

Chapter 66

ZONING

66.01 Authority

This Chapter is adopted under the authority granted by Sections 61.35 and 62.23 of the Wisconsin Statutes.

66.02 Purpose

The purpose of this Chapter is to adopt minimum requirements to promote the health, safety, morals, prosperity, aesthetics, and general welfare of the Village of Lake Delton.

66.03 Intent

- a. The general intent of this Chapter is to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; and for said purposes to divide the Village into districts of such number, shape and area as are deemed best suited to carry out said purposes. It is further intended to provide for the administration and enforcement of this title and to provide penalties for its violation.
- b. The effects of such regulations and restrictions should be to lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic and other dangers; provide adequate light, air, sanitation and drainage; prevent overcrowding; avoid undue population concentration; facilitate the adequate provision of public facilities and utilities; stabilize and protect property values; further the appropriate use of land and conservation of natural resources; and preserve and promote the beauty of the community.
- c. It is not the intent of this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, Chapters, rules or permits previously adopted or issued pursuant to law. However, wherever this Chapter imposes greater restrictions, the provisions of this Chapter shall apply.

66.04 Interpretation: Conflicting Chapters

- a. The provisions of this Chapter shall be interpreted and applied as minimum requirements, shall be construed in favor of the Village, and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes. In the event a question of fact arises concerning the application of this Chapter, the Village Plan Commission finding shall be conclusive unless reversed by action of the Village Board.
- b. If any provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety, or health Chapter or Chapter of the Village existing on the effective date of this Chapter, the provision that established the higher standard for the promotion and protection of the health and safety of the people shall prevail.

- c. If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Chapter, which shall remain in full force and effect; and to this end the provisions of this Chapter are hereby declared to be severable.
- d. If any other provision of this chapter conflicts with any other provision the more restrictive provision shall control.

66.05 Jurisdiction

The jurisdiction of this Chapter shall include all lands and waters within the corporate limits of the Village.

66.06 Effective Date

This Chapter is effective after its passage, approval, and publication or posting as provided by law.

66.07 Zoning Enforcement Officials Designated

The Village Zoning Administrator and the Village Building Inspector shall administer and enforce this Chapter by means of permits, keep records of all permits issued, inspections made, work approved and other official actions, investigate and report violations of this Chapter to the Plan Commission, the Village Board and the Village attorney.

66.08 Amendments, Repeals, and Re-enactments

The Village Board of the Village may repeal and recreate this Chapter following the procedure prescribed by Section 62.23 of the Wisconsin Statutes.

66.09 Permits

- a. The building inspector shall not issue a permit for a structure or use that is not allowed by this Chapter. No structure shall be built, moved or altered, and no land use shall be substantially altered until the appropriate permit has been issued.
- b. All applications for a building permit, shall be made to the Building Inspector and shall be accompanied by plans showing the name and address of the property owner; location, actual shape and dimensions of the lot to be built upon; high water mark of any abutting water course; centerline of abutting streets and highways; the exact size and location on the lot of the proposed or existing building and accessory building; the lines within which the building shall be erected, altered, or moved; the existing and intended use of each building or part of building; the number of families the building is intended to accommodate; and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this Chapter.
- c. No building and/or structure of any kind whatsoever, or any part thereof, located in the Waterfront Commercial District, the Business Park District, Commercial Districts 1 & 2, the Industrial District, or any multi-family use in any district shall be built, enlarged, altered, or repaired without the approval of the Village Board.

- d. Prior to initiating construction on any parcel in the Waterfront Commercial District, Residential Multi-family (R-2), Commercial Districts (1) and (2) the Industrial District, the owner shall submit plans and specifications for architectural and landscaping review pursuant to the provisions of Chapter 61 of the Village Municipal Code.
- e. Certificate of Occupancy. Except as provided herein, no building shall be occupied in any part thereof unless or until the Building Inspector has issued a Certificate of Occupancy. The Building Inspector shall, issue a Certificate of Occupancy, if after inspection, it is found that such building complied with the provisions of this Chapter, Chapter 57 Village Building Code, and all other requirements of law or other Chapters applicable thereto. A temporary Certificate of Occupancy may be issued by the Building Inspector for temporary use of a portion of a building prior to the completion and occupancy of the entire building, provided that such temporary occupancy or use will not jeopardize life or property.

