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Chapter 365

Zoning

[HISTORY: Adopted by the Village Board of the Village of Sauk City as Chs. 17.01 to 17.23 of the 1970 Code; amended in its entirety 12-11-2018 by Ord. No. 2018-2. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. **115**.

Historic preservation — See Ch. **181**.

Junkyards — See Ch. **195**.

Satellite earth stations and antenna towers — See Ch. **260**.

Comprehensive Plan — See Ch. **335**.

Floodplain zoning — See Ch. **345**.

Land division — See Ch. **350**.

Shoreland-wetland zoning — See Ch. **358**.

Sauk City Industry Park — See Ch. **A370**.

Article I

General Provisions

§ 365-1 **Title.**

This chapter shall be known as, referred to, or cited as "The Zoning Code, Village of Sauk City, Wisconsin."

§ 365-2 **Authority.**

These regulations are adopted under the authority granted by §§ 62.23(7) and 61.35 and Chapter 91, Wis. Stats.

§ 365-3 **Purpose.**

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community. This chapter also provides appropriate and necessary land use controls within the extraterritorial zoning jurisdiction of the Village of Sauk City in the Town of Prairie du Sac, consistent with the Comprehensive Plan for the orderly development of the Village and its environs.

§ 365-4 **Compliance required.**

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 local, county and state regulations.

§ 365-5 Intent.

A. It is the general intent of this chapter to:

- (1) Regulate and restrict the use of all structures, lands and waters;
- (2) 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;
- (3) Secure safety from fire, flooding, panic and other dangers;
- (4) Provide adequate light, air, sanitation and drainage;
- (5) Prevent overcrowding;
- (6) Avoid undue population concentration;
- (7) Facilitate the adequate provision of public facilities and utilities;
- (8) Stabilize and protect property values;
- (9) Further the appropriate use of land and conservation of natural resources;
- (10) Preserve and promote the beauty of the community; and
- (11) Implement the community Comprehensive Plan or plan components.

B. It is further intended to provide for the administration and enforcement of this chapter and to provide penalties for its violation.

§ 365-6 Jurisdiction.

- A. Within the Village. The jurisdiction of this chapter shall include all lands and water within the Village.
- B. Extraterritorial zoning jurisdiction. The unincorporated area outside the Village limits subject to the provisions of this chapter is shown on the map appended to this chapter as Exhibit A. The provisions of this chapter relating to the unincorporated area shall become effective when adopted by the Village Board, in accordance with the provisions of § 62.23(7a), Wis. Stats. The failure of the Village Board to take such action shall in no way invalidate the application of this chapter to any property, building, or structure located within the Village.

§ 365-7 Interpretation.

The provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 365-8 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, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 365-9 Severability.

The several provisions of this chapter are severable. If any provision of this chapter is adjudged to be invalid or ineffective as to any portion of the territory described, such judgment shall not affect the remainder of this

chapter or its application to the remaining portion of the described territory.

§ 365-10 Definitions.

For the purposes of this chapter, the definitions set out in this chapter shall be used. Words used in the present tense include the future tense; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

ABUTTING

Having a common property line or district line.

AGRICULTURAL USE

Any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; maple syrup production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land and conservation payment program.

AQUACULTURE

The farming of aquatic organisms (plants and animals) under controlled conditions, which for purposes of this Chapter does not include any fish hatchery.

ALLEY

A way which affords only a secondary means of access to abutting property.

APARTMENT

See "dwelling unit" as defined in this section.

APARTMENT HOUSE

See "dwelling, multi-family" as defined in this section.

ARTISAN STUDIO OR WORKSHOP

A land use involving a building or portion thereof used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items, as either a principal use or accessory use, used by no more than five artists or artisans.

BASEMENT

A portion of a building located partly or wholly underground and having 2/3 or more of its clear floor-to-ceiling height below the average grade of the adjoining ground.

BED AND BREAKFAST

Any place of lodging that satisfies all of the following:

- A. Provides 8 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 detached dwelling, or, prior to use as a place of lodging, was converted to use and occupied as a single-family detached dwelling.

BILLBOARD

An advertising device, either freestanding or attached to a building, which is used to display information

not related to the use or ownership of the establishment or the property upon which it is located.

BLOCK

A tract of land bounded by streets, or by a combination of streets and public parks, or other recognized lines of demarcation.

BOARD

The Board of Appeals, as provided in Article **XXV** of this chapter.

BREW PUB

A land use that is accessory to a restaurant or tavern use, produces less than 10,000 barrels of beer per year, is permitted under Section 125.295, Wisconsin Statutes, and where beer is primarily produced for on-site consumption.

BUILDING

A structure having a roof and intended for the shelter, housing or enclosure of persons, animals, or chattels.

BUILDING INSPECTOR

The employee of the Village officially designated to administer the Building Code.

BUILDING LINE, FRONT

A line parallel to the street intersecting the point of the building closest to the front lot line, excluding uncovered steps, stoops, or decks.

BUILDING, ACCESSORY

A subordinate building, the use of which is purely incidental to that of the main building,

BUILDING, ALTERATION OF

Any change or rearrangement of the supporting members, such as bearing walls, beams, columns or girders, of a building, an addition to a building, or movement of a building from one location to another.

BUILDING, HEIGHT OF

The vertical distance from the mean elevation of the finished grade along the primary street frontage of the building to the highest point on a flat roof, or to the deckline of a mansard roof, or to the mean height between eaves and ridge for gable, hip, or gambrel roofs.

BUILDING, PRINCIPAL

A building in which is conducted the main use of the lot on which the building is located.

BUSINESS

A commercial establishment engaged in the purchase and sale of goods and services, not including industrial, storage, and distribution establishments listed in **Attachment 2**.

CANOPY or MARQUEE

A roof-like structure of a permanent nature which projects from the wall of a building.

CARPORT

See "garage, private" as defined in this section.

CARETAKER'S RESIDENCE

An accessory land use consisting of an attached or detached dwelling unit providing permanent housing

exclusively for the owner, manager, or operator of a property on which the commercial, industrial, or institutional use being watched over is located.

CELLAR

See the definition of "basement" in this section.

CERTIFICATE OF OCCUPANCY

A written statement issued by the Zoning Administrator or Building Inspector which permits the use of a building or lot or a portion of a building or lot and which certifies compliance with the provisions of this chapter for the specified use and occupancy.

CHILD CARE, FAMILY HOME (4-8 CHILDREN)

An accessory use of an occupied residence in which one or more qualified occupants of the residence provides child care for four to eight children, and licensed by the State and following Sections 48.65 and 66.1017(1)(a), Wisconsin Statutes, and DCF 202, Wis. Admin. Code. Does not include a child provided care by a parent, legal guardian, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. Not classified as a "Home Occupation" for purposes of this Chapter. Home child care with fewer than four children is not subject to the regulations of this Chapter.

CHILD CARE, GROUP CENTER (9+ CHILDREN)

A land use in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers, preschools, and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same premises, such as a church, primary school, business, civic organization, or multi-family residential complex.

CHILD CARE, INTERMEDIATE HOME (9-15 CHILDREN)

An accessory use in an occupied residence in which a qualified person(s) provides child care for 9 to 15 children. Does not include a child provided care by a parent, legal guardian, grandparent, great-grandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption. Not classified as a "Home Occupation" for purposes of this Chapter.

CLINIC

A building used by a group of doctors or dentists for the examination or treatment of persons on an outpatient or nonboarding basis only.

CLUB

A building owned, leased, or hired by a nonprofit association of persons who are bona fide members paying dues, the use of which is restricted to the members and their guests.

COMMERCIAL INDOOR ENTERTAINMENT AND DINING

All land uses that provide dining, drinking, and/or entertainment services within an enclosed building, not including an "Sexually-Oriented Land Use". Such land uses do include restaurants; cafes; coffee shops; taverns; brewpubs; wine bars; theaters; health or fitness centers; commercial indoor swimming pools (not including those in public or non-profit spaces); dance, art, martial arts, and other forms of training studios; bowling alleys; arcades; roller rinks; indoor shooting, archery, and axe ranges; and pool halls. Any outdoor service area associated with such use shall be classified as an accessory "Outdoor Dining, Drinking, or Entertainment" land use.

COMPREHENSIVE PLAN

The comprehensive plan of the Village of Sauk City, as updated and amended from time to time by the Village under § 66.1001, Wis. Stats. See also Ch. 335 of the Village Municipal Code.

COMMUNITY LIVING ARRANGEMENT

A type of group living facility including only the following:

- A. A community living arrangement for adults as defined in Wisconsin Statute Section § 46.03(22), Wis. Stats.
- B. A community living arrangement for children as defined in § 48.743(1), Wis. Stats.
- C. A foster home as defined in § 48.02(6), Wis. Stats.
- D. An adult family home as defined in § 50.01 (1) (a) or (b), Wis. Stats.

Community Living Arrangements do not include nursing homes, hospitals, prisons, or jails. Community Living Arrangements are regulated depending upon their capacity as provided for in §§ 61.35 and 62.23(7)(i), provided any such regulations do not violate federal or state housing or anti-discrimination laws.

COMMUNITY SCALE SOLAR OR WIND ENERGY GENERATING FIELDS

A type of electric generating facility using solar panels or wind turbines, typically a principal use of a property, where the energy generated is primarily for off-site distribution and use, and which has energy generation capacity not exceeding 100 megawatts (which if exceeding that capacity are not subject to local zoning regulation under Wisconsin law).

CONFORMING USE

Any lawful use of a building or lot which complies with the provisions of this chapter.

CURB GRADE

The level of the established curb in the front of the building, measured at the center of such front. Where no curb has been established, the Village Board shall authorize and approve the establishment of such curb level or its equivalent for the purpose of this chapter.

DECK

A horizontal platform that has structural members elevated above ground level, is supported by pillars or posts, and has no roof or walls.

DRIVE-THROUGH AND OTHER IN-VEHICLE SALES OR SERVICE

All land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be occupied at the time of such activity. Such uses often have their highest traffic volumes concurrent with peak traffic flows on adjacent roads. Examples include drive-in, drive-up, and drive-through facilities in conjunction with another principal use, gasoline stations, car washes, and outdoor drive-in theaters. If performed in conjunction with a principal land use (for example, a convenience store, drug store, restaurant, or bank), such land uses shall be considered accessory uses. Excludes “Automotive and Other Motorized Vehicle Service and Body Repair” land uses, which are separately listed and regulated.

DWELLING UNIT

A separate housekeeping unit designed and used for occupancy by a single family, with cooking facilities and a private bath.

DWELLING UNIT, ACCESSORY

A separate and secondary dwelling unit located on the same parcel as a “Single-family Detached Dwelling”, but not meeting the definition of a “Two-family Dwelling” or an “In-family Suite” in this section. The accessory dwelling unit may be attached to or detached from the principal dwelling, but it shall not:

- A. Have a floor area that exceeds 50% of the principal dwelling’s floor area;

- B. Where attached to the principal dwelling, alter the appearance and character of the building so it more closely resembles a Two-family Dwelling;
- C. Be sold separately from that dwelling; or
- D. Be occupied by more than two unrelated individuals, or by two or more persons each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit.

DWELLING UNIT, MIXED USE

A dwelling unit located within the same building as a nonresidential land use type. Generally located above the ground floor, or not within the first 24 feet of any ground floor as measured from the front building line.

DWELLING, MULTI-FAMILY

A residential building designed, arranged, used for, and occupied by three to eight individual attached dwelling units that each take access from a shared entrance or hallway, or any residential building with nine or more attached dwelling units. Each such building proposed to be built as or converted to a zero lot line structure, as defined herein, shall meet the same agreement or covenant requirements as “Two-family Dwellings” built as or converted to a zero lot line structure.

DWELLING, SINGLE-FAMILY DETACHED

A detached building designed, arranged, used for, and occupied exclusively by one family; having no roof, wall, or floor in common with any other dwelling unit except for any “Accessory Dwelling Unit” as defined in this section; complying with the State of Wisconsin Uniform Dwelling Code (UDC) or having received a Federal Manufactured Housing Certificate label; attached to a finished, permanent foundation meeting UDC requirements such as a poured concrete slab or basement; and having not less than 700 square feet in floor area as defined in this section. May include an “In-family Suite” as defined in this section.

DWELLING, TOWNHOUSE

A building designed, arranged, used for, and occupied exclusively by three to eight families living in side-by-side attached dwelling units, with each unit having a private individual access to the outdoors and no shared internal access. Building shall have no common hallways, except within any approved underbuilding parking area. Also commonly referred to as a rowhouse. Each such building proposed to be built as or converted to a zero lot line structure, as defined herein, shall meet the same agreement or covenant requirements as “Two-family Dwellings” built as or converted to a zero lot line structure.

DWELLING, TWO-FAMILY

A building designed, arranged, used for, and occupied exclusively by two families living in two attached dwelling units, with each unit having a private individual access to the outdoors, no shared internal access, and not meeting the definition of an “Accessory Dwelling Unit”. Units may be attached side-by-side, or with one unit above the other provided that building height limitations in **Attachment 1** are not exceeded. Also commonly referred to as a duplex, twin home, or two-flat. Where proposed as a zero lot line structure, as defined herein, the applicant shall provide a signed agreement or covenant with the building permit application specifying maintenance standards for the common wall, exterior surfaces of the building to maintain a neat and harmonious appearance over time, and any other common features; a funding mechanism for ongoing maintenance and repairs; restrictions against construction of detached single family residences on any of the affected lots in the event one or all sides of the zero lot line structure is destroyed; and a provision that it may not be terminated, amended, or otherwise altered without the approval of the Village Board. Each such agreement or covenant shall be subject to Village Attorney approval, and then recorded by the developer against all affected lots and maintained over such lots in perpetuity except by approval of the Village Board.

EMERGENCY SHELTER

Public or private enclosures designed to protect people from aerial, radiological, biological or chemical warfare and fire, flood, windstorm, riot, or invasion.

EXPRESSWAY

A divided arterial street with full or partial control of access and, generally, with interchanges at major intersections. See also the definition of "freeway" in this section.

FAMILY

One of the following:

- A. An individual person;
- B. Two or more people related by blood, marriage, domestic partnership, or legal adoption (including foster children) living together as a single household;
- C. Up to four adults and the dependents of each living together as a single household; or
- D. Up to four people who have disabilities under the Fair Housing Amendment Act (FHAA) or the Americans with Disabilities Act (ADA) living as a single household because of their disability and requiring assistance from a caregiver plus up to two people providing support services such as personal care, housekeeping, meal preparation, laundry, and companionship.

FARM

All lands under contiguous common ownership in which a majority of land is devoted to an agricultural use. For purposes of this definition, "contiguous" means sharing a common boundary, except that parcels in common ownership which are directly across from a public street, rail right-of-way, easement, or navigable river, stream, or creek, along with parcels that meet only at a corner, shall also be considered contiguous.

FARM AND FORESTRY STRUCTURE

Any structure on a farm that is an integral part of, or is incidental to, a permitted agricultural use, including but not limited to barns, silos, and corn cribs.

FARM RESIDENCE

A type of one-family dwelling located on the farm and occupied by the owner or operator (or both) of the agricultural use. Where the associated lands are planned for agricultural preservation in the Comprehensive Plan, total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units ($160/35 = 4.57 = 4$).

FLOOR AREA

- A. For residential uses, the sum of the gross horizontal areas of all floors of a dwelling unit, exclusive of decks, patios, exterior balconies, garages, basements, and porches not designed for all-season occupancy, as many of these terms are defined in this section and as measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating attached dwelling units.
- B. For uses other than residential, the area measured from the exterior faces of the exterior walls or from the center line of walls or partitions separating such uses, including all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

FREEWAY

An expressway with full control of access and with grade separations at all intersections.

FREIGHT TERMINAL OR TRANSSHIPMENT DEPOT

A land use including lands and buildings representing either end of one or more truck carrier line(s) principally serving several or many businesses, which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities.

FRONTAGE, BLOCK

All of the property abutting on one side of a street between two intersecting streets.

FRONTAGE, LOT

The smallest dimension of a lot abutting a public street, measured along the street line.

GARAGE

An accessory building or portion of the principal building used primarily for vehicular storage. "Garage" also includes "carport" and, when related to the context, shall relate to the storage of one or more vehicles.

GARDEN, COMMUNITY

A garden, whether public or private, established by and/or for the use of multiple people, typically to grow vegetables for personal use. Typically the primary use of a property.

GARDEN, RESIDENTIAL

A garden established by and for the use and enjoyment of the resident(s) of the property on which it is located. An accessory use.

GASOLINE STATION

Any area of land, including structures thereon, that is used for the sale of gasoline or other motor vehicle fuel and oil or other lubricating substances, or the sale of motor vehicle accessories, and which may include facilities used or designed to be used for polishing, greasing, washing, spraying, dry cleaning, or otherwise cleaning or servicing such vehicles.

GEOHERMAL ENERGY SYSTEM (GES)

An accessory land use comprised of a central heating and/or cooling system that uses the moderate temperatures of subsurface ground or a body of water to assist with the heating or cooling of a building or a building's water. A GES requires an underground heat exchanger, in the form of a network of underground or underwater pipes or tubes filled with a liquid medium (refrigerant, water mixed with anti-freeze, or water). The liquid medium within the heat exchanger is transferred between a structure and the heat exchanger via pumps. In an Open Loop GES, ground or surface water is continuously drawn from an outside source through the heat exchanger pipes and discharged after use. In a Closed Loop GES, the system is designed so that heat exchanger fluid does not come in direct contact with soils, groundwater, or surface water.

GROUND FLOOR

The first floor of a building above its basement or cellar as defined in this section.

HEIGHT

See Building, Height of.

HISTORIC STRUCTURE

Any building or portion of a building that is listed or eligible for listing on the National or State Registers of Historic Places and/or identified as having historic or architectural significance by a comprehensive survey of historic resources conducted by or with authorization of the Village.

HOME OCCUPATION

Any occupation for gain or support that is accessory a principal dwelling use on a lot at which all operations have or will have all of the following characteristics:

- A. Undertaken only by one or more family members occupying the residence;
- B. Conducted entirely within a building and not exceeding 25% of its floor area;
- C. Having no activity, materials, goods, equipment, noises, odors, or emissions detectable from outside the lot, except for not more than 15 vehicle trips per day including those serving principal dwelling use;
- D. Using no mechanical or electrical equipment other than such as customarily incidental to domestic use; and
- E. Keeping or selling no stock-in-trade except that made on the premises.

HOTEL

An establishment for transient guests having more than six sleeping rooms, generally without individual cooking facilities, in which each unit accesses an interior common hallway.

INDOOR INSTITUTIONAL (LARGE-SCALE, SMALL-SCALE)

A category of land uses that includes all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, colleges and universities; churches, nonprofit clubs, nonprofit fraternal organizations, funeral homes, tourist information and hospitality centers, convention centers not attached to hotels, auditoriums, hospitals, incarceration facilities, and similar land uses. Also includes accessory uses often associated with such principal land uses, including but not limited to storage garages, gazebos, gardens, paths, shops designed for the exclusive use of patrons or guests such as a pharmacy or gift shop, and helipad. For purposes of this Chapter, a new or expanded "Indoor Institutional" use shall be considered "Large-scale" if one or more of the following thresholds is exceeded: includes 25,000 square feet in indoor floor area or more; will provide overnight accommodations for 10 or more persons; any college, university, hospital, or sanitarium; and/or includes a helipad. All other "Indoor Institutional" uses are considered "Small-scale."

