zoning Code first became effective on June 12, 1987. Amendments to the text of this Zoning Code or to the Zoning Map shall become effective on the day after their publication or a later date if expressly stated in the ordinance.

**17.06 CERTIFICATE OF OCCUPANCY.**

- (1) **VACANT LAND.** No building hereafter erected, altered or moved, shall be occupied, and no use of an existing building changed until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate shall show that the building and/or land, or part thereof, and the proposed use are in conformity with the provisions of this Zoning Code and other applicable Village ordinances. Such certificate shall be issued only when the building and/or land, and the proposed use thereof conform to all of the requirements of the Village Code of Ordinances.
- (2) **TEMPORARY CERTIFICATE.** Under such rules and regulations as may be established by the Village Board, the Building Inspector may issue a temporary certificate of occupancy for all or part of a building for a period not exceeding six (6) months.
- (3) **NON-CONFORMING PROPERTIES.** Upon written request from the owner, the Building Inspector may issue a certificate of occupancy for any building or premises existing at the time of the adoption of the Zoning Code as provided in the subsection of the Zoning Code covering existing, lawful non-conforming uses of structures, land and water and substandard lots.

**17.07 RULES FOR INTERPRETATION.**

(1) **MINIMUM REQUIREMENTS** The provisions of this Ordinance shall be held to be minimum requirements, shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

(2) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(3) **AMENDMENTS.** Where amendments to this ordinance relocate or renumber provisions without a change in language, there shall be a rebuttable presumption that the amendment is not intended to effect a substantive change in meaning.

(4) **SEVERABILITY.** Should any portion of this Zoning Code or Zoning Map be held invalid by reason of any decision of any court of competent jurisdiction, the validity of the remaining portions shall remain unaffected. No provisions of this Zoning Code shall be construed to bar an action to enjoin, or abate the use of any land or building as a nuisance under the appropriate laws of the State of Wisconsin.

**17.08 DEFINITIONS.** Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have at common law.

(1) **ABUT.** To have a common property line; to be adjacent to.

(2) **ACCESSORY USE.** A use of land or a portion of a building customarily incidental to the actual principal use of the land or building and located on the same parcel or property with such principal use.

(3) **ADMINISTRATOR** The Village of West Baraboo Zoning Administrator.

(4) **ALLEY.** A special public right-of-way affording only secondary access to abutting properties, said right-of-way being less than twenty-one (21) feet wide.

(5) **BASEMENT.** The portion of a dwelling below the first floor or ground floor with its entire floor below grade.

(6) **BED-AND-BREAKFAST ESTABLISHMENT.** "Bed-and-breakfast" means any place of lodging that:

(a) Provides four or fewer rooms for rent to no more than a total of 20 tourists or transients;

- (b) Provides no meals other than breakfast and provides the breakfast only to renters of the place;
  - (c) Is the owner's personal residence;
  - (d) Is occupied by the owner at the time of rental;
  - (e) Was originally built and occupied as a single-family residence or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence;
  - (f) Has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition, including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure;
  - (g) All drives and parking areas shall be hard surfaced and there shall be one off-street parking stall for each guest room and all parking stalls shall be located on the premises or on the adjoining premises. All off-street parking areas and drives shall be maintained so as to be accessible at all times and shall be cleared of snow within 24 hours after snow has accumulated; and
  - (h) Is licensed as a Bed and Breakfast Establishment by the Wisconsin Department of Health and Social Services.
- (7) BOARD. The Village Board of the Village of West Baraboo.
- (8) BUILDING. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals or property. When a building is divided into separate parts by unpierced walls extending from the ground up, each part shall be deemed a separate building.
- (9) BUILDING, ACCESSORY. A building or portion of a building subordinate to the principal building and used for a purpose customarily incidental to the permitted use of the principal building or the premises.
- (10) BUILDING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basements, garages, breezeways and unfinished attics.
- (11) BUILDING HEIGHT. The vertical distance measured from the mean elevation of the finished lot grade along the front yard face of the structure or from the curb level in the front of lot, whichever is higher, to the highest point of flat roofs; to the mean height level between the eaves and ridges of gable, gambrel hip and pitch roofs; or to the declivity of mansard roofs.



- (12) **BUILDING, PRINCIPAL.** A building in which is conducted the principal use of the lot on which it is located.
- (13) **CARPORT.** A structure having a roof, with or without supporting walls, posts or columns; used, designated or intended to be used for the protection or shelter of up to three (3) private motor vehicles. For the purpose of this ordinance, a carport is considered to be the equivalent of a private garage.
- (14) **CENTERLINE.** A line equidistant from the edge of the median separating the main traveled ways of an existing or planned divided road or highway, or the centerline of the main traveled way of a nondivided road or highway.
- (15) **CLINIC.** Health care clinics operating for the primary purpose of providing out-patient treatment for human ills by one or more health care providers and including related facilities such as laboratories and other service facilities.
- (16) **COMMUNITY LIVING ARRANGEMENT.** Any of the following facilities licensed or operated, or permitted under the authority of the State of Wisconsin Department of Health Services: child welfare agencies under §48.60, Wisconsin Statutes, group homes for children under §48.02(7) Wisconsin Statutes and community based residential facilities under §50.01 Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons, jails or juvenile secured or unsecured detention centers.
- (17) **CONDITIONAL USE.** A use of a special nature which makes impracticable its predetermination as a permitted activity. See Section 17.14.
- (18) **CONVENIENCE STORE.** A commercial place of business engaged in the sale of food, beverages and miscellaneous products designed to be consumed off the premises. The business may also sell motor fuel and goods generally associated with the operation and maintenance of a motor vehicle.
- (19) **CURBCUT.** Intersection between an access driveway and a highway allowing traffic flows through an existing or proposed concrete curb and/or gutter.
- (20) **DAY CARE CENTER.** Any facility or home licensed as a day care center by the State of Wisconsin Department of Health Services under §48.65 Wisconsin Statutes where care is provided for compensation.
- (21) **DRAINAGE WAY.** Any natural or artificial water course, including, but not limited to: streams, rivers, creeks, ditches, channels, canals, conduits, culverts, streams, waterways, gullies, ravines or washes in which waters flow in a definite direction and/or force; either continuously or intermittently. It also includes any area adjacent thereto, which is subject to inundation by reason of overflow or flood water.

- (22) DWELLING, ONE-FAMILY. A residential building with one (1) dwelling unit.
- (23) DWELLING, TWO-FAMILY (DUPLEX). A residential building containing two (2) dwelling units.
- (24) DWELLING, MULTIPLE-FAMILY. A residential building containing three (3) or more dwelling units.
- (25) DWELLING, TOWNHOUSE OR ROW HOUSE. One of a series or three (3) or more attached dwelling units separated from one another by continuous vertical party walls unpierced from the basement floor to the roof.
- (26) DWELLING AREA. The total area bounded by the exterior walls of a building at the floor levels, but not including basements, garages, porches, breezeways and unfinished attics.
- (27) DWELLING UNIT. A residential building or part of a building designed and constructed for human occupancy, which is intended to be used as a home, residence or sleeping place by one or more persons maintaining a common household, to the exclusion of all others, and which satisfies the following minimum requirements:
- (a) Has a minimum of eight hundred sixty-four (864) square feet of dwelling area per unit;
  - (b) Has a minimum width along any exterior side elevation of 24 feet for the principal building and a minimum internal height of seven-and-one-half (7.5) feet for more than fifty (50) percent of the living area;
  - (c) Is firmly fastened to a solid foundation constructed on the site in compliance with Chapter 14 of this Code and the current One-to-Two-Family Uniform Dwelling Code with the exterior covering material extending to the ground, except that when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation;
  - (d) Is connected to the Village sewer and waterworks systems; and
  - (e) Is not housing classified as TYPE 1 Manufactured Homes located in a TYPE 1 Manufactured Home Park.
- (28) FAMILY. Any number of persons related by blood, adoption, marriage, or not more than four (4) unrelated persons, living together in one (1) dwelling unit as a single housekeeping entity.
- (29) FAMILY CHILD CARE HOME. Any dwelling licensed for the provision of day care services for less than eight children as defined in § 66.1017(a), Wis. Stats., and care is provided for compensation.

(30) **FREE STANDING SIGN.** A sign supported by one or more uprights, pylons, or foundations elements in or upon the ground and not attached to a building. This definition shall not be construed so as to include traffic control signs.

(31) **FRONTAGE.** All the property abutting on one (1) side of a street between two (2) intersecting streets, or all of the property abutting on one side of a street between an intersecting street and the dead end of a street.

(32) **GARAGE, PRIVATE.** An accessory building used or intended primarily for storage of not more than three (3) motor-driven vehicles. An attached garage is considered an accessory building. (See also CARPORT).

(33) **GARAGE, PUBLIC.** Any garage which is open to the public and used or intended primarily for the storage of motor vehicles.

(34) **GARAGE, REPAIR.** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, painting, and body work.

(35) **HOME OCCUPATION.** An occupation for gain or support conducted only by members of a family residing on the premises, provided that no special space is designed or arranged for such occupation; and provided further that:

- (a) No article is sold or offered for sale, except such as may be produced by family members of the immediate family residing on the premises;
- (b) Such occupation shall be carried on wholly within buildings on the lot;
- (c) The total area devoted to such occupation shall not exceed 20 percent of the gross floor area of the dwelling unit;
- (d) Such occupation does not generate sewage or result in water usage in excess of what is normal for a residential dwelling; and
- (e) Materials used in or produced by such occupation may not be stored or displayed outside of any building.

(36) **HOTEL.** A building in which there are more than five (5) sleeping rooms designed for occupancy as the temporary residence of transient guests for compensation, who are lodged with or without meals, and in which no provision is made for cooking in any individual room or suite.

(37) **LOADING AREA OR SPACE.** A completely off-street space or berth on the same lot for the loading or unloading of freight carriers having adequate ingress and egress to a public street or alley.

- (38) **LODGING HOUSE (Including Boarding and Rooming House).** A residential building that is the primary residence of the owner where lodging is provided for compensation for not more than three (3) persons who are not members of the family. Lodging or meals or both are provided for compensation on a weekly or monthly basis. A lodging house excludes establishments that offer short-term accommodations for transients such as hotels, motels, bed and breakfasts, and emergency shelters.
- (39) **LOT.** A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the area and other open space provisions of this ordinance.
- (40) **LOT, CORNER.** A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.
- (41) **LOT COVERAGE.** Lot coverage is the percentage of the total area of the lot that is covered by buildings or structures.
- (42) **LOT, DEPTH OF.** The mean horizontal distance between the front and rear lot lines.
- (43) **LOT, FAN SHAPED.** A parcel of land having a minimum 30-foot width on a public street. The lot width at the building setback line must be at least sixty (60) feet.
- (44) **LOT, INTERIOR.** A lot other than a corner lot.
- (45) **LOT, THROUGH.** An interior lot having frontage on two (2) non-intersecting streets.
- (46) **LOT LINES AND AREA.** The peripheral boundaries of a parcel of land and the total area lying within such boundaries.
- (47) **LOT WIDTH.** The width of a parcel of land measured at the lot line of the front yard.
- (48) **LOW RELIEF WALL SIGN.** Any wall sign the message and structure of which are constructed of the same (or similar) material as the wall upon which the sign is mounted. A low relief wall sign does not include a painted wall sign. The message and the structure must be the same (or similar) texture as the wall surface, and may be constructed in either negative or positive relief, the relief not to exceed four inches.
- (49) **MANUFACTURED HOME (TYPE 1).** Single-family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and includes structures known as manufactured homes or mobile homes. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis, and is used as a place of human

habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame; and includes any additions, attachments, annexes, foundations and appurtenances. A manufactured home (TYPE 1) does not comply with the State One and Two-Family Dwelling Code (Subchapter II of Chapter 101, Wisconsin Statutes) or with the Manufactured Building Code (Subchapter III of Chapter 101, Wisconsin Statutes).

(50) **MANUFACTURED BUILDING (TYPE 2).** A manufactured building is also known as a manufactured home TYPE 2. Any structure or component thereof which is intended for use as a dwelling and: (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation, at the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation, on the building site and for which certification is sought by the manufacturer. A manufactured building does not mean any manufactured home TYPE 1 or mobile home. A manufactured building is a dwelling unit that complies with Subchapter III of Chapter 101, Wisconsin Statutes, and shall have been inspected and certified by Department of Industry, Labor and Human Relations (DILHR) as complying with Subchapter III and shall display the compliance insignia issued by DILHR.

(51) **MOBILE HOME:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used, and includes any additions, attachments, annexes, foundations, and appurtenances. (See § 101.91(9) Wis. Stats.)

(52) **MOTEL.** At least five (5) attached, semi-attached or detached sleeping units for the accommodation of transient guests.

(53) **OUTDOOR ELECTRONIC MOVING MESSAGE DISPLAY.** A sign in which the time, temperature, or a display message is formed through the use of pixilated lights or moving panels. Such a sign shall not emit light so as to interfere with the vision of motorists or pedestrians.

(54) **PARKING LOT.** A public or private structure or premises containing parking spaces for automobiles, trucks, and motorcycles subject to compliance with this code.

(54) **PARKING SPACE.** A graded or surfaced area of not less than one hundred eighty (180) square feet, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.

(55) **PARTY ROOM.** A room or building, without on-site cooking facilities, used for social gatherings such as receptions, reunions, parties, and business events.

(56) **PROFESSIONAL OFFICE.** A building used for the provision of professional services and limited to the following recognized professions: architect, landscape architect, engineer, planner, attorney, clergy, registered land surveyor, accountant, property assessor, physician, dentist, orthodontist, chiropractor, artist, teacher, author, musician, real estate agent, insurance agent, appraiser, credit agent, travel agent, and property title researcher.

(57) **PROFESSIONAL HOME OFFICE.**

(a) **Permitted uses.** An office in the residence of a clergyman, architect, landscape architect, professional engineer, registered land surveyor, lawyer, artist, teacher, author, musician or other similar recognized professions. The office shall be incidental to the residence; used to conduct the residence's profession; where the office does not exceed twenty (20) percent of the floor area of one (1) story of a dwelling unit where the office is located; no more than one (1) nonresident person is employed; and only one (1) name plate, not exceeding four (4) square feet in area containing the name and profession of the occupant of the premises shall be exhibited.

(b) The following uses are prohibited as professional home offices:

1. Animal hospitals, pet grooming or boarding.
2. Antique shops.
3. Automobile or other motor vehicle repair or paint shops.
4. Barber shops and beauty parlors.
5. Furniture stripping and/or refinishing.
6. Gift shops.
7. Manufacturing or assembling items for sale from components not made on the same premises.
8. Mortuaries.
9. Photographic studios.
10. Private clubs.
11. Restaurants.
12. Small-engine repair shops.
13. Stables or kennels.
14. Any other home occupations not meeting the criteria established by the Zoning Code.

(58) **SALVAGE YARD.** An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile-wrecking yards, house-wrecking and structural-steel materials and equipment yards, but not including the purchase or storage of used furniture and household equipment or used cars in operational condition. Storage of three (3) or more unlicensed vehicles on the same premise may be evidence of operation of a salvage yard.

- (59) **SERVICE STATION.** Any premises where gasoline, other petroleum products and automobile accessories are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs and carburetor cleaning are conducted. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, automobile painting and body work are conducted nor shall they include convenience stores.
- (60) **SETBACK.** The minimum horizontal distance between a lot line and the nearest point of a building or any projection thereof, excluding uncovered steps and walkway ramps.
- (61) **SEWERED.** Served by Village of West Baraboo Municipal Water and Sewer Utilities.
- (62) **SEXUALLY ORIENTED BUSINESS.** See Chapter 12 of this Code.
- (63) **SHOPPING CENTER.** A lot consisting of separate businesses in their own individual buildings, or a single building structure with the businesses separated by party walls, that are engaged in the retail sale of goods or meals, but not lodging..
- (64) **SIGN.** Any device not a part of a structural part of a building which conveys any idea or concept relating to an activity conducted upon the premises or at any other location.
- (65) **STORY.** The portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling above it. A basement or cellar having one-half (½) or more of its height above grade shall be deemed a story for purposes of height regulation.
- (66) **STORY, HALF.** The space under any roof except a flat roof which, if occupied for residential purposes, shall be counted as a full story.
- (67) **STREET.** All property dedicated or intended for public or private street purposes, or subject to public easements therefore, and twenty-one (21) feet or more in width providing access to abutting properties.
- (68) **STREET LINE.** A dividing line between a lot, tract or parcel of land and a contiguous street.
- (69) **STRUCTURAL ALTERATIONS.** Any change that would convert an existing building or structure, to a substantially different building or structure, or a change that would contribute to the longevity or permanence of the building or structure. Ordinary maintenance repairs, such as internal and external painting, decorating, paneling, replacement of doors and/or windows or other non-structural components, installation of insulation, or the repair or replacement of heating, electrical or plumbing improvements, including fixtures, shall not ordinarily be regarded as structural repairs. See also requirements for building, plumbing and electrical permits.

(70) **STRUCTURE.** Any erection or construction such as buildings, mobile homes, towers, masts, poles, booms, signs, wells, decorations, carports, covered decks, machinery, and equipment which requires a temporary or permanent location on or in the ground.

(71) **STRUCTURE, TEMPORARY.** A movable structure not designed for permanent human occupancy for the purpose that would commonly be expected to be relatively short term.

(72) **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the most current equalized value of the structure, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. The term does not, however, include either of the following:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

(b) Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other nonstructural components.

(73) **TRAILERS.** Units, including camp trailers, intended for temporary occupancy.

(74) **UTILITIES.** Any public or private water supply or waste collection and/or disposal system, including, but not limited to, septic systems, private and public wells and their attendant facilities, public sewage collection systems, wastewater treatment facilities, telephone, cable communications, gas and electric utilities.

(75) **VARIANCE.** An authorization granted by the Board of Zoning Appeals to construct or alter a building or structure in a manner that deviates from the requirements of the Zoning Code. See section 17.15.

(76) **VETERINARY CLINIC - SMALL ANIMAL.** A building, or portion thereof, used for the medical treatment of only small domesticated animals where there is no outside animal run(s) and no overnight boarding of animals except for medical reasons. This use shall not include on-site treatment of large animals such as cattle, horses, swine, sheep or similar animals and livestock.

(77) **VISION CLEARANCE.** A triangular-shaped portion of land established at street intersections, in which nothing is to be erected, placed, planted, or allowed to be grown in such a manner as to limit or obstruct the sight of motorists, bicycles, and pedestrians entering or leaving the intersection. See §17.20(4).



(78) WALL SIGN. A sign attached to, placed against or supported by the exterior surface of any building, or a low relief wall sign as defined herein. A wall sign may be mounted upon any portion of a roof structure located between the cornice or eaves and the ridge of the roof.

(79) YARD, FRONT. A yard extending across the full width of the lot from the front lot line to the nearest point of a building. The depth of a front yard shall be the minimum horizontal distance between the front lot line and a line parallel thereto through the nearest point of a building or any projection thereof, excluding uncovered steps and walkway ramps. Corner lots are considered to have two (2) front yards, each of which are measured from each street to the respective side of the building facing that street.

(80) YARD, REAR. A yard extending across the full width of the lot from the rear lot line to the nearest point of the principal building. The depth of a rear yard shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of a building or any projection thereof, excluding uncovered steps and walkway ramps. This yard shall be opposite the front yard or one (1) of the front yards on a corner lot.

(81) YARD, SIDE. A yard extending from the front yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of a building or any projection thereof, excluding uncovered steps and walkway ramps.

**17.09 ADMINISTRATION**

(1) GENERAL. The Zoning Code contemplates an administrative and enforcement officer entitled the "Zoning Administrator" to administer and enforce the provisions of the Zoning Code with the aid of the Village Engineer and the Village Attorney. Certain matters, such as the granting of conditional uses, variances multi-family development uses, changes in zoning districts and Zoning District Map and amendments to the text of the Zoning Code require review and recommendation and/or action by the Plan Commission, the Village Board and/or the Board of Zoning Appeals. The Zoning Board of Appeals is established to assure proper and consistent administration of the Zoning Code and to avoid arbitrariness.

(2) APPOINTMENT OF ZONING ADMINISTRATOR. The Village Board shall appoint a Zoning Administrator to administer and enforce the provisions of the Zoning Code.