66.10 Site and Use Restrictions

- a. Except as otherwise provided, setback, lot size, and other dimensional requirements and the use and height of buildings hereafter erected, converted, moved, enlarged or structurally altered and use of any land shall be in compliance with the regulations established herein for the district in which such buildings or land are located.
- b. No platted lot may be divided and no parcel shall be reduced so that the dimensions and yard requirements imposed by this Chapter cannot be met.
- c. In the case of a corner lot, the standards specified for "Front Yard Setback," for that zoning district, shall apply to both sides of the lot, which abut both streets forming the corner.
- d. Every part of a required yard shall be open to the sky unobstructed, except for accessory buildings and the ordinary projections of sills, cornices and ornamental features projecting not more than forty-eight (48) inches; except that in commercial districts a permanent awning and its accessory columns or struts may project not more than five (5) feet into a required front or side yard.
- e. Open or enclosed fire escapes may project into a required yard, or court, not more than five (5) feet and into a required court not more than three and one-half (3 ½) feet, provided it is so located as not to obstruct light or ventilation.
- f. All trash collection areas, garbage cans, dumpsters and or bins for collecting refuse, garbage or recyclables awaiting removal shall be enclosed within a building or screened from view from a public street or alley with walls having a minimum height of five (5) feet. This provision does not apply to the temporary placement of refuse, garbage or recyclables awaiting removal within twenty-four (24) hours.

- g. Livability spaces are defined as open space, including lawns, planting space, walks, paved terraces and sitting areas. No paved areas for car traffic or parking can be included as livability space. In districts zoned Commercial (C1, C2) and Industrial (I), livability space shall comprise at least 10% of the land area. In districts zoned Waterfront Commercial (WC) and in all districts zoned Residential, livability space shall comprise at least 20% of the land area.
- h. No structure other than a fence, parking lot, retaining walls, bridge, driveway or sidewalk may be in the setback area. Parking Lots may extend to within ten (10) feet of the property line. This provision applies in all zoning districts.
- i. No structure other than a fence, bridge, retaining wall, driveway or sidewalk may be within four (4) feet of the lot line. This provision applies in all zoning districts.
- j. No business of any kind, type or nature whatsoever, except individuals provided for by State law or by the Village ordinance provisions, shall be conducted by any firm, corporation or persons upon any land or area in the Village unless the same is located in a permanent building/structure constructed in accordance with Chapter 57, the Village Building Code, including the provision that the premises shall have a working lavatory, meaning hot and cold running water with proper wash basin, towels or the equivalent, and working toilet at all times that any such business is in operation.
- k. Residential accessory buildings. In residential districts 1 and 2 (R1-R2), the design and construction of any garage or carport, shall be similar to or compatible with the design and construction of the main building. The exterior building materials, roof style, and colors shall be similar to the main building, or shall be commonly associated with residential construction. [66.10 \(k\) Repeal and Recreation Ordinance 19-005 Passed 7/8/2019 Published 7/18/2019](#)
- l. 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 state, federal and/or the Sauk County Sanitary Code.
- m. Any undeveloped lot of record within any residential district or the waterfront commercial district existing upon the effective date of this Chapter and which does not meet the minimum requirements of this chapter may be developed for single family or duplex uses, provided the measurements of such area and dimensions in effect are equal to the requirements in effect on the day immediately preceding the effective date of this ordinance and further provided that said lot shall not be developed with multifamily or nonresidential uses unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.
- n. ADA accommodations. In appropriate circumstances, the site and use restrictions uses may be modified to comply with the requirements of 42 USC 12132 and Title II USC Code 28 CRF 35.130, also known as the American with