INDOOR SALES OR SERVICE

Includes all land uses, except as otherwise separately listed in this Chapter, which conduct or display sales or rental of merchandise or equipment, and/or that conduct non-personal or non-professional services, entirely within an enclosed building. Display of products outside of an enclosed building shall be considered an "Outdoor Display Incidental to Indoor Sales" accessory use, where meeting the definition of that term. Includes a wide variety of retail stores and commercial service uses not otherwise listed in this Chapter, such as antique shops; appliance sales; art, office, stationary and school supply stores, automotive parts sales (but not automotive service or repairs), bakeries (for predominately on-site retail sales); bicycle sales and service; clothing and shoe sales and repair; book stores; confectionary, candy and ice cream stores; delicatessens; department stores; drug stores and pharmacies; florist shops; furniture stores; gift stores; grocery stores; hardware and home improvement stores; jewelry stores; optical stores; paint sales; photographic studios; upholsterers; and variety stores. Also includes self-service facilities such as coin-operated laundromats. Does not include sales or commercial service uses that are accessory to a principal residential use of a property, which are instead regulated as "Home Occupations" if meeting the applicable definition in this section.

INDOOR SALES INCIDENTAL TO INDUSTRIAL USE

An accessory land use that involves retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling, or "Industrial" land use on the same site, where the total floor area devoted to sales activity shall not exceed 15% of the total floor area of the buildings on the property.

INDUSTRIAL – HEAVY

A category of land uses and including industrial and manufacturing facilities where operations do not, or are not expected to, be separately listed in this Chapter and comply with one or more of the characteristics defining an “Industrial – Light” use in this section. Notwithstanding any such actual or expected compliance, the following uses shall always be classified as “Industrial – Heavy” uses: slaughter houses; tanneries; primary meat, fish, and cabbage processing; canneries; paper, pulp, or paperboard producers; chemical and allied product producers (except drug producers); petroleum and coal product producers; asphalt, concrete, or cement producers; stone, clay, or glass product producers; primary metal producers (including forges and foundries); electroplating, enameling, or lacquering of metal products on an industrial scale; textile manufacturing on an industrial scale; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; railroad switching yards; auction yards; and smelting plants.

INDUSTRIAL – LIGHT

A land use category including industrial, manufacturing, assembly, data centers, and trade and contracting facilities at which all operations have or will have all of the following characteristics:

- A. Conducted entirely within an enclosed building with the exception of any outdoor storage component that the Village explicitly allows;
- B. Not involve materials that pose a significant safety hazard, such as highly-flammable or explosive chemicals, materials, or liquids or danger of explosion, in production process or in bulk storage;
- C. Reasonably assured to comply with all of the performance standards listed in **Article XIII** and not provide a nuisance per **Chapter 224**;
- D. In the Village Engineer’s opinion, not include high strength wastewater or water usage that significantly exceeds the expected average daily demand of a typical industrial user relative to current or anticipated water supply;
- E. Not include the testing of animals; and
- F. Not be one of the listed examples of an “Industrial – Heavy” in this section or another listed land use in this Chapter including **Attachment 2**.

IN-FAMILY SUITE

An area and accessory use within a “Single-Family Detached Dwelling” land use that is occupied by a family member and may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas, but which also includes a permanent interior, non-locking access way between the habitable area of the in-family suite and the remainder of the dwelling. Distinguished from an “Accessory Dwelling Unit” as defined elsewhere in this section.

INTERCHANGE

A grade-separated intersection with one or more direct connections for vehicular travel between the intersecting streets or highways.

JUNKYARD

An open space where waste, used, or secondhand materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber, tires and bottles. “Junkyard” also includes an auto wrecking yard but does not include uses established entirely within enclosed buildings.

LIVESTOCK

Domestic animals traditionally used in Wisconsin in the production of food, fiber, or other animal products. Livestock includes bovine animals, equine animals, goats (except pigmy), poultry, sheep, swine (except pot-bellied pigs), farm-raised deer, farm-raised game birds, camelids, ratites, and farm-

raised fish.

LOADING AREA

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.

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 lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter.

LOT AREA

The total area in a horizontal plane within the peripheral boundaries of a lot.

LOT COVERAGE

The percent of the area of a lot occupied by buildings or structures, including accessory buildings or structures.

LOT LINES

The peripheral boundaries of a lot as defined in this chapter.

LOT WIDTH

The width of a parcel of land measured along the front building line.

LOT, CORNER

A lot abutting intersecting streets at their intersection.

LOT, REVERSED CORNER

A corner lot which is oriented such that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH

A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both public streets shall be deemed front lot lines.

LOT, ZONING

A single tract in a single block which, at time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit under single ownership or control.

MACHINE SHOP

A workshop for making or repairing mechanical items.

MANUFACTURED HOME

A home built entirely in the factory under a federal building code administered by the U.S. Department of Housing and Urban Development (HUD). The Federal Manufactured Home Construction and Safety Standards (commonly known as the HUD Code) went into effect June 15, 1976. A manufactured home may be constructed of single or multiple sections.

MANUFACTURED HOME PARK

A parcel or contiguous large parcels of land under single ownership that has been improved with sites for the placement of two or more manufactured homes but not mobile homes, recreational vehicles, or travel trailers.

MICROBEVERAGE PRODUCTION FACILITY

A type of beer, wine, spirits, or coffee production facility that does not exceed the following production quantities per year: microbrewery, 5,000 U.S. barrels or equivalent; microdistillery, 5,000 gallons or equivalent; microwinery, 5,000 gallons or equivalent; microroastery, 5,000 pounds or equivalent. Such a facility often includes a tasting or tap room and on-site purchase of beer and related products, including gifts and food. In the event such a use exceeds the above quantitative limits, either at time of commencement or via growth, it shall instead be classified as a “Industrial – Light” land use.

MOBILE HOME

A transportable factory-built structure as is defined in § 101.91(10), Wisconsin Statutes, designed for long term occupancy by one family and built prior to June 15, 1976, the effective date of the Federal Manufactured Housing Construction and Safety Standards Act. Mobile homes are not permitted within the Village or extraterritorial zoning area.

MOTEL

A series of attached, semidetached, or detached sleeping units for the accommodation of transient mobile tourists, in which access to and from each unit is through an exterior door.

MOTOR VEHICLE

Any passenger vehicle, truck, truck trailer or semitrailer propelled or drawn by mechanical power.

NONCONFORMING BUILDING OR STRUCTURE

Any building or structure which:

- A. Does not comply with all of the regulations of this chapter or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.
- B. Is designed or intended for a nonconforming use.

NONCONFORMING USE

Any use of land, buildings, or structures which does not comply with all of the regulations of this chapter or of any amendment hereto governing use for the zoning district in which such use is located.

NURSERY

Any building or lot, or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

NURSING HOME

Any building used for the continuous care, on a commercial or charitable basis, of persons who are physically incapable of caring for their own personal needs.

OFFICIAL MAP

A map adopted and designated by the Village Board as being the “Official Map,” pursuant to § 62.23(6), Wis. Stats., that shows current and planned new and expanded community facilities; roadways highways, and trails; and drainageways and environmental corridors.

ON-SITE AGRICULTURAL RETAIL

A type of land use that includes the sale of agricultural products grown on the farm and potentially on other farms within 10 miles, where such sales are integral or accessory to an agricultural use, and where such sales are on a year-round basis or require permanent structures.

OUTDOOR PUBLIC RECREATION

A land use that includes all recreational land uses located on public property or public easement. Such

land uses include play courts (such as tennis courts and basketball courts), playfields (such as ball diamonds, football fields, and soccer fields), tot lots, outdoor swimming pools, swimming beach areas, fitness courses, golf courses, arboretums, natural areas, wildlife areas, hiking trails, bike trails, cross country ski trails, horse trails, open grassed areas, picnic areas, picnic shelters, fishing areas, and similar land uses.

OUTDOOR SOLID FUEL FURNACE

An outdoor accessory structure designed to heat air or water through a fire and then transmit that heated air or liquid to a different structure for direct use and/or structural heating.

OUTDOOR STORAGE OR DISPLAY

Generally an accessory land use to a principal commercial or industrial use that includes the storage or display of items or equipment not fully enclosed within a building, excluding active loading and parking. Examples include contractors' outdoor storage yards, equipment yards, lumber yards, coal yards, landscaping materials yards, construction materials yards, shipping materials yards, and storage or display of equipment or materials to be rented or leased.

PARKING FACILITY

A structure or an open area other than a street or alley used for temporary parking of more than four self-propelled vehicles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

PARKING STALL

An off-street space available for the parking of motor vehicles, which in this chapter is held to be an area nine feet wide and 20 feet long, exclusive of passageways and driveways appurtenant thereto and giving access thereto.

PATIO

A hard surfaced area adjoining a house, not above the grade line, typically used for outdoor dining, lounging, or recreation.

PERSONAL OR PROFESSIONAL SERVICES

An exclusively indoor land use whose primary function is the provision of one or more professional or personal services directly to an individual on a walk-in or on-appointment basis. Examples include banks, insurance or financial services, realty offices, barber shops, beauty shops, dental and medical offices and clinics (but not hospitals), and small animal veterinary clinics. Veterinary clinics catering to animals larger than domestic dogs and/or requiring outdoor kennels shall be regulated as "Commercial Animal Service and/or Sales" land uses. Does not include personal or professional service uses that are accessory to a principal residential use of a property, which are instead regulated as "Home Occupations" if meeting the applicable definition in this section.

PERSONAL STORAGE FACILITY

A land use that includes indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also commonly referred to as mini-warehouses or mini-storage.

PLANNED UNIT DEVELOPMENT

A development that allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures, conceived and implemented as a comprehensive and cohesive, unified project. Also the name of a zoning district that allows such developments.

PORCH

A covered shelter to an entrance to a building which may be partly enclosed with low walls or fully

enclosed including screens and/or windows.

PROPERTY LINES

The lines bounding a tract of land in single ownership.

PUBLIC SERVICE OR UTILITY

A category of land uses that includes all municipal, county, state and federal buildings and facilities (except those separately addressed in this Chapter); public emergency service facilities such as fire departments and rescue operations and shelters; emergency shelters; water towers; utility and public service related substations and distribution facilities; public transportation terminals; and similar public or utility land uses but not including any power-generating facility where power is intended primarily for off-site.

PUBLIC WAY

Any sidewalk, street, alley, highway, or other public thoroughfare.

RAILROAD RIGHT-OF-WAY

A strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

RESTAURANT

A space within a suitable building provided with adequate and sanitary kitchen equipment and a dining room of related capacity, having employees for preparing, cooking and serving suitable food for sale to the general public.

SETBACK

The minimum horizontal distance between the front lot line, side lot line or rear lot line and a structure.

SEXUALLY-ORIENTED LAND USE

Any establishment oriented to the display or sales of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or the display of actual persons displaying and/or touching sexually specified areas. For the purpose of this Chapter, "sexually specified areas" includes any one or more of the following: genitals, anal area, female areola or nipple; and "sexually-oriented material" including any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5 percent of the sales area devoted to non-sexually-oriented materials and if such materials are placed in generic covers or otherwise obscured areas.

SHOPPING CENTER

A group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking provided on the property as an integral part of the unit.

SIGN, TEMPORARY

A nonpermanent sign or advertising display intended to be displayed for a short, usually fixed period of time generally not exceeding 30 consecutive days unless in conjunction with an approved temporary use or as outlined in Article XX. Temporary signs include wall, freestanding, and banner signs mounted on walls.

SIGNS

Any words, letters, figures, numerals, phrases, sentences, emblems, devices, or designs visible from a public street or highway which convey information regarding the use or ownership of the establishment on the same property upon which they are located, as distinguished from the definition of "billboard" set forth in this section.

SMALL SOLAR OR WIND ENERGY SYSTEM

A system that converts solar or wind energy to usable thermal, mechanical, chemical, or electrical energy through use of panels, turbines, or similar equipment; is accessory to the principal use of the lot; primarily supplies energy to such principal use; and does not provide energy greater than 150% of the principal use's average annual energy demand. Each small wind energy system shall meet applicable setback, height, noise, shadow flicker, signal interference mitigation, construction, operation, decommissioning, and other requirements of PSC 128, Wis. Admin. Code.

STORY

That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF

A story under a gable, hip or gambrel roof, the wall plates of which on at least two exterior walls are not more than two feet above the floor of such story.

STREET

A public or private thoroughfare which may either provide the principal means of pedestrian and/or vehicular access to abutting property or may provide for the movement of pedestrian and/or vehicular traffic, or both.

STREET, ARTERIAL

A public street or highway used or intended to be used primarily for fast or heavy through traffic. "Arterial streets and highways" includes freeways and expressways, as well as major thoroughfares, highways and parkways.

STRUCTURAL ALTERATION

Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or that it be attached to something having a location on the ground.

TRAVEL TRAILER

A vehicular portable structure, built on a chassis and designed to be used for temporary occupancy for travel, recreational or vacation use, limited in weight or length to either a maximum weight of 4,500 pounds or a maximum length of 28 feet.

USE

The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of standards of this chapter.

USE, ACCESSORY

A use subordinate in nature, extent, or purpose to the principal use of a building or lot.

USE, CONDITIONAL

A use, either public or private, which because of its unique characteristics cannot be properly classified as a permitted use in any particular district or districts.

USE, PERMITTED

A use which may be lawfully established in a particular district or districts provided that it conforms to all requirements, regulations and performance standards, if any, of such districts.

USE, PRINCIPAL

The main use of land or buildings as distinguished from a subordinate or accessory use. A principal use may be a permitted use or conditional use.

USE, TEMPORARY

A land use which is present on a property for a limited and specified period of time.

VARIANCE

A specified exception to the strict and literal enforcement of the dimensional standards indicated in this chapter, to alleviate a unique and unusual hardship for a property owner resulting from the physical characteristics of the land.

WAREHOUSING, WHOLESALING, AND/OR DISTRIBUTION

A category of land uses primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Includes conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities, but does not include any "Freight Terminal or Transshipment Depot" use.

WASTE MANAGEMENT FACILITY

Any land use engaged in the collection, transfer, storage, processing, incineration, and/or disposal of solid waste, sanitary waste, organic materials for composting, and recycled materials, including those solid wastes defined by § 289.01(33), Wis. Stats. Does not include any junkyard use, remanufacture of products from recycled materials, or reverse vending machine for consumer recyclables occupying not more than 36 square feet.

YARD

An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward, except for vegetation as permitted, and except for permitted accessory buildings in rear yards.

YARD, CORNER SIDE

A side yard which adjoins a public street.

YARD, FRONT

A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the front lot line and a line parallel thereto through the nearest point of the principal structure.

YARD, INTERIOR SIDE

A side yard which is located immediately adjacent to another zoning lot or to an alley separating such yard from another zoning lot.

YARD, REAR

A yard extending across the full width of a lot, having a depth equal to the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure.

YARD, SIDE

A yard extending between the front and rear yards of a lot, having a width equal to the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure.

ZERO LOT LINE STRUCTURE

A building that is built over a lot line, where walls separating occupancy units follow lot lines, such as a zero lot line dwelling or series of zero lot line commercial occupancies in a single commercial building.

ZONING ADMINISTRATOR

The person authorized and charged by the Village Board with the administration of this chapter, except as where otherwise indicated. In the event the Zoning Administrator is temporarily unable to fulfill this charge, the Zoning Administrator or the Village Board may temporarily assign such responsibility to another individual.

ZONING DISTRICT

An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

ZONING PERMIT

A permit stating that the purpose for which a building or land is to be used is in conformity with the uses permitted and all other requirements under this chapter for the zone in which it is to be located.

Article II Districts, Boundaries and Zoning Map

§ 365-11 Districts established.

For the purposes of this chapter, the Village and its Extraterritorial Zoning Jurisdiction are divided into the following zoning districts:

R-1-A	Single-Family Residential District
R-1-B	Single-Family Residential District
R-2	Two-Family Residential District
R-M	Multifamily Residential District
B-H	Highway Business District
B-C	Central Business District
B-N	Neighborhood Business District
B-T	Transitional Business District
M-L	Limited Industrial District
M-G	General Industrial District
A-G	Agricultural District
A-P	Agricultural Preservation District
A-H	Agricultural Holding District
A-T	Agricultural Transition District

§ 365-12 Zoning Map.

A certified copy of the Zoning Map and also the Extraterritorial Jurisdiction Zoning Map shall be adopted and approved with the text as part of this chapter, shall bear upon its face the attestation of the Village President and Zoning Administrator, and shall be available to the public in the office of the Zoning Administrator. Changes thereafter to the districts shall not be effective until entered and attested on this certified copy.

§ 365-13 Interpretation of district boundaries.

- A. Boundaries of the districts are established as shown on the current Zoning Map and Extraterritorial Zoning Map on file at the Village office. Such boundaries shall be construed to follow corporate limits; United States Public Land Survey lines; lot or property lines; center lines of streets, highways, alleys, easements and railroad right-of-ways; or such lines extended, unless otherwise noted or obvious on the Zoning Map or Extraterritorial Zoning Map as determined by the Zoning Administrator.
- B. Vacation of public streets and alleys shall cause the land vacated to be automatically placed in the same district as the abutting side to which the vacated land reverts.
- C. Annexations to or consolidations with the Village subsequent to the effective date of this chapter shall be placed in the A-G Agricultural District unless the annexation ordinance temporarily places the land in another district. Within one year of the date of annexation, the Plan Commission shall evaluate and recommend a permanent district classification to the Village Board.

**Article III
Residential Districts**

§ 365-14 R-1-A Single-Family Residential District.

The R-1-A District is established primarily for low-density developments of single-family dwellings.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2 .
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-15 R-1-B Single-Family Residential District.

The R-1-B District is established to protect residential areas now developed with one-family detached dwellings and to protect adjoining areas, presently undeveloped or in agricultural usage, likely to be developed primarily for single-family dwellings.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-16 R-2 Two-Family Residential District.

The R-2 District is established to provide for and protect areas of one-family and two-family dwellings.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-17 R-M Multifamily Residential District.

The R-M District is established to protect certain areas of land, both developed and undeveloped, with peculiar characteristics, such as present high-density dwelling units, proximity to commercial developments or proximity to major streets, and because of a probable, continued demand for such dwelling accommodations which are well-designed, pleasant places in which to live.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

Article IV Business Districts

§ 365-18 **B-H Highway Business District.**

The B-H District is established to provide convenience shopping goods and services required by the traveling public and the regional community. No use permitted in this district shall be dangerous or offensive or detrimental to the neighboring areas or residents by reason of the emission of dust, gas, smoke, noise, fumes, odors, vibration, etc. The B-H district is generally intended for mapping within the Village.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-19 **B-C Central Business District.**

The B-C District is established to provide for those retail trade, financial and entertainment activities serving the entire regional community from lands in and near Sauk City's historic downtown.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-20 **B-N Neighborhood Business District.**

The B-N District is established to provide convenience shopping goods and services to a local neighborhood area and is intended for mapping within the Village.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-205 **B-T Transitional Business District.**

The B-T District is intended for mapping over rural commercial service, retail, contractor, and commercial storage sites in the Extraterritorial Zoning Jurisdiction that were fully or partially developed with buildings as of January 1, 2023. The B-T District is further intended to facilitate continued operation of such existing businesses, and to enable their improvement and limited expansion with site and building upgrades, accommodation for future utility connection, and limited and screened outdoor storage. The District is further intended to allow for limited substitute businesses on these sites that are not heavy water users and traffic generators. The aim is to ultimately preserve and achieve compatibility with long-range planned land uses on these sites and adjacent sites pursuant to the Comprehensive Plan.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.
- C. Other requirements. See § 365-47 and § 365-48 for other applicable requirements associated with site plan approval within the B-T district.