(3) POWERS AND DUTIES OF ZONING ADMINISTRATOR The Zoning Administrator shall have the following powers and duties:

(a) To interpret and administer the Zoning Code and to issue, after on-site inspection, all permits required by the Zoning Code, except conditional use permits and variances;

- (b) In co-operation with the Village Clerk, to maintain records of all permits issued and approvals granted under the Zoning Code including conditional use permits, variances, and multi-family development permits. The Zoning Administrator shall further assure that all such permits are recorded in the office of the Sauk County Register of Deeds if required by this ordinance;
- (c) To maintain records of all inspections made, work approved and other official actions;
- (d) To record the lowest floor elevations of all structures erected, moved, altered or improved in the floodland districts;
- (e) To establish that all necessary permits that are required for floodland uses by state and federal agencies have been secured;
- (f) To inspect all structures, lands and waters as often as necessary to assure compliance with this Zoning Code;
- (g) To investigate all complaints made relating to the location of structures and the use of structures, lands and waters, give notice of all violations of this Zoning Code to the owner, resident, agent or occupant of the premises and report uncorrected violations to the Village Attorney in a manner specified by said Attorney;
- (h) To issue uniform citations or complaints to persons violating the Zoning Code;
- (i) To prohibit the use or erection of any structure, land or water until the administrator has inspected and approved such use or erection;
- (j) To request assistance and cooperation from the Village Engineer, Department of Public Works and Village Attorney as deemed necessary;
- (k) To prepare and maintain a current listing of all legal and illegal non-conforming uses, non-conforming structures and non-conforming lots in the Village as required by this subchapter;
- (l) To thoroughly investigate and make reports and recommendations to the Plan Commission, Village Board and Zoning Board of Appeals regarding all requests for annexations, zoning changes, conditional use permits, variances, and any other zoning related matter under consideration by of those bodies;
- (m) To sign and record conditional use permits approved by the Village Board and variances granted by the Zoning Board of Appeals;
- (n) To administer the Village Floodplain Ordinance pursuant to sections 17.67 and 17.68 of the Zoning Code; and

(o) To issue wind energy permits and notices of abandonment of wind energy permits and otherwise administer the Village Wind Energy Ordinance.

(4) PLAN COMMISSION.

(a) In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote Village planning. Under the Zoning Code, its functions are primarily to make recommendations to the Village Board.

(b) Where a person seeks to use property in a manner that is an unclassified and unspecified use in the applicable zoning district, and where a clear determination cannot be made by the Zoning Administrator, the commission shall determine whether the proposed use is sufficiently similar in character to other permitted conditional uses in the district such that the proposed use may be made as either a permitted or a conditional use.

(c) Recommendations. The Plan Commission, together with its statutory duties, shall make reports and recommendations relating to the planning and development of the Village to the Village Board. Recommendations shall be in writing. The Plan Commission's minutes may constitute the required written recommendation. The Plan Commission may decline to make a recommendation on any matter.

(d) Hearings. The Plan Commission, in making a report and recommendations, or in deciding the issuance of a permit, may conduct a public hearing on any matter pending before the Plan Commission. The Plan Commission may further direct the issuance of notices of pending matters to the extent it deems appropriate. Where notice is properly given as mandated by the Wisconsin Statutes, however, the failure of any person to receive actual notice of a public meeting or hearing held by the Plan Commission or of the Plan Commission's consideration of a pending matter shall not invalidate any action by the Plan Commission on such matter.

(5) VILLAGE BOARD. The Village Board has the authority to grant conditional use permits and to amend the Zoning District Map and text of the Zoning Code. To the extent required by the Wisconsin Statutes, the Village Board shall first submit pending matters covered by this chapter to the Plan Commission for review, recommendation, if any, and report. The Village Board may delegate to the Plan Commission the responsibility to hold some or all public hearings required by the Zoning Code.

**17.10 BOARD OF ZONING APPEALS.** A Zoning Board of Appeals is established to provide an appeal procedure for persons who deem themselves aggrieved by decisions of Village administrative officers, boards or commissions in the enforcement of the Zoning Code to the extent authorized by this chapter or the Wisconsin Statutes.

(1) MEMBERSHIP, APPOINTMENT AND OFFICERS.

(a) The Board of Zoning Appeals shall consist of five (5) members and two (2) alternates appointed by the Village Board President, subject to approval by the Village Board. The President shall designate one member as chairperson.

(b) The members shall be appointed for staggered three-year terms. Initially, one member shall be appointed for a one-year term and two members shall be appointed for two-year terms. Vacancies shall be filled for the unexpired term of the member whose seat becomes vacant.

(c) The alternates shall also be appointed for staggered three-year terms. Vacancies shall be filled for the unexpired term of the alternate whose seat becomes vacant.

(d) The President shall separately designate the alternates as first alternate and second alternate. The first alternate shall act with full power only when a member of the Board of Zoning Appeals refuses to vote because of interest or when a member is absent. The second alternate shall act with full power only when the first alternate refuses to vote because of interest or is absent or when two (2) or more members of the board refuse to vote because of interest or are absent.

(e) A quorum of the Board shall consist of three members or alternates who have not recused themselves from voting on a given matter.

(2) ADOPTION OF RULES. The Board of Zoning Appeals shall adopt rules for its governance and procedure. Meetings shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals shall determine. The Chair, or in his/her absence, the acting Chair, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Village Clerk or his or her designee, shall be the secretary of the board.

(3) RECORDS. The Board of Zoning 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 Village Clerk and shall be a public record.

(4) POWERS OF THE BOARD. The Board of Zoning Appeals shall have the following powers.

(a) Appeals. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a Village officer, department, commission or board in the interpretation, administration or enforcement of this section or of any ordinance adopted pursuant to the Village Zoning Code.

(b) Variances. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.

(c) Public Utilities. The board may permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(d) Temporary Building. To hear and grant applications for a permit for a temporary building for business or industry in a residential district which is incidental to the residential development, such permit to be issued for a period of not more than one (1) year.

(e) Scope of remedies. In exercising its powers, the board may, in conformity with the provisions of the Village Zoning Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer, department, commission or board from whom the appeal is taken, and may issue or direct the issuance of a permit.

(f) Non-conforming uses. Except as specifically provided, the Board of Zoning Appeals shall not grant variances or impose greater limits on non-conforming uses for existing legal non-conforming uses, nor shall the Board of Zoning Appeals exercise other regulatory actions over non-conforming uses.

(f) The Board of Zoning Appeals shall have the power to call on any Village officer, official or department for assistance in the performance of its duties and it shall be the duty of such officer, official or department to render such assistance as may be reasonably required.

(5) FILING APPEALS.

(a) Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of an administrative officer.

(b) An appeal must be filed within thirty (30) days of receipt by the appealing party of the determination from which the appeal is taken. An appeal shall be commenced by filing a Notice of Appeal with the officer, department, board or commission from whom the appeal is taken and with the Village Clerk who shall

promptly forward the Notice of Appeal to the Board of Zoning Appeals. A Notice of Appeal is considered filed when it is received by the Village Clerk.

(c) The Notice of Appeal shall specify the grounds for the appeal and shall be made upon forms furnished by the Board of Zoning Appeals and shall be accompanied by all information requested on the appeal form and any additional information requested by the Board of Zoning Appeals.

(d) All appeals shall be accompanied by the prepayment of the required fees. Failure to pay the required fee or supply such information as shall be requested by the Board of Zoning Appeals shall be grounds for dismissal of an appeal.

(e) The officer, department, board or commission from whom the appeal is taken shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken. The Board of Zoning Appeals shall fix a reasonable time for the hearing of each appeal and give public notice thereof as well as notice to the parties in interest as provided in Subsection 5 below.

(f) Effect of Appeal. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of appeals after the notice of appeal shall have been filed with the officer, that by reason of facts stated in the certificate a stay would, in the officer's opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(6) HEARING PROCEDURE

(a) The Board of Zoning Appeals shall fix the date, time and place for the hearing of an appeal within a reasonable time after the Notice of Appeal is properly filed. The Board of Zoning Appeals shall give public notice of the time, place and purpose of such hearing by publication as a Class 1 Notice under the Wisconsin Statutes at least one week before the date of the hearing.

(b) Notice of the date, time, place, and purpose of each hearing shall also be mailed at least ten (10) days before the hearing by first class mail to the appealing party and to the property owners of record as listed in the office of the Village Clerk/Treasurer who are owners of tax parcels of land situated, in whole or in part, within 100 feet of the boundaries of the property subject to the hearing. Failure to comply with the notice requirements under this subsection (a), or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action of the Board of Zoning Appeals. Notice shall be sent to the Wisconsin Department of Natural Resources when such notice is required by the Wisconsin Statutes.

(c) A quorum of the Board of Zoning Appeals shall be sufficient to take action and a majority vote of the members present shall be necessary to reverse any order, requirement, decision or determination appealed from or to decide in favor of the applicant or appellant on any matter on which the Board is required to pass, or to grant any variance from the requirements of the Zoning Code or the building, plumbing, electrical and/or fire codes. All votes shall be by roll call and the minutes shall reflect the vote of each member.

(d) The Board of Zoning Appeals shall decide all appeals and applications in writing within thirty (30) days after the final hearing and shall transmit a signed copy of the Board of Zoning Appeals' decision to the appellant or applicant and to the officer, department, commission or board from whom the appeal was taken. Conditions may be placed upon any variance or permit ordered or authorized by the Board of Zoning Appeals. Variances or permits granted by the Board of Zoning Appeals shall become null and void automatically within twelve (12) months after the date of the Board of Zoning Appeals decision unless substantial work has commenced pursuant to such grant or authorization.

(e) The unexcused failure of the appealing party to appear personally, or by a representative, before the Board of Zoning Appeals at the time of a properly noticed hearing shall be sufficient grounds for the Board of Zoning Appeals to deny and dismiss the appeal or application.

(6) REVIEW OF BOARD OF ZONING APPEAL DECISIONS. Any person or persons aggrieved by any decision of the Board of Zoning Appeals may seek certiorari review of such decision by a circuit court as provided by Wisconsin Statutes, Chapter 62.

#### **17.11 FEES FOR ZONING-RELATED PETITIONS.**

(1) SCHEDULE OF FEES. The Village Board may establish a schedule of fees, charges and expenses and a collection procedure for applications, changes, appeals, and other matters pertaining to this code.

(2) FAILURE TO PAY FEES; DOUBLE COSTS. No petition, application or appeal shall be processed by the Village Clerk or other Village official, nor shall the same be considered by any officer, department, commission or board, until the required fee is paid in full. Only the Village Board shall be empowered to waive the payment of a required fee. A double fee may be charged by the Zoning Administrator or Village Clerk if a structure is erected, moved, placed, altered, improved or used or land is used in violation of the Zoning Code before a required permit is granted. Such double permit fee shall be for the purpose of reimbursing the Village for the additional administrative costs incurred in connection with the issuance of the permit and such double fee shall not release or relieve the applicant from full compliance with the Zoning Code, nor from liability for the payment of a forfeiture for violating the Zoning Code as provided in the Enforcement and Penalties section of the Zoning Code.

**17.12 ENFORCEMENT AND PENALTIES.**

(1) VIOLATIONS. It shall be unlawful to use or improve any structure or land or to use water or air in violation of any of the provisions of the Zoning Code. Each rule that is violated and each day a violation continues or occurs shall constitute a separate violation.

(2) ENFORCEMENT.

(a) Citation or Complaint. When the Zoning Administrator determines that a violation of any provision of the Zoning Code has occurred, the Administrator shall issue a uniform citation or written complaint to the persons violating the code. The citation or complaint shall specify the sections of the code being violated and shall state that the person has 30 days to bring the property or use into compliance with the code. The Administrator, in his discretion, may grant additional time for the property or use to be brought into compliance with the code, but only in circumstances where it would be impossible or unfairly impractical to comply within 30 days. No additional time is allowed unless granted in writing.

(b) Notice of Citation or Complaint. The written notice required under this section shall be sufficient if mailed by certified mail, return receipt requested, to the owner of the premises at the address as currently shown in the records of the Village Assessor for the parcel subject to the order and/or to the occupant of the premises at the address for the parcel where the alleged violation occurred or exists. The failure or refusal of the owner or occupant to accept or acknowledge receipt shall not affect the time within which the violation must be corrected.

(c) Remedial Action. Except as provided in subsection (d) below, whenever an order of the of the Zoning Administrator has not been fully performed within thirty (30) days after written notice thereof has been mailed to the owner and/or the occupant of the premises subject to the order, the Village Board, the Zoning Administrator or the Village Attorney may institute appropriate legal action or proceedings. Such actions may include proceedings to recover a forfeiture and/or proceedings to prohibit or enjoin such owner or occupant from using the structure, land or water covered by the order of the Administrator. In all cases, the Village's remedies shall be cumulative.

(d) Public Nuisance. Where any building or structure erected, moved, improved, used, altered or placed on any land in violation of the Zoning Code or any use of land carried on in violation of the Zoning Code is declared to be a public nuisance under Chapter 10 of The Village Code of Ordinances, the Village may, in addition to all other remedies provided in this subsection, commence a court action for the abatement of the public nuisance in accordance with Section 10.07 of the Village Code of Ordinances.



(e) Private Enforcement. In case of any violation, any property owner who would be specifically damaged by such violation may cause appropriate action or proceedings to be instituted to enjoin a violation of the Zoning Code or cause a structure or building to be vacated or removed.

(f) Penalties. Every owner and/or occupant of a structure erected, moved, improved, used, altered or placed on any land in violation of the Zoning Code and every owner and/or occupant of land used in violation of the Zoning Code shall be subject to a penalty as provided in Section 25.04 of the Village Code of Ordinances.

### **17.13 ZONING CHANGES AND AMENDMENTS.**

(1) PETITION REQUIREMENTS. A written petition for a change of zoning classification shall be filed with the Village Clerk on a form prescribed by the Village. Upon receipt of the information, fee and materials required by this chapter, the Village Clerk shall forward the petition to the Plan Commission and the Village Board. Where applicable, each petition shall include the following:

(a) A statement with supporting evidence showing that the proposed zoning change shall conform to the purpose, intent, spirit and regulations of this ordinance.

(b) The names and addresses of each petitioner and each record owner of the site.

(c) The names and addresses of all the owners of the lands immediately adjacent to the boundaries of the site and extending one hundred (100) feet therefrom and all the owners of the lands directly opposite from the site extending one hundred (100) feet from the street frontage of such opposite land.

(d) A full and accurate legal description of the site, the address of the site, the tax parcel number of the site, the present zoning classification of the site, the proposed zoning change, a description or photograph of each structure presently on the site, and a description of the present use of the site and structures thereon.

(e) The proposed operation or use of the land constituting the site and each structure on the site, and the number of persons to be employed on the site, if any.

(f) Each petition shall be accompanied by a survey map or other map or drawing to scale approved by the Zoning Administrator showing the location, property boundaries, dimensions, uses and size of the following: site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing access restrictions; existing and proposed street, side and rear yards; a detailed plan of proposed surface water drainage, topographic data or pertinent grade elevations where

necessary for proper interpretation of the plans and a locational diagram showing the property in relation to the surrounding area.

(g) The petition shall be accompanied by the payment of the required fee.

(2) **ADDITIONAL INFORMATION REQUIRED.** The Plan Commission, Village Board and officers of the Village shall be empowered and authorized to request the petitioners to provide such additional information as deemed necessary in order to consider any request for a zoning change. Such additional information may include, but shall not be limited to: an accurate survey map prepared by a registered land surveyor, or an accurate map or drawing to scale of the site and its structures; a plan showing contours, soil types, high water mark, groundwater conditions, bed rock, slope and vegetation cover; elevations of the site and elevations of the lands immediately adjacent to the boundaries of the site; specifications for areas of proposed filling, grading and lagooning or dredging; location of buildings, structures, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting; fire lanes, fire hydrants and fire protection plans; plans for buildings; sewerage disposal facilities; water supply systems; disposal of solid waste and recycling; and overall arrangement of operations on the site.

(3) **SEWERAGE AND WATER SERVICE REQUIREMENTS.** If either municipal sewerage service or municipal water is not available to the site, the petitioners shall provide plans prepared by an appropriate, professionally licensed authority certifying, in writing, that satisfactory, adequate and safe sewage disposal will be available on the site in accordance with applicable Village, County and State regulations, and that an adequate and safe supply of water will also be available at the site. For all other required improvements see Chapter 18, Subdivision and Platting, of the Village Code of Ordinances and other sections of this ordinance.

(4) **ZONING CODE AMENDMENTS.** The Village Board may, from time to time, on its own motion or on petition, after first submitting the proposal to the Plan Commission for report and recommendation, amend, supplement or change the district boundaries or the regulations of this Zoning Code, upon giving notice as required by section 62.23(7)(d), Wisconsin Statutes, of the hearing regarding the proposed amendment, supplement or change, and an opportunity to any person interested to be heard.

(5) **ZONING PROTEST.** In case of protest against a zoning change or amendment duly signed and acknowledged by the owners of 20 percent (20%) or more either of the areas of land included in such proposed amendment, supplement or change, or by the owners of land immediately adjacent extending 100 feet there from, or by the owners of 20 percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such amendment, supplement or change shall not become effective except by a favorable vote of three-fourths (3/4) of the members of the Village Board.

(6) FLOODFRINGE OR FLOODPLAIN AMENDMENTS. Any amendments to or affecting the Floodfringe and/or the Floodplain Districts shall be approved by the Wisconsin Department of Natural Resources before action is taken by the Village Board or before such regulations become effective. See Subchapter II of this Chapter.

**17.14 CONDITIONAL USES.**

(1) STATEMENT OF PURPOSE. The development and execution of this Section is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

(2) BOARD MAY ISSUE CONDITIONAL USE PERMITS. The Village Board may authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional use and involved structure(s) are found to be consistent with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

(3) APPLICATION FOR CONDITIONAL USE PERMIT.

(a) Applicants. Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought, may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(b) Required Application Materials. A written application for a conditional use permit shall be filed with the Village Clerk on a form prescribed by the Village. Where applicable, each application shall include the following:

(1) A statement with supporting evidence showing that the proposed conditional use shall conform to the standards set forth in subsection (7) below.

(2) The names and addresses of each applicant and each record owner of the site, and all the owners of the lands immediately adjacent to the boundaries of the site and extending outward 100 feet and all the owners

of the lands directly opposite from the site extending 100 feet from the street frontage of such opposite land.

(3) A full legal description of the site, the address and tax parcel number of the site, a description of each structure on the site, the proposed operation or use of the land constituting the site and each structure on the site, the number of persons to occupy the site, or in the case of home offices or occupations, the persons to be employed on the site and the current zoning of the site.

(4) A survey map or other map or drawing to scale approved by the Zoning Administrator showing the location, property boundaries, dimensions, uses and size of the following: site; existing and proposed structures; existing and proposed easements, streets and other public ways; off-street parking, loading areas and driveways; existing access restrictions; existing and proposed front, side and rear yards; a detailed plan of proposed surface drainage, topographic data or pertinent grade elevations where necessary for proper interpretation of the plans and a diagram showing the property in relation to the surrounding area.

(5) Additional information deemed necessary to determine and provide for enforcement of this Chapter may be required by the Zoning Administrator, Plan Commission or Village Board. Such additional information may include, but shall not be limited to: a survey map prepared by a registered land surveyor; or an accurate map or drawing to scale of the site and its structures; a plan showing contours, soil types, high water mark, groundwater conditions, bedrock, slope and vegetation cover, specifications for areas of proposed filling, grading and lagooning or dredging; location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping and lighting; fire lanes, fire hydrants

(6) Pre-payment of the required fee.

(4) REFERRAL TO PLAN COMMISSION. Upon receipt of the information, and materials and fee required by this subsection, the Village Clerk shall forward the application to the Plan Commission. The Plan Commission shall review the application and make recommendations to the Village Board.

(5) HEARING ON APPLICATIONS. The Plan Commission, the Village Board or both jointly shall hold a public hearing at such time and place as shall be established by the respective body. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 notice under the Wisconsin Statutes at least one week before the date of the hearing. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, and to the persons, as determined from Village real estate assessment records, who are owners of each tax parcel situated, in whole or in part, within 100 feet of the boundaries of the site. This notice shall be mailed by first class mail at least ten (10) days prior to the date of such public hearing to the address of the

owner as shown in the Village assessment records for each affected tax parcel. Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the conditional use application.

(6) REVIEW AND APPROVAL BY VILLAGE BOARD.

(a) Site Review; Technical Assistance. In making its decision, the Village Board shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission and the Village Board may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation/use.

(b) Findings. When the Village Board authorizes the issuance of a conditional use permit, the resolution approved by the board shall make findings supporting the conditions imposed by the permit.

(c) Conditions. The Village Board may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operations of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in subsection 17.14(7) below. Such conditions may relate to, including but not limited to, the following issues:

- (1) Landscaping.
- (2) Architectural design.
- (3) Type of construction.
- (4) Construction commencement and completion dates.
- (5) Sureties.
- (6) Lighting.
- (7). Fencing and noise barrier.
- (8) Operational control.
- (9) Hours of operation.
- (10) Traffic circulation.
- (11) Deed restrictions.
- (12) Access restrictions.
- (13) Setbacks and yards.
- (14) Type of shore cover.
- (15) Specified sewer disposal and water supply system.
- (16) Planting screens.
- (17) Piers and docks.
- (18) Parking areas.
- (19) Walkways.
- (20) Snow removal and snow storage.
- (22) Duration of permitted use.

The foregoing conditions are listed for illustration purposes, and not for limitation purposes. The Board may impose any other requirements necessary to fulfill the purpose and intent of this Chapter.

(d) Guaranties. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being, and will be, complied with.

(7) STANDARDS FOR CONDITIONAL USES. In considering the approval or disapproval of a conditional use application, the Village Board shall apply the following standards:

(a) Whether the establishment, maintenance or operation of the conditional use will be detrimental to, or endanger the public health, safety, morals, comfort or general welfare, or conflict with the spirit or intent of The Code.

(b) Whether the uses, values and enjoyment of other property in the neighborhood of the site which is being used for permitted zoning purposes will be substantially impaired or diminished by the establishment, maintenance or operation of the conditional use.

(c) Whether the proposed conditional use is compatible with the use of adjacent properties.