Disabilities Act, to allow for reasonable accommodations to provide accessibility to individuals with disabilities. For commercial properties to accommodations would be either a variance or a conditional use permit depending on the requested accommodation. For residential properties, the accommodation would be temporary conditional use contingent upon the continued need to provide access to individual(s) with disabilities. 66.10 n.; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012

- o. No person shall construct, use or occupy an Accessory Building in a residential district or the waterfront commercial district in the absence of a principal structure. 66.10 o.; Modified & Amended Ordinance 19-015 Passed: 11/25/2019 Published: 12/5/2019
- p. In accordance with the provisions of s. 66.1019 Wis. Stats. the rental of single family or duplex residences for periods of less than 7 days without a valid Tourist Rooming House Permit is prohibited in all districts. 66.10 (P) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

66.11 Parking requirements

Except as specifically provided in this Chapter, Chapter 48 regulating driveways and parking lots shall govern all parking and driveway requirements in each district. In the event of a conflict between a provision of Chapter 48 and any provision of this Chapter, the more restrictive provision shall apply.

66.12 Buildings Used for the Sale of Tickets

Any building, which is used primarily for the purposes of selling tickets, shall be subject to the following regulations, except those buildings located on the same parcel as the facility to which the tickets provide admissions:

- a. Such building shall have a floor area of not less than eighty (80) square feet or more than five hundred (500) square feet.
- b. It shall be firmly attached to a solid foundation constructed on site in accordance with Village and State building codes.
- c. Such buildings are limited to the Commercial district.
- d. No building used for these purposes shall be located within four hundred (400) feet of any similar structure.
- e. Off-street parking for at least five (5) vehicles shall be provided. Off-street parking may be provided on site or on an adjacent lot or the equivalent improved space may be donated to the Village for municipal parking lot subject to approval by the Village Board.

66.13 Intersection Vision Clearance

In each quadrant of every street intersection there shall be designed a vision clearance triangle, bounded by the property lines and a line connecting them fifteen (15) feet from their intersection. Within this triangle, no object shall be allowed above the grade of two and one-half (2 1/2) feet above the streets if it obstructs the view across the triangle. This provision shall not apply to posts, wire fences, tree trunks, or other vertical supporting members not more than twelve (12)

inches square in horizontal cross section; however, in situations where there are trees of large diameter, large numbers of trees, or a combination of these, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render a clear view across the vision triangle from one street to another. The intent is to provide for public safety.

66.14 Zoning of Annexed Land

- a. When territory is annexed to the Village, its' zoning classification may be temporarily designated in the annexation ordinance and the classification shall remain until the property is re-zoned, as provided under this chapter.
- b. All territory annexed by the Village after May 7, 1982 by the Sauk County Board shall be subject to the Sauk County Shoreland Protection Chapter where applicable, in accordance with the provisions of Section 59.692 Wis. Stats.

66.15 Rules of Construction

- a. For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number.
- b. The following definitions and conditions apply in all districts unless specifically modified:

Accessory Building: Any building except the principal building on a lot, which shall include storage sheds, garages and any and all other buildings, which have a relationship to the purpose of the property.

Amusement Park: A business place consisting of amusement devices such as go-karts, bumperboats, slides, arcades and such amusement devices as are usually found therein but not limited to the above, but requiring the issuance of an amusement park license.

Barrier: A barrier is a fence, wall or dense foliage or similar structure of at least 4 feet in height conforming to the requirements of Chapter 57 66.15 Amended Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

Bed and Breakfast: Any place of lodging that is the owner's personal residence and is occupied by the owner at the time of rentals and that provides 8 or fewer rooms for rent to no more than a total of twenty (20) tourists or transients; provides no meals other than breakfast and provides the breakfast only to renters of the place.

Boarding House, Guest House, Lodging House, Rooming House: A house or building, other than a hotel, where rooms or lodgings are generally rented and where regular meals are generally furnished or served to three (3) or more persons at a stipulated amount for definite periods of one month or less, provided that so called duplex flats or apartment houses actually divided into residential units shall not be considered a boarding/guest/ lodging/rooming house.

Boat house: As defined in section 30.121(1), Wis. Stats., means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts.