Article V Industrial Districts

§ 365-21 **M-L Limited Industrial District.**

The primary purpose of this district is to provide for the proper location and regulation of industrial uses that

do not involve the use of hazardous materials and do not result in offensive sound or odor, typically with good access to major transportation facilities.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-22 M-G General Industrial District.

The primary purpose of this district is to provide for the proper location and regulation of industrial uses, typically with good access to major transportation facilities.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

**Article VI
Agricultural Districts**

§ 365-23 A-G Agricultural District.

The primary purpose of this district is to provide for the proper location and regulation of general agricultural uses and as a holding zone pending future development in the Village.

- A. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- B. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-24 A-P Agricultural Preservation District.

- A. Description and purpose. The primary purpose of this district is to maintain, preserve, and enhance agricultural uses and agricultural lands historically exhibiting high crop yields as detailed and for such timeframe specified in the Comprehensive Plan, the Sauk Prairie Intergovernmental Cooperation Agreement, and the Sauk County Farmland Preservation Plan. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. The A-P district is a certified farmland preservation zoning district under Chapter 91, Wis. Stats. Further, lands in this district will only be approved for rezoning where the criteria in § **365-116** are met.
- B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2. To meet requirements as a certified farmland preservation zoning district under Chapter 91, Wis. Stats., no conditional use permit shall be granted in the A-P district unless the Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) finds that the use authorized thereby meets the criteria in § **365-94 F**. In addition:
 - (1) Each "community garden" and "general farming (not otherwise listed)" use shall meet the definition of an agricultural use included in § **365-10**.
 - (2) Each "on-site agricultural retail" use shall meet the associated definition in § **365-9** and the following additional criteria:
 - (a) Packaging and equipment used to store, display, package or carry said agricultural products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) is permitted.
 - (b) The maximum total gross floor area of a structure or a combination of structures dedicated primarily to the on-site agricultural retail use shall be 1,500 square feet in area.

- (c) All structures used for an on-site agricultural retail use shall all be an integral part of, or incidental to, the agricultural use on the property, and shall be set back at least 100 feet from any residential zoning district.
- (3) Except for a facility used for providing veterinary services primarily to livestock including the sale of supplies and pharmaceuticals related to animal husbandry, each "bed and breakfast," "child care - family home (four to eight children)," "commercial animal service and/or sales," "home occupation," "outdoor gathering," and "on-site agricultural retail" use shall:
 - (a) Be conducted by the owner or operator of the farm.
 - (b) Require no buildings, structures, or improvements other than a farm residence and/or another building, structure, or improvement that is an integral part of, or incidental to, an agricultural use on the farm.
 - (c) Employ no more than one full-time equivalent employee aside from the owner or operator (four for each commercial animal services or boarding, outdoor gathering, or seasonal outdoor sales of farm products use).
 - (d) Not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (4) Each "nonmetallic mineral extraction" use shall meet the criteria in § 365-95C.
- (5) No historic structure may be relocated from outside of the A-P zoning district to inside of the A-P zoning district unless it meets the definition of a "farm residence" under § 365-10.
- (6) "Outdoor public recreation" uses shall be limited to undeveloped natural resource and open space areas with no buildings.
- C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-25 A-H Agricultural Holding District.

- A. Description and purpose. The A-H Agricultural Holding District is intended to preserve lands in agricultural lands and open space until ripe for planned urban development. The Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement specify the desired type of urban development and permitted timeframe for such development in areas zoned A-H. Rezoning from AH to another district, extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because lands in the A-H district is not expected to develop with urban uses as soon as lands zoned A-T, a slightly broader range of agricultural and related land uses is allowed in the A-H district.
- B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

§ 365-26 A-T Agricultural Transition District.

- A. Description and purpose. The A-T Agricultural Transition District is intended to reserve agricultural lands and open space for near-term urban development. As detailed the Comprehensive Plan and Sauk Prairie Intergovernmental Cooperation Agreement, annexation and urban development may occur in areas zoned A-T at any time at the request of property owners. Rezoning from A-T to another district, extension of public utilities and services, and annexation to the Village must occur in advance of urban development. Because the A-T district is contiguous to developed lands within the Village, the range of allowable land uses in advance of urban development is the narrowest of the agricultural districts. The only permissible uses in this area prior to annexation are those that maintain agricultural lands, woodlands, and wetlands.

- B. Permitted, conditional and temporary uses. See the Matrix of Uses set forth in Ch. 365 Attachment 2.
- C. Dimensional requirements. See the Schedule of Regulations set forth in Ch. 365 Attachment 1.

Article VII Flood Districts

§ 365-28 **Floodplain zoning.**

The additional restrictions enumerated in Chapter **345**, Floodplain Zoning, of this Code apply to areas which are subject to periodic flooding.

Article VIII PUD Planned Unit Development District

§ 365-29 **Purpose.**

The PUD Planned Unit Development District is established to encourage and promote improved environmental design in the Village of Sauk City by allowing for greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of this chapter and the general plan for community development. The PUD District allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive, unified projects. It is further intended to encourage more rational and economic development in regard to public services and encourage and facilitate preservation of open land. This article contemplates that there may be residential, commercial, industrial, and mixed-use planned unit developments.

§ 365-30 **General requirements for PUD Zoning.**

- A. Minimum total area requirements. There are no minimum total area requirements, however it is generally true that the project should be large enough to allow clustering and to establish a coherence of design.
- B. Lot area, lot width, heights and yard requirements.
 - (1) In the PUD District, there shall be no specific lot area, lot width, height, floor area ratio, yard and usable open-space requirements, but such requirements as are made a part of an approved recorded general development plan shall be, along with the recorded plat, construed to be and enforced as a part of this chapter.
 - (2) There shall be no specific green area requirement, yet the general development plan should incorporate sufficient green area to match the character of the use and surrounding neighborhood.
- C. Permitted uses. Any use permitted in any of the other districts of this chapter may be permitted in the PUD District subject to the criteria as established in § **365-32** and provided that such uses are identified in the approved and recorded general development plan.
- D. Conditional uses. Any use allowed as a conditional use in any of the other districts of this chapter may be allowed in the PUD District subject to the criteria as established in § **365-32** and provided that such uses and any conditions or requirements attached to such uses are identified in the approved and recorded general development plan.

§ 365-31 **Petition for rezoning to PUD, general development plan.**

- A. Prior to the official submission of the petition for the approval of a PUD District, the owner or his agent should meet with the Plan Commission or Village staff to discuss the scope and proposed nature of the contemplated development to help assess whether PUD District zoning is appropriate.

- B. The procedure for rezoning to a PUD District shall be the same as required for any other zoning district change under Article **XXII** of this chapter, except that the petition to rezone shall be accompanied by payment of the PUD review fee as set by the Village Board and the following additional documentation:
- (1) Information statement. An information statement that sets forth the following information:
 - (a) Total area to be included in the PUD, area of open space, residential density, proposed number and type of dwelling units, projected population, availability of or requirements for municipal services and other similar data pertinent to a comprehensive evaluation of the proposed development.
 - (b) A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 - (c) A general outline of the organizational structure of a property owners or management association that may be proposed to be established for the purpose of providing any necessary private services.
 - (d) Any proposed departures from the standards of development as set forth in the Village zoning regulations, land subdivision requirements, other Village regulations or administrative rules, or other universal guidelines.
 - (e) The expected date of commencement of physical development as set forth in the proposal and also an outline of any sequential staging that is planned for the development.
 - (2) General development plan (GDP). A general development plan which shall include the following information:
 - (a) A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 - (b) The location of public and private roads, driveways, sidewalks and parking facilities.
 - (c) The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 - (d) The location of institutional, recreational and open-space areas and areas reserved or dedicated for public uses, including schools, parks, and drainageways.
 - (e) The type, size and location of all structures.
 - (f) General landscape treatment.
 - (g) The existing and proposed location of public sanitary sewer, water supply facilities, and stormwater drainage facilities.
 - (h) The existing and proposed location of all private utilities or their easements.
 - (i) Existing topography on the site with contours at no greater than one-foot intervals.
 - (j) If the development is to be staged, a staging plan.
 - (k) A plan showing how the entire development can be further subdivided in the future.
- C. Following determination by the Village staff that the petition to rezone to a PUD District is complete with the additional required documentation and that the fee has been paid, the petition shall follow the usual procedure for Plan Commission review and recommendation, public hearing, and Village Board

review and action in accordance with Article **XXII** of this chapter and the criteria set forth in § **365-32**.

§ 365-32 **Review and approval of PUD and general development plan; effect.**

- A. Criteria for review. In reviewing a PUD District rezone application and the general development plan, the following criteria shall be applied to the proposed general development plan with specific consideration as to whether it is consistent with the spirit and intent of this chapter, is consistent with the policies of the Village Comprehensive Plan, has been prepared with professional advice and guidance, produces significant benefits in terms of environmental design or otherwise that justify modifications from regular municipal standards, and satisfies the following criteria:
- (1) Character and integrity of land use. The uses proposed and their intensity and arrangement on the site shall be of a visual and operational character that:
 - (a) Is compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
 - (b) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability, and functional practicality compatible with the general development plans for the area as established by the community.
 - (c) Would not adversely affect the anticipated provision for school or other municipal serves.
 - (d) Would not create traffic or parking demand incompatible with the existing or proposed facilities to serve it.
 - (2) Economic feasibility and impact. The proponents of a PUD District application shall provide evidence satisfactory to the Plan Commission and Village Board of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the Village or the values of surrounding properties.
 - (3) Engineering design standards. The width of street rights-of-way, width of paving, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering considerations shall be based on standards necessary to implement the specified function in the specific situation; provided, however, that in no case shall standards be less than those necessary to ensure the public health, safety, and welfare as determined by the Village Engineer.
 - (4) Preservation and maintenance of open space. Adequate provision shall be made for the permanent preservation and maintenance of open space either by private reservation or dedication to the public.
 - (a) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Village as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial, recreational, or cultural purposes compatible with the open-space objective may be permitted only where specifically authorized as part of the general development plan or, subsequently, with the express approval of the Village Board following approval of building, site, and operational plans by the Plan Commission.
 - (b) The care and maintenance of such open-space reservations shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement with the Village and shall be included in the title to each property.

- (c) Ownership and tax liability of private open space reservations shall be established in a manner acceptable to the Village and made a part of the conditions of the plan approval.
- (5) Implementation schedule. The applicant shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Village Board, including suitable provisions for assurance that each phase could be brought to completion in a manner that would not result in an adverse effect upon the community as a result of termination at that point. The Plan Commission and Village Board, in making their respective recommendation and determination, shall consider the reasonableness of the proposed construction schedule and any staging plan for the physical development of the proposed PUD, commencement of the physical development within one year of approval being deemed reasonable.
- (6) Residential PUD districts. In reviewing residential PUD Districts, the Plan Commission and Village Board shall further consider whether:
 - (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 - (b) The total net residential density within the PUD will be compatible with the Village Comprehensive Plan or components thereof and shall be compatible with the density of the neighborhood wherein located.
 - (c) Structure types will be generally compatible with other structural types permitted in the neighborhood.
 - (d) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities if privately owned.
 - (e) Provision has been made for adequate, continuing fire and police protection.
 - (f) The population density of the development will have an adverse effect upon the community's capacity to provide needed school or municipal service facilities.
 - (g) Adequate guarantee is provided for permanent preservation of open space areas as shown on the general development plan either by private reservation and maintenance or by dedication to the public.
- (7) Commercial PUD considerations. In reviewing commercial PUD Districts, the Plan Commission and Village Board shall further consider whether:
 - (a) The applicant has submitted reasonable evidence that the proposed development is economically feasible and that the applicant has adequate available financing to construct the proposed development, or if a phased-development to construct the first phase.
 - (b) The proposed development will be served by off-street parking and truck service facilities in accordance with this chapter.
 - (c) The proposed development shall be adequately provided with, and shall not impose any undue burden on, public services and facilities such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
 - (d) The locations of entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets and that the development will not create any adverse effect upon the general traffic pattern of the surrounding neighborhood. An "adverse effect" is not solely an increase in traffic, but may mean an increase in traffic such that the current or proposed infrastructure could not handle the increased traffic sufficiently to ensure the public safety and welfare.

- (e) The architectural design, landscaping, control of lighting and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (8) Industrial PUD considerations. In reviewing industrial PUD Districts, the Plan Commission and Village Board shall further consider whether:
 - (a) The operational character and physical plant arrangement of buildings will be compatible with the latest in performance standards and industrial development design and will not result in an adverse effect upon the property values of the surrounding neighborhood.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, water, sanitary sewer and stormwater drainage, and maintenance of public areas.
 - (c) The proposed development will include provisions for off-street parking and truck service areas in accordance with this chapter and will be adequately served by easy-access rail and/or arterial highway facilities.
 - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.
- (9) Mixed-use PUD consideration. In reviewing mixed-use PUD Districts, the Plan Commission and Village Board shall further consider whether:
 - (a) The proposed mixture of uses results in a unified composite that is compatible with the surrounding neighborhood.
 - (b) The various types of uses conform to the general requirements as hereinbefore set forth in this chapter applicable to projects of such use and character.
- B. Effect of PUD Zoning and GDP. If a PUD District and general development plan is approved by the Village Board, the PUD rezoning shall not take effect unless all owners of the land parcels within the PUD consent to the rezoning and have signed an acknowledgement to that effect. Building permits within the PUD District may not be issued until Village approval of a specific implementation plan for the PUD District.
- C. Recording. Upon rezoning, the Village shall record with the Sauk County Register of Deeds an affidavit of notice of PUD zoning against all real property within the PUD District. The applicant shall supply the necessary property descriptions and shall pay the recording fees.
- D. Reversion. The rezoning to a PUD District on the basis of a general development plan shall revert to prior zoning if a specific implementation plan for the PUD District is not approved within one year from the date the PUD zoning takes effect. The Plan Commission may grant one or more extensions for good cause shown, and any such extensions shall expressly state the new deadline for approval of the specific implementation plan.

§ 365-33 Submittal of specific implementation plan (SIP).

- A. After the effective date of the PUD District rezoning and the general development plan, the applicant may submit a specific implementation plan with the Plan Commission through the Zoning Administrator. A specific implementation plan may be prepared for all or only a portion of the project area included in the general development plan. Specific implementation plans shall include the following information:

- (1) A precise description of the type, number and size of dwelling units and a description of the type and amount of square feet devoted to commercial or industrial uses; the estimated number of employees and the character and volume of truck and automobile traffic generated from the site.
 - (2) A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting.
 - (3) A final plat or certified survey of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities.
 - (4) A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material.
 - (5) Architectural drawings and sketches illustrating the design and character of proposed structures, including elevation drawings of all principal buildings. In residential planned unit developments with single-family homes, the Plan Commission may approve site and architectural design guidelines contained within a declaration of covenants, deed restrictions, or other similar documents, in lieu of reviewing the plans for each individual single-family residence.
 - (6) Location of all utility installations.
 - (7) A detailed grading plan, including spot elevations.
 - (8) Stormwater management plan.
 - (9) A development schedule indicating:
 - (a) The approximate date when construction of the project can be expected to begin;
 - (b) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
 - (c) The anticipated rate of development; and
 - (d) The approximate date when the development of each of the stages will be completed.
 - (10) Agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, open areas or other facilities.
 - (11) Any other plans, documents or schedules required by the Plan Commission or Village Board.
- B. Following determination by the Village staff that the submittal of the specific implementation plan is complete, the specific implemental plan shall be placed on the agenda of the Plan Commission for review, consideration, and action.

§ 365-34 Review and approval of specific implementation plan; effect.

- A. The Plan Commission shall review the specific implementation plan for consistency with the previously approved general development plan, the spirit and intent of this chapter, and the Village's Comprehensive Plan. The Plan Commission may hold a public hearing or informational meetings at this stage, but it is not required. The Plan Commission must determine that the specific implementation plan is reasonably consistent with the approved general development plan.
- B. If the Plan Commission recommends approval of the specific implementation plan, complete documentation describing the specific implementation plan and any contracts (e.g., development

agreements) that the Plan Commission deems necessary for the implementation of the plan shall be prepared, reviewed by Village staff for completeness, and once complete shall be placed on the agenda of the Village Board for approval.

- C. The Village Board shall review and consider the Plan Commission's recommendation on the specific implementation plan, and if the Village Board determines that the specific implementation plan is reasonably consistent with the previously approved general development plan, it shall approve the specific implementation plan.
- D. The specific implemental plan shall not take effect unless:
 - (1) All owners of the land parcels included within the portion of the PUD District for which the specific implementation plan relates consents to the specific implementation plan and have signed an acknowledgement to that effect.
 - (2) All contracts or development agreements deemed necessary by the Plan Commission or Village Board to guarantee the implementation of the development according to the terms and conditions established as a part of the general development plan and the specific implementation plan are entered into between the owner/applicant and the Village. The Village shall have the right, if deemed appropriate, to require the inclusion of a performance bond or other security deemed satisfactory to the Village Attorney.
- E. The specific implementation plan shall be filed with the Village, however it does not need to be recorded at the Sauk County Register of Deeds if the affidavit of notice of PUD zoning has been recorded pursuant to § **365-32**.
- F. Once the specific implementation plan is approved and takes effect, the Village may issue building and other permits consistent with the approved specific implementation plan.
- G. Lapse. If no substantial development progress has occurred within one year after the specific implementation plan takes effect, the specific implementation plan approval shall lapse. The Plan Commission may grant one or more extensions for good cause shown, and any such extensions shall expressly state the new deadline for development of the specific implementation plan.

§ 365-35 **Amendment of plans.**

Any subsequent change of use of any lot or parcel of land or addition or modification of the plans shall be submitted for approval to the Plan Commission. If such change or modification constitutes a substantial alteration of the specific implementation plan in the opinion of the Plan Commission, the specific implementation plan shall be required to be amended through the same procedures used to approve and file a specific implementation plan as described in §§ **365-33**, **365-34** and **365-35** before any amendment or change is effective. If the change does not constitute a substantial alteration of the specific implementation plan, the change may take effect upon approval of the Plan Commission. Any approved modifications shall be documented and filed with the Village.

Article IX **Schedule of Regulations**

§ 365-36 **Area, height and yard regulations.**

The requirements as to area, height and setback dimension for each of the zoning districts shall be as shown in the Schedule of Regulations (Ch. 365 Attachment 1), except as modified by the provisions of Article **XIX**. Areas and dimensions provided may exceed indicated minimums or may be less than indicated maximums.

Article X

General Use Regulations

§ 365-37 Application for zoning permit.