(d) Whether the establishment of the conditional use will impede the normal and orderly development and improvement for uses permitted in the zoning district.

(e) Whether adequate utilities, drainage, open spaces, landscaping, lighting and other necessary site improvements have been or are being provided.

(f) Whether adequate driveways, walkways, traffic access and parking areas have been or will be designed so as to minimize traffic congestion in the public streets and to provide for the safety of pedestrians.

(g) Whether adequate provisions have been or are being provided for the removal and depositing of snow.

(h) Whether the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

(i) Whether the conditional use will violate flood plain regulations governing the site.

(j) If new construction of a building or an addition to an existing building is contemplated as part of the conditional use, whether the proposed building or addition conflicts with the purposes and objective of the zoning district where the site is located.

(k) Whether the proposed use will have an adverse affect upon any of the following:

(1) The maintenance of safe and healthful conditions.

(2) The prevention and control of water pollution, including sedimentation.

(3) Existing topographic and drainage features and vegetative cover on the site.

(4) The location of the site with respect to floodplains and floodways of rivers and streams.

(5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.

(6) The location of the site with respect to existing or future access roads.

(7) The need of the proposed use for a shoreland location.

(8) Its compatibility with uses on adjacent lands.

(9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(l) Whether the proposed use may generate smoke, dust, odors, noise, vibration, lighting, health hazards, or possibility of accident inconsistent or conflicting with neighboring uses.

(m) Architectural Treatment. Proposed architectural treatment shall be in general harmony with surrounding uses and the landscape. To this end, the Village Board may require the use of certain general types of exterior construction materials and/or architectural treatment.

(n) Sloped Sites; Unsuitable Soils. Where slopes exceed 6 percent (6%) and/or where a use is proposed to be located on areas indicated as having soils which are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other

techniques: terracing, retaining walls, oversized foundations and footings, and drain tile.

(8) ISSUANCE OF PERMIT.

(a) Permits to Be in Writing. Every conditional use permit shall be in writing and shall specify:

- (1) the name of the permit holder;
- (2) the legal description, address and tax parcel number for the site; .
- (3) the nature of the permission granted;
- (4) the duration of the permit if limited; and
- (5) the conditions and guarantees applicable to the permit.

(b) Each permit shall be signed by the President of the Village Board or Zoning Administrator.

(c) Recording. The Zoning Administrator shall assure that each permit is promptly recorded in the office of the Sauk County Register of Deeds, unless otherwise directed by the Village Board.

(d) Alteration of Conditional Use. No alteration of a conditional use shall be permitted unless approved by the Village Board upon application by the permit holder.

(e) Conditional Uses to Comply with Other Requirements. Conditional uses shall comply with all other site and use regulations of this chapter.

(f) Conditional Uses for Home Occupations and Professional Offices. Conditional uses for home occupations and professional offices may be granted only to residents of the property to which the permit applies and shall designate the person or persons authorized to conduct business at the residence. The permit shall specify the occupation or profession that may be conducted. A conditional use permit granted for a home occupation or professional office shall automatically terminate upon the death of the person(s) to whom the permit is granted or when such person(s) no longer resides in the residence to which the permit applies.

(9) EXPIRATION AND EXTENSION OF CONDITIONAL USE PERMIT. Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the Village Board's action, unless:



- (a) the use is commenced;
- (b) construction is under way; or
- (c) the current owner of the site possesses a valid building permit under which construction is commenced and is being diligently pursued within six (6) months of the date of issuance.

The Village Board may extend a conditional use permit for periods of 90 days for justifiable cause, if application is made to the Village Clerk at least 30 days before the expiration of said permit.

(10) ABANDONMENT OF CONDITIONAL USE. Any conditional uses which are discontinued for a period of at least twelve consecutive months are automatically terminated by operation of law. The use shall not be resumed except upon re-application and approval by the Village Board.

(11) VIOLATION OF PERMIT CONDITIONS; REVOCATION.

(a) The Village Board retains continuing jurisdiction over all conditional uses for the purpose of resolving complaints regarding such uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and/or the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval of any violation of any other provision of Village Codes.

(b) Upon written complaint by any person or official, the Zoning Administrator shall initially determine whether said complaint indicates a reasonable probability that the permit holder or the property to which the conditional use permit applies is in violation of one or more of the conditions or other requirements imposed in the permit. If the administrator finds a reasonable probability that the permit holder or property is in violation of the requirements of the permit, the administrator shall refer the complaint to the Village Board, which shall conduct a hearing in accordance with the procedures set out in subsection (5) above.

(c) If the Village Board finds that there has been a substantial violation of the terms of the conditional use permit, the board may in its discretion revoke the permit, allow the conditional use to continue subject the permit holder's agreement to accept such new or modified conditions as the board deems appropriate, or give the permit holder a reasonable time to bring the use or property into compliance with the terms of the existing permit.

(d) Following any such hearing, the decision of the Village Board shall be furnished to the permit holder, in writing, stating the reasons therefore.

**17.15 VARIANCES.**

- (1) USE VARIANCES. No use variances shall be granted.
- (2) AREA VARIANCES.
  - (a) Subject to subsection (b), the Board of Zoning Appeals may grant a variance from the area zoning regulations of the Zoning Code.
  - (b) The Board of Zoning Appeals is not authorized to grant variances from the minimum lot size regulations of the Zoning Code nor from any requirements of Chapter 18 of the Village Code of Ordinances, Subdivision and Platting.
  - (c) The Board may grant an area variance only where compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density or other area regulations would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome.
- (3) STANDARDS FOR APPROVAL OF AREA VARIANCES.
  - (a) All variance decisions of the Board of Zoning Appeals shall be based solely upon evidence presented at the hearing.
  - (b) The party applying for the variance shall carry the burden to prove to a reasonable degree of certainty to the satisfaction of the Board that the required standards have been established.
  - (c) In considering a variance petition, the Board shall first determine the purpose of the ordinance from which the variance is requested and shall not vary the regulations unless it finds that the following conditions are present:
    - (1) The particular physical surroundings shape, or topographical conditions of the specific property involved would result in a particular hardship upon the owner as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.
    - (2) That in the reasonably foreseeable future, the uses, values, purposes and enjoyment of other property in the neighborhood will not be substantially impaired or diminished by the variance.
    - (3) The variance will not impede the normal and orderly development and improvement of the surrounding property for permitted uses.
    - (4) The alleged hardship or difficulty is peculiar to the parcel under consideration and different from that of other parcels and not one which generally affects all parcels similarly.

(5) The alleged difficulty or hardship is caused by the ordinance and has not been created by any person presently having an interest in the property.

(6) The purpose of the variance is not based exclusively upon a desire for economic or other material gain by the applicant or owner.

(7) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

(8) The variance will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets, or increase the danger of fire, or endanger or be detrimental to the public safety, or substantially diminish or impair property values within the neighborhood.

(9) In the case of floodplain areas, in addition to meeting the requirements of section 17.67(7) of the Zoning Code, the granting of the variance will not result in any change in established flood elevations or profiles, permit a lower degree of flood protection in a floodplain than the flood elevation, allow any floor, basement, or crawlway below the regional flood elevation, allow actions without the required amendments, nor have the effect of allowing or extending a use or building which is prohibited in the zoning district.

(d) In exercising its discretion, the Board shall balance the public interests requiring compliance with Village Zoning Code and other ordinances against the private interests of the individual property owner of being relieved from the strict enforcement of the provisions under consideration, particularly where individual injustice might otherwise occur if the variance is denied.

(e) Imposition of conditions. The Board may impose such conditions and restrictions upon the property benefited by a variance as may be necessary to comply with the foregoing standards in order to reduce or minimize the injurious effect of such variance upon other property in the neighborhood, or to better carry out the general intent of this section.

**17.16 EXISTING NON-CONFORMING USES OF STRUCTURES, LAND AND WATER AND SUBSTANDARD LOTS.**

(1) EXISTING LAWFUL NON-CONFORMING USES. An existing lawful non-conforming use shall include, but not be limited to, the following:

- The lawful non-conforming use of land without structures.
- The lawful non-conforming use of water.
- The lawful non-conforming use in a conforming structure.
- The lawful non-conforming use in a non-conforming structure.
- The lawful non-conforming use on a conforming lot.
- The lawful non-conforming use on a non-conforming lot.
- The lawful non-conforming use of land with conforming structures.
- The lawful non-conforming use of land with non-conforming structures.

A lawful non-conforming use which was in existence at the adoption of or amendment to the Zoning Code which caused it to be non-conforming may be continued although the use does not conform to the provisions of the Code; provided, however, that such use complies with each of the following provisions:

- (a) Only that use which is in open, active and actual existence at the time of the adoption or applicable amendment of the Zoning Code such that it can be said that the property owner acquired a vested interest in its continuance may be so continued as a legal non-conforming use, provided further that said use may not in any way be extended, enlarged, substituted, moved, added to or changed, except when authorized by this section; and
- (b) No structure or building on lands containing a legal non-conforming use may be extended, enlarged, structurally repaired, structurally altered, totally rebuilt, substituted, moved, remodeled, modified or added to, except when required to do so by law, or until the legal non-conforming use has been made to conform to all of the regulations of the district in which it is located, or when authorized by this section; and
- (c) No lot or lands containing a legal non-conforming use, may be reduced in size, modified, increased in size or changed in any manner, except when required to do so by law, or until the legal non-conforming use has been made to conform to all of the regulations of the district in which it is located, or when authorized by this section.

(2) EXISTING CONFORMING USES ON NON-CONFORMING LOTS CONTAINING CONFORMING STRUCTURES.

- (a) A conforming structure located on lands which do not conform to the regulations of the district in which said lands are located and which conforming structure existed at the time of the adoption or amendment of the Zoning Code may be continued only as long as all uses on the lands containing the conforming

structure are legal conforming uses. Such conforming structure may be extended, enlarged, substituted, moved, remodeled, modified, or added to as long as any such change conforms with the established building set back lines along streets, yards, height, area, parking, loading or distance requirements, access provisions, and all such requirements of the district in which it is located. Such a conforming structure may be totally rebuilt if such reconstruction is identical in size, shape and use to the original conforming structure.

(b) A legal non-conforming structure existing at the time of the adoption or amendment of the Zoning Code which contains a legal conforming use, whether on a conforming or non-conforming lot, may be moved, and if moved, must conform with the established building set back lines along streets, yards, height, area, parking, loading or distance requirements, access regulations, and all such requirements of the district in which it is located. Such a non-conforming structure may be totally rebuilt if such reconstruction is identical in size, shape and use to the original non-conforming structure.

(3) RESTORATION OF NON-CONFORMING STRUCTURE OR USE.

(a) A non-conforming structure or use which is destroyed or damaged by fire, explosion, flood, natural disaster, other casualty, or is dismantled for the purpose of reconstruction to the extent that the cost of restoration to the condition in which it was immediately before the occurrence, shall not exceed 50 percent (50%) of its equalized value at the time of the occurrence, unless said non-conforming structure or use shall conform to all of the regulations of the district in which it is located. If such damage or destruction is less than 50 percent (50%) of such equalized value, repairs or reconstruction may be made only if such restoration is started within one year from the date of the occurrence and is diligently prosecuted to completion.

(b) The total structural alterations made to a non-conforming structure or use shall not during its life exceed 50 percent (50%) of the equalized value of the non-conforming structure or use as of the date of its becoming a non-conforming structure or use unless said structure and the use therefore shall conform to all of the regulations of the district in which it is located. If the equalized value of the structure or use at the time of its becoming non-conforming cannot be determined by Village records, the equalized value as of January 1, 1996, shall be the value used for these purposes.

(c) If a non-conforming use of lands contains more than one structure, each structure which contains a non-conforming use shall be subject to the restoration requirements of this subsection.

(d) In calculating the cost of restoration, the cost of labor and materials shall be determined based upon the market value for the proposed restoration project.

(e) If Village, County or State records do not show an equalized value for a structure or use as required by this subsection, then the fair market value of the nonconforming structure or use shall be determined by an appraisal conducted by the Village Assessor using the date of the occurrence if the restoration is undertaken under sub (a) above or the date of January 1, 1996, if the value is determined under sub (b) above.

(4) **DISCONTINUANCE OF A NON-CONFORMING STRUCTURE OR USE.** If a non-conforming structure and/or use is not openly, actively and actually used during any consecutive 365-day period, such non-conforming structure and/or use shall be deemed to be discontinued and terminated and any future use of this structure and/or land shall conform in all respects to the regulations of the district in which it is located.

(5) **REVERSION.**

(a) The non-conforming use of a structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall be utilized only for such non-conforming use and shall not be changed to any use other than a use permitted in the district in which such structure is located.

(b) A nonconforming use of land or a nonconforming use of a structure shall not be changed to another nonconforming use without the permission of the Board. The Village Board may permit the substitution of a more restrictive nonconforming use for an existing legal non-conforming use, subject to conditions required by the Board. If the Board permits a change, the substituted use shall lose its status as a legal non-conforming use.

(c) Once a legal nonconforming use has been abandoned or discontinued and the property conforms to the regulations of the zoning district, the property shall not revert back to a nonconforming use.

(6) **RECORD OF NON-CONFORMING PROPERTIES.**

(a) **Maintenance of List.** The Zoning Administrator shall prepare and maintain a file of all lawful and unlawful non-conforming uses, non-conforming structures and non-conforming lots, listing the following:

(1) The current name and address of each property owner;

(2) Address and tax parcel number of parcel;

(3) Description of all uses of each structure, land or water;

(4) A site plan including photographs of the property showing the location and size of all conforming and non-conforming structures on the parcel;

(5) A plat map showing the dimensions of the parcel; and

(6) The equalized value of the land and each improvement on the land at the time the legal nonconformity was created or if such determination cannot be made, then as of January 1, 1996.

(b) Procedure. The Zoning Administrator shall establish a procedure whereby any person who claims to own a legal non-conforming structure, legal non-conforming use of a structure(s) or land, or a vacant, legal non-conforming lot shall be required to register such structure, use or lot with the office of the Zoning Administrator and to obtain a non-conforming certificate.

(c) Cooperation with Village Assessor. The Village Assessor shall cooperate with the Zoning Administrator in establishing and maintaining this list such that the Village Assessor records can be utilized by the Zoning Administrator to carry out the provisions of this section.

(7) BURDEN OF PROOF. The property owner has the burden of showing that a nonconforming use, structure or lot is legally non-conforming. The determination shall be made by the Village Zoning Administrator, subject to appeal to the Board of Zoning Appeals

(8) SUBSTANDARD LOTS. In any residential district, a one-family detached dwelling and its accessory structures may be erected on any lot or parcel legally filed and of record in the office of the Sauk County Register of Deeds before the original effective date of the Village Zoning Code as long as such lot or parcel is in separate ownership from abutting lands. If abutting lands are owned by the same owner and any of the same are legal nonconforming lots, whether or not any or all of the lots are improved, none of the lots shall be sold or used without all being in full compliance with the regulation of the Code. Any lot or parcel created pursuant to the Village Subdivision and Platting Code (see Chapter 18) and legally recorded with the office of the Sauk County Register of Deeds shall be exempted from the separate ownership provisions of this section.

(9) CONDITIONAL USE PERMIT. Subject to the provisions of Section 17.14 conditional use status may be granted by the Village Board for existing legal non-conforming uses, legal non-conforming structures, and legal non-conforming lots, upon petition of the owner to the Village Board, where such use, structure or lot is determined to not be adverse to any of the following:

- (a) Public health, safety, or welfare;
- (b) Would not conflict with the spirit or intent of the code; or
- (c) Would not be otherwise detrimental to the community and particularly the surrounding area.

**17.17 ESTABLISHMENT OF ZONING DISTRICTS.** The following zoning districts are hereby established in this Zoning Code. They refer to the most current Village of West

Baraboo Zoning Map, and flood plain maps entitled “Flood Boundary and Floodway Map” and “Flood Insurance Rate Map” as published by the Federal Emergency Management Agency.. These maps are expressly made a part of this Ordinance.

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multiple-Family Residential District
- SRO-I Small Scale Retail and Office District
- SRO-II Small Scale Retail and Office District
- C Commercial District
- I Industrial District
- CO Conservancy District
- HCO Highway Corridors Overlay District

**17.18 DISTRICT BOUNDARIES.**

(1) ZONING MAP. The Village has adopted an official Zoning Map, which shows the location of all zoning districts within the Village. Amendments to the Zoning Map shall become effective on the day after their publication or a later date if expressly stated in the ordinance.

(2) BOUNDARIES. The district boundaries are the centerlines of either streets or alleys unless otherwise shown. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map. District boundaries will extend from the centerline of the street or alley to the adjacent property line. In unsubdivided property, the district boundary lines on the map made a part of this Ordinance shall be determined by use of the scale appearing on the map.

**17.19 GENERAL REGULATIONS.**

(1) ESSENTIAL SERVICES. Services provided by public and quasi-public utilities necessary for the exercise of the principal use or service of the principal structure shall be permitted in all districts.

(2) REDUCTION OR JOINT USE. No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this chapter. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

(3) CLASSIFICATION OF ANNEXED LAND. All property hereafter annexed to the Village shall be classified as R-1 Single-Family Residential until this classification is changed by amendment to this Ordinance.



(4) **EXTENSION TO VACATED PUBLIC WAYS.** Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such a vacation, and all area included in the vacation shall be subject to all appropriate regulations of the extended districts.

## **17.20 SITE REGULATIONS.**

(1) **CONFORMITY.** No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the regulations of the District in which the building is located.

(2) **SUITABILITY.** No land shall be used or structures erected where the land is held unsuitable for such use or structure by the Village Board after review and recommendation of the Plan Commission by reason of: flooding, concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography; low percolation rate; low bearing strength; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, historical value, and general welfare of this community.

(3) **NUMBERS OF STRUCTURES.** The total area of all accessory structures, including buildings, shall not exceed the total maximum lot coverage area for accessory buildings. Accessory structures not more than 4 square feet in area at their base and no more than 42 inches in height need not conform to the setback or lot coverage requirements for accessory structures in the applicable district.

(4) **VISION CLEARANCE.** On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2½ and 10 feet above the centerline grade of the intersecting streets in the area bounded by the street lines of such corner lot in a line adjoining points along such street lines 15 feet from the point of the intersection. See also 17.31(4)(h), for additional restrictions in Highway Corridor Overlay district (HCO).

(5) **CORNER LOT.** The front yard requirements on both streets of a corner lot shall be observed for all buildings and structures.

(6) **FENCES, WALLS AND HEDGES.** Fences, walls, and hedges shall not exceed six feet in height above the natural grade level in any yard. All fences, walls or hedges may be placed up to the property line, except as provided in Section 17.31(4)h, and except as provided in subsection (2) above. A finished surface of a fence shall face adjacent properties.

(7) **SWIMMING POOLS.** "Swimming pools" in Chapter 17 shall have the same definition as in section 14.09(1) of the Village Building Code. (Revised 1-14-2013)

(a) **Location.** No swimming pool shall be constructed or located within a front yard. They shall be erected or constructed in side or rear yards only and only on

lots occupied by a principal building. A lot shall not be considered vacant if the owner owns the contiguous lot and that lot is occupied by a principal building. If ownership of the contiguous lot changes and is no longer the same as the lot on which the swimming pool is located, the pool shall be drained and not used until a principal building occupies the lot.

(b) Setbacks. For purposes of setbacks only, swimming pools are treated as accessory buildings and are subject to all setback requirements for accessory buildings within the applicable zoning district. Where, due to the size or configuration of a lot, it is impractical to locate a pool outside the setback requirements, the zoning administrator may allow a pool to be located within the setback area provided that the waterline of any pool shall not be less than 8 feet from any lot line.

(c) For construction, permit and other requirements, see section 14.09 of the Village Building Code.

(8) DECKS. Decks, porches, verandas, and breezeways are considered a part of a building and shall meet all setback requirements

(9) SCREENING. All stock piles, waste or salvage piles, equipment and vehicle storage yards and other accumulations of equipment or materials that are not housed in a completely enclosed building shall be screened from the street line and from any residential lot adjoining the premises. Screening shall be by wall, fence, evergreen planting or earthen landscaped berm of sufficient height and density to visually block all stored material. Such screening shall comply with the minimum setback requirements.

(10) EXISTING TOPOGRAPHY. The topography of a site to be developed shall be preserved to the greatest extent practicable. Existing natural drainage ways shall not be obstructed. Retaining walls shall be constructed so as to prevent soil erosion and ground subsidence.

(11) REQUIRED BUFFER STRIPS IN DISTRICTS ABUTTING R-1 AND R-2 DISTRICTS.

(a) Buffer Strips. Where a Multiple-Family dwelling district (R-3), a commercial district, or an industrial district hereinafter collectively referred to as "Other Districts" abuts an R-1 or R-2 residential district, a buffer strip shall be constructed within any rear, side, or front yard of the Other District that is adjacent to the R-1 or R-2 residential district. The buffer strip shall not be less than 40 feet wide as measured at right angles to the adjoining lot line(s).

(b) Plants. Either coniferous plant materials or fencing shall be installed in an aesthetically pleasing manner to a height of not less than 6 feet. Plant materials of such variety and growth habits to provide year-round, effective visual screen when viewed from the R-1 or R-2 district may be planted in the buffer. If the planting screen is set back from the boundary, the portion of the buffer strip facing the R-1 or R-2 district shall be attractively maintained.