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Area: Total coverage in square feet of all buildings and structures, including garages, carports, and other attached or accessory structures. The maximum horizontal projected area within the perimeter of the outside surface of walls or supports of the building or structure. Exterior cantilever open balconies are not included.

Building Height: Height of a building is measured from the lowest entry level to the highest point of the structure.

Camp space. A parcel of land in developed campgrounds or camping resort for the placement of a single recreational vehicle and for the exclusive use of its occupants.

Community Living Arrangement: Any of the following facilities licensed, operated or permitted by the State Department of Health and Social Services and as defined in s. 46.03(22) and s. 50.01(1) Wisconsin Statutes 1989.

Conditional Use: A use of land, which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which, is therefore permitted only subject to the fulfillment of conditions that effectively ensure that relatively few problems will be created.

Condominium/Hotel: A hotel, motel or resort in which ownership of the property is subdivided into individual rooms or suites for separate ownership, as permitted under Chapter 703 Wis. Stats.

Density: The number of living units per acre allowable under a schedule of district regulations.

Deck: An exterior structure attached or adjacent to the exterior wall of any building having a floor but no walls or roof.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

Dockominium: A dockside community of privately owned boats moored in slips that are purchased for year-round living or a slip in such a community.

Drainage system: One or more artificial ditches, tile drains or similar devices, which collect surface runoff or groundwater, and conveys it to a point of discharge.

Duplex: Any dwelling containing two (2) dwelling units.

Dwelling: A structure, or portion thereof, which is used or is intended to be used exclusively for human habitation but not including a tent or travel trailer.

Dwelling, Single-Family: A building containing one dwelling unit designed for or occupied exclusively by one family and surrounded by open space or yards and which is not attached to any other dwelling by any means.

Dwelling, Two-Family: A building on a single lot containing two separate dwelling units, designed for occupancy by not more than two (2) families. A two-family dwelling may also be known as a “duplex.”

Dwelling, Multiple-Family: A building containing three or more dwelling units designed for or occupied by three or more families.

Dwelling Unit: One or more rooms with provisions for living, cooking, sanitary, and sleeping facilities and a bathroom arranged for exclusive use by one (1) person or one (1) family.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Family. Two or more individuals who are related to each other by blood, marriage, adoption or legal guardianship. For purposes of this code, a group of not more than four persons not necessarily related by blood or marriage, living together in a single living unit will be considered a single family.

Farming: The operation of a farm premises owned or rented by the operator.

Farm premises: The farm premises is defined to be the area, which is planted and cultivated. The farm premises do not include greenhouses, structures or other areas unless used principally for the production of food or farm products.

Farm products: Farm products are defined as agricultural, horticultural and arboricultural crops.

Filling Station: By filling station is meant one or more pumps, tanks, and other pieces of equipment used in the storage and dispensing of liquid fuels and arranged for the sale of such liquid fuels to the public.

Fixed Houseboat: As defined in s. 30.121(1), Wis. Stats., means a structure not actually used for navigation which extends beyond the ordinary high-water mark of a waterway and is retained in place either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.

Flood Plain: The land, which has been or may be hereafter covered by flood water during the regional flood. The flood plain includes the floodway and the flood fringe.

Floodway: The floodway is a channel of a river or stream and those portions of the flood plain

adjoining the channel required to carry and discharge the flood water or flood flows associated with the regional flood.

Floor Area: The occupied or usable floor area in a building but not including space occupied by columns, walls, partitions, mechanical shafts or ducts.

Frontage: The dimension of a lot abutting a public street measured along the street line. In the Waterfront Commercial District frontage is measured along the shoreline.

Home Business: A business conducted by the owner residing on the premises.

Home Occupation: An occupation conducted by members of a family only, within their place of residence; provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (Includes: babysitting, millinery, dressmaking, canning, laundry, crafts; does not include: barbering, beauty shops and hairdressing, dancing schools, photographic studios.)