Applications for a zoning permit shall be made to the Zoning Administrator on forms furnished by him. Applications shall be submitted in duplicate, except that when a site plan approval under Article XI of this chapter is required, they shall be submitted in quadruplicate. They shall include the following, where applicable:

- A. Name and address of the applicant, owner of the site, architect, professional engineer, or contractor.
- B. Description of the subject site by lot, block and recorded subdivision, or by metes and bounds, address of the subject site, type of structure, existing and proposed operation or use of structure or site, number of employees, and the zoning district within which the subject site lies.
- C. Plat of survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following: subject site, existing and proposed structures, existing and proposed easements, streets and other public ways, off-street parking and loading areas and driveways, existing highway access restrictions, and existing and proposed front, side and rear yards. In addition, the plat of survey shall show the location, elevation and use of any abutting lands and their structures within 40 feet of the subject site.
- D. Proposed sewage disposal plan, if municipal sewerage service is not available. This plan shall be reviewed by the Village Engineer to ascertain that satisfactory, adequate and safe sewage disposal is possible on the site as proposed by the plan, in accordance with applicable local, county and state health agency regulations.
- E. Proposed water supply plan, if municipal water service is not available. This plan shall be reviewed by the Village Engineer. The owner shall certify, in writing, that an adequate and safe supply of water will be provided.
- F. Additional information as may be required by the Plan Commission, Village Engineer, and Zoning, Building, Plumbing or Health Inspectors, including all information required for site plan approval under Article XI.

§ 365-38 Issuance and term of zoning permit.

The zoning permit shall be granted or denied in writing by the Building Inspector or Zoning Administrator within 30 days of the date of application, or within 60 days of the date when site plan approval or a conditional use permit is required. The zoning permit shall expire within six months of the date of issuance unless substantial work has commenced. Any permit issued in conflict with the provisions of this chapter shall be null and void.

§ 365-39 Certificate of occupancy.

No vacant land shall be occupied or used, except for agricultural purposes, and no buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector or Zoning Administrator. A certificate of occupancy is required for any change of type of occupancy or use of any building or land.

- A. Application for a certificate of occupancy shall be made coincident with the application for a zoning permit. The application shall state the intended use of the land or building.
- B. A certificate of occupancy shall be granted within 10 days after notification by the owner of completion of buildings or structural alterations indicated in the zoning permit, in accordance with the plans submitted with the permit application and applicable provisions of this chapter and the health and building laws and ordinances.

§ 365-40 **Site restrictions.**

- A. Establishment and maintenance of grades. Required grades of and between lots are typically established as part of a subdivision plat, site plan, or other application requiring Village approval. It shall be the responsibility of the lot owner to meet and maintain any required grades in on each lot, and in securing the proper drainage of, from, and through the lot in accordance with law.
- B. Preservation of topography. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in increasing any portion of the slope to a ratio greater than 1 1/2 horizontal to one vertical within a distance of 20 feet from the property line, except with the written consent of the owner of the abutting property and with the approval of the Zoning Administrator, or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion.
- C. Unsuitable land. No land shall be used or structure erected where the land is held by the Village Board to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of the community. The Plan Commission, in applying the provisions of this chapter, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- D. Lots. All lots shall abut upon a public street, and each lot shall have a minimum frontage and area as set forth in the Schedule of Regulations set forth in Article **IX**.
- E. Principal structures. All principal structures shall be located on a lot, and only one principal structure shall be located, erected or move onto a lot, except for planned unit developments in accordance with the provisions of this chapter.
- F. Street dedication. No zoning permit shall be issued for lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- G. Private sewer and water. In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system, designed in accordance with Ch. Comm 83, Wis. Adm. Code. When public sewers and/or public water service is available, connections must be made to these facilities.

§ 365-41 **Use restrictions.**

The following use restrictions and regulations shall apply:

- A. Permitted uses. Only those permitted uses specified for a district and the uses set out in this section and in Ch. 365 Attachment 2 shall be permitted in that district.
- B. Accessory uses. Accessory uses and structures are permitted in any district, but not until their principal building is present or under construction. Except as otherwise regulated in this chapter, accessory uses shall not include the keeping, propagation or culture of pigeons, poultry, or livestock.
- C. Conditional uses. Conditional uses may be permitted when approved by the Plan Commission in accordance with the provisions of Ch. 365 Attachment 2 and Article **XIX**.

- D. Unclassified or unspecified uses. Unclassified or unspecified uses may be permitted by right or as conditional uses by the Plan Commission, provided that the Commission determines that such uses are similar in character to one or more uses that are listed as permitted or conditional uses in the district. Each such determination is subject to any federal, state, or other regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wis. Stats. And ATCP 49, Wis. Admin. Code.
- E. Temporary uses. Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Zoning Administrator for a period of 12 months, in accordance with the provisions of Article XX Temporary Uses and Ch. 365 Attachment 2.
- F. Performance standards. Performance standards listed in Article XIII shall be complied with by all uses in all districts.
- G. Mobile homes. No mobile home shall be used for the purpose of habitation except within an approved mobile home park.

§ 365-42 Joint use.

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.

§ 365-43 Violations.

No person shall construct or use any structure, land, or water in violation of any of the provisions of this chapter. In case of any violation, the Village Board, the Zoning Administrator, the Plan Commission, or any property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this chapter.

Article XI Site Plan Approval

§ 365-44 When required.

- A. All applications for zoning permits for any construction, reconstruction, expansion or conversion, except for one-family and two-family residences in residential districts, shall require site plan approval by the Plan Commission (or by the Joint Committee described in Article XXVI if the land is in the Extraterritorial Zoning Jurisdiction) in accordance with the requirements of this chapter.
- B. In addition, the Zoning Administrator may require the Plan Commission to approve plans for any one-family or two-family residential structure in the Village.

§ 365-45 Submission of application, plans and specifications.

An application for any such zoning permit shall be submitted to the Zoning Administrator. The applicant shall also submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Plan Commission, Joint Committee if in the Extraterritorial Zoning Jurisdiction, and their staff and consultants to determine whether the proposed application meets all the requirements applicable thereto in this chapter. The Zoning Administrator maintains a worksheet describing current fees and procedures, including information and materials that are required with a site plan.

§ 365-46 Review and issuance procedure.

The Zoning Administrator shall make a preliminary review of the application and plans and refer them, along with a report of findings, to the Plan Commission. The Plan Commission or Joint Committee shall review the application, and the Commission, Committee, or Zoning Administrator may refer the application and plans to one or more expert consultants to advise whether the application and plans meet all the requirements applicable thereto in this chapter. Within 45 days of its receipt of the application, the Commission or

Committee shall authorize the Zoning Administrator to issue or refuse a zoning or building permit. The Zoning Administrator shall then act on the permit within five days of satisfaction of all applicable approval conditions, in accordance with the action of the Commission or Committee.

§ 365-47 Considerations by Plan Commission or Joint Committee.

In acting on any site plan, the Plan Commission or Joint Committee shall consider the following:

- A. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
- B. The layout of the site with regard to entrances and exits to public streets, the arrangement and improvement of interior roadways, and the location, adequacy and improvement of areas for parking and for loading and unloading and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.
- C. The adequacy of the proposed water supply, drainage facilities, and sanitary and waste disposal.
- D. The landscaping and appearance of the completed site. The Plan Commission or Joint Committee may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns and that the site be effectively screened so as not to impair the value of adjacent properties nor impair the intent or purposes of this chapter.
- E. Compliance with the Sauk City Hwy 12/Phillips Boulevard Design Guidelines or the Sauk City Downtown Design Guidelines, where the property is in an area covered by one such document. Site plan submittals shall comply with all mandatory elements (“shalls”) within the appropriate Guidelines document, where applicable.
- F. Consistency of the proposed site plan with applicable provisions of the Comprehensive Plan and Official Map. No building, or other essential site improvement as determined by the Commission or Committee, shall be located in or expanded into the corridor of the preferred future expansion alternative for Highway 12 as indicated therein.
- G. In conjunction with site plan approval within the B-T Transitional Business District:
 - (1) No new principal building is permitted, except to replace one or more buildings on the property as of January 1, 2023, such that total building floor area on the site shall not exceed 110% of total building floor area as of January 1, 2023.
 - (2) No floor area expansion of the principal building(s), and/or expansion or construction of an accessory building(s), shall result in the property exceeding 110% of total building floor area as of January 1, 2023.
 - (3) The Joint Committee may limit outdoor storage and other outdoor operations and may otherwise apply development policies consistent with the B-T District intent in Section § 365-205 and with the recommended future land use for the property and adjacent sites pursuant to the Comprehensive Plan. All approved outdoor storage shall relate to the business operating on-site and be screened from public view.

§ 365-48 Effect on municipal services.

- A. Before granting any site plan approval, the Plan Commission or Joint Committee may, in addition to obtaining advice from the Village Engineer or other municipal officials, request additional information with special attention to the effect of such approval upon existing municipal services and utilities. If additional facilities are deemed needed, the Plan Commission or Joint Committee shall forward its recommendations to the Village Board and shall not issue final approval until the Village Board has

entered into an agreement with the applicant regarding the development of such facilities. Depending on the location or facility in the Extraterritorial Zoning Jurisdiction, such recommendation shall additionally or alternatively be made to the Town of Prairie du Sac Board.

B. In conjunction with site plan approval within the B-T District, the property owner shall:

- (1) Submit with the application a traffic impact and/or traffic safety analysis, where advised by and to the specifications of the Village Engineer. Where the analysis or the Village Engineer's evaluation of the analysis indicates that a project may cause public roads or intersections to function below an acceptable level of service or safety, the Joint Committee may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required off-site road or intersection improvements to achieve an acceptable level of service or safety in coordination with the transportation agency with jurisdiction.
- (2) Reasonably provide for future sanitary sewer and water line routing along and through the property to accommodate anticipated future utility system needs, such as via utility easements, as advised by the Village Engineer and approved by the Committee.
- (3) Provide for minimum separation distances between potential groundwater contamination sources and any existing municipal water well site or planned site indicated on the Official Map, as follows:
 - (a) No storage or processing of radioactive materials, extremely hazardous substances identified by SARA/EPCRA criteria under 40 CFR Parts 302 and 355, or substances listed in Table 1, NR 140, Wis. Admin. Code is permitted within 1,200 feet of the existing or planned well site.
 - (b) Other separation distances from the planned well site listed in NR 811.12(5)(d), Wis. Admin. Code, shall be maintained, except for the maintenance of any source in lawful operation as of January 1, 2023 and otherwise as advised by the Village Engineer and approved by the Committee.
- (4) Enter an agreement with the Village, or record a restriction that may not be terminated or modified without the Village's consent, as determined by the Village Attorney. The agreement or restriction shall require connection, at the current and future owner's expense, to municipal sanitary sewer and water services when adjacent to the property and directed by the Village, and waive the current and future owner's rights to challenge any future assessment for such services. Such agreement shall be executed and recorded, or restriction approved by the Village Attorney and recorded, before the Zoning Administrator may issue a zoning permit and the project authorized by the site plan approval may commence. The Village Board may waive or reduce the requirements of this subsection at its discretion.

§ 365-49 Fees and costs.

A fee as set by the Village Board will be charged as estimated by the Zoning Administrator. The applicant will also be required to pay the cost of any consultant reports which may be required by the Plan Commission under § 365-46 of this chapter. Fees for zoning permits in the Extraterritorial Zoning Jurisdiction shall be based on a schedule recommended by the Joint Committee and adopted by resolution of the Village Board.

Article XII Architectural Control

§ 365-50 Purpose.

The purpose of this article is to encourage the physical development of the Village and its Extraterritorial Zoning Jurisdiction in a way that will provide the maximum degree of aesthetic satisfaction through architectural and natural beauty and harmony and thereby provide for the well-being of its inhabitants, as well as for greater economic stability, through preservation and enhancement of property values. The architectural appearance of buildings erected, remodeled or placed within the Village and its Extraterritorial

Zoning Jurisdiction is regulated with this purpose in mind. Such regulation, however, is not intended to impose a pattern of regimented conformity to any specific architectural style established by the governing body or review board, or the existing residents of any area, but is intended solely to prevent any development which would substantially affect adversely the character of the neighborhood, reduce its desirability, and depreciate surrounding property values.

§ 365-51 Standards applying to all districts.

- A. No building shall be permitted, the design or exterior appearance of which is unorthodox or abnormal in relation to the surroundings as to be unsightly or offensive to generally accepted tastes.
- B. No building shall be permitted, the design or exterior appearance of which is identical with those adjoining as to create excessive monotony and drabness.
- C. No building shall be permitted where any exposed facade is not constructed or faced with a finished material which is aesthetically compatible with other facades and presents an attractive appearance to the public and to surrounding properties.
- D. No building shall be permitted to be located in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area, particularly as it would adversely affect values incident to ownership of land in that area, or which would unreasonably affect adversely the beauty and general enjoyment of existing residences on adjoining properties.
- E. All buildings shall comply with the mandatory elements (“shalls”) within the Sauk City Hwy 12/Phillips Boulevard Design Guidelines or the Sauk City Downtown Design Guidelines, where proposed in an area described or mapped within the appropriate Guidelines document.

§ 365-52 Standards applying to the B-C District.

- A. Any river-facing facade shall be designed and constructed with the same quality and materials as facades facing Water Street in the B-C District.
- B. Upper-story balconies and bay windows may project up to 36 inches over the sidewalk, though no closer than 36 inches to the street curb.
- C. If used, awnings shall project at least 24 inches from the building face. If illuminated, awnings shall be lit from above; backlit, glowing awnings are prohibited.

§ 365-53 Architectural Review Board.

- A. The Architectural Review Board shall be appointed by the Village President subject to confirmation by the Village Board. The Architectural Review Board shall meet on call to hear and review any case within the Village submitted to it pursuant to the provisions of this chapter.
- B. The membership of the Architectural Review Board shall consist of three persons, one of whom shall be a licensed architect, landscape architect or similarly qualified professional.
- C. The Architectural Review Board shall keep records of all its proceedings, and its decisions shall be stated in writing, including the specific reasons for refusing a permit or for any conditions of approval.
- D. The members of the Architectural Review Board shall receive such compensation as the Village Board shall from time to time designate.

§ 365-54 Submission of plans.

In order to ensure that no proposed building would be in conflict with the provisions of this chapter, the Building Inspector or Zoning Administrator shall submit to the Architectural Review Board the plans for such building, including adequate elevations or sketches to enable the Board to judge the building's

appearance, and shall not issue a building permit until the Architectural Review Board has approved such plans.

§ 365-55 Appeals.

Any person aggrieved by a decision of the Architectural Review Board shall have the right to appeal such decision to the Board of Appeals, provided that such appeal is taken within 90 days of the final action of the Architectural Review Board.

§ 365-56 Fee.

A fee as set by the Village Board will be charged for the review conducted by the Architectural Review Board. The fee shall be paid prior to any review by said Board and shall not be refundable.

Article XIII Performance Standards

§ 365-57 Purpose; compliance required.

This chapter permits specific uses in specific districts, and these performance standards are designed to limit, restrict and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with the district regulations and with the following performance standards.

§ 365-58 Air pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grain per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the United States Bureau of Mines' Information Circular 7718 in any industrial district.

§ 365-59 Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire-extinguishing system.

§ 365-60 Light, glare and heat.

- A. The maximum light trespass allowed on adjacent properties is 0.5 footcandle onto residential property and 2.0 footcandles for nonresidential property, as measured at the ground level by any orientation of the measuring device.
- B. All exterior light sources shall be fully shielded, meaning that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer.
- C. Any operation producing intense glare or heat, such as combustion or welding, shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard across lot lines.

§ 365-61 Liquid or solid wastes.

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature that they can contaminate, pollute, or harm the

quantity or quality of any water supply; can cause the emission of dangerous or offensive elements; can overload the existing municipal utilities; or can injure or damage persons or property.

§ 365-62 Noise.

A. No activity shall produce a sound level outside its premises that exceeds the following sound levels, measured by a sound-level meter and associated octave band filter:

Octave Band Frequency (cycles per second)	Sound Level (decibels)
0 to 75	72
76 to 150	67
151 to 300	59
301 to 600	52
601 to 1,200	46
1,201 to 2,400	40
2,401 to 4,800	34
Above 4,800	32

B. All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, or shrillness.

C. There shall be no disturbance from construction noise before 6:00 a.m. or after 9:00 p.m., except in cases of emergency work.

§ 365-63 Vibration.

There shall be no vibrations emanating from any operation which will be discernible to human feeling beyond the boundaries of the immediate side.

§ 365-64 Odors.

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises.

§ 365-65 Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Article XIV
Accessory Buildings

§ 365-66 Time of construction.

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.

§ 365-67 Zoning permit required.

Any accessory building must have a zoning or building permit prior to its erection, placement or construction on the lot.

§ 365-68 Size restrictions.

A. See the Schedule of Regulations, Article IX,

B. The following limitations shall apply to accessory buildings in the R-1-A, R-1-B, and R-2 residential districts:

- (1) The maximum size of any accessory building, including a private garage, shall be 900 square feet.
- (2) The maximum number of accessory buildings on a parcel shall be two.
- (3) The maximum number of garage stalls for vehicles (enclosed or carport) shall be three.
- (4) The total floor area of all buildings shall not exceed the total floor area of the principal structure, as the term “floor area” is defined in § 365-10.

§ 365-69 Location in residential districts.

No accessory building in a residential district shall be erected in any yard except a rear yard, and all accessory buildings shall have setbacks as provided in the Schedule of Regulations.

Article XV

Signs

§ 365-70 Definitions.

As used in this article, the following terms shall have the meaning indicated:

ABANDONED SIGN

Any sign remaining in place which for a period of 90 consecutive days or more no longer advertises or identifies an ongoing business, product, service, idea, or commercial activity located on the site or has not been properly maintained in accordance with the requirements of this chapter.

BANNER

A suspended sign made of a flexible material such as canvas, sailcloth, plastic, paper, or fabric of any kind, and intended to be displayed on a temporary basis. A decorative banner is a banner containing no message or logo that is displayed for the purpose of adding color or interest to the surroundings or to the building to which it is attached. A flag or canopy shall not be considered a banner.

CANOPY

A permanent roof structure over a space that is completely unenclosed on at least two sides. A canopy may be attached to a building or free-standing with four open sides as an accessory to a principal building.

DIRECTLY ILLUMINATED SIGN

Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.

ELECTRONIC VARIABLE MESSAGE SIGN

A changeable copy sign or portion thereof which can be electronically changed or rearranged without altering the face or the surface of the sign, not including signage or portions thereof displaying time and temperature.

FACADE

Any separate face or surface of a building, including parapet walls, canopies and roof surfaces or any part of a building which encloses or covers usable space. Where separate facades are oriented in the same direction, or where the inside angle at the intersection of two surfaces is greater than 135°, they are to be considered as part of a single facade.

FLAG

A device generally made of flexible material, such as cloth, paper, or plastic, and displayed from a pole, cable or rope. It may or may not include copy.

GARAGE SALE SIGN

A sign erected prior to or during an estate sale, yard sale or rummage sale used to dispose of personal household possessions.

GROUND SIGN

Any free-standing sign that is supported by structures or supports in or upon the ground and independent of support from any building. A single sign structure having two identical or nearly identical faces back to back shall constitute a single sign. For the purposes of this definition, a ground sign is intended to refer to a primary, permanent, ground-mounted sign, not a temporary sign or sign that is ancillary to the primary sign, such as a directional sign or portable sign.

HANGING SIGN

A sign that is suspended from the underside of a surface and is supported by such surface.

LOT

Any piece or parcel of land, the boundaries of which have been established by some legal instrument of public record, that is recognized and intended as a unit for the purpose of a recordable transfer of ownership. Where two or more lots are lawfully subject to a single use or activity all such lots shall be considered a single lot.

MEMORIAL SIGN

A sign or tablet memorializing a person, event, place or structure.