(c) Fencing. Fencing may be used in lieu of planting materials to provide such screening. The fencing shall be of such materials as to effectively screen the Other District area. A finished (good) side of the fence shall face the adjacent R-1 or R-2 District. Placement of planting or fencing shall conform to all zoning code requirements. The buffer strip shall not be devoted to the parking of vehicles or storage of any materials or accessory uses. No portion of the required buffer area may be used for storage or refuse disposal equipment, such as dumpsters or garbage cans, nor can it be designated as a street or driveway.

(12) BORDER YARD REQUIREMENTS. Unless a different requirement applies (see e.g., Buffer Strip in sections 17.20(11)), any side yard, rear yard, or court abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.

(13) TEMPORARY CARPORTS. No temporary carports shall be constructed within the Village. A temporary carport is any carport not designed or intended to be permanently affixed to the ground, including carports intended to be used only during certain seasons. (Adopted 10-10-2012.)

**17.21 USE REGULATIONS.** The following restrictions and regulations shall apply:

(1) CONFORMITY. No building or land shall be used except for a purpose permitted in the district in which the building or land is located. Permitted uses in each zoning district are mutually exclusive except as otherwise indicated.

(2) PRINCIPAL USES. Principal uses specified for a district shall be permitted in that district.

(3) ACCESSORY USES. Accessory uses and structures are permitted in any district, but not until their principal structure is present or under construction.

(4) SOLAR ENERGY. Solar energy systems shall be permitted uses within all zoning districts when attached to the principal building and shall be conditional uses when detached from the principal building. Solar energy systems, whether or not attached to the principal building, shall meet all yard and height requirements of the zoning districts.

**17.22 MISCELLANEOUS.**

(1) VALIDITY OF CERTAIN BUILDING PERMITS. Nothing in this Zoning Code shall require any change in plans, construction, size, or designated use of any building or part thereof for which a building permit has been issued before the effective amendment date of this chapter and construction of which shall have been started within 6 months from the date of the permit.

(2) REQUIREMENTS FOR CERTAIN MULTI-FAMILY RESIDENTIAL REAL ESTATE DEVELOPMENTS.

(a) Purpose. The purpose of this section is to establish minimum requirements for residential multi-family real estate developments containing three or more dwelling units, other than developments regulated under the Village of West Baraboo Subdivision and Platting Code, Chapter 18. This section will typically apply to apartment complexes, townhouses, cluster developments, planned residential developments, and condominium developments. The requirements set forth in this section shall be in addition to all other requirements of the Village of West Baraboo Code of Ordinances.

(b) Definitions. In this section:

(1) CONDOMINIUM DEVELOPMENT means a residential real estate development subject to a condominium declaration pursuant to Chapter 703, Wis. Stats.

(2) CLUSTER DEVELOPMENT means a residential real estate development designed to concentrate buildings in specific areas on a site in order to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

(3) DEVELOPER means persons having any ownership interest in lands improved pursuant to the provisions of this section.

(4) TOWNHOUSES means a residential building or portion thereof, containing dwelling units, each of which has primary ground floor access to the outside and which are attached to each other by party walls without openings.

(5) APARTMENT means a residential building or portion thereof, containing dwelling units used for occupancy by three or more families living independently of each other and containing three or more residential dwelling units.

(6) PLANNED RESIDENTIAL DEVELOPMENT means the development of land for residential purposes that is under unified control and is planned as a development as a whole through a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements. A planned residential development may include a program for the provision, operation, and maintenance of such areas, facilities and improvements as will be for the common use by some or all of the occupants of the planned development, but which will not be provided, operated or maintained at

general public expense. A planned residential development may include apartment complexes, townhouses or cluster developments.

(7) REAL ESTATE RESIDENTIAL PROJECT means a residential real estate development project located on lands within the Village and containing three or more dwelling units, such as an apartment, condominium development, cluster development, townhouses, or planned residential development. This term shall not include developments regulated under the Manufactured Home Park Code or developments regulated under the Subdivision and Platting Code.

(c) Compliance. No person shall undertake any Real Estate Residential Project covered by this section unless the developer submits the site and plans and specifications to the Village Board for approval and the Village Board issues a conditional use permit approving the development. An application for a conditional use multi-family real estate development permit shall be treated the same as an application for a conditional use permit under the Zoning Code and, except as expressly set forth in this subsection, all of the provisions in the conditional use section shall be applicable to permits issued under this section. Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this section because exceptional or undue hardship would result, the Village Board may waive or modify any requirement to the extent deemed just and proper. No variance from the provisions of this section shall be granted unless the Village Board finds that all of the following facts and conditions exist and so indicates in the minutes of its proceedings:

(1) Exceptional Circumstances. There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this section would result in unnecessary hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this section should be changed.

(2) Preservation of Property Rights. The variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(3) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this section or this Chapter or the public interest.

(d) Private Roads and Walkways within the Development. All access roads leading from a public street or highway and serving three or more dwelling units shall meet the following guidelines, standards and requirements:

(1) Lay-Out. Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and

minimum hazards to vehicular and pedestrian traffic. Merging and turn-out lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor roads shall not be connected with public streets outside the development in such a way as to encourage the use of such minor roads by substantial amounts of through traffic.

(2) Pedestrians and Cyclists. Access for pedestrians and cyclists entering or leaving the development shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at the edges of a development, such crossings shall be safely located, marked and controlled, and where such ways are exposed to substantial vehicular traffic at the edges of a development, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that road crossings are combined.

(e) Lay Out of Development. The site plan for the development shall provide for safe, efficient, convenient and harmonious groupings of structures, uses, recreational areas, facilities, roads, parking and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

(1) Roads. Roads, drives and parking and service areas shall provide safe and convenient access to each dwelling unit for service and emergency vehicles, but roads shall not be so laid out so as to encourage outside traffic to traverse the development, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants. If the development has only one point of ingress or egress to the development for outside traffic, then an emergency entrance and exit may also be required.

(2) Off-Street Access. Vehicular access to roads from off-street parking areas may be direct from the parking area if the road or portion of the road serves fifty (50) dwelling units or less. Determination of dwelling units served shall be based on normal routes anticipated for traffic. Along roads or portions of roads serving more than fifty (50) dwelling units or constituting arterial routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled so as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction. Direct vehicular access from individual dwelling units shall generally be prohibited.

(3) Walkways. Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, recreational areas, project facilities and principal off street pedestrian destinations. All walkways shall be in conformity with applicable state and federal regulations on accessibility. Maximum walking distance in the open between each dwelling unit and related parking spaces, delivery areas and trash and garbage storage areas intended for use by dwelling occupants shall not exceed one hundred (100) feet. Walkways to be used by children as play areas or routes to school, bus stops, recreational areas, or other destinations shall be so located and safeguarded as to minimize contact with normal automotive traffic. If an internal walkway system is provided, away from roads, bicycle paths may be incorporated in the walkway system. Road crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety, and shall be appropriately marked and otherwise be safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicles, but shall not be used by other automotive traffic.

(f) Additional Minimum Requirements For Developments. All developments shall comply with the following additional minimum requirements:

(1) Village Water and Sanitary Sewage Required. No development shall be laid out, constructed or operated without Village water service and sanitary sewer service.

(2) Water Service. Individual valved water service connections shall be provided for direct use of each dwelling unit, and shall be constructed and installed so that it will not be damaged by frost. Water systems shall be adequate to provide pure, potable water supply of six (6) gallons per minute, at a minimum pressure of 20 psi. Water mains from the public street which serves three or more dwelling units shall be provided with an approved fire hydrant or flushing device at the end. All fire hydrants shall meet the requirements of the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin.

(3) Liquid Waste. All liquid waste originating at dwelling units, service or other buildings within the development shall be discharged into a sewage system extended to and connecting with the public sewerage system. Such system shall comply with all provisions of the State Code and Village Ordinances relating to plumbing and sanitation. Each individual dwelling unit shall be provided with a minimum of a four inch water-tight sewer connection, protected from damage by heating and thawing, with a continuous grade which is not subject to surface drainage, so constructed that it can be closed when not in use, and trapped in such a manner that it can be kept odor free. Adequate provisions shall be made

for the disposal of solid and liquid wastes in a manner approved by the Village. Sewer mains from the public street which serves three or more dwelling units, shall meet the requirements of the most current edition of the Standard Specifications for Sewer and Water Construction in Wisconsin.

(4) **Underground Utilities.** All television and data cable systems, electrical and telephone distribution lines and oil or gas piping serving the development or the dwelling units therein, shall be installed underground. Distribution systems shall be new and all parts and installation shall comply with all applicable federal, state and local codes.

(5) **Electrical Service.** Each dwelling unit shall be provided with a waterproof electrical overcurrent protection device, disconnect means and branch service of not less than 100 amperes for 220-volt service located adjacent to the water and sewage outlets.

(6) **Off-Street Parking.**

(a) **Minimum number of spaces.** Off-street parking spaces shall be provided for each dwelling unit in accordance with Section 17.32. Garages will not be considered parking spaces when calculating required parking spaces in accordance with Section 17.32.

(b) **Additional parking spaces required.** In addition to the requirements under section (a), two parking spaces, exclusive of garage units, shall be installed for visitor parking for each 8 dwelling units, or a fraction thereof as determined by the Village Board. The Board of Zoning Appeals may grant a variance to the off-street parking requirements set forth in this subsection by allowing 1.5 parking spaces for each dwelling unit in developments occupied solely by elderly or disabled persons.

(c) **Paving standards.** Parking spaces shall be surfaced with a bituminous or concrete or other approved similar material, capable of carrying a wheel load of four thousand (4,000) pounds.

(d) **Curb, gutter and terrace.** All parking areas shall have a minimum of an 18 inch concrete curb and gutter installed at the perimeter of the parking area adjacent to the designated parking stalls. All parking areas shall maintain a minimum four-foot wide grass-covered terrace between the back of the curb and the adjoining sidewalk or building.

(7) **Drainage Plan.** Conditions of soil, groundwater level drainage and topography shall not create hazards to the property or occupants of the



dwelling units nor shall they be exposed to objectionable smoke, noise, odors or other adverse influences. No portion of the development shall be subject to unpredictable and/or sudden flooding or erosion or shall be used for any purpose which would expose persons or property within or outside the development to hazards or damage. The ground surface in all parts of every development shall be graded and equipped to drain all surface water in a safe, sanitary and efficient manner. Curb and gutter may be required in order to provide a suitable drainage plan. In all cases the drainage plan for the development shall be subject to the approval of the Village Board.

(8) Ground Cover. Exposed ground surfaces in all parts of every development shall be paved or covered with stone screenings or other solid material or protected with a vegetated growth that is capable of preventing soil erosion and eliminating objectionable dust.

(9) Lighting. All developments shall be furnished with lighting so spaced and equipped with luminaries placed at such heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

(a) All parts of each development street, a minimum of 0.1 foot candles.

(b) Potentially hazardous locations, such as major roads, major development road intersections and steps or step ramps, individually illuminated with a minimum of 0.3 foot candles.

(10) Road Standards. All dwelling units shall abut upon a road or off-road parking area.

(a) Paving. All roads within the development shall have a minimum paved width of 36 feet. All roads shall be provided with a smooth surface, paved with bituminous or concrete or other approved similar material, which shall be well drained under normal use and weather conditions for the area. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base.

(b) Grading. Grades of streets shall be sufficient to insure adequate surface drainage, but not more than 8 percent provided a maximum grade of 12 percent may be used if approved by the Village Engineer as safe and designed to avoid traffic hazards.

(c) Intersections. Roads shall be at approximately right angles within 100 feet of an intersection. Intersections of more than two roads at one point shall not be allowed. A distance of at least 100

feet shall be maintained from centerlines of offset intersecting streets.

(d) Cul-de-sacs. Private cul-de-sac roads designed to have one end permanently closed shall not exceed 600 feet in length. All cul-de-sac roads designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 66 feet and a minimum outside curb radius of 40 feet.

(11) Sidewalks. All development shall provide pedestrian walks paved with bituminous or concrete or other approved similar material between individual dwelling units, roads, recreational areas and community facilities. Grade and surfacing of walks shall be approved by the Village Engineer as safe and comparable to sidewalks in other areas of the Village subject to similar usage. All sidewalks shall meet all applicable state and federal regulations regarding accessibility.

(12) Developments shall provide a recreational area consisting of a minimum of 400 square feet for each 3 dwelling units. The recreation area shall have a minimum dimension on one side of 20 feet. For each dwelling unit in excess of three, the development shall add an additional 80 square feet to the recreational area for a minimum of 800 square feet of recreational area per 8 dwelling units. The recreation area shall not be used for parking, storm water management or other incompatible use. The slope of the land used for the recreational area shall not exceed five percent.

(13) Landscaping. The development shall include a reasonably attractive landscaping plan showing the location, size and species for new trees and shrubs. Trees shall have a minimum trunk diameter measured 12 inches above ground level of not less than two inches and all trees and shrubs shall be located to avoid conflict with utilities. Continued and continual maintenance of all required landscaping shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said plantings are required. This requirement shall run with the property shall be binding upon all future property owners.

(g) Authority to Inspect. The Village Building Inspector, Public Works Director, or other lawful agents or employees of the Village are authorized and directed to inspect developments at any reasonable time to determine the health, safety and welfare of the occupants of the development and inhabitants of the Village as affected thereby, and the compliance of the operation, structure, and activities therein with this section and all other applicable laws and regulations of the State and Ordinances of the Village.

(h) Plumbing, Electrical, Building Codes Applicable. All plumbing, electrical, building and other work in, on or at any development regulated under this Section shall be in accordance with the Ordinances of the Village and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health.

(i) Naming of Streets. Street names shall not duplicate or be similar to existing street names elsewhere in the Village. Existing street names shall be protected whenever possible.

(j) Fire Protection. The development shall be maintained free of litter, rubbish and other flammable materials. Fire lanes and fire hydrants shall be constructed, installed and maintained as required by the Zoning Code.

(k) Disposal of Solid Waste. Every development shall place and maintain fly-tight, watertight, rodent-proof refuse dumpsters of sufficient size and numbers and conveniently located and easily accessible to each dwelling unit. The development shall provide for the sanitary and safe pick up, removal and disposal of all refuse and garbage in a sanitary manner at least weekly. Each garbage pick-up site shall be attractively maintained and shall be surrounded with fencing of such material which will effectively screen the site and prevent paper and debris from being blown or spread about, and will be reasonably inaccessible to animals. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances of the Village.

(l) Recycling. Each development shall provide and maintain recycling pick up sites conveniently located, and easily accessible to each dwelling unit within the development. The development shall provide and maintain receptacles of sufficient size and number to allow the collection and separation of recyclables, and to provide for sanitary and safe pick up, removal and disposal of all recyclables at least weekly. Each recycling pick up site shall be attractively maintained and shall be surrounded with fencing of such material which will effectively screen the site and prevent paper and debris from being blown or spread about, and will be reasonably inaccessible to animals. The collection, removal and disposal of recyclables from each development shall be in accordance with the laws and regulations of the State of Wisconsin and the Ordinances of the Village.

(m) Special Conditions Established by Village Board. Any specific conditions established by the Village Board pursuant to the granting of a conditional use permit for a development shall be deemed a specific minimum requirement for the operation of the development to which such condition applies.

(n) Zoning District Requirements. Each development shall comply with all of the requirements applicable to the zoning district in which it is located.

(o) Setback. Developments shall meet the following setback requirements.

- (1) One- or two-family dwelling units within a development:
  - (a) Set backs from roads and parking areas shall be 25 feet.
  - (b) Rear yard distance between adjoining dwelling units shall be 50 feet.
  - (c) Side yard distance between adjoining dwelling units shall be 16 feet.
  - (d) Accessory buildings shall maintain a distance of at least 8 feet between accessory buildings on the side, and 25 feet on the rear.
  
- (2) Multiple-Family Dwelling Units within a Development:
  - (a) Set backs from roads and parking areas shall be 30 feet.
  - (b) Rear yard distance between adjoining dwelling units shall be 50 feet.
  - (c) Side yard distance between adjoining dwelling units shall be 20 feet.
  - (d) Accessory buildings shall maintain a distance of at least 6 feet between accessory buildings on the side, and 20 feet on the rear.
  
- (3) Where a 1 or 2 family dwelling unit adjoins a Multiple-Family dwelling unit complex, the requirements under subsection (2) above shall apply.

**17.23 R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT.**

- (1) **PURPOSE.** This district is established to protect the integrity of the residential areas by prohibiting the encroachment of incompatible residential and nonresidential uses, to maintain co
  
- (2) **PRINCIPAL PERMITTED USES.**
  - (a) Single-family dwelling.
  - (b) Park, playground.
  - (c) Type 2 manufactured building and Type 1 manufactured homes.
  - (d) Two accessory buildings.
  
- (3) **PROHIBITED USES.**
  - (a) Animal hospitals, clinics, or kennels.
  - (b) Correctional institutions.
  
- (4) **ACCESSORY USES.** Two accessory buildings, only one of which may be a private garage. An accessory building other than a private garage shall not exceed 120 square feet in area.

(5) CONDITIONAL USES.

- (a) Clubs and meeting places of a non-commercial nature.
- (b) Planned unit developments.
- (c) Two-family dwellings.
- (d) Community living arrangements.
- (e) Church.
- (f) Community Center.
- (g) Government Buildings.
- (h) School.
- (i) Home occupation.
- (j) Family home day care
- (k) Day care center
- (l) Additional accessory building(s) provided that the total area of all accessory structures, including accessory buildings, does not exceed the maximum lot coverage area for all accessory buildings, and additional accessory buildings meet all applicable setback requirements for accessory buildings.
- (m) Additional small wind energy system(s)

(6) LOT SIZE REQUIREMENTS.

- (a) Minimum Lot Area: 8,000 square feet plus 2,000 square feet for a second dwelling unit, if permitted.
- (b) Minimum Lot Width: 80 feet measured at the front lot line.

(7) MINIMUM YARD SETBACKS.

- (a) Principal Building: Front Yard, 25 feet; Side Yard 8 feet; Rear Yard 25 feet.
- (b) Principal Building on a Corner Lot: Front Yard 25 feet; Side Yard 8 feet; Rear Yard 8 feet.
- (c) Accessory Building: Front Yard 25 feet; Side Yard 8 feet; Rear Yard 8 feet, except that 3 feet shall be the minimum dimension abutting an alley.
- (d) Accessory Building on Corner Lot: Front Yard 25 feet; Side Yard 8 feet; Rear Yard 8 feet, except that 3 feet shall be the minimum dimension abutting an alley.
- (e) Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 80 feet, the required front yard setback shall be reduced to 18 feet. Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 100 feet, the required front yard setback

shall be reduced to 8 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.

- (8) MAXIMUM LOT COVERAGE.
  - (a) Principal Building: 25 percent.
  - (b) Accessory Buildings: 6 percent.
  
- (9) MAXIMUM BUILDING HEIGHT.
  - (a) Principal Building: two stories, but not over twenty-five (25) feet.
  - (b) Accessory Buildings: one story, but not over fifteen (15) feet.

**17.24 R-2 TWO-FAMILY RESIDENTIAL DISTRICT.**

(1) PURPOSE. This district is established to protect the integrity of the residential area by prohibiting incursion of incompatible residential and non-residential uses, to maintain compact residential development around the existing urban/residential areas, and to locate sewer-dwelling for up to two families. This district is for medium density residential use.

- (2) PRINCIPAL PERMITTED USES.
  - (a) Two-family dwelling.
  - (b) Single-family dwelling.
  - (c) Park, playground.
  - (d) Type 2 manufactured building and Type 1 manufactured homes.

- (3) PROHIBITED USES.
  - (a) Animal hospitals, clinics, or kennels.
  - (b) Correctional institutions.

(4) ACCESSORY USE. Two accessory buildings, only one of which may be a private garage. An accessory building other than a private garage shall not exceed 120 square feet in area.

- (5) CONDITIONAL USES.
  - (a) Clubs and meeting places of a non-commercial nature.
  - (b) Planned unit developments.
  - (c) Multiple-Family dwelling units with 3 to 8 units per building.
  - (d) Boarding house, lodging house, or tourist house.
  - (e) Hospitals, clinics, rest homes, convalescent homes.
  - (f) Community living arrangements.
  - (g) Home occupations.
  - (h) Church.

- (i) Community Center.
- (j) School.
- (k) Government Building.
- (l) Bed and Breakfast Establishments.

(6) LOT SIZE REQUIREMENTS.

- (a) Minimum Lot Area: 8,000 square feet for the first dwelling unit plus 2,000 square feet for each additional unit.
- (b) Minimum Lot Width: 70 feet.

(7) MINIMUM YARD SETBACKS

- (a) Principal Building: Front Yard 25 feet; Side Yard 8 feet; Rear Yard 25 feet.
- (b) Accessory Building: Front Yard 25 feet; Side Yard 8 feet; Rear Yard 8 feet, except that 3 feet shall be the minimum dimension abutting an alley.
- (c) Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 80 feet, the required front setback shall be reduced to 18 feet. Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 100 feet, the required front setback shall be reduced to 8 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.

(8) MAXIMUM LOT COVERAGE.

- (a) Principal Building: 30%.
- (b) Accessory Buildings: 8%.

(9) MAXIMUM BUILDING HEIGHT.