PERMANENT

When used in reference to a sign, means that the sign is constructed of durable materials and intended to exist for an indefinite period of time or the duration of the time that the use or occupant is located on the premises and is generally, but not necessarily, affixed to the ground or structure. Unless the context clearly dictates otherwise, the term "permanent" in this chapter is not intended to mean literal permanence, but rather it is meant to distinguish such signs from more transient or temporary signage.

PORTABLE SIGN

A type of temporary sign that is not permanently attached to the ground or a building or not designed to be permanently attached to the ground or a building, including but not limited to, trailers or other vehicles that are used principally as a sign and are not used daily for business purposes, posters, "sandwich boards" or other freestanding signboards, regardless of whether such signs are attached to the ground or to a building or structure.

PROJECTING SIGN

A sign that is attached to the wall of a building and projects more than 15 inches beyond such wall.

PUBLIC WAY

Any city, county, or state right-of-way, any land between the edge of a street and the boundary of a lot.

REAL ESTATE SIGN

A sign erected in during the period that the premises upon which the sign is located is being actively marketed for sale, rental or lease.

SIGN

Any display of lettering, logos, colors, lights, or illuminated neon tubes visible to the public from outside of a building or from a traveled way, that either conveys a message to the public, or intends to advertise, direct, invite, announce or draw attention to any event, goods, products, services, facilities, persons, property interest or business.

STREET FRONTAGE

The boundary of a lot that abuts a public right-of-way.

TEMPORARY SIGN

Any sign that is not a permanent sign.

WALL SIGN

A sign that is attached to a wall of a building and is affixed parallel to the wall at a distance of not more than 15 inches from the surface of the wall.

WINDOW SIGN

Any sign located completely within an enclosed building and visible from a public way or placed upon a window. Merchandise or merchandise displays within the premises and visible from the exterior shall not be considered a window sign under this definition.

§ 365-71 Permit required.

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except those signs listed in § 365-73 of this chapter, and without being in conformity with the provisions of this chapter. The sign shall also meet all the structural requirements of the Building Code.

§ 365-72 Regulations pertaining to specific sign types.

- A. Temporary signs and banners. Temporary signs and banners are permitted, subject to the following limitations.
- (1) Permit required: No sign or banner may be displayed unless a permit has been obtained from the Zoning Administrator or Building Inspector. Temporary sign permits will be provided in the form of a sticker, to be affixed to the sign, indicating the permitted installation and removal dates. There is no fee for this permit.
 - (2) Number: One temporary sign may be displayed facing each street frontage, and no more than two signs may be displayed on any lot.
 - (3) Size: A temporary sign shall not exceed 30 square feet. If any sign or banner is freestanding and visible from multiple sides, the total area of all visible surfaces is limited to 30 square feet.
 - (4) Location: Temporary signs shall be located only upon the premises to which the special, unique, or limited activity, service product, sale, or promotion is to occur. Temporary signs promoting an event may be located off premises with the written permission of the owner of the property on which the sign is installed.
 - (5) Duration: No temporary signs may be displayed for a period exceeding 21 days, or displayed three days after termination of the activity, service, project, sale, or event to which the sign pertains, whichever

comes first. Each parcel is limited to a maximum of 90 days total display of temporary signs in a calendar year.

- (6) Installation requirements: All temporary banners shall be constructed, anchored and supported in a manner which reasonably prevents the possibility of such signs becoming hazards to the public health and safety.
- B. Portable signs. Portable signs are permitted, subject to the following limitations:
- (1) Permit required: An annual sign permit shall be issued before a stationary portable sign may be erected. Such permit shall only be valid during the calendar year during which it is issued.
 - (2) Construction: A sign shall be manufactured to a professional standard of construction, finish and graphics. A portable sign shall be free-standing, self-supported and constructed of substantial materials such as wood, metal or plastic such that the sign will reasonably withstand the elements.
 - (3) Size and design regulations: A portable sandwich board sign shall not exceed six square feet in surface area per side, with a maximum of two signable sides or faces, and no more than three feet in height or two feet in width. A trailer or vehicle sign shall not exceed 24 square feet in surface area per side.
 - (4) Number: One portable sign may be displayed per business or occupant in any commercial or industrial area.
 - (5) Location: A portable sign is restricted to the lot of the business establishment to which a permit has been issued, except a sandwich board sign may be located in the public right-of-way in front of the premises only where no front setback is required.
 - (6) Placement: A portable sandwich board sign may be placed in the public way only where a minimum five-foot-wide clear sidewalk is maintained. In no event shall a portable sign be placed on any bicycle path. The placement of a portable sign shall not obstruct access to any crosswalk, mailbox, curb cut, fire hydrant, fire escape, fire door, building entrance, public parking space or any other public property, nor shall a sign obstruct the ability of persons to exit/enter vehicles parked along the curb;
 - (7) Illumination: A portable sign shall not be illuminated.
 - (8) Time limitations and removal: A portable sign may be displayed only during business hours. Such sign must be removed and safely stored out of view during times when the business is not open to the public. Trailers or other vehicles that are not used principally as a sign may be parked on the lot when the business is not open to the public, as long as they are not parked in substantially the same location for more than 24 hours.
 - (9) Enforcement. Portable signs located within the public right-of-way are a privilege and not a right. The Village in permitting placement of such signs in the public right of way reserves the right to require their removal at any time because of anticipated or unanticipated problems or conflicts. To the extent possible, the permittee shall be given prior notice of any time period during which, or location at which, the placement of portable signs is prohibited.
 - (10) Indemnification: Where a temporary, portable sign is permitted in the public right-of-way, the owner, lessee or lessor of the business to which a permit has been issued and the property owner shall agree in writing to fully indemnify and hold the Village harmless for any personal injury or property damage resulting from the existence or operation of said sign, and shall furnish evidence of general liability insurance in the amount of \$50,000 with the Village as additional named insured or provide other security to the satisfaction of the Zoning Administrator.

- C. Electronic variable message sign. Any sign type may be an electronic variable message sign subject to the following regulations:
- (1) Surface area: The areas of electronic variable message signs capable of displaying copy shall not exceed 40 square feet and shall be included within the maximum aggregate sign surface area allowed for the type and location of sign upon which the changeable copy is displayed.
 - (2) Length of cycle. The electronic changeable copy or images shall not alternate, change, fade in, fade out, or otherwise change more frequently than once every six seconds. Electronic variable message sign signs may not display scrolling, racing, pixelating or moving characters or images, or similar actions that convey motion.
 - (3) Color. All copy, characters or other changeable images shall be of one color only, with light copy on a dark background.
 - (4) Brightness: An electronic variable message sign shall not produce light in excess of three footcandles at the front lot line and one footcandle at all other lot lines, measured three feet above the surface of the ground after sunset. Signs may be equipped with photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination to allow for greater brightness during daylight conditions.
 - (5) Maintenance: Any electronic variable message sign shall be maintained so as to be able to display messages in a complete and legible manner.

§ 365-73 Sign regulations pertaining to specific zoning districts.

- A. Signs in residential and agricultural districts. Only those signs listed in this section are permitted in residential and agricultural districts. All other signs are prohibited.
- (1) Signs over shop windows or doors of a nonconforming business or industrial establishment announcing, without display or elaboration, only the name and occupation of the proprietor and not to exceed two feet in height and 20 feet in length.
 - (2) Real estate signs, not to exceed eight square feet in area, which advertise the sale, rental, or lease of the premises upon which the signs are temporarily located.
 - (3) Name, occupation and warning signs, not to exceed two square feet, located on the premises.
 - (4) Bulletin boards for public, charitable or religious institutions, not to exceed 15 square feet in area, located on the premises.
 - (5) Memorial signs, tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.
 - (6) Official signs, such as traffic control and parking restrictions, information and notices.
 - (7) Temporary signs or banners, when authorized by the Plan Commission.
- B. Signs in business and industrial districts. Signs are permitted in all business and industrial districts, subject to the following restrictions:
- (1) Ground signs. Ground signs will be permitted in lieu of signs on building facades, subject to the size restrictions of the sign replaced, and must observe all applicable building setback lines and shall not exceed 25 feet in height.
 - (2) Termination of a business. At the termination of a business, commercial, or industrial enterprise, all

signs shall forthwith be removed from public view. Responsibility for violation shall reside with the property owner, according to the latest official tax roll listings.

- (3) Shopping centers or industrial parks. In a shopping center or industrial park, one freestanding identification sign may be permitted showing the name of said center or park and the represented businesses or industries. The area of the sign shall not exceed 100 square feet on one face and 200 square feet on all faces. The sign shall not be permitted within 20 feet of right-of-way line of the street.
 - (4) Surface display area. The total surface display area of business or industrial signs on the front facade of a building shall not exceed two square feet per linear foot of width of the building street frontage. In the case of a building located on a corner lot, such display area on the side facing the secondary street shall not exceed one square foot per linear foot of the length of the building which faces the secondary street. Where the premises abut a parking lot, the total display area may be increased by 0.5 square foot per linear foot of width or length of the building fronting on such parking lot. Such increased display area shall only be utilized for the erection of a permitted sign on that part of the building which abuts the parking lot. In no case shall a permitted sign be in excess of 200 square feet, and in no case shall more than one of the abovementioned criteria be used to calculate allowable sign area on any one building facade.
 - (5) Projections beyond building line. Business and industrial signs mounted on buildings shall not be permitted to project more than 36 inches beyond the building line. No sign shall project over any part of any street. Where a business structure is located at or near the public right-of-way a projecting sign may extend not more than 36 inches into that right-of-way.
 - (6) Number of signs. No more than one business or industrial sign shall be permitted on the front facade of any business or industrial building, including any advertisement permanently fastened to show windows or display cases. Only one business or industrial sign shall be permitted on each side or rear wall of a business or industrial building.
 - (7) Directional signs. Necessary directional ground signs, not exceeding four square feet in area, will be permitted. Permission to erect such signs must be obtained from the Police Department and from the Plan Commission.
 - (8) Lighting. Business and industrial signs may be internally lighted or illuminated by a hooded reflector; provided, however, that such lighting shall be arranged to prevent glare, and no signs shall have lighting of an intermittent or varying intensity, including rotating or flashing lights. In no case shall a sign produce or reflect light in excess of three footcandles at the street right-of-way edge and one footcandle at all other lot lines, measured three feet above the surface of the ground after sunset.
 - (9) Height. No sign shall be erected above the roofline of a building or, if freestanding, more than 25 feet from the ground.
 - (10) Hanging signs. Signs shall be permitted to hang from canopies or covered walks in business or industrial districts, provided that there shall be only one sign, not to exceed five square feet in area, for each business and that the sign shall be at least 10 feet above ground level.
 - (11) "Special Sale" signs. "Special Sale" or "Poster" signs are permitted in the business districts. However, only 25% of the store windows can be covered at any one time.
- C. Signs in the B-C District. Two-sided projecting signs that face up and down the street shall not be greater than 30 inches in width or 48 inches in height, shall not be greater in width than in height, and shall not extend more than 36 inches from the building face.

§ 365-74 Signs exempt from permit.

The following signs are exempt from the permit requirements of this chapter, but subject to restrictions as described herein:

- A. Temporary signs not exceeding eight square feet in area erected while the property on which the sign is located is offered for sale or lease. Such signs shall be removed no later than seven days following sale or lease of the subject property.
- B. Temporary signs not exceeding four square feet in area erected prior to an election or referendum. Such signs may be erected no earlier than 60 days prior to an election or referendum and shall be removed no later than seven days after the election or referendum.
- C. Temporary signs not exceeding six square feet in area erected prior to or during a garage sale. Such signs shall be posted no more than one day prior to and shall be removed one day after the sale. (See also Chapter 174-2, Garage Sales.)
- D. Other signs permitted in residential and agricultural districts.

§ 365-75 Existing signs.

Except for billboards and signs on nonconforming uses, signs lawfully existing at the time of adoption or amendment of this chapter may be continued although the use, size, or location does not conform to the provisions of this chapter. However, it shall be deemed a nonconforming use or structure, and the provisions of Article XVIII of this chapter shall apply.

§ 365-76 Prohibited signs.

The following signs are expressly prohibited in the Village:

- A. Signs in public ways. Except for traffic signs, signs specifically permitted to project into or be located in the public way by this chapter, or any other sign so authorized by law, no signs shall be placed upon, over, or in any public way. This prohibition shall include temporary signs, including garage sale signs. Permits for signs projecting into any street shall be revocable as provided by the Wisconsin Statutes.
- B. Signs attached to any public utility pole or structure, street tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property except as otherwise expressly permitted under this Code.
- C. Signs that create a traffic hazard. No sign shall be erected at any location where it may, by reason of its position, shape, color or other characteristics, interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal or other traffic device, nor shall any sign make use of the word "stop," "look," "drive-in," "danger" or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.
- D. Animated signs, or signs having moving parts.
- E. Billboards, outdoor advertising signs and any business or industrial signs not located on the same property as the business or industry advertised shall not be permitted in any district.
- F. Street intersections. No sign or advertising device shall be erected or maintained at the intersection of streets in such a manner as to obstruct clear vision of the intersection.
- G. Obstruction of openings. Any sign so erected, constructed, or maintained as to obstruct or be attached to any fire escape, window, door, or opening used as a means of ingress or egress, or for fire-fighting purposes, or placed so as to interfere with any opening required for legal ventilation is prohibited.

§ 365-77 Enforcement.

- A. If the Zoning Administrator or Building Inspector finds that any sign has been erected, altered, or is being maintained in violation of this section, or is in an unsafe condition as to be a menace to the safety, health, or welfare of the public, he or she shall give written notice to the owner thereof or the person entitled to possession of the sign and the owner of the real estate upon which the sign is located. No notice shall be required for permitted temporary signs displayed in violation of time limitations, or any sign in a public way in violation of this section, prior to taking enforcement action.
- B. Said letter shall notify the owner or person entitled to possession of the sign, of the specific violation or violations and direct that alterations, repairs or removal, whichever may be applicable, be made to bring said violations in conformance with the terms and conditions of this section within 15 days of such notification. Nonconforming signs in existence prior to January 1, 2019 shall be allowed 60 days from the date of notification to remove, repair or alter the sign as directed in said letter.
- C. In the event the person so notified fails or neglects to comply with or conform to the requirements of such notice within the fifteen-day or sixty-day period specified herein, the Zoning Administrator or his or her designee may assess a penalty as provided by § 1-12 of Village ordinances, may file an appropriate citation or complaint in an appropriate court of law, or take whatever other legal action may be necessary to cause such sign to be altered or removed. If a sign is considered abandoned, the Village, after notice, may remove such sign at the cost of the owner of the property upon which the sign sits. An invoice for such costs shall be sent to the property owner and, if not paid, shall be placed on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627.

§ 365-78 Severability and conflict.

- A. Severability. The provisions of this chapter are severable. If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.
- B. Conflict. If any part of this chapter is found to be in conflict with any other ordinance or with any other part of this chapter, the most restrictive or highest standard shall prevail. If any part of this chapter is explicitly prohibited by federal or state statute that part shall not be enforced.

§ 365-79 Bond required.

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in a sum to be fixed by the Zoning Administrator, but not to exceed \$25,000, and it shall be of a form and type approved by the Village Attorney, indemnifying the Village by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the state and conforming to the requirements of this chapter may be permitted by the Village Attorney in lieu of a bond.

**Article XVI
Screening, Fences and Hedges**

§ 365-80 Definitions.

As used in this article, the following terms shall have the meaning indicated:

DECORATIVE FENCE

A fence not exceeding a height of 36 inches from ground level, made of material other than wire, metal, chain or poured concrete, and constructed in a substantially open pattern (such as a weave or board-and-space pattern and not a solid pattern such as a block, concrete, or privacy pattern).

FENCE

Any enclosure or barrier, solid or otherwise, made of wood, iron, stone or other material, as around or along a yard, walkway, field, or other area, and shall include a decorative fence.

HEDGE

A row of bushes or small trees planted close together which may form a barrier, enclosure or boundary.

PICKET FENCE

A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.

RETAINING WALL

A solid barrier of any material constructed to hold back a mass of earth. A retaining wall shall be considered a fence for purposes of this article.

§ 365-81 Fence setback in residential districts.

No fence or portion of a fence shall be constructed within the front setback area of a building; provided, however, that a decorative fence may be constructed in the front setback area. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines. Residential fences shall have a two-foot side yard setback and an eight-foot rear yard setback from a property line.

§ 365-82 Fence standards.

- A. Residential fences are permitted in residential districts but shall not in any case exceed a height of eight feet and shall not be closer than eight feet to any public right-of-way.
- B. Security fences are permitted on the property lines, subject to setback requirements in the districts, except residential districts, but shall not exceed 10 feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- C. Prohibited fences. No fence shall be constructed which is a picket fence or which is of an otherwise dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire; provided, however, that barbed wire may be used in industrially zoned areas if the devices securing the barbed wire to the fence are 10 feet above the ground and project toward the fenced property and away from any public area.
- D. Fences to be repaired. All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property.

§ 365-83 Hedges.

The height and setback for hedges shall be the same as outlined for fences in §§ **365-81** and **365-82** hereof; provided, however, that hedges three feet in height or less, from sidewalk level, may be kept in the front setback area, and provided further that no hedge shall be permitted in the tree lawn area or, where no tree lawn area exists, within four feet of any street or alley. Hedges shall be trimmed and maintained and shall not impede or obstruct sidewalks.

§ 365-84 Refuse and mechanicals screening.

Trash and recycling containers and mechanical equipment, including rooftop equipment, shall be located and screened so that they are not visible from a public street or from the river.

§ 365-85 Temporary fences.

Fences erected for the protection of planting, or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four-foot intervals. Such fences shall comply with the setback requirements set forth in §§ **365-81** and **365-82**. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected

for more than 45 days.

§ 365-86 Nonconforming fences and hedges.

Any fence or hedge existing on the effective date of this chapter and not in conformance with this article may be maintained, but no alteration, modification or improvement of the same shall be permitted unless as a result of such alteration, modification or improvement said fence or hedge shall comply with this article.

**Article XVII
Traffic, Parking and Access**

§ 365-87 Visibility at intersections.

- A. No obstructions, such as structures, parking or vegetation, shall be permitted in any district between the heights of 2 ½ feet and 10 feet above the plane through the mean curb grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located a minimum of 15 feet from their intersection.
- B. In the case of arterial streets intersecting with other arterial streets or railways, the distances establishing the triangular vision clearance space shall be increased to 50 feet. This greater restriction shall not apply in the B-C Central Business District.

§ 365-88 Loading requirements.

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading shall be completely off the public ways and so that all vehicles need not back onto any public way.

§ 365-89 Parking requirements.

Off-street parking stalls shall be provided for all vehicles, in all districts and in connection with every use and every building at the time the use starts or the building is erected in accordance with the following:

- A. Adequate access to a public street shall be provided for each parking space.
- B. The size of each parking stall shall be not less than 180 square feet, exclusive of the space required for ingress and egress.
- C. Location shall be on the same lot as the principal use or not over 400 feet from the principal use.
- D. Where a commercial or residential parking area is adjacent to or directly across the street from a residential district, a semi-opaque fence or vegetative buffer shall be provided to screen vehicle lights, at least four feet in height, consistent with the requirements of Article XVI Screening, Fences and Hedges. No such parking area shall be closer than 10 feet to a residential district line. If requested by the adjacent residential property owner the Village may require a 100% opaque fence up to six feet in height.
- E. All off-street parking areas shall be graded and surfaced so as to be dust-free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- F. No front yard of a lot in any residential district, and no front yard of a lot in any business district upon which a dwelling unit is located, shall be used for the parking of motor vehicles, nor shall motor vehicles parked on any other front yard be permitted within five feet of the right-of-way line of a street.
- G. Curbs or barriers shall be installed so as to prevent parked vehicles from extending over any lot lines.
- H. Where parking spots abut a sidewalk or trail a planted strip at least four feet in width shall be established and maintained.