- (a) Principal Building: three stories, but not over 35 feet.
- (b) Accessory Buildings: one story, but not over 15 feet.

**17.25 R-3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT.**

(1) PURPOSE. This district is established to protect the integrity of the residential area by prohibiting incursion of incompatible residential and non-residential uses, to maintain compact residential development around the existing urban/residential areas, and to locate only sewer-dwelling for three to eight families. This district is for medium density residential use.

- (2) PRINCIPAL PERMITTED USES.
- (a) Multiple-family residential buildings with 3 to 8 dwelling units per structure.
  - (b) Type 2 Manufactured buildings and Type 1 manufactured homes.
- (3) ACCESSORY USES. Two accessory buildings, only one of which may be a private garage. An accessory building other than a private garage shall not exceed 120 square feet in area
- (4) CONDITIONAL USES.
- (a) Bed-and-breakfast establishments.
  - (b) Cemeteries, crematoriums, and funeral homes.
  - (c) Churches.
  - (d) Clinics.
  - (e) Colleges or universities.
  - (f) Community centers.
  - (g) Community Living Arrangements.
  - (h) Fraternities and sororities.
  - (i) Gazebos.
  - (j) Governmental buildings.
  - (k) Home occupations.
  - (l) Hospitals, nursing homes.
  - (m) Libraries.
  - (n) Licensed day care services for 9 to 15 children.
  - (o) Lodging houses.
  - (p) Museums.
  - (q) Nursery, elementary and secondary schools, whether public, private or parochial.
  - (r) Parks or playgrounds.
  - (s) Professional home offices.
  - (t) Satellite dish antennas greater than 2 feet in diameter.
  - (u) Schools.
  - (v) Swimming pools with accessory structures.
- (5) LOT SIZE REQUIREMENTS.
- (a) Minimum Lot Area: three thousand (3,000) square feet per dwelling unit.
  - (b) Minimum Lot Width: two hundred (200) feet.
- (6) MINIMUM YARD SETBACKS.
- (a) Principal Building: Front Yard 30 feet; Side Yard (the total shall be the lesser of one-half (½) the height or one-half (½) the depth of the building, but in no case less than 20 feet); Rear Yard 25 feet.



(b) Accessory Building: Front Yard 30 feet; Side Yard 3 feet; Rear Yard 10 feet, except that 3 feet shall be the minimum dimension abutting an alley.

(c) Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 80 feet, the required front setback shall be reduced to 23 feet. Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 100 feet, the required front setback shall be reduced to 13 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.

(7) MAXIMUM LOT COVERAGE.

- (a) Principal Building 40%.
- (b) Accessory Buildings 10%.

(8) MAXIMUM BUILDING HEIGHT.

- (a) Principal Building: three stories, but not over 35 feet.
- (b) Accessory Buildings: one story, but not over 15 feet.

(9) BUFFER STRIP. See 17.20(11) Required Buffer Strips in Districts abutting R-1 and R-2 Districts.

**17.26 SRO-I SMALL SCALE RETAIL AND OFFICE TRANSITION DISTRICT.**

(1) PURPOSE. The SRO-I District is established to accommodate the transition of land use from residential use to retail and commercial uses in sewered areas. It is expected that the retail, commercial, and office uses will have minimal visual and physical impacts on neighboring dwellings. These impacts include off-street parking, traffic flow, odors, hours of operation, and quality of life.

(2) PRINCIPAL PERMITTED USES.

- (a) Flower shops.
- (b) Professional offices.
- (c) Hotels or motels not to exceed 15 rooms.
- (d) Neighborhood grocery stores.
- (e) Convenience stores.
- (f) Video rental stores.
- (g) Laundromats.
- (h) Bed and breakfast establishments.
- (i) Any principal permitted use of the R-1 and R-2 Residential Districts.
- (j) [reserved]
- (k) Copy shops.
- (l) Dry cleaning establishments.
- (m) Eating establishments.
- (n) Libraries.

- (o) Museums.
- (p) Parks or playgrounds.
- (q) Residential units above businesses.
- (r) Beauty shops and barber shops.
- (s) Tanning salons.
- (t) Paint, glass, wallpaper stores.
- (u) Electrical supply and repair shops.
- (v) Automobile sales.
- (w) Cabinet shops.
- (x) Glass shops.
- (y) Travel agencies.
- (z) Bakeries.
- (a1) Bicycle shops (sales and repairs).
- (b1). Gift shops.
- (c1) Hobby shops.
- (d1) Photographic equipment/supply stores.
- (e1) Boat sales.
- (f1) Plumbing supply stores, not including outdoor storage.
- (g1) Business offices and services.
- (h1) Photographic studios.
- (i1) Real estate offices.
- (j1) Caterers.
- (k1) Locksmiths.
- (l1) Shoe repair shops.
- (m1) Credit agencies.
- (n1) Tax return preparation establishments.
- (o1) Antique and collector stores.
- (p1) Automotive part stores.
- (q1) Music stores.
- (r1) Office equipment and supply stores.
- (s1) Radio/TV repair shops.
- (t1) Sporting and athletic good stores.
- (u1) Optical stores.
- (v1) Delicatessens.

(3) ACCESSORY USES.

- (a) Parking areas directly related to the business See 17.32.
- (b) Accessory uses as permitted in the R-1 Residential District.

(4) CONDITIONAL USES.

- (a) Car wash establishments.
- (b) Community centers.
- (c) Service stations.
- (d) Home occupations.
- (e) Churches.

- (f) Schools, colleges or universities.
- (g) Government buildings.
- (h) Multiple-family buildings with 3 to 8 dwelling units per building.
- (i) Cemeteries, crematoriums, and funeral homes.
- (j) Community living arrangements.
- (k) Hospitals, nursing homes.
- (l) Clinics.
- (m) Trailer sales/rental establishment, not including manufactured homes.
- (n) Supermarkets.
- (o) Switching utility buildings.
- (p) Club houses or lodges.
- (q) Commercial greenhouses.
- (r) Eating establishments with drive-thru and/or pickup services.
- (s) Financial institutions.
- (t) Video rental stores.
- (u) Repair garages.
- (v) Tattoo or body piercing establishments, or combined tattoo and body piercing establishments, regulated under Chapter HFS 173, Wis. Admin. Code.

(5) LOT SIZE REQUIREMENTS.

- (a) Minimum Lot Area: 8,000 square feet for the first dwelling unit plus 2,000 square feet for each additional dwelling unit.
- (b) Minimum Lot Width: 70 feet at the front lot line.

(6) MINIMUM YARD SETBACKS.

(a) Principal Building: Front Yard 25 feet; Side Yard 10 feet where adjacent to a residential district; other districts, none; Rear Yard: 25 feet where adjacent to a residential use which may include alley width; other uses, none. On corner lots, the rear yard minimum requirement is 8 feet.

(b) Accessory Building: Front Yard 25 feet; Side and Rear Yards: 10 feet where adjacent to a residential district; other districts, none.

(c) Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 80 feet, the required front setback shall be reduced to 18 feet. Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 100 feet, the required front setback shall be reduced to 8 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.

(7) MAXIMUM LOT COVERAGE: None

## (8) MAXIMUM BUILDING HEIGHT.

- (a) Principal Building: three stories, but not over 35 feet.
- (b) Accessory Buildings: one (1) story, but not over 15 feet.

(9) REQUIRED BUFFER STRIPS. Where a retail, commercial, or office use permitted in this district abuts a residential use within this or other districts, a buffer strip along a rear, side or front lot line abutting the residential use shall be provided. The buffer strip shall lie within the lot of the retail or office use and shall not be less than 10 feet in width as measured at right angles to the adjoining lot line. Either coniferous plant materials or fencing of not less than 6 feet in height shall be installed so as to provide a year around visual screen.

**17.27 SRO-II SMALL SCALE RETAIL AND OFFICE DISTRICT.**

(1) PURPOSE. The SRO-II District is established to provide for neighborhood scale retail and office uses within a residential setting in sewered areas. The intent is to foster convenient access, flow, odors, hours of operations, and quality of life.

## (2) PRINCIPAL PERMITTED USES.

- (a) Flower shops.
- (b) Professional offices.
- (c) Hotels or motels not to exceed 15 rooms.
- (d) Neighborhood grocery stores.
- (e) Video rental stores.
- (f) Laundromats.
- (g) Bed and breakfast establishments.
- (h) Any principal permitted use of the R-1 and R-2 Residential Districts.

(3) PROHIBITED USE: Supermarkets.

## (4) ACCESSORY USES.

- (a) Parking areas directly related to the business. See 17.32.
- (b) An accessory use as permitted in the R-1 Residential District.

## (5) CONDITIONAL USES.

- (a) Car wash establishments.
- (b) Community centers.
- (c) Dry cleaning stores.
- (d) Service stations.
- (e) Home occupations.
- (f) Churches.
- (g) Schools.
- (h) Government buildings.

- (i) Convenience stores.
- (j) Eating establishments.
- (k) Switching utility buildings.

(6) LOT SIZE REQUIREMENTS.

- (a) Minimum Lot Area: 8,000 square feet for the first dwelling unit, plus 2,000 square feet for each additional dwelling unit.
- (b) Minimum Lot Width: 70 feet at front lot line.

(7) MINIMUM YARD SETBACKS.

- (a) Principal Building: Front Yard 25 feet; Side Yard the total shall be the lesser of one-half ( $\frac{1}{2}$ ) the height or one-half ( $\frac{1}{2}$ ) the depth of the building, but in no case less than 20 feet ; Rear Yard 25 feet. On corner lots, the rear yard minimum requirement is 8 feet.
- (b) Accessory Building. Front Yard: 25 feet; Side and Rear Yards: 10 feet where adjacent to a residential district; other districts, none.
- (c) Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 80 feet, the required front setback shall be reduced to 18 feet. Where a lot fronts on a street other than USH 12, STH 33 or STH 136 with a right-of-way width of 100 feet, the required front setback shall be reduced to 8 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.

(8) MAXIMUM LOT COVERAGE. None.

(9) MAXIMUM BUILDING HEIGHT.

- (a) Principal Building: three stories, but not over 35 feet.
- (b) Accessory Buildings: one story, but not over 15 feet.

(10) REQUIRED BUFFER STRIPS. Where a retail or office use permitted in this district abuts a residential use within this or other districts, a buffer strip shall be provided along a rear, side or front line coincidental with the residential use. The buffer strip shall lie within the lot of the retail or office use and shall not be less than 10 feet in width as measured at right angles to the adjoining lot line. Either coniferous plant materials or fencing of not less than 6 feet in height shall be installed so as to provide a year around visual screen.

**17.28 C COMMERCIAL DISTRICT.**

(1) PURPOSE. This district is established to provide for sewerred commercial activities oriented towards local and regional markets requiring proximity to highways.

## (2) PRINCIPAL PERMITTED USES.

- (a) Advertising services
- (b) Air conditioning, refrigerated equipment, and supplies not including outdoor storage.
- (c) Antique and collector stores.
- (d) Athletic clubs.
- (e) Appliance stores.
- (f) Automobile sales/repair garages.
- (g) Automotive parts stores
- (h) Bar or cocktail lounges.
- (i) Bakeries.
- (j) Banks, savings and loan associations and other financial institutions.
- (k) Beauty shops.
- (l) Beer, wine, and distilled alcoholic beverages.
- (m) Bicycle shops, sales and repair.
- (n) Barber shops.
- (o) Boat sales or rental establishments.
- (p) Book and stationery stores.
- (q) Bowling alleys.
- (r) Building maintenance services.
- (s) Bus depots and stops.
- (t) Business offices and services.
- (u) Car washes.
- (v) Catering shops.
- (x) Civic, social and fraternal association houses or lodges.
- (y) Clinics.
- (z) Clothing stores.
- (a1) Clubs or lodges.
- (b1) Commercial and industrial machinery, equipment, and supplies not including outdoor storage.
- (c1) Community centers.
- (d1) Confectioneries
- (e1) Convenience stores.
- (f1) Copy shops.
- (g1) Credit reporting and collection.
- (h1) Dance halls.
- (i1) Delicatessens.
- (j1) Department stores.
- (k1) Drug stores.
- (l1) Dry goods and variety stores.
- (m1) Eating and drinking establishments.
- (n1) Electrical supply and repair shops.
- (o1) Equipment rental.
- (p1) Fabrics, sewing, needlework stores.
- (q1) Farm equipment and machinery sales and service.

- (r1) Financial institutions.
- (s1) Fish markets.
- (t1) Flea markets.
- (u1) Florists.
- (v1) Food storage lockers.
- (w1) Food stores.
- (x1) Fruit stores.
- (y1) Funeral homes.
- (z1) Furniture stores.
- (a2) Furriers and fur apparel stores.
- (b2) Gift shops.
- (c2) Golf courses.
- (d2) Governmental offices.
- (e2) Green houses.
- (f2) Grocery stores.
- (g2) Hardware stores.
- (h2) Hobby shops.
- (i2) Home furnishing stores.
- (j2) Hospitals.
- (k2) Hotels or Motels.
- (l2) Household appliance stores.
- (m2) Janitorial supply stores.
- (n2) Jewelry stores.
- (o2) Laundry or dry cleaning facilities.
- (p2) Leather goods stores.
- (q2) Libraries.
- (r2) Locksmiths.
- (s2) Lumber and other building supplies supply stores.
- (t2) Meat and meat products manufacturers not including slaughtering or outdoor confinement facilities.
- (u2) Meat markets.
- (v2) Motorcycle dealers.
- (w2) Museums.
- (x2) Music stores.
- (y2) Newspaper offices and press rooms.
- (z2) Nightclubs.
- (a3) Office equipment and supply stores.
- (b3) Optical stores.
- (c3) Outdoor theaters.
- (d3) Package liquor stores.
- (e3) Paint, glass, and wallpaper stores.
- (f3) Parking lots, off-street.
- (g3) Pawn shops.
- (h3) Photographic equipment and supply stores.
- (i3) Photographic studios.
- (j3) Physical fitness facilities.
- (k3) Places of worship.

- (l3) Plumbing, fixtures, and supply stores.
  - (m3) Pool halls
  - (n3) Professional offices.
  - (o3) Public administration facilities.
  - (p3) Public garages.
  - (q3) Radio and television stations with their towers.
  - (r3) Radio or television repair shops.
  - (s3) Real estate offices.
  - (t3) Recreation and utility trailer dealers.
  - (u3) Regional retail stores.
  - (v3) Repair garages.
  - (w3) Restaurants.
  - (x3) Schools: professional, business or technical.
  - (y3) Service stations.
  - (z3) Self-storage rental sheds.
  - (a4) Shoe repair shops.
  - (b4) Shoe sales.
  - (c4) Shopping centers.
  - (d4) Soda fountains.
  - (e4) Specialty Shops
  - (f4) Sporting or athletic goods.
  - (g4). Stationary stores.
  - (h4) Supermarkets.
  - (i4) Tailors or dressmakers.
  - (j4) Tanning salons.
  - (k4) Taverns.
  - (l4) Telephone offices.
  - (m4) Theaters.
  - (n4) Tobacco shops.
  - (n4) Trailer sales or rental establishments.
  - (o4) Transit stops.
  - (p4) Travel agencies.
  - (r4) Used merchandise stores.
  - (s4) U.S. Post Offices.
  - (t4) Variety stores.
  - (u4) Video rental stores.
  - (w4) Indoor archery ranges.
- (3) ACCESSORY USE. Parking areas directly related to the business. See 17.32.
- (4) CONDITIONAL USES.
- (a) Clubs and meeting places of a non-commercial nature.
  - (b) Planned unit developments.
  - (c) Multiple-family residences with more than 8 dwelling units per building.
  - (d) Boarding house, lodging house, or tourist house.
  - (e) Hospitals, clinics, rest homes, convalescent homes.



- (f) Community living arrangements.
  - (g) Colleges or universities.
  - (h) Public passenger transportation terminals.
  - (i) Sexually-oriented businesses. See Chapter 12.
  - (j) Small animal veterinary clinics. Provided that such use shall not include on-site large animal work.
  - (k) Day care centers.
  - (l) Switching utility buildings.
  - (m) Animal shelter, kennel or boarding
- (5) PROHIBITED USE. Single-family dwellings.
- (6) LOT SIZE REQUIREMENTS. None.
- (7) MINIMUM SETBACKS.
- (a) Principal Building: Front Yard: 25 feet; Side Yard: 10 feet where adjacent to a residential district. Other districts, none; Rear Yard: 25 feet where adjacent to a residential district which may include alley width; other Districts, none.
  - (b) Accessory Building: Front Yard: 25 feet; Side and Rear Yards: 10 feet where adjacent to a residential district; other districts, none.
  - (c) Where a lot fronts on a street other than USH 12, STH 33 and STH 136 with a right-of-way width of 80 feet, the required front setback shall be reduced to 18 feet. Where a lot fronts on a street other than USH 12, STH 33 and STH 136 with a right-of-way width of 100 feet, the required front setback shall be reduced to 8 feet. In no circumstances shall a building or any improvements thereto extend into the public right-of-way.
- (8) MAXIMUM LOT COVERAGE. None.
- (9) MAXIMUM BUILDING HEIGHT.
- (a) Principal Building: 45 feet.
  - (b) Accessory Building: 2 stories, but not over 15 feet.
- (10) BUFFER STRIP. See 17.20(11) Required Buffer Strips in Districts abutting R-1 and R-2 Districts.

**17.29 I INDUSTRIAL DISTRICT.**

- (1) **PURPOSE.** This district is intended to provide for those heavy commercial and light industrial uses which are compatible with the nature and the environment of the community, and to regulate their character, appearance, and operation to minimize or prevent any adverse impacts on neighboring areas.
- (2) **PRINCIPAL PERMITTED USES.**
- (a) Establishments that assemble previously prepared materials.
  - (b) Machine shops.
  - (c) Laboratories.
  - (d) Manufacturing, processing, repairing, or warehouse uses.
  - (e) Wholesale establishments.
  - (f) Mini-storage facilities.
  - (g) Offices.
  - (h) Business and professional uses.
  - (i) Packaging and bottling plants.
- (3) **ACCESSORY USES.**
- (a) Parking and loading facilities. See 17.32.
  - (b) Garage storage of vehicles used in conjunction with the operation of a permitted use.
  - (c) Rail tracks and spurs.
  - (d) Security facilities.
  - (e) Service buildings normally accessory to the permitted use.
- (4) **CONDITIONAL USES.**
- (a) Retail business directly related to the primary permitted industrial use. The retail space can be 2 percent of the primary permitted industrial use floor area but shall not exceed 1,000 square feet.
  - (b) Any development within 1,500 feet of an interchange or turning lane rights of way of a freeway or expressway.
  - (c) Animal hospitals or kennels.
  - (d) Penal and correctional institutions.
  - (e) Public passenger transportation terminals except airports.
  - (f) Switching utility buildings.
- (5) **PROHIBITED USES.**
- (a) Any residential use.
  - (b) Retail use except as stated in (e) below.
  - (c) Auto or machinery wrecking or salvage.
  - (d) Manufacture of acid, glue, explosives, fertilizer, cement, or lime.
  - (e) Drilling, mining, quarrying, or other extraction of raw materials.

- (f) Bulk storage of oils, petroleum products, flammable liquids, chemicals, explosives, and radioactive materials.
  - (g) Stock yards.
  - (h) Rendering works.
  - (i) Refining or melting of petroleum or metal ores.
  - (j) Other uses that may in general be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, or noise.
  - (k) Any use not specifically designated a permitted or conditional use.
- (6) ENCLOSURE REQUIREMENTS. All uses, including storage, shall be entirely enclosed within buildings.
- (7) LOT SIZE REQUIREMENTS.
- (a) Minimum lot area: 7,500 square feet.
  - (b) Minimum lot width: 100 feet.
- (8) MINIMUM YARD SETBACKS.
- (a) Front yard: 20 feet;
  - (b) Side and Rear yards: 10 excluding rail track or public alley, except where adjacent to a residential district in which case the yard shall be not less than 25 feet excluding rail tracks, public alley, or street.
- (9) MAXIMUM LOT COVERAGE. None.
- (10) MAXIMUM BUILDING HEIGHT. 45 feet.
- (11) BUFFER STRIP. See 17.20(11) Required Buffer Strips in Districts abutting R-1 and R-2 Districts.

**17.30 CO CONSERVANCY DISTRICT.**

- (1) PURPOSE. The Conservancy District is established to preserve designated land for conservation purposes and to minimize development in areas subject to flooding.
- (2) PRINCIPAL PERMITTED USES. The following uses are permitted subject to the provisions of chapters 30 and 31, Wisconsin Statutes, and the provisions of local, state and federal laws, if applicable.
- (a) Nature preserves
  - (b) Parks and recreation areas
  - (c) Wetlands
  - (d) Woodlands
  - (e) Utility land and easements
  - (f) Floodways
  - (g) Trails

(3) **CONDITIONAL USES.**

- (a) Campgrounds
- (b) Docks
- (c) Walkways
- (d) Observation decks
- (e) Trail bridges
- (f) Highway bridges
- (g) Roads
- (h) Boat launching ramps

(4) **PROHIBITED USES.** Any use not listed above as either a permitted use or a conditional use is prohibited.

(5) **DISTRICT BOUNDARY.** The boundary of this Conservancy District shall be the floodway established by the Flood Boundary & Floodway Map and the Zone “A” established in the Flood Insurance Rate Map. See Subchapter II of this Ordinance.