- I. Parking lots shall be designed such that every row of parking is bookended by a landscaping island no less than four feet in width, back of curb to back of curb, that separates the row from an adjacent driveway or drive aisle. No contiguous row of parking spaces may exceed 12 spaces; landscaping islands no less than four feet in width are required to break up larger rows of parking spaces.
- J. All parking lot islands shall be planted and maintained with perennials, shrubs and/or shade trees.
- K. Central Business District parking requirements.
 - (1) No on-site parking shall be required for nonresidential uses in the Central Commercial District, unless specifically imposed as a condition of approval associated with a unique or unusual use or situation, as determined by the Village Board. Parking for the Central Business District is intended to be provided through a combination of on-street parking, municipal parking lots, and private on-site parking facilities. Property owners/applicants are encouraged to provide on-site parking to the extent possible as site conditions permit.
 - (2) Commercial apartments shall be required to provide parking per the following options:
 - (a) Within the Central Business Zoning District, parking requirements for a commercial apartment(s) may be met via a lease of off-street parking on other property, provided said spaces are located within 500 feet of the subject building within which the commercial apartments are located, and provided said parking spaces are not required to meet the parking requirements for land uses existing on that site. The property owner shall provide the Village Attorney with a copy of the executed lease agreement for review and approval. If at any time the lease expires or is terminated, the parking requirements for the commercial apartments will have to be met through one of the other options provided in this section.
 - (b) Within the Central Business Zoning District, parking requirements for commercial apartments may be met via the purchase of an annual parking permit from the Village for use of spaces within municipal parking lots in the downtown area, provided the following conditions are met:
 - i. Adequate land area to meet the off-street parking requirements does not exist on-site, or land area available on-site is or will be put to better use to support the economic health and vitality of the downtown, rather than as off-street parking.
 - ii. At least one municipal parking lot is located within 500 feet of the building containing the commercial apartment(s).
 - iii. The property owner agrees to assume an annual special charge or assessment on their property tax statement for the cost of the permit until such time that the commercial apartment use ceases, or required parking is provided through one of the other options described in this section.

§ 365-90 Number of parking stalls.

The required number of parking stalls shall be as follows:

Use	Number of Stalls
Single-family dwellings	2 per dwelling unit
Multifamily dwellings	1.0 space per efficiency, 1.25 spaces per one-bedroom unit, 2 spaces per two-bedroom unit, 0.5 spaces per bedroom for any units with more than 2 bedrooms; 1 space per unit must be covered (underground, garage or carport)
Hotels and motels	1 per guest room plus 1 per employee on the largest shift
Hospitals, clubs, lodges, sororities, dormitories, lodging houses and boardinghouses	1 per 2 beds plus 1 per 3 employees
Sanitariums, institutions, and rest and nursing homes	1 per 5 beds plus 1 per 3 employees
Medical and dental clinics	3 per doctor
Bowling alleys	5 per alley

Use	Number of Stalls
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 per 5 seats
Colleges and secondary and elementary schools	1 per 2 employees
Restaurants, bars, places of entertainment, repair shops and retail and service stores	1 per 300 square feet of floor area*
Manufacturing and processing plants, laboratories and warehouses	1 per employee on the largest work shift
Financial institutions and business, governmental and professional offices	1 per 300 square feet of floor area
Funeral homes	1 per 4 seats plus 1 per vehicle used in the business

* The Plan Commission may require additional parking stalls up to a total of one per 150 square feet of floor area if upon consideration of the nature and impact of the proposed use additional parking stalls are deemed necessary to promote the stated purposes and intent of the Village's Zoning Ordinance.

§ 365-91 Driveways.

- A. Purpose. For the safety of the general public, the Village of Sauk City shall determine the location, size, construction and number of access points to public roadways within the Village limits. It is the Village's intent to provide safe access to properties abutting public roadways suitable for the property to be developed to its highest and best use, provided that access is not deficient or dangerous to the general public.
- B. Permit required. No person, firm or corporation shall construct, reconstruct, alter or enlarge any private driveway within the limits of the dedicated portion of any public street under the control and jurisdiction of the Village of Sauk City without first obtaining a driveway permit therefor as provided by this section, except alteration by surfacing or resurfacing of a lawfully existing driveway with asphalt, cement or other like material which makes no significant change in the size, location, grades, elevations, drainage water flows or any required design standards. A driveway permit is not required when a new driveway is to be constructed in conjunction with the construction of a new principal structure; the driveway is included in the building permit process in such cases.
- C. Application for permit. Application for such permit shall be made to the Public Works and Utility Director on a form provided by the Village and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered or enlarged lying within the dedicated portion of the public street, the dimensions thereof and a statement of the materials proposed to be used. The fee for such permit shall be as set by the Village Board. Upon receipt of the application and the fee, unless the proposed private driveway is a part of construction for a building or other structure for which a building permit has been applied for, in which case no additional fee is required, the Public Works and Utility Director shall approve such application if the proposed driveway complies with the terms and conditions of this chapter and any other applicable Village ordinance.
- D. Application provisions. All driveway permit applications shall contain the applicant's statement that:
- (1) The applicant represents all parties in interest and that such proposed driveway is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, advertising, storage or merchandising of goods within the dedicated portion of the Village street or for any other purpose.
 - (2) The Village, notwithstanding the construction of such driveway, reserves the right to make any changes, additions, repairs or relocations within the dedicated portion of the Village street at any time, including relocation, reconstruction, widening and maintaining the street, without compensating the owner of such private driveway for the damage or destruction of such private roadway.
 - (3) The permittee, his successors or assigns agree to indemnify and hold harmless the Village of Sauk City and its officials, officers, agents or employees against any claim or any cause of action for personal injury or property damage sustained by reason of the exercise of such permit.
 - (4) The Village does not assume any responsibility for the removal or clearance of snow, ice or sleet or the opening of any windrows of such material upon such portion of such driveway within the dedicated portion of the Village street.
- E. Location, design and construction. The location, design and construction of driveways shall be in accordance with the following:
- (1) Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have

adequate sight distance along the street. Driveway approaches shall be at least 10 feet apart except by special permission from the Village Board, and driveways shall in all cases be placed wherever possible so as not to interfere with utilities in place.

- (2) Number. The number of driveways to serve an individual property fronting on a street shall be one, except where deemed necessary and feasible by the Public Works and Utility Director for reasonable and adequate service to the property, considering the safety, convenience and utility of the street.
 - (3) Island area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded only as provided in Subsection **E(5)** of this section.
 - (4) Reconstruction of sidewalks or curb and gutter. When the construction of a driveway requires the removal of a curb or gutter, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.
 - (5) Restricted areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
 - (a) The filling or draining shall be to grades approved by the Village, and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
 - (b) Where no street side ditch separates the restricted area from the street roadbed, permanent provision may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Public Works and Utility Director.
 - (6) Relocation of utilities. Any costs of relocating public utilities shall be the responsibility of the property owner, with approval of the Village Board or authorized committee thereof necessary before any utility may be relocated and the driveway installed.
 - (7) Construction across sidewalks. All driveway entrances and approaches which are constructed across sidewalks shall be of concrete constructed in accordance with the requirements for sidewalk construction listed in this Code, insofar as such requirements are applicable, including thickness requirements.
 - (8) Location. Vehicular entrances and exits to drive-in theaters, banks and restaurants; motels; funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall not be less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, public emergency shelter, or other place of public assembly.
 - (9) Variances. Any of the above requirements may be varied by the Village Board, upon the recommendation of the Public Works and Utility Director, in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirements impossible or impractical.
- F. Commercial and industrial driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
- (1) Width of drive. No part of a private driveway located within the dedicated area of a public street shall,

except as hereinafter provided, have a width greater than 35 feet measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Village Board in its discretion may permit a driveway of additional width.

- (2) Angular placement of driveway. The angle between the center line of the driveway and the curblines shall not be less than 45°.
 - (3) Island areas. Where the public sidewalk is adjacent to the curb, an island of a minimum length of six feet measured along the curblines shall be placed between each entrance to a Village street. The curb shall be left intact for the length of this island. Where the public sidewalk is remote from the curb, an island of a minimum length of 10 feet measured along the right-of-way line shall be maintained along each entrance to the Village street. All flares shall be tangent to the curblines. A curb length of not less than three feet shall be left undisturbed adjacent to each property line to serve as an island area in the event an adjoining property owner applies for a driveway permit to serve his property.
- G. Residential driveways. The following regulations are applicable to driveways serving residential property:
- (1) Width of driveways. Openings for vehicular ingress and egress shall be at least 10 feet wide at the property line for residential properties but shall not exceed 24 feet at the property line and 30 feet at the curb opening.
 - (2) Angular placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curblines.
 - (3) Length of driveways. Minimum length of driveway is 22 feet from lot line to the building structure.
- H. Appeal. Any person feeling himself aggrieved by the refusal of the Public Works and Utility Director to issue a permit for a private driveway may appeal such refusal to the Village Board within 20 days after such refusal to issue such permit is made.
- I. Prohibited driveways.
- (1) No person, firm or corporation shall place, construct or locate, or cause to be placed, constructed or located, any obstruction or structure within the limits of any public road, highway or street in the Village of Sauk City except as permitted by this section. As used herein, the word "structure" includes a private driveway a portion of which extends into any public road, highway or street and which is in nonconformance with this section.
 - (2) No driveway shall be closer than 10 feet to the extended street line at an intersection. At street intersections 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 Village for effective traffic control or for highway signs or signals.
 - (3) The grade of that portion of any private driveway or pedestrian path located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
 - (4) No driveway apron shall extend out into the street further than the facing of the curb, and under no circumstances shall such driveway apron extend into any gutter area. All driveway entrances and approaches shall be constructed so as not to interfere with the drainage of streets, side ditches or roadside areas or with any existing structure on the right-of-way.

- (5) No portion of any curb, parapet or retaining wall, rising above the grade of the driveway, erected by the owner of the premises involved, shall extend beyond the culvert spanning the watercourse located in such public way.

§ 365-92 **Highway access.**

- A. No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street, without permission of the highway agency that has access control jurisdiction.
- B. No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:
- (1) Freeways, interstate highways and their interchanges or turning lanes, nor to intersecting or interchanging streets within 1,500 feet of the most remote end of the taper of the turning lanes.
 - (2) At intersections of all other arterial streets within 100 feet of the intersection of the right-of-way lines.
 - (3) At intersections of arterial streets with all lesser streets within 50 feet of the intersection of the right-of-way lines.
- C. Access barriers, such as curbing, fencing, ditching, landscaping or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above-specified streets or highways.
- D. Temporary access to the above rights-of-way may be granted by the Plan Commission after review and recommendation by the highway agencies having jurisdiction. Such access permits shall be temporary, revocable and subject to any conditions required and shall be issued for a period not to exceed 12 months.

§ 365-93 **Pedestrian access.**

A walkway shall be provided to connect the building entrance to the public sidewalk by the most direct route possible.

Article XVIII Nonconforming Uses, Structures and Lots

§ 365-94 **Existing nonconforming uses.**

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this chapter may be continued although the use does not conform to the provisions of this chapter; provided, however, that:

- A. Only that portion of the land or water in actual use may be so continued, and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered, except when required to do so by law or order or so as to comply with the provisions of this chapter.
- B. The total lifetime structural repairs or alterations shall not exceed 50% of the fair market value of the structure at the time of its becoming a nonconforming use, unless it is permanently changed to conform to the use provisions of this chapter.
- C. Substitution or new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

§ 365-95 **Discontinuance or replacement of use; list of nonconforming uses.**

- A. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this chapter. When a nonconforming use or

structure is damaged by fire, explosion, flood, the public enemy, or other calamity it may be restored to the same size and configuration as prior to the damage.

B. A current file of all nonconforming uses shall be maintained by the Zoning Administrator, listing the following:

- (1) Owner's name and address;
- (2) Use of the structure, land or water; and
- (3) Assessed value at the time of its becoming a nonconforming use.

§ 365-96 Existing nonconforming structures.

Any lawful nonconforming structure existing at the time of the adoption or amendment of this chapter may be continued although its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this chapter. Ordinary repair and maintenance within or to a nonconforming structure shall be permitted, provided that no dimensional nonconformity of the structure will increase as a result of such repair or maintenance. A nonconforming structure occupied by only conforming uses may be enlarged or structurally altered, provided that the enlargement or structural alteration conforms to the setback requirements and all other applicable regulations of the district in which it is located and does not increase the existing dimensional nonconformity of the structure. A nonconforming structure occupied by only conforming uses may be relocated if, upon relocation, the structure will be in conformity with all regulations of the district into which it has been relocated. A nonconforming structure occupied by a nonconforming use shall not be enlarged, relocated or structurally altered.

§ 365-97 Changes and substitutions.

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Board of Appeals.

§ 365-98 Substandard lots.

In any residential district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the office of the county register of deeds before the effective date or amendment of this chapter, provided that the requirements set forth in § 365-99 are met.

Article XIX Conditional Uses

§ 365-99 Conditional use permit.

- A. Within the village. The Plan Commission, after review and a public hearing, may authorize the Zoning Administrator to issue a conditional use permit for conditional uses, provided that such conditional use and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.
- B. Within the extraterritorial zoning jurisdiction. The Joint Committee, after review and a public hearing, shall as soon as practical render its recommendation to the Village Board. After receiving the recommendation of the Joint Committee thereon, the Village Board shall consider such recommendation and vote on the proposed conditional use. Subject to the limitation set forth below, the Village Board may accept or reject the recommendation of the Joint Committee by a simple majority of the Village Board. In recognition of the Joint Committee's expertise with respect to the Extraterritorial Zoning Jurisdiction, as well as the public benefits of joint land use planning afforded by this chapter, the Village Board agrees to and shall not grant a conditional use permit in the Extraterritorial Zoning Jurisdiction

unless the proposed conditional use receives a favorable vote of the majority of the six members of the Joint Committee. Such decision shall include an accurate description of the use permitted, of the property on which permitted, and any and all conditions made applicable thereto. A decision to approve the conditional use permit shall affirm that such conditional use and structures are in accordance with the purpose and intent of this chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environment or the value of the neighborhood or the community.

§ 365-100 Application for permit.

- A. Permitted applicant. Any person, firm, corporation, or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest or an exclusive possessory interest, and that is specifically enforceable on 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. Application contents. Each applications for a conditional use permit shall be made to the Zoning Administrator. The application and associated materials shall be provided in a digital format approved by the Zoning Administrator, with hard copies provided only if and in quantities directed by the Zoning Administrator. Except in cases when the Zoning Administrator issues a waiver based on unique circumstances associated with the development, each application shall include the following:
- (1) A completed conditional use permit application form furnished by the Zoning Administrator.
 - (2) A map of the subject property showing all lands for which the conditional use permit is proposed, and all other lands within 100 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) that maintains that control. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.
 - (3) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations (indoors and out); expected number and type of employees and patrons; expected hours of operation; expected traffic volumes including trucking (including vehicle weights/sizes); any likely noise, odors, or vibrations that may be experienced outside the site; whether any hazardous materials would be kept on site and where; proposed timing and phasing for the conditional use; and other unique operational characteristics.
 - (4) If site and/or exterior building alterations are proposed or required, site and building plans, drawn to scale, with all alterations clearly marked and labeled. If proposed or required alterations reach the threshold for requiring site plan approval under Article IX, then the applicant shall also file a site plan application for the project meeting applicable requirements in that article.
 - (5) Additional information as may be required to verify compliance with criteria in §§ **365-101** and **365-102** by the Plan Commission or Joint Committee, Village Engineer, Zoning Administrator, or Building Inspector.
 - (6) An application fee in accordance with a fee schedule set by the Village Board.
- C. Complete application before scheduling. No application for a conditional use permit shall be placed on any agenda for action, nor any associated public hearing notice submitted for publishing, unless the Zoning Administrator has determined that a complete application has been submitted.

§ 365-101 Review and approval.

- A. Reviewing body and approval authority. The Plan Commission shall be the Reviewing Body and Approval Authority for applications within the Village. For applications within the Extraterritorial

Zoning Jurisdiction the Joint Committee shall be the Reviewing Body and the Village Board shall be the Approval Authority. The Reviewing Body shall hold a public hearing on the proposed conditional use preceded by a Class 2 Notice in conformance with the requirements of §§ 62.23(7)(d) and (de), Wis. Stats. The Reviewing Body shall use the criteria in subsections B and C (if C is applicable) to make its decision or apply any conditions. The decision of the Approval Authority shall include an accurate description of the use permitted or denied, of the property on which permitted or denied, and findings that support the decision. The Approval Authority may impose conditions on the conditional use permit's duration, include a transfer limitation, or both; may apply conditions such as landscaping, lighting, screening, fencing, architectural design, type of construction, construction commencement and completion dates, operational control, traffic improvements, increased yards, or parking requirements; and may require written agreements, deed restrictions, easements, or other documents as it deems necessary to assure that any conditions imposed will be satisfied.

B. General review criteria.

- (1) Any decision to grant or deny the permit must be supported by substantial evidence, as that term is defined in § 62.23(7)(de)1.b., Wis. Stats. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.
- (2) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Approval Authority, the Approval Authority shall under § 62.23(7)(de)2.a. of Wisconsin Statutes grant the conditional use permit. The Approval Authority may require written agreement from the applicant in a form prescribed by the Village Attorney.
- (3) To the extent consistent with subsections (1) and (2), no conditional use permit shall be granted unless the Approval Authority finds that the use authorized thereby meets the following criteria with conditions as determined necessary:
 - (a) Proposed use is consistent with the Comprehensive Plan and this Chapter, such as applicable criteria within § **365-102**. Variances shall only be granted as provided in Article **XXV**.
 - (b) Proposed use will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare.
 - (c) Proposed use maintains compatibility among land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 - (d) Proposed use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities, or services provided by public agencies serving the subject property.
 - (e) The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts.

C. Special criteria within A-P zoning district. No conditional use permit shall be granted in the A-P district unless the Approval Authority finds that the use authorized thereby meets the following additional criteria:

- (1) The use and its location in the farmland preservation zoning district are consistent with the purposes of the A-P zoning district.
- (2) The use and its location in the A-P district are reasonable and appropriate, considering alternative

locations, or are specifically approved under state or federal law. For nonmetallic mineral extraction operations, alternative locations outside of the A-P district must be considered.

- (3) The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - (4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- D. Issuance, recording, and notice. The Zoning Administrator shall issue to the applicant a copy of the approved conditional use permit within 10 business days following the granting of a conditional use permit. Said permit shall contain identifiable description of the use and subject property, and any specific requirements or conditions of approval. Copies of all such permits shall be maintained in the files of the Zoning Administrator, and may be recorded by the Village against the property and notation of the conditional use permit may be placed on the official zoning map.
- E. Effect of denial. No conditional use permit application that has been denied (either wholly or in part) shall be resubmitted for a substantially similar use for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection B or C (as applicable) that are found valid by the Zoning Administrator.
- F. Termination or revocation of an approved conditional use permit. A conditional use permit shall be automatically terminated if the conditional use authorized thereunder is not established and maintained one year following its granting or if the use discontinued for more than one year following its establishment. Any conditional use found not to comply with the terms of this Chapter or the approved conditional use permit, and any modification, alteration, or expansion of any conditional use in violation of the approved conditional use permit, shall be considered a violation of this Chapter and shall be grounds for revocation or modification of said conditional use permit and/or applicable penalties under this Chapter. The procedure to consider revocation or modification of a conditional use permit shall be the same as described for original granting of a conditional use permit in subsection A.
- G. Change of ownership. All requirements of the approved conditional use permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land, except as otherwise limited by this Chapter or by a specific condition attached to the conditional use permit.