**17.31 HCO HIGHWAY CORRIDOR OVERLAY DISTRICT.**

(1) **PURPOSE.** The highway corridors represent intensely developed commercial strips located in the Village of West Baraboo. Recent increases in the flow of vehicular traffic utilizing U.S. Highway 12 (USH 12), Wisconsin State Highway 33 (STH 33), and Wisconsin State Highway 136 (STH 136) through the village have resulted in higher accident rates and escalating congestion. Excessive numbers of access driveways and the utilization of these highways by motorists for short trips between neighboring businesses contribute to the hazard and congestion.

The purpose of the Highway Corridors Overlay District (HCO) is to reduce the level of hazard and congestion caused by poorly-designed and located access driveways providing ingress and egress to the highways. This district also is intended to provide for interconnected parking areas between adjacent properties in order to reduce reliance upon the highways for short trips.

It is further intended that the Highway Corridors Overlay District shall be operated in conjunction with any other underlying zoning district in the subject area, and that such lands may be used as permitted by such other districts except as may be qualified by the requirements of this Highway Corridors Overlay District. In the event of conflicting standards between the underlying zoning and these corridor regulations, the more restrictive will apply.

(2) **DISTRICT BOUNDARIES.** The Highway Corridors Overlay District boundaries shall be established as follows:

- (a) The eastern and western boundaries of the USH 12 corridor shall be defined using the centerline of USH 12 as a line of reference. The eastern

boundary shall be located 300 feet east of this centerline. The western boundary shall be located 300 feet west of this centerline.

(b) The northern and southern boundaries of the STH 33 corridor shall be defined using the centerline of STH 33 as a line of reference. The northern boundary shall be located 300 feet north of this centerline. The southern boundary shall be located 300 feet south of this centerline.

(c) The northern and southern boundaries of the STH 136 corridor shall be defined using the centerline of STH 136 as a line of reference. The northern boundary shall be located 300 feet north of this centerline. The southern boundary shall be located 300 feet south of this centerline.

(3) **PRINCIPAL PERMITTED USES.** Permitted uses are the principal permitted uses in the underlying district classifications of R-1, R-2, C, and SRO.

(4) **USE LIMITATIONS.**

(a) **Access Driveways**

(1) Access driveways shall intersect a highway at a 90 degree angle only.

(2) The minimum length of an access driveway shall be 25 feet measured from the curbcut.

(3) Access driveways shall be constructed of a bituminous or concrete surface with curbs or concrete curb stops of sufficient height so as to prevent vehicles from turning out of the access driveway into the parking lot prematurely.

(4) Minimum access driveway width shall be 24 feet measured at the right-of-way. Maximum access driveway width shall be 35 feet measured at the right-of-way. A maximum flare of 5 feet diverging from the perpendicular is permitted at the curbcut on each side.

(5) No access driveway shall be located closer than 100 feet from an adjacent street intersection.

(b) **Joint Access and Joint Parking.** Within this Overlay District, business sites shall be designed so as to provide for joint access and joint parking with adjacent properties. The Village Board or designee, in consultation with the Village Engineer, shall be authorized to designate joint access easements on parcels containing 150 feet or less of frontage on a highway. Such designation may be made in connection with the approval of any site plan or building permit within the designated district.

(c) Design of Joint Access and Parking Areas. Joint access and parking areas shall be designed to include the following elements:

- (1) A minimum width of 24 feet to accommodate two-way travel;
- (2) Provisions for joint access and parking which make it visually obvious that the abutting properties are sharing access driveways and parking.

(d) Easements Required to be Dedicated. Wherever a joint access or parking area is designated by the Village Board or designee, no site plan or building plan shall be approved unless the property owner shall grant a blanket easement twelve and one-half (12.5) wide along either the northern or southern common property lines for properties adjacent to USH 12. Wherever a joint access or parking area is designated by the Village Board or designee, no site plan or building plan shall be approved unless the property owner shall grant a blanket easement 12.5 feet wide along either the eastern or western Common property lines for properties adjacent to STH 33 and STH 136. Such easement to run with the land and allow general access to and from the other properties in the Overlay District. Such easement shall be recorded in the public records of Sauk County and shall constitute a covenant running with the property.

(e) Closing of Existing Curb Cuts.

(1) Wherever an access driveway or curbcut is permitted in accordance with the requirements of this district, access rights along the remaining highway frontage shall be dedicated to the Village and all other pre-existing driveways and curbcuts shall be eliminated.

(2) Wherever two or more adjacent parcels are combined under single ownership and the combined frontage of the parcels total 150 feet or less, only one access driveway will be permitted. All other pre-existing driveways and curb cuts shall be eliminated. Access rights along the remaining highway frontage shall be dedicated to the Village.

(f) Development Prior to Abutting Use. In the event that a property is developed prior to an abutting property, it shall be designed to insure that its access and parking may be readily shared at a later date.

(g) Joint Access and Joint Parking Not Practical. The Village Board or its designee shall be authorized to modify the requirements of this part where it finds that it is unnecessary or impractical to require joint access or joint parking.

(h) Vision Clearance.

(1) On a corner lot in this Overlay District, nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision

between a height of two and one-half (2.5) and ten (10) feet above the grade at an intersecting street and highway in the triangular area bounded by the right-of-way lines of such corner lot and a line adjoining points along such right-of-way lines 30 feet from the point of intersection of the right-of-way lines.

(2) Additional vision clearance restrictions may apply with respect to the erection of buildings and signs. A recommendation or additional clearance restrictions will be developed by the Village Engineer and considered by the Village Board. Any such restrictions will be attached as a condition for the issuance of a building permit.

### **17.32 PARKING AND LOADING SPACE REQUIREMENTS.**

#### **(1) OFF-STREET PARKING.**

(a) In all districts, off-street accessory parking areas in the open or in a garage shall be provided in connection with the uses set forth hereinafter, in addition to the required loading spaces. Such areas in residential districts shall be on the premises intended to be served; and, in the case of commercial and industrial district, such areas shall be on the premises intended to be served or on adjoining or nearby property within three hundred feet of any part of said premises and in the same or less restricted district.

(b) All off-street parking spaces shall be connected to a public street or alley by a driveway which affords satisfactory ingress and egress for automobiles.

(c) Except in the case of single-family dwellings, required off-street parking areas for three or more automobiles shall be designed, maintained, and regulated so that any automobile may be parked or unparked without moving another. Parking spaces shall have a minimum width of 9 feet and a minimum area of 180 square feet.

(d) Parking areas shall not be used for vehicle repair or servicing work nor for the sale, display or advertising of merchandise or services. Vehicles shall not be parked more than 24 consecutive hours in parking areas.

(e) Parking areas shall be provided with a hard (asphalt or concrete) surface and shall be graded and drained so as to prevent the accumulation of surface water and the increase of runoff across adjacent parcels.

(f) Lights provided in parking areas shall be so shielded as to prevent undesirable glare or illumination of adjacent residential uses.

(2) CALCULATING PARKING AND LOADING SPACES REQUIRED.

(a) In the case of merchandising or service types of uses, “floor area” shall mean the area used or intended to be used by tenants or for service to the public or customers, patrons, or clients, but shall not include areas used principally for non-public purposes, such as restrooms, utilities, dressing rooms, or storage rooms. Restrooms accessible to the public shall be subject to the floor area requirements.

(b) In stadiums, sports arenas, churches, and other places of public assembly in which patrons or spectators occupy benches, pews, or other similar seating facilities, each twenty inches of such seating facilities shall be counted as one seat for the purpose of determining requirements for off-street parking facilities under this Ordinance.

(3) MINIMUM PARKING SPACES REQUIRED:

(a) Number of off-street parking spaces required. (1) The minimum number of off-street parking spaces provided within a development must meet the provisions of this subsection, varying by land use as provided in the following table. If more than one land use is present on a site, the required parking is determined by adding together the required number of parking spaces for each use. If the number of off-street parking spaces results in a fraction, each fraction of one-half or more will constitute another space required. A lesser number of constructed off-street parking spaces may be allowed through flexibility measures. (see section 17.32(3)(b) of this Code).

<b>MINIMUM OFF-STREET PARKING REQUIREMENTS</b>	
<b>RESIDENTIAL</b>	
Single Family & Two Family	Four spaces per dwelling unit, two of which are within a garage or area that could be occupied by a garage
Townhouse/Rowhouse	One Bedroom - 2.2 spaces per dwelling unit; Two Bedroom - 2.6 spaces per dwelling unit; Three Bedroom - 3.0 spaces per dwelling unit; Four Bedroom - 3.4 spaces per dwelling unit: ---of which, one space per unit must be within a garage. Where party room space is provided, an additional one space per 100 square feet of party room is required. Guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the Village.
Multiple-Family Residence	One Bedroom - 1.8 spaces per dwelling unit; Two Bedroom - 2.2 spaces per dwelling unit; Three Bedroom - 2.6 spaces per dwelling unit;



	<p>Four Bedroom - 3.0 spaces per dwelling unit:          --of which one space per unit must be within a garage, and where party room space is provided, an additional one space per 100 square feet of party room is required. Guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the Village.</p>
Senior Citizen Housing	<p>1.5 spaces per dwelling unit, where 0.5 spaces per unit must be available for general parking          Where party room space is provided, an additional one space per 100 square feet of party room is required. Guest parking spaces must be appropriately provided and dispersed throughout the development, subject to approval of the Village.</p>
Group Home, Nursing Home, Rest Home, Adult Care Home	<p>1.5 spaces for each four beds          Guest parking spaces must be appropriately dispersed throughout the development.</p>
Licensed Boarding House Lodging or Rooming Houses	<p>One space per bedroom, spaces are not to be stacked in a linear row</p>
<b>NON-RESIDENTIAL</b>	
<p>Automobile Service/Gas Stations:          a) Vehicle Repair:              <u>Minor</u> (oil, muffler, glass, tires, brakes, batteries)              <u>Major</u> (transmission, engine, body work )          b) Convenience Retail Facility</p>	<p>Parking in addition to fueling for the following:          One space per 300 square feet of gross floor area excluding service bays, plus two spaces per service bay;          One space per 300 square feet of gross floor area excluding service bays, plus three spaces per service bay;          One space per 200 square feet of gross floor area, with no more than one-half of the required spaces located at fuel pumps.</p>
Bank  With Drive-Through	<p>One space per 240 square feet of gross floor area          Additional six queuing spaces per lane</p>
Barber and beauty shops	<p>1 for each barber chair or hair dryer, whichever is greater, plus 1 for each employee at work at the same time</p>
Car Wash: Full Service, or Automatic	<p>Eight queuing spaces per bay plus one space per 375 square</p>

Self Service Car Wash	feet of gross floor area; Six queuing spaces per bay for Self Service Wash
Child Care Center	1.2 spaces for each ten program participants based on the facility's licensed capacity
Coin-operated laundries and/or dry cleaning establishments	1 for each 3 washers/and or cleaning machines plus 1 for each employee at work at the same time
Convenience stores	1 for each 175 square feet of floor area plus 1 for each full-time employee at work at the same time.
Educational Institution:  Elementary/Middle/Junior High School (Public/ Private/ Charter)  Senior High School (Public/ Private/Charter)  University, College, Technical College, Seminary, Trade School Business School or Instructional Center, (Public/Private/Charter)	One space per 800 square feet of gross floor area, (except for auditoriums, theaters, gymnasiums, or activity centers, where spaces equal in number to one-third capacity in persons are required), plus adequate drop off/ pick up area for students;  One space per 400 square feet of gross floor area, (except for auditoriums, theaters, gymnasiums, or activity centers, where spaces equal in number to one-third capacity in persons are required), plus adequate drop off/ pick up area for students;  One space per 200 square feet of gross floor area, (except for auditoriums, theaters, gymnasiums, or activity centers, where spaces equal in number to one-third capacity in persons are required), plus adequate drop off/ pick up area for students;
Grocery Store	One space per 225 square feet of gross floor area
Health Club	One space per 250 square feet of gross floor area (not including swimming pools), and additional off-street parking for the following uses: swimming pool-one space per 500 square feet of gross floor area, tennis, handball, or racquetball- two spaces per court
Hotel, motel	1.1 spaces per room plus spaces equal in number to one-third capacity in persons for meeting/banquet area;

<p>Industrial General Manufacturing/ Industrial</p> <p>Warehousing, Storage</p>	<p>One space per 500 square feet of gross floor area, plus one additional off-street parking space for each 2,500 square feet of outside storage area as determined by the Village;</p> <p>One space per 1,000 square feet of gross floor area, plus one additional off-street parking space for each 2,500 square feet of outside storage area</p>
<p>Office General, Professional, Medical or Dental</p>	<p>One space per 285 square feet of gross floor area;</p>
<p>Place of Assembly, Indoor or Outdoor Theater, Auditorium, Library, Museum, Arena, Community Center, Religious Institution, Mortuary, Stadium, Dance Hall, and other Places of Assembly</p>	<p>Spaces equal in number to one-third capacity in persons. If use includes an educational component, those facilities are required to provide additional parking as provided in the ordinance under Educational Institutions</p>
<p>Public agencies and government offices</p>	<p>1 for each 250 square feet</p>
<p>Restaurant and/or Club</p> <p>With Drive-Through</p>	<p>One space per 2.5 seats, plus spaces equal in number to one third capacity in persons for meeting/banquet area;</p> <p>Six additional queuing spaces per lane</p>
<p>Retail Sales and/or Service</p> <p>Under 10,000 square feet of gross floor area</p> <p>10,000-99,999 square feet of gross floor area</p> <p>100,000 square feet of gross floor area and over</p>	<p>One space per 180 square feet of gross floor area;</p> <p>55 spaces plus additional one space per 220 square feet of gross floor area over 10,000 square feet;</p> <p>460 spaces plus additional one space per 285 square feet of gross floor area over 100,000 square feet</p>
<p>Self- Storage Facility</p>	<p>One parking space for each 50 storage units, evenly distributed throughout storage area; and one parking space for every 100 storage compartments must be located at the manager’s office for the use of visitors</p>
<p>Tavern</p>	<p>1 for each employee on duty at the same time during the maximum work shift, plus 1 for each 50 square feet of floor area</p>

Trailer and tourist camps	1 for each unit
Wholesale Establishments (selling only to retailers and contractors)	One parking space for each 1,000 square feet of floor area for non-showroom area and one additional off-street parking space for each 500 square feet of showroom area
<b>OTHER</b>	
Uses not covered by this Schedule	Parking requirements for uses not listed above will be determined by the Village based on similar uses and/ or authoritative sources accepted by the village.

(b) Parking reduction flexibility measures. The Village Board may reduce the number of required off-street parking spaces, except for two-family multi-family residential off-street parking, through the following flexibility measures when the applicant demonstrates in documented form that parking demand will likely be less than required by this Chapter.

(1) Proof of parking measures. An applicant may be eligible for a reduction in the required number of off-street parking spaces where the applicant can demonstrate there is lesser need for the required number of off-street parking spaces, and there is a space set aside for Code complying off-site parking spaces to be constructed if a need is later indicated by the Village, provided:

(a) Where the applicant is seeking a reduction in the total number of required constructed parking spaces, the lesser number of constructed spaces may be allowed, provided:

(i) the Village may require a parking study conducted in accordance with accepted methodology approved by the Village, prepared by an independent traffic engineering professional under the supervision of the Village and paid for by the applicant, demonstrating that there is not a present need for the portion of parking for which the applicant is requesting proof of parking flexibility. (Where the applicant is seeking a reduction of ten percent or less in the total number of required constructed parking spaces, the requirement for a parking study is waived);

(ii) a site plan is submitted indicating that the required number of spaces meeting all ordinance requirements can be placed on the site if the need is later indicated by the Village in observance of a lack of available parking and is approved by the Village; and

(iii) where a site plan is approved with proof of parking measures, a properly drawn legal instrument, memorializing the parking measures drafted and executed by the parties concerned, must be recorded with the office of the Register of Deeds for Sauk County with proof thereof presented to the Village.

(b) Suitability of deferred spaces. The applicant must not assign deferred parking spaces to areas required for landscaping, required buffer zones, setbacks, fire lanes, drive aisles, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.

(c) Conversion of deferred spaces by applicant. The applicant may at any time request that the Village approve a revised site plan to allow conversion of deferred spaces to operable parking spaces.

(d) Remedies. Should it be determined at a later date, as indicated by the Village in observance of a lack of available parking, that any or all of the deferred parking spaces are needed, the required number of deferred spaces must be converted to parking spaces that conform to this Code at the applicant's expense.

(2) Shared parking between businesses or other entities. It is the Village's policy to encourage efficient use of land and resources by allowing shared parking for multiple use developments or uses that are located near one another and that have different peak parking demands or different operating hours. The Village Board may approve the shared use of parking facilities under the following conditions:

(a) Proximity. The proposed shared parking space is within 500 feet of the entrance to the use it will serve.

(b) Conflict in hours. The applicant demonstrates that, because of the hours, size, and mode of operation of the respective uses, there is no substantial conflict in the peak parking demands of the uses for which shared use of off-street parking facilities is proposed, and there will be an adequate amount of parking available to meet the needs for each use. A shared parking plan must be submitted whenever shared parking is proposed that includes specific analysis on the peaking characteristics of the

various uses included. The Village may also require a parking study conducted in accordance with accepted methodology approved by the Village, prepared by an independent traffic engineering professional under the supervision of the Village and paid for by the applicant, demonstrating that there is not a present need for the portion of parking for which the applicant is requesting proof of parking flexibility.

(c) Written consent and agreement. Where shared use of parking exists within the same site or across sites, a properly drawn legal instrument, drafted and executed by the parties concerned, must be recorded with the Register of Deeds for Sauk County as a permanent deed restriction on both properties with proof thereof presented to the Village. The agreement may not be altered unless approved by the Village in writing.

(d) Revocation. Failure to comply with the shared parking provisions of this Section constitutes a violation of this Code. Notwithstanding subsection (c), a shared parking agreement may be revoked by the parties to the agreement if off-street parking is provided as otherwise set forth in this section or if an alternative shared parking plan is approved by the Village.

(4) OFF-STREET LOADING SPACES IN COMMERCIAL AND INDUSTRIAL DISTRICTS. Every building or part thereof hereafter erected having a gross floor area of 2,500 square feet or more, which is to be occupied by uses requiring the receipt or distribution by vehicles of materials or merchandise shall provide the following number of off-street loading spaces:

<u>Gross Floor Area (square feet)</u>	<u>Spaces Required</u>
2,500 to 19,999	1
20,000 to 29,999	2
30,000 to 39,999	3
40,000 to 49,999	4

(a) For each additional 10,000 square feet in excess of 50,000 square feet, one additional off-street loading space shall be required.

(b) Such spaces may occupy all or part of a required rear yard, or when authorized by the Village Board, a part of any other yard or court space on the same premises.

(c) Nothing in this Zoning Code shall be construed to prevent the joint use of off-street loading space for two or more buildings or uses if the total of such spaces when used together shall not be less than the sum of the requirements for

the various individual uses computed separately. Off-street loading spaces shall have a minimum width of 20 feet and a minimum area of 400 square feet.

(5) **OFF-STREET PARKING LOTS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.** Parking lots shall be constructed so as to prevent any portion of a parked vehicle within ten feet of the right-of-way. Preventive measures shall include either landscaping or berm construction to a minimum height of 5 feet.

**17.325 DRIVEWAYS.** (Adopted 9-13-12)

(1) **PERMIT REQUIRED.** No person shall construct any new driveway or structurally alter an existing driveway (e.g., replace, change the location of, expand, or change the pavement type) without first obtaining a driveway permit.

(a) The applicant for a driveway permit shall file the application with the Zoning Administrator and furnish a drawing designating his property lines, the location and width of the proposed driveway and the location of any driveway and street intersection within 100 feet of the proposed driveway.

(b) The application shall be reviewed initially by Zoning Administrator and any permit issued shall be signed by both the Zoning Administrator and the Director of Public Works.

(c) If abnormal conditions exist on a lot, the Zoning Administrator may recommend approval of a permit with changes to the specifications set out in this section to the Plan Commission. The Plan Commission shall review the recommendations and report to the Village Board, which shall have the authority to approve, alter, or reject the recommendations.

(d) No permit shall be issued if the Zoning Administrator or the Director of Public Works deems the proposed driveway to present a significant safety hazard given existing and projected traffic, configuration of streets, zoning and building ordinances and legal nonconforming uses or structures on the lot, adjacent lots or within the right-of-way.

(e) Any driveway or parking lot that is installed, altered, replaced or extended after the effective date of this ordinance shall meet the requirements of this section.

(2) **FEE.** A driveway permit fee shall be paid at the time the application is filed. The fee for a driveway permit is set out in the Village's Official Fee Schedule.

(3) **SPECIFICATIONS FOR DRIVEWAY CONSTRUCTION.**

(a) **Width.** Driveways shall have the maximum width as follows unless otherwise approved by the Zoning Administrator and Director of Public Works:

(1) In R-1, R-2, R-3 and CO zoning districts, the maximum width is 20 feet at the property line and 24 feet at the curb cut.

(2) In C, I, HC, SRO I and SRO II zoning districts, the maximum width is 35 feet at the property line and curb cut.

(b) Workmanship and Materials.

(1) If there is existing concrete curb and gutter at the location of the proposed driveway that is in good condition, the curb head shall be removed with the appropriate equipment and the gutter shall remain in place. Two foot tapers shall be cut from the full curb head height down to the driveway cut. The existing curb and gutter shall not be removed completely to install a new driveway type curb and gutter unless approved by the Director of Public Works.

(2) All driveways shall be paved a minimum of 18 feet past the property line onto the property. The pavement shall be constructed of asphaltic concrete, concrete, or some other dust-free and track-free surface approved by the Zoning Administrator and the Director of Public Works.

(3) All driveway aprons and sidewalk through the driveway within the right-of-way shall be paved with concrete. No sidewalk has to be built into the driveway entrance if no sidewalk is present along the rest of the front of the parcel.

(4) All driveways leading up to or going to a parking lot area shall be paved the entire distance. All parking lots shall be paved except for lots in Industrial or Commercial zoning districts for which the Village Board approves an exception.

(5) Pavement specifications.

(a) In R-1 and R-2 zoning districts, driveways shall have 6 inches of concrete pavement and a 6 inch base course.

(b) In R-3, I, C, SRO I, SRO II and CO zoning districts, driveways shall have 8 inches of concrete pavement and an 8 inch base course.

(c) No driveway apron shall extend out into the street farther than the curb head.

(c) Number of Driveways. Unless otherwise approved by the Village Board, the maximum number of driveways is as follows:



- (1) In R-1, R-2, and CO zoning districts, one driveway per single-family home or one per dwelling for duplexes is permitted.
- (2) In R-3, C, I, HC, SRO I and SRO II zoning districts, two driveways per lot are permitted.
- (3) The minimum distance between driveways on a lot is 10 feet.
- (d) Tree removal. No trees within the right-of-way may be removed to install a new driveway without the approval of the Zoning Administrator.
- (4) SETBACKS.
  - (a) No driveway shall be placed within 4-feet of a side property line.
  - (b) Shared driveways may be installed with the approval of the Zoning Administrator and the Director of Public Works. See sec. 17.31(4)(b) for requirements for shared access in HCO zoning districts.
  - (c) Islands between driveway openings shall be provided with a minimum of 8 feet between all driveways and 4 feet at all lot lines.
  - (d) If the parcel is on a corner lot, the driveway shall be located a minimum of 20 feet from the intersection corner.
- (5) CUL-DE-SACS. The minimum separation distance and minimum setback provisions of subsections (3)(c)(3) and (4) do not apply to cul-de-sacs where there is insufficient frontage to accommodate the number of driveways permitted in subsection (3)(c). In such cases, the Zoning Administrator and Director of Public Works may approve permits with such alterations to the specifications as are compatible with public safety.
- (6) VISION TRIANGLE. Each driveway shall be designed with a vision triangle, bounded by the inner driveway and street lines and a line connecting the outer points of 15 feet in each direction. Within this triangle, no object shall be allowed above the height of 2.5 feet from the grade at which the vehicle is at the end of the driveway before entering the right-of-way.
  - (a) Wire fences, trees, and utility posts, pedestals and vertical members may be permitted within the vision triangle with the approval of the Zoning Administrator and Director of Public Works.
  - (b) Existing trees within the right-of-way and the vision triangle of existing driveways, in the discretion of the Zoning Administrator and Director of Public Works may be required to be removed.

(c) **Interference With Intersections Prohibited.** A driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Zoning Administrator or Director of Public Works for effective traffic control or for highway signs or signals.

### **17.33 SIGNS** (Adopted 9-13-2012)

See section 12.075 of this Code in regard to garage, yard and rummage sale signs. Also see signs as nuisances, §§ 10.05(1) and 10.53(3).

(1) **DEFINITIONS.** For purposes of this section, the terms used shall be defined as follows:

(a) **AREA OF SIDE OF BUILDING.** The area of the building side used for the determination of the size of a wall sign shall be computed based upon the vertical plane of the wall, and shall not include any portion of a roof, dormer, gable or similar roof structure.

(b) **AREA OF SIGN.** The area of the largest single face of the sign within a perimeter which forms the outside shape, but excluding the necessary supports or uprights on which the signs may be placed. If the sign consists of more than one (1) section or module visible from the same direction, the areas of each section or module will be combined for purposes of computing the maximum area. If the sign has two or more faces and each is exclusively visible from only one direction, the maximum area shall be applied to the largest face exclusively. Any irregularly-shaped sign area shall be computed using the actual sign face surface. In the case of wall signs, the area of copy will be used.

(c) **AWNING.** A movable or fixed shelter supported entirely from the exterior wall of a building and composed of rigid or non-rigid materials except for the supporting framework.

(d) **BANNER.** Any sign printed or displayed upon cloth or other flexible material, with or without frames.

(e) **CANOPY.** See Marquee Sign.

(f) **DIRECTIONAL SIGN.** A sign not exceeding four (4) square feet in size that contains no message other than the word "Enter," "Exit," or "Drive-in" and is located within five (5) feet of a driveway.

(g) **DISPLAY SIGN.** A structure that is arranged, intended, designed or used as an advertisement or announcement, and includes a sign, poster panel and advertising devices of every kind.

(h) **FLAG.** Any sign or symbol printed or displayed upon cloth or other flexible material, with or without frames.

- (i) **FLAG, SPECIAL.** A flag advertising the location of a non-profit, charitable organization.
- (j) **FLAG POLE.** A single pole designed and intended for the sole purpose of displaying flags.
- (k) **FREESTANDING SIGN.** Any sign that stands alone not attached to any structure and erected on one (1) or more free standing supports or uprights, whether portable or attached to real estate, but not including flagpoles.
- (l) **MARQUEE SIGN.** A display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street line.
- (m) **OFF-PREMISES DIRECTIONAL SIGN.** A sign that directs persons to a different business or attraction from where the sign is located but that does not advertise goods, products, or facilities other than the name of the business or attraction.
- (n) **OFF-PREMISES SIGN.** A sign that advertises goods, products, facilities, or services not on the premises where the sign is located, or directs persons to a different location from where the sign is located.
- (o) **ON-PREMISES SIGN.** Any sign identifying or advertising a business, person, activity, goods, products, or services located on premises where the sign is installed and maintained.
- (p) **OPEN SIGN.** A display sign in which at least 50% of the enclosed area is uncovered or open to the transmission of wind.
- (q) **PORTABLE SIGN.** Any sign not permanently attached to the ground or a building.
- (r) **PREMISES.** Premises shall be the tax parcel(s) of the property. When circumstances warrant, premises may, due to unity of ownership or use, constitute more than a single tax parcel.
- (s) **PROJECTING SIGN.** A display sign which is attached directly to a building wall or to a post and which extends more than 24 inches out from the building or more than 15 inches out from a post.
- (t) **ROOF SIGN.** A display sign which is erected, constructed and maintained above the roof of a building.
- (u) **SWINGING SIGN.** Any sign other than a banner or flag that is not rigidly affixed to its supporting structure.

(v) **TEMPORARY SIGN.** A display sign, banner or other advertising device intended for a limited period of display, such as but not limited to: decorative displays for holidays or public demonstration.

(w) **VARIABLE MESSAGE SIGN.** An outdoor advertising sign, display, or device, using LCD, LED, plasma displays or other similar technology for displaying moving images, static images animation, or changing the message. The display areas of a variable message sign consists of that portion of the overall sign displaying these electronic images. Variable message signs include but are not limited to Commercial Electronic Variable Message Signs (CEVMS), animated signs, dynamic displays, and changeable copy signs.

(x) **WALL SIGN.** A display sign which is attached to the wall of a building and whose surface is parallel thereto.

(y) **WAYFINDING SIGN.** A sign approved by the Village Board that is designed to identify specific locations or zones within the Village and neighboring areas.

(2) **PERMIT REQUIRED; FEE.**

(a) Except as otherwise provided in this section, no sign shall hereafter be located, erected, moved, reconstructed, modified, extended, enlarged, converted or structurally altered until a sign permit is obtained from the Zoning Administrator.

(b) **Application.** The application for a sign permit shall be filed with the Zoning Administrator and include plans and specifications showing the dimensions, materials, layout, electrical plans, a color schematic/photo rendering of the proposed sign or modification and required details of construction, including weight and anchorage.

(c) **Fee.** An application fee must be paid at the time the application for a sign permit is filed. See the Village's Official Fee Schedule.

(d) **Owner's Consent.** No permit shall be issued for the erection or installation of a sign until the owner of the property, if other than the applicant, shall evidence his approval of the installation of said sign in writing. The property owner and the applicant shall be jointly responsible for the maintenance and removal of the sign under the provisions of this section; however, nothing in this section prohibits the owner from contracting with another private party for the allocation of cost and responsibility for sign maintenance and removal.

(3) **EXEMPT SIGNS.** No permit shall be required for signs or outdoor display structures covered by the following:

- (a) Any wall sign not over 2 square feet in area.
  - (b) Signs erected to announce the sale or rental of property so designated, provided such signs are not over 6 feet in height and less than 32 square feet in area.
  - (c) Certain temporary signs. See section 17.33(7).
- (4) PROHIBITED CHARACTERISTICS OF SIGNS.
- (a) Interference with traffic and public rights-of-way. No sign or other advertising structure shall:
    - (1) Obstruct free and clear vision at any street intersection within the vision triangle.
    - (2) Interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device because of its position, shape or color.
    - (3) Make use of the words "STOP", "LOOK", "DRIVE-IN", "DANGER" or other words, phrase, symbol or character in a manner that interferes with, misleads or confuses traffic.
    - (4) Not to Extend Over State-Regulated Highways or Roads. No permit shall be issued to any person to place or cause to be placed any sign which shall extend over any part of the right of way of any state highway or road where rights are limited or controlled by the State Department of Transportation until or unless written approval of such sign has been obtained from the State Department of Transportation and filed with the Zoning Administrator.
    - (5) No sign shall project beyond the lot line or into the public right-of-way.
  - (b) Public Safety.
    - (1) Obstructions to Doors, Windows or Fire Escapes. No sign or other advertising structure shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a stand pipe, fire escape or roof.
    - (2) Unsafe Signs. No sign or other advertising structure shall constitute a hazard to safety or health by reason of inadequate design, construction, repair or maintenance.

(3) Pedestrian Travel. All signs shall be placed at sufficient height to permit easy and usual pedestrian travel beneath wherever such signs extend out from the building to which attached more than 6 inches.

(c) No off-premise signs are allowed except as expressly permitted elsewhere in this section. No roof, projecting, canopy or wall signs are permitted for off-premise signs.

(d) Outdated signs. No sign or other advertising structure shall advertise a business or product which is no longer in existence.

(e) Vehicular Signs. No sign or other advertising structure shall be painted on or attached to a motor vehicle used primarily for the display of such sign. This section shall not prohibit the identification of a business or its products or services on its vehicle(s) operated and parked in a manner appropriate to the normal course of business.

(f) No free standing sign shall exceed the height limit for its zoning district. In determining height, only the height of the sign above the mean elevation of the roadway upon which the sign is located, or is closest to, as the case may be, shall be included.

(g) No sign shall contain more than two faces.

(h) No sign shall be painted on or attached to any rocks, trees, or other natural features.

(i) Wall Signs.

(1) No sign shall be painted on any exterior wall of any building. However, this shall not prohibit the use of low relief wall signs.

(2) No wall sign shall exceed the height of the building upon which it is mounted by more than four feet.

(j) Obscene Signs. No sign or other advertising structure shall display any matter in which the dominant theme of the material taken as a whole appeals to a prurient interest in sex, or is patently offensive because it affronts contemporary community standards relating to the description or representation of sexual matters, and is utterly without redeeming social value.

(5) SIGN SPECIFICATIONS AND MATERIALS; MAINTENANCE.

(a) Setbacks for Freestanding Signs. All free standing signs shall have the following setbacks:

(1) Front Yard Setback: 2 feet

- (2) Side Yard Setback: 5 feet
- (3) Rear Yard Setback: 10 feet
- (4) Wall signs shall not protrude off the sides of the building.

(b) Materials and Illumination.

(1) All signs described in sub. (1) above shall be constructed of noncombustible materials such as metal or noninflammable plastic except that a wall sign may be of combustible material if the size of the sign does not exceed 10% of the area of the wall to which it is attached.

(2) No swinging sign shall be placed over or maintained over any sidewalk, street or public alley.

(3) No electrical connections shall be made from any sign to an electrical service except by a Class "A" licensed electrician.

(4) Signs to be Securely Fastened Down. Any signs within 30 feet from any street line must be securely fastened down to a permanent fastening.

(c) Use of Combustibles. Wood or approved plastic or other materials of combustible characteristics similar to wood may be used for moldings, capping, letters and latticing and for other purely ornamental features of signs.

(d) Projecting Signs. Projecting signs shall be constructed entirely of metal or approved plastic or other approved noncombustible materials except as provided in par. (c) above.

(e) Marquee Signs.

(1) Materials. Marquee signs shall be constructed entirely of metal or other approved noncombustible materials.

(2) Height. Such signs shall not exceed 5 feet in height nor shall they project below the fascia of the marquee nor lower than 10 feet above the sidewalk.

(3) Length. Marquee signs may extend the full length of the marquee, but in no case shall they project beyond the ends of the marquee.

(4) Area. The area of such signs shall be the same as the area of the smallest rectangle within which the sign can be enclosed regardless of whether the sign is open or panel construction.

(f) Variable Message Signs.

- (1) Variable message signs must be attached to free standing structures except that they may be placed in the interior of the windows of a business.
  - (2) Variable Message signs may be used only to advertise activities conducted on the property on which the signs are located or to present public service information.
  - (3) No message may be displayed at intervals of less than 6 seconds.
  - (4) No segment or traveling message may last longer than 10 seconds.
  - (5) No traveling message may travel at a rate slower than 16 light columns per second or faster than 32 columns per second.
  - (6) The brightness of all messages must be uniform.
  - (7) Intervals between messages must be black.
  - (8) Display areas may be illuminated only to a degree of brightness that is reasonably necessary for adequate visibility. If sign(s) are found to be visibly brighter than necessary, they shall be adjusted in accordance with the instructions of the Zoning Administrator or Building Inspector.
- (g) Paper, Cloth and Other Special Advertising Signs. Strings of flags made of paper, cloth or metal, designed to attract the attention of the public may be hung or displayed only inside the property lines of the lot or lots on which the business is located and only if they are strung or suspended on a wire or wire rope of sufficient strength to withstand high wind pressure without breaking. In no case shall any such strings or flags be extended over any street line, sidewalk or terrace unless specifically authorized by the Village Board.
- (h) Maintenance. The maintenance of all signs shall be the responsibility of the permit holder or if the permit holder and the owner of the property on which the sign is located are not the same, it shall also be the responsibility of the property owner or his authorized agent. The Zoning Administrator shall have the right to require, from time to time, any repairs, extra supports or other precautions necessary to protect the public safety. Otherwise failure to comply with such requirements within 10 days after the date of the notice from the Zoning Administrator shall cause the permit to be automatically revoked and the sign shall forthwith be removed by the permit holder or by the owner of the property upon which the sign is located. In any case where such sign is not removed within a reasonable length of time when so ordered by the Zoning Administrator, it shall be the duty of the Zoning Administrator to remove such sign or cause it to be removed and the expense thereof shall be recovered from the permit holder, failing which it shall become a lien on the property.



(i) Off-premise directional signs. Off-premise directional signs may be permitted as a conditional use in the following locations.

(1) Location. Off-premise directional signs may be placed on private property within the Highway Corridor Overlay District (HCO). No such signs shall be placed within any public right-of-way. No such signs are allowed in R-1, R-2, or R-3 districts.

(2) Content. Off-premise directional signs may only advertise the name and location or direction of businesses or other attractions located outside of the HCO.

(3) Characteristics and numbers of off-premise directional signs.

(a) Off-premise directional signs shall be uniform in color and size at each location. No such signs shall have internal illumination or variable messages. No sign shall have more than two faces.

(b) The sign for each business shall be no greater than 30 inches in length by 6 inches in height.

(c) Off-premise directional signs shall conform to all setback requirements.

(d) The number of such signs at each location shall be proportional to the signage allowed within the applicable zoning district.

(e) The village may allow one free standing post for off-premise directional signs in addition to any free standing sign permitted in the applicable district provided that such additional signs would not cause undue visual clutter or confusion. The height of such additional signs shall not exceed the height of the free standing sign permitted within the applicable district.

(f) No permit shall be required to change the content of any approved off-premise sign provided that the new sign maintains the uniformity of color and size of the pre-existing sign and meets all other conditions of the original permit.

(6) UNREGULATED SIGNS. The following types of signs are not regulated and shall be allowed in any zoning district:

(a) Warning signs. Signs exclusively devoted to warning the public of dangerous conditions and unusual hazards such as drop offs, high voltage, fire

danger and explosives. Warning signs may not exceed three square feet per side in surface area

(b) Flags. A flagpole may not exceed 30 feet above the ground level. Non-governmental flags are considered to be signs subject to this ordinance.

(7) REGULATION OF TEMPORARY SIGNS.

(a) Temporary Signs Located on Private Property. The following temporary signs may be displayed only in the SRO I, SRO II and Commercial Districts for up to 30 days at a time during no more than two different periods per calendar year, provided such temporary signs shall be located entirely on private property, shall not obstruct building exits, and shall comply with the vision clearance requirements established in section 17.16.

(1) Special Event Sign. A temporary sign less than 12 square feet in gross surface area which advertises a special event for a civic, philanthropic, educational, or religious event.

(2) Banners and Pennants. Banners, flags, pennants, balloons or gas filled figures (which are temporary signs or devices constructed of paper, fabric, plastic or other flexible materials) are allowed for the purpose of promoting a community event, grand opening or advertising items other than community events. The combined gross surface area of all banners on any one lot shall not exceed the lesser of 100 square feet in gross surface area or 20% of the area of the wall on which they are placed.

(3) Temporary Ground Signs. Temporary ground signs advertising special business promotions or events are allowed, provided such signs shall not exceed ten square feet in gross surface area and four feet in height.

(b) Exempt temporary signs.

(1) Construction signs authorized by the Zoning Administrator in connection with construction operations.

(2) Temporary decorative displays for holidays, public demonstrations or promotion of civic welfare or charitable purposes when authorized by the Zoning Administrator, on which there is no commercial advertising, provided the municipality is held harmless for any damage resulting therefrom.

(3) Signs advertising garage, yard or rummage sales, however, said signs are subject to the restrictions provided in 12.075(4) of this Code.

(8) R-1, R-2 AND R-3 RESIDENTIAL ZONING DISTRICTS. The following shall be the only signs allowed in an area zoned either R-1, R-2 or R-3:

- (a) Signs advertising a customary home occupation or professional office. Such signs shall not exceed four square feet per side. Two such signs are allowed on each lot, only one of which may be free standing. Any free standing sign shall not exceed five feet in height, and shall not be illuminated.
- (b) Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed 20 square feet per side. Only one sign shall be allowed per lot. If free standing, the sign shall not exceed five feet in height.
- (c) See subsection 17.33(5) regarding sign specifications, materials, and maintenance.

(9) SRO-I ZONING DISTRICTS. The following shall be the only signs allowed in an area zoned as Small Scale Retail and Office Transition District.

- (a) One free standing sign not to exceed 15 feet in height. The surface area per side of the sign shall be determined by the number of businesses operating upon the lot. The total allowable surface area per side shall be as follows:

	Number of Businesses				
	1	2	3	4	5+
Maximum Gross Surface Area of Shared Sign (square feet)	24	36	42	45	An additional 3 square feet per business

- (b) Wall signs. Signs may be mounted upon the side of a building, shown through glass on the side of a building, or be otherwise visible upon the side of a building, so long as the gross area of the sign or signs does not exceed 20% of the area of the building side upon which it is visible.
- (c) Directional signs. Each lot shall be allowed up to two directional signs per each vehicular ingress and egress of the lot. Such signs shall be for the purpose of assisting traffic flow on the lot. Such signs shall not exceed three feet in height and four square feet per side in area.
- (d) Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed 32 square feet per side. Only one sign shall be allowed per lot. If free standing, the sign shall not exceed five feet in height.
- (e) Signs used in drive-up business. Each business shall be allowed a reasonable number of additional free standing signs as are customarily used in

their business for the purpose of assisting drive up vehicular traffic and customers to the buildings. Such signs shall not exceed seven feet in height.

(f) See subsection 17.33(5) regarding sign specifications, materials, and maintenance.

(10) SRO-II ZONING DISTRICTS. The following shall be the only signs allowed in an area zoned as Small Scale Retail and Office District:

(a) One free standing sign not to exceed eight feet in height. The surface area per side of the sign shall be determined by the number of businesses operating upon the lot. The total allowable surface area per side shall be as follows:

	Number of Businesses		
	1	2	3+
Maximum Gross Surface Area of Shared Sign (square feet)	24	30	36

(b) Wall signs. Signs may be mounted upon the side of a building, shown through glass on the side of a building, or be otherwise visible upon the side of a building, so long as the gross area of the sign or signs does not exceed 10% of the area of the building side upon which it is visible. A wall sign shall not exceed eight feet above the mean elevation of the roadway upon which the sign is located, or is closest to, as the case may be.

(c) Directional signs. Each lot shall be allowed a single directional sign per each vehicular ingress or egress of the lot. Such signs shall be for the purpose of assisting traffic flow on the lot. Such signs shall not exceed three feet in height and four square feet per side in area.