§ 365-102 **Criteria and performance standards for certain conditional uses.**

- A. Conditional use performance standards. The Matrix of Uses, Ch. 365 **Attachment 2**, includes a number of land uses that require a conditional use permit in certain zoning districts. The following is a list of performance standards that may be required of one or more conditional uses in such Matrix if so indicated in subsection B:
- (1) Vehicle accommodations. The parking lot shall have direct access to an arterial or collector street, and direct vehicular connections to adjacent parking areas if required by the Approval Authority. Vehicle access shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets or impairing pedestrian safety, through adequate parking lot design and capacity; sufficient access drive entry throat length, width, design, location, and number; and traffic control and wayfinding markings and devices. Landscaped islands or peninsulas shall be spaced within parking lots at intervals no greater than one island per every 20 spaces in that aisle, with each landscaped island or peninsula containing a minimum of 300 square feet in landscaped area.
 - (2) Bike/ped access. The development shall provide for safe pedestrian and bicycle access to all uses, and

connections to existing and planned public pedestrian and bicycle facilities and adjacent properties. Clearly marked pedestrian walkways and crosswalks shall be provided to each primary principal building entrance from public sidewalks/paths and from on-site parking lots. Bicycle parking facilities (e.g., loops) shall be provided near such entrance.

- (3) Trucking limits possible. The Approval Authority may limit trucking activity to a maximum number of trips per period, type of truck, and/or maximum weight, or may require improvements to off-site roads, where it determines that greater volumes, different types, or greater weights will have an undue negative impact on roads serving the development or on residents, businesses, or other occupants along the route. In the event such limits are applied, any temporary exception for construction of the development, or otherwise not exceeding 30 days in any calendar year, may be approved by the Zoning Administrator.
- (4) Traffic impact analysis. Prior to conditional use permit or site and building plan approval, the applicant may be required by the Village Engineer to prepare a traffic impact analysis (TIA). When required, such TIA shall be completed by a transportation engineering consultant and in accordance with TIA Guidelines published by the State of Wisconsin DOT, except as otherwise approved by the Village Engineer. Where the TIA or the Village Engineer's evaluation of the TIA indicates that a project may cause public roads or intersections to function below an acceptable level of safety or level of service (with LOS C being the typical benchmark), the Approval Authority may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required off-site road or intersection improvements to achieve an acceptable level of service or safety in coordination with the transportation agency with jurisdiction.
- (5) Utility impact analysis. Prior to conditional use permit or site and building plan approval, the applicant may be required to prepare a public utility impact analysis (UIA). When required, such UIA shall be completed by a civil engineering consultant or utility specialist, and in accordance with best practices in utility system planning. Where the UIA or the Village Engineer's evaluation of the UIA indicates that a project may cause the municipal water, sanitary sewer, or and/or electrical systems to operate an unacceptable level of service or safety, the Approval Authority may deny the application, require a reduction in the proposed project, and/or require the applicant to construct and/or pay for required utility system improvements to achieve an acceptable level of service or safety in coordination with the utility agency with jurisdiction.
- (6) Extra setbacks possible. The Approval Authority may require additional setbacks beyond those indicated in the Schedule of Regulations, Ch. 365 **Attachment 1** for structures, storage, loading, and/or activity areas. Such additional setbacks may be required from residentially zoned property and/or where the Authority determines that additional setbacks will further compatibility between land uses and their components. No outdoor storage area, service yard, loading dock, exterior work area, and dumpster shall be placed within any minimum front or street side yard setback per the Schedule of Regulations.
- (7) Residential bufferyard. A bufferyard shall be provided along all property borders abutting residentially zoned land. The minimum width shall be 25 feet, unless the Approval Authority determines that a lesser width is both adequate to buffer incompatible uses/activities and necessary owing to site constraints. Landscaping shall be selected and planted in sufficient quantities and positions to provide an all-season screen of not less than 60% opacity within five years of planting. The Approval Authority may approve or direct use of a decorative opaque fence or wall, and/or a berm, in lieu of or in addition to the landscaping. No building or impervious surface other than a bike/pedestrian way shall be permitted in a bufferyard.
- (8) Component screening. All outdoor storage areas, service yards, loading docks, exterior work areas, and dumpsters shall be completely screened from view in all seasons from non-industrial zoned property by any permitted combination of buildings, walls, and/or opaque fencing. Where such areas are visible from residentially zoned land, public park property, or the Wisconsin River, landscape plantings shall also be installed on the outsides of such walls or fences. Such walls or fencing may be required to be up to eight

feet in height. Chain link fencing with slats or mesh applied is not acceptable except where explicitly approved by the Approval Authority. No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.

- (9) Outdoor display limits. Outdoor display, sales, and/or services shall be allowed only where clearly depicted on the approved site plan; not exceeding 25% of the floor area of the principal building with which they are associated; meeting all applicable accessory building setbacks per the Schedule of Regulations; not affecting visibility and separated from motor vehicle routes, walkways, and parking spaces; and not allowed for any sexually-oriented land use. When outdoor activity ceases, including seasonally, all support furniture and fixtures that support the activity shall be immediately removed. No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.
- (10) Material limits possible. The Approval Authority may limit the on-site holding, storage, movement, processing and/or disposal of materials determined by the Fire Department or other reliable source as hazardous, explosive, highly combustible, malodorous, and/or vermin-attracting. The Village Engineer or Approval Authority may also require a prevention and mitigation plan with a conditional use permit or site plan approval application or as a condition of approval, addressing matters such as safe handling of materials, training, and protocol for addressing accidental spills.

B. Conditional uses for which performance standards applicable. The following table lists, in its rows, certain land uses from the Matrix of Uses, Ch. 365 **Attachment 2**, that require a conditional use permit where allowed. The same table, in its columns, enumerates performance standards that may be applicable to one or more of these conditional uses, with reference to the performance standards enumerated in subsection A. If a performance standard is applicable to the particular conditional use, the associated cell is marked with an “X,” with the stricter limit applying in the event of any overlap. Such performance standard may inform materials or components to be included as part of the conditional use permit application, conditions the Approval Authority may apply to the conditional use permit, and/or ongoing requirements to such conditional uses granted a conditional use permit (or amendment to a conditional use permit) after July 1, 2024. § 365-10 may also include, within the definitions of certain land uses, standards that must be met regardless of whether a land use is listed in the Matrix of Uses as a permitted, conditional, or temporary land use.

Conditional Land Uses Listed ↓ In Matrix of Uses ↓	Applicable Performance Standard per Sub. A										
	(1) Vehicle accommodations	(2) Bike/ped access	(3) Trucking limits possible	(4) Traffic impact analysis	(5) Utility impact analysis	(6) Extra setbacks possible	(7) Residential bufferyard	(8) Component screening	(9) Outdoor display limits	(10) Material limits possible	Criteria in Subs. C, D, E, or F
Child Care – Group Center (9+ children)	X	X					X	X			
Commercial Animal Service and/or Sales	X		X			X	X	X	X	X	
Commercial Entertainment and Dining	X	X		X				X	X		
Commercial Outdoor Recreation Facilities	X	X		X		X	X	X	X		
Convenient Cash Business, Payday Loan Institution, and Similar	X	X				X	X		X		

Conditional Land Uses Listed ↓ In Matrix of Uses ↓	Applicable Performance Standard per Sub. A										
	(1) Vehicle accommodations	(2) Bike/ped access	(3) Trucking limits possible	(4) Traffic impact analysis	(5) Utility impact analysis	(6) Extra setbacks possible	(7) Residential bufferyard	(8) Component screening	(9) Outdoor display limits	(10) Material limits possible	Criteria in Subs. C, D, E, or F
Drive-through and Other In-Vehicle Sales or Service	X	X		X		X	X	X	X		
Indoor Sales or Service, in one or more buildings totaling 25,000+ sf	X	X	X	X	X	X	X	X	X	X	X
Liquor Store, Tobacco Sales Store, Vape Shop, CBD Store, and Similar	X	X				X	X		X		
Lumber Yard and/or Garden Center	X		X	X		X	X	X	X	X	
Motel	X					X	X		X		
Parking Facility, with no principal building present on same property	X	X				X	X				
Sexually-Oriented Land Use	X					X	X	X	X		X
Cleaning, Bleaching, Pressing, or Dyeing Establishment	X				X		X			X	
Electric or Steam Generating Facility	X		X	X	X	X	X	X		X	
Freight Terminal or Transshipment Depot	X		X	X		X	X	X	X	X	
Industrial – Heavy; Aquaculture	X		X	X	X	X	X	X	X	X	
Machine Shop	X		X			X	X	X	X	X	
Microbeverage Production Facility	X	X	X		X	X	X	X	X	X	
Nonmetallic Mineral Extraction			X			X	X	X		X	X
Personal Storage Facility	X					X	X	X	X	X	
Waste Management Facility	X		X	X		X	X	X		X	
Communications Tower						X	X	X			X
Indoor Institutional	X	X	X			X	X	X			
Public Service or Utility	X		X	X		X	X	X		X	
Child Care - Intermediate Home (9-15 children)	X	X					X	X			
Outdoor Dining, Drinking, or Entertainment	X					X	X	X	X		X
Outdoor Storage or Display						X	X	X	X	X	
Outdoor Manufacturing and/or Repair						X	X	X	X	X	

C. Nonmetallic mineral extraction. Where permitted under the Matrix of Uses, Ch. 365 **Attachment 2**, each Nonmetallic Mineral Extraction use shall meet the following criteria:

- (1) Shall be surrounded by a solid fence or evergreen planting screen completely preventing a view from any residentially zoned property or public rights-of-way.
- (2) If within the extraterritorial zoning jurisdiction, shall be limited such that only one non-metallic mineral extraction operation of more than 24 months or more than 15 acres is allowed to operate in the Town of

Prairie du Sac at any one time. This limit does not include sand extracted on a farm if put to agricultural use on the farm or on some other farm.

- (3) The extraction site and any associated buildings minimize use of Group I through II soils.
 - (4) All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - (5) Rock quarry operations shall be set back at least 1,320 feet from residences on parcels not in the same ownership.
 - (6) Shall receive reclamation plan approval from the county prior to the effective date of conditional use permit approval, and shall comply with all county, state and federal regulations including but not limited to the following:
 - (a) Subchapter 1 of Chapter 295, Wisconsin Statutes, and administrative rules promulgated under that subchapter.
 - (b) All Sauk County nonmetallic mining reclamation requirements.
 - (c) Restoration when extraction is completed, to any applicable requirements of the Wisconsin Department of Transportation, and to an agricultural use if in the A-P zoning district per Section 91.46(6)(f), Wisconsin Statutes.
 - (7) Prior to commencement or expansion of operations, a surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the Village), or other security approved by the Village Attorney, shall be filed with the Village by the applicant (subject to approval by the Zoning Administrator), and shall be held by the Village for the purpose of ensuring that the site is restored to its proposed condition.
- D. Communications tower. Each communications tower use shall meet the following criteria:
- (1) The application for conditional use permit and site plan approval shall include the requirements of § 66.0404(2)(b), Wis. Stats. in addition to requirements under this Chapter.
 - (2) If the intent is to construct a new, freestanding communications tower, the application must include an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the communications tower attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.
 - (3) Each permitted communications tower shall be placed or constructed so it may be utilized for the collocation of antenna arrays to the extent technologically and economically feasible. The holder of a permit under this subsection shall make the collocation sites required hereunder available for the placement of technologically compatible antenna arrays and equipment upon contractual provisions that are standard in the industry and at prevailing market rates allowing the permit holder to recoup the cost of providing collocation sites and a fair investment return.
 - (4) Communications towers and associated equipment shall, to the extent possible, match the color of existing facilities and be installed in a fashion to lessen the visual impacts of such installation. Accessory buildings shall meet requirements in the Schedule of Regulations.

- (5) A new or amended conditional use permit and site plan shall be required for “substantial modifications” to an existing communications tower, as that term is defined in § 66.0404(1)(s), Wis. Stats. Neither a conditional use permit nor site and building plan approval shall be required for any modification that is not defined as a “substantial modification,” but a building permit is required.
- (6) A conditional use permit shall not be required for collocation on a proposed or existing communications tower, provided the collocation does not result in a “substantial modification,” as that term is defined in § 66.0404(1)(s), Wis. Stats.
- (7) The applicant shall provide a written agreement stating that if the communications tower, antennas, or transmitters are unused for a period exceeding 12 months, the applicant shall remove the tower including all associated equipment upon written request from the Zoning Administrator at no cost to the Village within 60 days of such request.
- (8) The owner of any communications tower shall maintain insurance against liability for personal injury, death, or property damage caused by its maintenance and/or operation.
- (9) In its evaluation of any conditional use permit or site plan approval application for the communications tower, the limitations under the applicable §§ 66.0404(4) and 66.0406(2), Wis. Stats. shall apply.

E. Outdoor dining, drinking, or entertainment. Where permitted under the Matrix of Uses, Ch. 365 **Attachment 2**, each outdoor dining, drinking, or entertainment use shall also meet the following criteria:

- (1) If intended to allow the outdoor consumption of alcoholic beverages, shall obtain and maintain an outdoor consumption permit and meet associated requirements of § **188-10** of the Village Municipal Code.
- (2) All applications for conditional use permit shall include operational details and site plan details addressing each of the requirements above in addition to applicable criteria in §§ **188-10**, **365-101**, and **365-102**. Where such use is proposed to include or abut a public right-of-way, parking lot, or driveway, the application shall include details regarding the specific location of street, parking lot, or driveway improvements, and how the activity will be kept off of and separated from the street travel way, parking lot, or driveway.
- (3) No such area shall reduce or inhibit the use or number of parking stalls below the minimum requirement under this chapter, or further reduce parking stalls if already below the minimum.

F. Sexually-oriented land uses. Where permitted under the Matrix of Uses, Ch. 365 **Attachment 2**, each sexually-oriented land use shall meet the following criteria:

- (1) Shall be located a minimum of 500 feet from any residentially zoned property, civic and public land use as listed in the Matrix of Uses, Ch. 365 **Attachment 2**, and other Sexually-Oriented Land Use.
- (2) No outdoor activities aside from vehicle parking shall be permitted.
- (3) Exterior signage shall be in accordance with that permitted for the zoning district within which it is located. In addition, one additional exterior wall sign with an area of 2 square feet stating “Admittance to adults only” shall be placed near or on the customer entrance, along with hours of operation.
- (4) The establishment shall not admit minors on the premise and shall comply with all applicable Federal, State, and Village laws and ordinances regulating alcoholic beverages and obscenity.

Article XX Temporary Uses

§ 365-103 Purpose.

- A. The purpose of this article is to provide regulations that govern the procedure and requirements for the review and approval, or denial, of proposed temporary uses, as described in this chapter.
- B. Temporary uses are those uses that have the potential to create undesirable impacts on the Village and nearby properties if allowed on a permanent basis under the general requirements of this chapter, but which may be reasonably permitted for a limited period of time on a case-by-case basis.

§ 365-104 Regulations applicable to all temporary uses.

- A. Temporary uses may be approved for a maximum of 12 months.
- B. The applicant and Zoning Administrator shall consider potential negative impacts to neighboring properties and uses resulting from the temporary use, and the applicant shall demonstrate to the satisfaction of the Zoning Administrator the ability and commitment to meet any proposed conditions of approval intended to mitigate such negative impacts.
- C. Temporary uses are listed in the Matrix of Uses within this chapter. The Zoning Administrator may consult with Plan Commission to consider proposed uses of a temporary nature not included on that list. Unlisted temporary uses may be permitted by the Plan Commission, provided that the Commission determines that such uses are similar in character to one or more uses that are listed as temporary in the district. Each such determination is subject to any federal, state, or other regulation that affects whether an unlisted use may be allowed, including but not limited to Chapter 91, Wis. Stats. And ATCP 49, Wis. Admin. Code.
- D. No public hearing is required to review a temporary use.

§ 365-105 Application for permit.

All applications for proposed temporary uses shall be comprised of all of the following:

- A. A written description of the proposed temporary use describing the type and duration of proposed activities and any structures, materials or equipment that will be associated with the temporary use.
- B. A site plan of the subject property indicating existing structures, parking and drive areas, and the location(s) of the proposed use and any structures, materials or equipment associated with the proposed use. Said site plan shall be drawn to a consistent scale and include sufficient detail to enable appropriate review by the Zoning Administrator.
- C. Additional information as may be required by the Plan Commission, Village Engineer, Zoning Administrator, or Building Inspector.
- D. Any required fee as set by Village Board.

§ 365-106 Action by the Zoning Administrator or Plan Commission.

Action on a temporary use permit application shall be taken by the Zoning Administrator within five business days of a complete application, as verified by the Zoning Administrator. Such action may include approval, conditional approval to meet the requirements of this chapter, denial if compliance with this chapter cannot be achieved, or referral to the next Plan Commission meeting if the Zoning Administrator elects to request a recommendation from Plan Commission before approving or denying the permit.

Article XXI

Modifications and Exceptions

§ 365-107 **Lot width and area.**

Requirements as to lot width and area for the construction of a one-family dwelling shall not apply to any lot having less than the required area or width at the time of adoption of this chapter or any amendment thereof increasing the area or width required for such lot, provided that the area and the width of such lot shall be no less than 75% of the required minimum set forth in the Schedule of Regulations and the structure meets setback requirements.

§ 365-108 **Height.**

- A. Height limitations of this chapter shall not apply to chimneys, church spires, belfries, standpipes, water towers, flagpoles, monuments, transmission towers or cables, or radio or television antennas or towers.
- B. Penthouses, stage towers, scenery lifts, elevators, bulkheads, clock towers, cupolas, water tanks and similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit for the district in which the building is located, provided that no such exception shall cover, at any level, more than 25% of the area of the roof on which it is located, and provided further that no such exception shall be used for sleeping or housekeeping purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.
- C. A parapet wall or cornice, solely for ornamental purposes, may exceed the height limit established for the district but shall not exceed five feet.

§ 365-109 **Building setbacks.**

In residential districts, except for corner lots, required setbacks shall be modified in the following cases: where 50% or more of the frontage on a block is occupied by residences having setbacks less than that required by this chapter, the setback on each remaining lot shall be determined in accordance with the following rule: the front building line of a proposed structure shall be no nearer the front lot line than a line joining adjacent front corners of the nearest principal structures which are in the same block frontage on either side of the proposed structure. If, on a block frontage, no principal structure exists to one side of a proposed structure, a structure may be assumed to exist on the corner lot which conforms to the minimum setback and side yard width requirements of this chapter.

§ 365-110 **Extensions of structures into required yards.**

- A. The following extensions shall be permitted into required yards:
 - (1) Canopies and marquees in business districts: six feet (not permitted in interior side yards).
 - (2) Cornices and similar extensions: one foot.
 - (3) Open, fireproof fire escapes: three feet.
 - (4) Eaves: two feet.
- B. The following restrictions shall apply to the permitted extensions:
 - (1) Cornices, canopies, marquees and similar extensions shall be at least 10 feet above ground level.
 - (2) Canopies shall, in no case, extend nearer than three feet back of the face of a curb.