(d) Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed 32 square feet per side. Only one sign shall be allowed per lot. If free standing, the sign shall not exceed five feet in height.

(e) See subsection 17.33(5) regarding sign specifications, materials, and maintenance.

(11) C AND I ZONING DISTRICTS. The following shall be the only signs allowed in an area zoned as Commercial or Industrial:

(a) One free standing sign not to exceed 20 feet in height. The surface area per side of the sign shall be determined by the number of businesses operating upon the lot. The total allowable surface area per side shall be as follows:

	Number of Businesses				
	1	2	3	4	5+
Maximum Gross Surface Area of Shared Sign (square feet)	70	90	100	105	An additional 3 square feet per business

However, if the lot is a shopping center, as defined in §17.08(63), there shall be allowed a single free standing sign for the shopping center not to exceed 20 feet in height and a gross surface area per side of 430 square feet. Upon the same free standing sign structure, individual sign panels for each business of up to 40 square feet per side shall be allowed.

(b) Wall signs. Signs may be mounted upon the side of a building, shown through glass on the side of a building, or be otherwise visible upon the side of a building, so long as the gross area of the sign or signs does not exceed 20% of the area of the building side upon which it is visible.

(c) Directional signs. Each lot shall be allowed up to two directional signs per each vehicular ingress or egress of the lot. Such signs shall be for the purpose of assisting traffic flow on the lot. Such signs shall not exceed three feet in height and four square feet per side in area.

(d) Signs advertising the sale, rent or lease of the property on which the sign is placed. Such sign shall not exceed 40 square feet per side. Only one sign shall be allowed per lot. If free standing, the sign shall not exceed five feet in height.

(e) Signs used in drive-up business. Each business shall be allowed a reasonable number of additional free standing signs as are customarily used in their business for the purpose of assisting drive up vehicular traffic and customers to the buildings. Such signs shall not exceed seven feet in height.

(f) Special Flag. A flag advertising the location of a non-profit, charitable organization may be placed on a flagpole located on property owned by a non-profit charitable organization that also displays the American Flag.

(g) See subsection 17.33(5) regarding sign specifications, materials, and maintenance.

(12) CO DISTRICT. Except as provided in subsection (6), no signage of any kind shall be allowed in the Conservation Zoning District. See subsection 17.33(5) regarding sign specifications, materials, and maintenance.

(13) LEGAL NON-CONFORMING SIGNS. If any change or alteration is made to the structure of a sign, including but not limited to its size, materials, lighting or location,

the sign shall conform to all specifications and requirements of this section. A change in the copy or content of the sign message, by itself, does not constitute a structural change.

### **17.34 FIRE LANES AND FIRE HYDRANTS.**

(1) **FIRE LANES AND FIRE HYDRANTS REQUIRED.** Fire lanes and fire hydrants shall be required in accordance with this section on public or private property used for assembly, commercial, educational, industrial, institutional, or multi-family dwelling purposes, and on private property containing residential developments consisting of three or more dwelling units to which access is provided from a public street by a private road or driveway where any dwelling unit is set back more than fifty (50) feet from the paved portion of the public street. Fire lanes may also be designated on those private roads where it is found by the Fire Chief that such access is necessary for firefighting equipment and apparatus. No building permit shall be issued without compliance with the terms of this section if any part of the area being developed contains any of the uses or conditions described in this section.

(2) **DEFINITIONS.** In this section:

(a) "FIRE LANE" means a part of a public or private parking lot or private driveway or private road which is designated as a fire lane and designed to provide access for fire trucks to any building or location and which lanes meet the following minimum specifications:

(1) Not less than 24 feet wide at any point.

(2) Curves and turnarounds shall be designed for a 40 foot turning radius.

(3) Dead end lanes more than 300 feet long shall provide for a turn around that is T-type, hammerhead, cul-de-sac, or curved driveway at the closed end of the lane.

(4) The surface shall be paved with bituminous or concrete or other approved similar all weather material and shall be of sufficient strength to support Village firefighting equipment.

(b) "FIRE HYDRANT" means a hydrant satisfying the specifications contained in Chapter 13 of these Ordinances.

(3) **LOCATION AND MAINTENANCE OF FIRE LANES AND FIRE HYDRANTS.** Fire lanes and fire hydrants shall be located where necessary to provide fire protection to all buildings and the premises. A fire hydrant shall be located not more than 350 feet from each building to be served by the hydrant and all hydrants shall be accessible to fire lanes. Fire hydrants located on private property shall be routinely inspected, repaired and maintained by the owner thereof and all fire hydrants shall satisfy the minimum performance requirements established by the Village Public Works

Department for Village fire hydrants. Water Department personnel shall have free access to any property within the Village at any reasonable time for the purpose of inspecting, repairing and maintaining fire hydrants. Each owner and/or each occupant of any premises where a fire lane and/or a fire hydrant is required shall be responsible for the prompt removal of snow and ice from a fire lane and for the prompt removal of all snow surrounding each fire hydrant.

(4) **REVIEW OF PLANS.** All building and project development plans for projects covered by this section shall be referred to the Village Engineer and Fire Chief for examination and approval. If the Village Engineer or Fire Chief finds that a proposed fire lane or fire hydrant in a development project does not comply with this section, the Village Engineer or Fire Chief shall be authorized to specify the changes necessary to bring the proposal into compliance. If there is any disagreement between the Village Engineer and Fire Chief as to the necessary changes, the decision shall be made by the Village Board. Appeals from orders of the Village Engineer, Fire Chief or Village Board shall be to the Zoning Board of Appeals. The Village Engineer shall inspect the construction of any fire lanes and the placement and specifications of any fire hydrant required by this section and no occupancy permit shall be issued for any project covered by this section until the Village Engineer has inspected and approved the fire lanes and fire hydrants.

(5) **DESIGNATION AND SIGNAGE FOR FIRE LANES.** The owner or occupant of any premises where a fire lane is required under this section shall designate and mark all fire lanes and shall post appropriate signs indicating the existence of all fire lanes and indicating that no parking is permitted on fire lanes at any time, as specified and approved by the Village Department of Public Works. Signs and markings shall be used in such locations and in such a manner as in the judgment of the Village Department of Public Works will carry out the purposes of this section and give adequate warning to users of the premises where the fire lanes and fire hydrants are located. Signage and markings shall meet the following minimum standards:

(a) Where reasonably feasible, signs shall be erected within 5 feet of the beginning and within 5 feet of the end of the fire lane with spacing between signs not exceeding 75 feet. Each sign shall face in the direction of oncoming traffic and shall be affixed to a stationary pole or object.

(b) Curb along a fire lane shall be painted yellow and if no curb exists, a 4-inch wide stripe shall be painted the full length of the fire lane. Lanes identified exclusively as fire lanes shall be identified with approved fire lane signs on each side facing forward and the pavement area between the signs shall be striped with 4-inch wide yellow strips.

### **17.35 COMMUNITY LIVING ARRANGEMENTS.**

(1) **STATE LAWS ADOPTED.** The provisions of §62.23(7)(i) and §66.1017, Wisconsin Statutes, are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this Ordinance. No Community Living Arrangement

may be established within two thousand five hundred (2,500) feet of any other such facility unless a variance is granted by the Village Board, after first submitting the proposed exception to the Plan Committee for recommendation and report. The 2,500-foot requirement shall be measured from lot line to lot line following the most directly traveled route along Village streets.

(2) STANDARDS. In granting or denying a variance, the following standards shall be applied:

(a) Whether the new facility will impose an undue cost, expense or other burden on the Village; or

(b) Whether the new facility will result in an unacceptable number of similar facilities existing in a limited geographical area thereby causing a concentration of deinstitutionalized person or persons with disabilities.

(3) PERMITTED USES AND RESTRICTIONS.

COMMUNITY ARRANGEMENT FAMILY DAY HOMES	LIVING (CLA); DAY CARE	DISTRICTS IN WHICH PERMITTED	STATUTORY RESTRICTIONS
(a) Foster family home up to 4 children		All residential districts	§48.62, Wisconsin Statutes-licensed domicile
(b) Other foster homes		All residential districts	§62.23(7)(I)(1),(2), and (9) Wisconsin Statutes
(c) CLA, up to 8 persons		All residential districts	§62.23(7)(I)(1),(2), and (9) Wisconsin Statutes
(d) CLA, 9 to 15 persons		Multi-family R-2 and R-3 districts	§62.23(7)(I)(1),(2), and (9) Wisconsin Statutes
(e) Family day care home licensed under §48.65, Wisconsin Statutes, up to 8 children		All residential districts	§66.1017, Wisconsin Statutes

(4) CONDITIONAL USES. All Community Living Arrangements and Family Day-Care Homes not permitted in (b) above.



**17.36 SATELLITE DISHES, RADIO, TELEVISION, AND COMMUNICATIONS TOWERS AND ANTENNAS.**

(1) SATELLITE DISHES.

(a) Definitions.

(1) DISH-TYPE SATELLITE SIGNAL RECEIVING ANTENNAS. Also referred to as “satellite dishes,” “earth stations,” or “ground stations” shall mean one or more of the following:

(a) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communications or other signals from satellites in earth orbit and other extraterrestrial sources.

(b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component, the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

(c) A coaxial cable, the purpose of which is to carry or transmit electronic or light signals to a receiver.

(2) RECEIVER. A television set, radio or satellite signal receiver.

(3) DISH. The part of a satellite-signal-receiving antenna characteristically shaped like a saucer or dish.

(4) GROUNDING ROD. A metal pole permanently positioned in the earth to serve as an electrical conductor through which electrical current may safely pass and dissipate.

(b) Permit Required. No person shall construct a satellite dish with a diameter greater than two (2) feet without a permit, nor shall construction commence before a permit is issued pursuant to this section.

(c) Temporary Placement Permitted. Satellite dishes with a diameter greater than 2 feet may be located temporarily on a lot or parcel without a permit for the purpose of testing reception, or for a special event, for a period not to exceed ten (10) days in any calendar year, provided that the dish is in compliance with the provisions of subsection (f) below.

(d) Application for Permit. Applications shall be submitted to the Zoning Administrator. Applications shall be completed by the owner of the lot or parcel, or by the occupant thereof with the owner's written consent.

(e) Permit Fee. See the Village’s Official Fee Schedule.

(f) General Requirements for Satellite Dishes. Any satellite dish with a diameter greater than 2 feet shall comply with the following requirements:

(1) No satellite dish shall be constructed in any front or side yard in any residential district. No satellite dish shall be located in any front yard in any other district.

(2) Satellite dishes shall comply with the applicable side and rear lot-line setback requirements for accessory buildings. In addition, all satellite dishes shall be set back from any property line by a distance not less than their maximum height from the ground.

(3) All satellite dishes shall comply with the height limitations in the applicable district.

(4) No satellite dish shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises, or parcel of land as is the dish.

(5) No satellite dish shall exceed 12 feet in diameter.

(6) All satellite dishes must be bonded to a grounding rod.

(7) All satellite dishes shall be erected and designed so as to reduce visual impact on surrounding property at street level and from public streets.

(8) No sign or other advertisement, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be placed upon or near the satellite dish unless the sign complies with this Chapter and the Village Codes.

(9) Code Compliance. All satellite dish installations shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(2) COMMUNICATIONS ANTENNAS AND TOWERS

(a) Definition. COMMUNICATIONS TOWERS include all free-standing broadcasting, or relay structures, such as FCC licensed commercial wireless telecommunications services such as cellular, personal communication services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), global system or mobile communication (GSM), paging, television broadcast or commercial radio facilities and similar services that currently exist or may be developed, but do not include amateur (ham) radio.

(b) Conditional Use Permit Required. Communications towers are conditional uses in all districts. See 17.14.

(c) Regulations.

(1) Towers shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.

(2) Towers shall meet all setback and location requirements for accessory structures for the specific zoning district in which they are located

(3) In all districts, ground-mounted towers may not exceed 20 feet in height or the minimum height necessary to adequately receive communications.

(4) Co-location: To minimize the number of tower sites, towers are required to be placed or constructed so that they may be utilized for the co-location of antenna arrays unless the applicant demonstrates to the satisfaction of the Plan Commission that the following standards are met:

(a) No existing communication tower located within the area in which the applicant's equipment must be located is of sufficient height to meet the applicant's requirements and the deficiency in height cannot be remediated at a reasonable cost.

(b) No existing communication tower within the area in which the applicant's equipment must be located has sufficient structural strength to support the applicant's equipment and the deficiency cannot be remedied at a reasonable cost.

(c) The applicant's equipment would cause electromagnetic interference with equipment on all existing communication towers within the areas in which the applicant's tower must be located, or the equipment on the existing communication tower would cause interference with the applicant's equipment and the interference from whichever source cannot be eliminated at a reasonable cost.

(d) The fees, costs, or contractual provisions required by the owners of all otherwise feasible towers in order to co-locate on an existing communication tower are unreasonable relative to industry norms.

(e) There are other factors which render existing communication towers unsuitable or unavailable and the public

interest is best served by the placement or construction of a new communication tower.

(3) RADIO AND TELEVISION RECEIVING ANTENNA TOWERS

(a) No radio or television antenna tower designed solely to receive but not to broadcast signals shall be erected or installed within the front yard or side yard. The rear yard and the side yard setbacks shall be the same as for the principal building within the respective zoning district. The exact location of the antenna tower shall be subject to the approval of the Zoning Administrator or as specified in the conditional use permit.

(b) No radio or television receiving tower shall exceed the height of 20 feet above the roofline of the principal building on the property upon which the antenna is located or 60 feet above the ground measured at grade level, whichever is less.

(c) Radio or television receiving antenna towers shall be erected and installed in accordance with the Wisconsin State Electrical Code, National Electrical Safety Code, and the instructions of the manufacturer. In cases of conflict, the stricter requirement shall govern.

**17.37 WIND ENERGY SYSTEMS**

(1) INTRODUCTION

(a) Title. This ordinance may be referred to as the Village of West Baraboo Wind Energy System Ordinance.

(b) Authority. This ordinance is adopted pursuant to authority granted by Wis. Stat. §§ 61.35 and 62.23.

(c) Purpose.

1. Public Health and Safety. The purpose of this ordinance is to: (1) oversee the permitting of small wind energy systems; and (2) preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a small wind energy system in accordance with Wis. Stat. § 66.0401.

2. No Wind Access Permits. This ordinance does not create or provide for the issuance of any wind access permits with the meaning of section 66.0403, Wis. Stats.

(2) DEFINITIONS. Unless specifically defined below, words or phrases used in this subchapter shall be interpreted so as to give them the same meaning as they have at common law.

(a) METEOROLOGICAL (MET) TOWER is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

(b) OWNER means the individual or entity that intends to own and operate the small wind energy system in accordance with this ordinance when first placed in operation.

(c) ROTOR DIAMETER means the cross sectional dimension of the circle swept by the rotating blades.

(d) SMALL WIND ENERGY SYSTEM means a wind energy system that:

- (1) is used to generate electricity;
- (2) has a nameplate capacity of 100 kilowatts or less; and
- (3) has a total height of 170 feet or less.

(e) TOTAL HEIGHT means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

(f) TOWER means the monopole, freestanding, or guyed structure that supports a wind generator.

(g) WIND ENERGY SYSTEM means equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Wis. Stat. § 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

(h) WIND GENERATOR means blades and associated mechanical and electrical conversion components mounted on top of the tower.

(3) STANDARDS.

(a) Accessory Structure. A small wind energy system shall constitute an accessory structure. Only one system is allowed per lot. The Village Board may grant conditional use permits for additional systems.

(b) Permitted and Conditional Uses. A small wind energy system shall be a permitted use in all zoning districts if it meets all conditions of this ordinance.

(c) Setbacks. A wind tower for a small wind system shall be set back a distance equal to its total height from:

- (1) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
- (2) any overhead utility lines (including cable television, telephone, and fiber optic cable) within such right-of-way, unless written permission is granted by the affected utility; and
- (3) all property lines of the owner's lot, unless written permission is granted from the other affected land owners, not limited to adjoining properties.

(d) Access.

- (1) All ground mounted electrical and control equipment shall be labeled or secured to prevent unauthorized access.
- (2) The tower shall be designed and installed so as to not provide step bolts or ladder readily accessible to the public for a minimum height of 8 feet above the ground.

(e) Electrical Wires. All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

(f) Lighting. A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

(g) Sound Levels and Measurement

(1) Definitions

(a) Ambient sound levels and audible sound due to wind energy system operations shall be measured at the property line of affected existing dwellings, schools, hospitals, churches and public libraries. Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone.

(b) A steady pure tone, such as a whine, screech, or hum, is defined to exist if the sound level of any one-third octave exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.

- (2) Sound limits where ambient sound is fifty (50) dBA or less:
  - (a) Audible sound due to wind energy system operations shall not exceed fifty (50) dBA for any period of time.
  - (b) In the event audible sound due to wind energy system operations contains a steady pure tone, sound due to wind energy system operations shall not exceed forty-five (45) dBA for any period of time.
- (3) Sound limits where ambient sound is greater than fifty (50) dBA:
  - (a) If the ambient sound level (exclusive of the wind energy system) is greater than fifty (50) dB, the audible sound due to wind energy system operations shall not exceed the ambient sound level for any period of time.
  - (b) If the ambient sound level is greater than fifty (50) dBA and the sound due to wind energy system operations contains a steady pure tone, the audible sound due to the wind energy system shall not exceed five (5) dBA less than the ambient sound level at any time.
- (4) In the event audible sound due to wind energy system operations exceeds the audible sound standards listed above, a waiver of said standards may be granted by the Village Board provided that the following has been accomplished:
  - (a) Written consent from the affected property owners has been obtained stating that they are aware of the wind energy system and the audible sound standards imposed by this Ordinance, and that they consent to allow sound levels to exceed the audible sound standards otherwise allowed; and
  - (b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement has been recorded in the Office of the Register of Deeds which describes the benefited and burdened properties that sound levels in excess of audible sound standards permitted by this Ordinance may exist on or at the burdened property.
- (h) Appearance, Color and Finish. The wind generator and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the zoning permit.
- (i) Signs. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower,

building, or other structure associated with a small wind energy system visible from any public road are prohibited.

(j) Code Compliance. A small wind energy system including tower shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

(k) Utility Notification and Interconnection. Small wind energy systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."

(l) MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a small wind energy system.

(4) PERMIT REQUIREMENT.

(a) Zoning Permit. A zoning permit shall be required for the installation of a small wind energy system.

(b) Documents. The zoning permit application shall be accompanied by a plot plan which includes the following:

- (1) Property lines and physical dimensions of the property,
- (2) Location, dimensions, and types of existing major structures on the property,
- (3) Location of the proposed wind system tower,
- (4) The right-of-way of any public road that is contiguous with the property,
- (5) Any overhead utility lines,
- (6) Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed),
- (7) Tower foundation blueprints or drawings, and
- (8) Tower blueprint or drawing

(c) Fees. The application for a zoning permit for a small wind energy system must be accompanied by the fee required for a zoning permit for a Permitted Accessory Use.

(d) Expiration. A permit issued pursuant to this ordinance shall expire if:

- (1) The small wind energy system is not installed and functioning within 24 months from the date the permit is issued; or,



(2) The small wind energy system is out of service or otherwise unused for a continuous 12-month period.

(5) PERMIT PROCEDURE.

(a) An Owner shall submit an application to the Administrator for a zoning permit for a small wind energy system. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in §17.37(4)(b) above.

(b) The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.

(c) The Administrator shall issue a zoning permit for a small wind energy system if the application materials show that the proposed small wind energy system meets the requirements of this ordinance.

(d) If the application is approved, the Administrator will return one signed copy of the application with the permit and retain the other copy with the application.

(e) If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reasons why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 Wis. Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.

(f) The Owner shall conspicuously post the zoning permit on the premises so as to be visible to the public at all times until construction or installation of the small wind energy system is complete.

(6) ABANDONMENT.

(a) A small wind energy system that is out-of-service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

(b) If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator from the tower at the Owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator from the tower, the Administrator

may pursue a legal action to have the wind generator removed at the Owner's expense.

(7) ADMINISTRATION AND ENFORCEMENT.

(a) This ordinance shall be administered by the Administrator or other official as designated.

(b) The Administrator may enter any property for which a zoning permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

(c) The Administrator may issue orders to abate any violation of this ordinance.

(d) The Administrator may issue a citation for any violation of this ordinance.

(e) The Administrator may refer any violation of this ordinance to legal counsel for enforcement.

(8) VIOLATIONS. It is unlawful for any person to construct, install, or operate a small wind energy system without a zoning permit or that is not in compliance with this ordinance or with any condition contained in a zoning permit issued pursuant to this ordinance. Small wind energy systems installed prior to the adoption of this ordinance are exempt and are deemed legal, nonconforming structures to the extent they are lawful under the zoning ordinance prior to adoption of this ordinance and are not in compliance with the terms of this ordinance.

(9) PENALTIES.

(a) Any person who fails to comply with any provision of this ordinance or a zoning permit issued pursuant to this ordinance shall be subject to enforcement and penalties as set forth in section 17.12 of the zoning code.

(b) Nothing in this section shall be construed to prevent the Village Board from using any other lawful means to enforce this ordinance.

17.38 TO 17.60 [RESERVED]