§ 365-111 **Canopies.**

In the B-C Business District, canopies attached to business structures at the front lot line shall be permitted to extend over the sidewalk, subject to the restrictions of § 365-110. A zoning permit shall be required for any

canopy projecting into the right-of-way of any street. Permits for such structures shall be revocable as provided in § 86.04, Wis. Stats.

§ 365-112 **Repealed**

§ 365-113 **Required buffer strips in industrial districts.**

Where an industrial district abuts a residential district, there shall be provided along any rear, side or front line coincidental with any industrial-residential boundary a buffer strip not less than 40 feet in width, as measured at right angles to the lot line. Plant materials at least six feet in height, of such variety and growth habits as to provide a year-round effective visual screen when viewed from the residential district, shall be planted within the exterior 25 feet abutting the residential district. If the required planting screen is set back from the industrial-residential boundary, the portion of the buffer strip facing the residential district shall be attractively maintained. The exterior 25 feet of the buffer strip shall not be devoted to the parking of vehicles or storage of any material or accessory uses. The interior 15 feet may be devoted to parking of vehicles.

Article XXII

Changes and Amendments Within the Village

§ 365-114 **Authority.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village may, by ordinance, change the district boundaries or amend, change, or supplement the regulations established by this chapter or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Plan Commission.

§ 365-115 **Initiation.**

A change or amendment may be initiated by the Village Board, Plan Commission, Zoning Administrator or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

§ 365-116 **Petitions.**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Administrator, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- A. Plot plan drawn to a scale of one inch equals 100 feet, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- B. Names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- C. Additional information required by the Plan Commission or Village Board.

§ 365-117 **Recommendations.**

The Plan Commission shall review all proposed changes and amendments within the corporate limits and shall recommend that the petition be granted as requested, modified, or denied. The recommendation shall be made at a meeting subsequent to the meeting at which the petition is first submitted and shall be made in writing to the Village Board. The Plan Commission shall review all proposed changes and amendments within the zoning jurisdiction and shall vote on the matters within its jurisdiction.

§ 365-118 **Public hearing.**

The Village Board shall hold a public hearing upon each recommendation, giving at least 10 days' prior notice, or by publication at least two times during the preceding 30 days, listing the time, place and changes or amendments proposed. The Village Board shall also give at least 10 days' prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment.

§ 365-119 Action by Village Board.

Following such hearing, and after careful consideration of the Plan Commission's recommendations, the Village Board shall vote on the passage of the proposed change or amendment. The Plan Commission's recommendations may only be overruled by 3/4 of the full Village Board membership.

§ 365-120 Protest.

In the event of a protest against such district change or amendment to the regulations of this chapter, duly signed and acknowledged by the owners of 20% or more of the land included in such proposed change, or by the owners of 20% or more of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such change or amendment shall not become effective except by the favorable vote of 3/4 of the full Village Board membership.

Article XXIII

Changes and Amendments in the Extraterritorial Jurisdiction

§ 365-121 Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, after recommendation thereon by the Joint Committee and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property in the Extraterritorial Zoning Jurisdiction as identified in this chapter.

§ 365-122 Procedure for change.

- A. Application. An amendment, supplement, reclassification or change may be initiated by the Joint Committee on its own motion or by a verified application of one or more of the owners or lessees of property within the Extraterritorial Zoning Jurisdiction. Application for any change of district boundaries or classifications of property as shown on the Zoning Map, and for regulation amendments, shall be submitted to the Joint Committee upon such forms and accompanied by such data and information as may be prescribed for that purpose by the Joint Committee so as to assure the fullest, most practicable presentation of facts for the permanent records. Such data shall include a plat map drawn to scale of not smaller than 100 feet per inch showing the land in question, its location, the length and location of each boundary thereof, the location and existing use of all buildings and the principal use of all properties within 100 feet of such land. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments or district changes initiated by the Joint Committee itself shall be accompanied by its own motion pertaining to such proposed amendment.
- B. List of property owners. Any person desiring a change in the zoning classification of property shall file with the application for such a change a statement giving the names and addresses of the owners of all properties lying within 300 feet of any part of the exterior boundaries of the premises and the zoning classification which is proposed to be changed.
- C. Hearing; public notice. Before submitting the recommendations on a proposed amendment to the Village Board, the Joint Committee shall hold at least one public hearing thereon, notice of which shall be given by publication once in a newspaper of general circulation in the extraterritorial zoning jurisdiction area at least 15 days before the date of such hearing. The notice shall state the place and time at which the proposed amendment to this ETZ Ordinance, including text and maps, may be examined.
- D. Certification of recommendation. Following such hearing, the Joint Committee may recommend that the application be granted as requested, or may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These

recommendations shall be determined as provided for above and shall then be certified to the Village Board.

- E. Village Board hearing. After receiving from the Joint Committee the certification of such recommendations on the proposed amendment and before adoption of such amendment, the Village Board shall hold a public hearing thereon, upon publication of a Class 2 notice under Ch. 985, Wis. Stats., of the time and place of such hearing.
- F. Final action by Village Board. Following such hearing, after receiving the recommendations of the Joint Committee thereon, the Village Board shall consider such recommendations and vote on the passage of the proposed amendment to the text of this chapter and/or on the Official Extraterritorial Jurisdiction Zoning Map. Subject to the limitation set forth below, the Village Board may adopt or reject the recommendation of the Joint Committee by a simple majority of the Village Board. In recognition of the Joint Committee's expertise with respect to the Village's Extraterritorial Zoning Jurisdiction area, as well as the public benefits of joint land use planning afforded by this chapter, the Village Board agrees to and shall not adopt an amendment to the plan and regulations in the ETZ area unless the proposed amendment thereto receives a favorable vote of the majority of the six members of the Joint Committee. In the event of a protest against such district change or regulation amendment, signed and acknowledged by the owners of 20% or more of the areas of land included in such proposed change, or by the owners of 20% or more of the area of land immediately adjacent, extending 100 feet therefrom, or by the owners of 20% or more of the land directly opposite thereto, extending 100 feet from the street frontage of such opposite land, such amendments shall not become effective except by the favorable vote of 3/4 quarters of the members of the Village Board. Such protests, to be effective under this section, shall be filed with the Zoning Administrator or Joint Committee prior to the conclusion of the public hearing before the Village Board.
- G. Fees. Each application for a zoning amendment, except those initiated by the Joint Committee, shall be accompanied by a check payable to the Village of Sauk City or a cash payment sufficient to cover the costs of publishing, posting and/or mailing notices of hearing, as well as such fees established by resolution of the Village Board.

§ 365-123 Review criteria for proposed rezonings in the Extraterritorial Zoning Jurisdiction.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village Board may, by ordinance, after recommendation thereon by the Joint Committee and subject to the procedure provided in this section, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this ETZ Ordinance or amendments thereto. The Joint Committee in considering requests for changes in district boundaries and the Village Board in its determinations may consider the following factors:

- A. The development will favorably or adversely affect the provision of municipal services, including sewer, water, electric, transportation (roads), emergency services (fire and ambulance), and schools.
- B. Development in the manner proposed will have a favorable or unfavorable impact in the environment.
- C. The development will favorably or adversely affect other persons or property.
- D. The development is in furtherance of or contradictory to objections and policies established in the extraterritorial zoning jurisdiction.
- E. The development will aid or not interfere with the ability of the Village and the Town of Prairie du Sac to achieve the objectives set forth as goals for the extraterritorial zoning jurisdiction.
- F. The development shall be consistent with the Village's Comprehensive Plan and its revisions.

§ 365-124 Review criteria for proposed rezonings away from A-P district.

No land in the A-P zoning district shall be rezoned to any other district, unless following a public hearing the Village Board finds that all of the following criteria have been met:

- A. The land is better suited for a use not allowed in the A-P district.
- B. The rezoning is consistent with the Sauk County Farmland Preservation Plan and the Comprehensive Plan.
- C. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- D. If the rezoning is intended to enable a dwelling unit without first amending the Farmland Preservation Plan and the Comprehensive Plan, the Village Board shall find that the following additional criteria are met:
 - (1) The dwelling unit must be on a separate lot meeting the minimum lot size of the approved zoning district and a maximum lot size of not greater than five acres.
 - (2) The farm from which such lot is divided shall be not fewer than 35 acres.
 - (3) Total number of dwelling units on any farm as it was configured on August 18, 2011 shall not exceed an overall density of one dwelling unit per 35 acres, with no rounding permitted. For example, a 160 acre farm as of that date shall be allowed to accumulate no greater than four total dwelling units ($160/35 = 4.57 = 4$).

§ 365-125 Text amendments affecting farmland preservation provisions.

If the Zoning Administrator determines that a zoning ordinance text amendment does any of the things listed in ATCP 49.27(2), Wis. Admin. Code, he or she shall submit the text amendment to the Department of Agriculture, Trade and Consumer Protection for its certification. Such text amendment shall not take effect until certification is obtained.

§ 365-126 Reporting on rezonings out of the A-P district.

Per Section 91.48(2), Wisconsin Statutes, the Zoning Administrator shall, by March 1 of each year, provide to the Department of Agriculture, Trade and Consumer Protection and the Director of the Sauk County Conservation, Planning, and Zoning Department, a report of the number of acres that the Village has rezoned out of the A-P district the previous year and a map that clearly shows the location of those areas.

**Article XXIV
Village Plan Commission**

§ 365-127 Administration of this chapter.

The Village Plan Commission, together with its other statutory duties, shall; with reference to this chapter:

- A. Review and grant final site plan approval as provided in this chapter within the Village limits.
- B. Conduct public hearings for conditional use permit applications, and within a PUD District or TND district, for general development plan applications, within the Village limits.
- C. Within a reasonable time following conduct of a public hearing, grant or deny a conditional use permit within the Village limits.
- D. Review and make recommendations to the Village Board regarding approval of any general development plan or specify implementation plan. In instances where a specific implementation plan

requires only Plan Commission approval, the Plan Commission shall apply any conditions it deems lawful and necessary to ensure compliance with the objectives of this chapter. (See Article X and Article XI of this chapter.)

- E. Review and advise the Village Board on all applications for text amendments to the zoning regulations, and to all amendments to the Official Zoning Map affecting territory within the Village municipal boundary.

Article XXV Village Zoning Board of Appeals

§ 365-128 **Establishment.**

There is established a Board of Appeals for the purpose of hearing appeals and applications and granting variances and exceptions to the provisions of this chapter in harmony with the purpose and intent of this chapter.

§ 365-129 **Membership.**

- A. The Board of Appeals shall consist of five members appointed by the Village President and confirmed by the Village Board.
- B. Terms shall be for staggered three-year periods.
- C. The Chairman shall be designated by the Village President.
- D. An alternate member may be appointed by the Village President for a term of three years. Such alternate member shall act only when a regular member is absent or refuses to vote because of interest.
- E. One member shall be a registered architect, registered professional engineer, builder, or real estate appraiser.
- F. The Secretary shall be the Zoning Administrator.
- G. The Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- H. Official oaths shall be taken by all members in accordance with § 19.01, Wis. Stats., within five days of receiving notice of their appointment.
- I. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

§ 365-130 **Rules of procedure; meetings.**

- A. The Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this chapter.
- B. Meetings shall be held at the call of the Chairman and shall be open to the public.
- C. Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- D. The concurring vote of four members of the Board shall be necessary to correct an error, grant a variance, make an interpretation or permit an unclassified or substitute use.

§ 365-131 **Powers.**

- A. The Board of Appeals shall have the following powers:

- (1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
 - (2) Variances. To hear and grant appeals for variances that will not be contrary to the public interest where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purpose of this chapter shall be observed and the public safety, welfare and justice be secured. Use variances shall not be granted.
 - (3) Interpretations. To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the Plan Commission has made a review and recommendation.
 - (4) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided that no structural alterations are to be made and the Plan Commission has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
 - (5) Unclassified uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and the Plan Commission has made a review and recommendation.
 - (6) Temporary uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and that the Plan Commission has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Appeals and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this chapter shall be required.
- B. Permits. The Board may reverse, affirm, wholly or partly, or modify the requirements appealed from and may issue or direct the issue of a permit.
 - C. Assistance. The Board may request assistance from other officers, departments, commissions and boards.
 - D. Oaths. The Chairman may administer oaths and compel the attendance of witnesses.

§ 365-132 Appeals and applications.

Appeals from the decision of the Zoning Administrator concerning the literal enforcement of this chapter may be made by any person aggrieved or by any officer, department, board or bureau. Such appeals shall be filed with the Secretary within 30 days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Secretary. Such appeals and application shall include the following:

- A. Names and addresses of the appellant or applicant and all abutting and opposite property owners of record.
- B. Plat of survey prepared by a registered land surveyor showing all of the information required under § 365-37 and § 365-38.
- C. Additional information required by the Plan Commission, Village Engineer, Board of Appeals, or Zoning Administrator.

§ 365-133 Public hearing.

The Board of Appeals shall fix a reasonable time and place for the hearing, giving public notice thereof at least 10 days prior to the hearing, and shall give due notice to the parties in interest, the Zoning

Administrator, and the Plan Commission. At the hearing, the appellant or applicant may appear in person, by agent, or by attorney.

§ 365-134 Conditions required for variances.

No variance to the provisions of this chapter shall be granted by the Board unless it finds beyond a reasonable doubt that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. Exceptional circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, and the granting of the variance would not be of so general or recurrent nature as to suggest that this chapter should be changed.
- B. Preservation of property rights. Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity.
- C. 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 chapter or the public interest.

§ 365-135 Decision.

- A. The Board of Appeals shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and Plan Commission.
- B. Conditions may be placed upon any zoning permit ordered or authorized by this Board.
- C. Variances, substitutions, or use permits ordered by the Board shall expire within six months unless substantial work has commenced pursuant to such grant.

§ 365-136 Review by court of record.

Any person or persons aggrieved by any decision of the Board of Appeals may present to the court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the Board of Appeals.

§ 365-137 Fees and costs.

A fee of as set by the Village Board will be charged for each application submitted herewith, which includes publication costs. The applicant will also be required to pay the costs of any consultant reports which may be required by the Board.

**Article XXVI
Joint Extraterritorial Committee**

§ 365-138 Creation.

The Joint Extraterritorial Committee ("Joint Committee") shall be created as provided by § 62.23(7a), Wis. Stats.

§ 365-139 Powers and duties.

The Joint Committee shall possess the powers and duties prescribed in § 62.23(7a), Wis. Stats., and such other powers and duties as shall be vested in it from time to time by the Village Board.

§ 365-140 Rules and reports.

The Joint Committee may adopt rules governing its own proceedings. The Joint Committee shall make a full report in writing to the Village Board and the Town Board of its transactions and expenditures, if any, for the

preceding year, with such general recommendations as to matters covered by its prescribed duties and authority as may to it seem proper. This annual report shall be filed with the Village and the Town no later than March 1 of each year.

§ 365-141 Meetings.

The Joint Committee shall elect a Chairperson and Secretary and shall keep a written report of its proceedings, to include all actions taken, a copy of which shall be filed with the Zoning Administrator and Town Clerk. Four members shall constitute a quorum, but all actions shall require the affirmative approval of a majority of the members, except for decisions on perfunctory matters which shall require a majority vote of those present and voting. (That is, of the six members, four members are the majority. It will take four votes for approval by the majority. If only four members are present, all four must agree for approval to be effective.)

§ 365-142 Staff.

The Joint Committee shall utilize the services of existing Village and Town officials and employees.

§ 365-143 Joint Committee to act.

The Joint Committee shall act upon all such applications on which it is authorized to act by the provisions of this chapter within the next two meetings but not more than 90 days from when the application is filed in full compliance with all the applicable requirements. The Joint Committee shall either recommend issuance of a zoning permit within such time period or notify the applicant in writing of its refusal of such permit and the reasons therefor. Failure to notify the applicant within such time period shall result in a refusal of a zoning permit unless the applicant consents to an extension of time.

Article XXVII

Board of Extraterritorial Zoning Appeals

§ 365-144 Establishment.

A Board of Extraterritorial Zoning Appeals shall act as the board of zoning appeals in the administration of Extraterritorial Zoning. Said Board of Extraterritorial Zoning Appeals shall consist of five members, three of whom shall be appointed by the Village President and shall be Village residents, and two of whom shall be appointed by the Town of Prairie du Sac Chairperson and shall be residents of the Town of Prairie du Sac. Initially, terms shall be one, two and three years, respectively, for Village members and one and two years, respectively, for Town members. Thereafter, the terms shall be three years, expiring on the third Tuesday of April in the third year of the term. No more than one member of the Joint Extraterritorial Committee shall serve as one of the five members.

§ 365-145 Procedure, quorum, and voting.

The provisions of the Village Municipal Code and § 62.23(7)(e), Wis. Stats., shall control the procedure and voting, and such sections are adopted by reference herein as though set forth in full.

§ 365-146 Applications, appeals, hearings and stay of proceedings.

Insofar as applicable, the provisions regarding the Board of Appeals set forth in Article XXV of this chapter shall apply to the administration of Extraterritorial Zoning.

§ 365-147 Powers of the Board of Extraterritorial Zoning Appeals.

The Board of Extraterritorial Zoning Appeals shall review appeals of decisions made by the Joint Committee. The Board of Extraterritorial Zoning Appeals does not conduct a de novo review of the matter being appealed but rather completes a review of the record established by the Joint Committee to determine whether the Joint Committee's actions were consistent with the procedures and discretion granted to the Joint Committee under this chapter. If the Board of Extraterritorial Zoning Appeals determines that the Joint Committee's actions were not consistent with the procedures and discretion granted to the Joint Committee under this ETZ Ordinance, then the Board of Extraterritorial Zoning Appeals shall remand the matter to the

Joint Committee with instructions. The Joint Committee will then correct the error identified by the Board of Extraterritorial Zoning Appeals and issue a final decision.

Article XXVIII Enforcement

§ 365-148 **Zoning Administrator; records.**

The provisions of this chapter shall be enforced by the Zoning Administrator, as appointed by the Village Board.. The Zoning Administrator shall keep a record of all applications for zoning permits and a record of all such permits issued, with a notation of any conditions that may have been imposed by the Board of Appeals under the provisions of Article **XXV** of this chapter. He or she shall file and safely keep copies of all plans submitted. He or she shall also keep a record of every identifiable complaint of a violation of any of the provisions of this chapter and of the action taken consequent to each such complaint. All such records and plans shall form a part of the records of his office and shall be available for the use of the Village Board and of other official agencies and officials of the Village.

Attachments:

[Attachment 1 - Schedule of Regulations](#)

[Attachment 2 - Matrix of Uses](#)

[Attachment 3 - Extraterritorial Zoning Map](#)

[Attachment 4 – Village of Sauk City Zoning Map](#)

Amendments:

Ordinance #2019-5; Adopted May 28, 2019; Amending the PUD Planned Unit Development district regulations

Ordinance #2023-3; Adopted May 30, 2023; Creating a B-T Transitional Business district and associated provisions, rezoning parcels near the wester Highway 12/60 intersection to B-T, and incorporating other commercial zoning district changes

Ordinance #2025-4; Adopted April 8, 2025; Updating the Matrix of Uses, conditional use procedures and standards, housing provisions, and other miscellaneous changes