Hotel: Means all places wherein sleeping accommodations are offered to pay to transients, subject to regulation under subchapter VII of Chapter 254 Wis. Stats “Hotel”, “motel”, “resort” and “inn” are synonymous. 66.15 Amended Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

Land Use Permit: Any permit required under this or any other Chapter regulating the use of land. Including but not limited to, building permit, sign permit, subdivision development permit, planned unit development permit, and driveway permit.

Lodging house: Any house or other building where rooms or lodgings are generally rented to three (3) or more persons received or lodged for hire, or any part of a house or other building that is let for sleep at stipulated rentals for definite periods of one month or less, except that duplex flats or apartment houses actually divided into residential units shall not be considered lodging houses.

Lodging Unit: A portion of a dwelling that is let at stipulated rentals for definite periods of one month or less, used primarily for sleeping and living purposes, excluding cooking facilities.

Lot: A parcel of land having frontage on a street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the area and other open space provisions of this chapter.

Lot, Corner: A lot at the junction of, and abutting upon two (2) or more streets.

Lot Line: A legally established line dividing one lot, plot of land or parcel of land from an adjoining lot or plot of land or parcel of land.

Lot Width: Means one-half of the sum of the front and rear lot lines. For lots created after the 10 effective date of this chapter lot width is the distance between the side yard lines as measured at the front yard setback line.

Manufactured home: The definition of manufactured home in s. 101.91 Wis. Stats. and as amended is adopted.

Mobile Home: The definition of mobile home in s. 66.0435 Wis. Stats. is adopted.

Mobile Home Lot or Space: A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.

Mobile Home Park: Any plot or plots of ground upon which three or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation, except that it does not include travel trailer parks. As used in this Chapter, mobile home park is limited to plots on which are located two or more non-dependent mobile homes. Any mobile home park must be in compliance with sections 66.0435 and 101.935 Wis. Stats. and Chapter Comm. 95, of the Wisconsin Administrative Code and other applicable building codes.

Motor Vehicle: Any vehicle that is self-propelled, except snowmobile and all-terrain vehicles, which shall only be considered motor vehicles for purposes, made specifically applicable by statute.

Multi-family Residential Developments: The development of an area of land as a single entity for a number of dwelling units or a number of uses according to a plan conforming with the specifications of Subchapter J of this Chapter. Also referred to in this Chapter as Multi-family units, consisting of apartment buildings, condominiums, cooperatives, planned unit developments and residential construction of any type consisting of three or more residential type units.

Navigable waters: All lakes, streams, ponds, sloughs, flowages and other waters within the territorial limits of this Village which are navigable under the laws of this state

Nonconforming Structure: A building, sign or premises lawfully used, occupied, or erected at the time of the enactment of this Chapter or amendments thereto, but which use or occupancy does not conform to the provisions of this Chapter or any amendments thereto. The building or premise may be continued to be used for any trade or industry for which the building or premise is used when the Chapter takes effect. If a use that does not conform to this Chapter is discontinued for a period of twelve (12) months, any future use of the land, building or premise shall conform to the Chapter.

Nonconforming use: The use or occupancy of a building or premises, which is lawful at the time of the enactment of this Chapter or amendments thereto, but which use or occupancy does not conform to the provisions of this Chapter or any amendments thereto.

Ordinary High-Water Mark: The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Owner: Any person having a legal or equitable interest in the property.

Parking Lot: A parking lot is a one-level, paved, open-to-the-air area used for parking vehicles.

Parking space: A paved, clearly marked space for parking of a motor vehicle measuring at least nine (9) feet in width and eighteen (18) feet in length.

Parking Structure: A parking structure is a multi-level parking area, wherein one or more levels are supported above the lowest level, and is commonly called a parking garage or parking ramp.

Patio: An unenclosed paved area adjacent to a dwelling that is adapted for outdoor cooking and dining.

Paved: A surface consisting of bituminous asphalt, concrete pavement, paving brick, or any other man-made impervious surface.

Permitted Use: A use, which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.

Porch: An unenclosed exterior structure at or near grade attached or adjacent to the exterior wall or any building, and having a roof and floor.

Principal Building: The building of primary importance on a parcel of land, including any appurtenant structure such as porches, decks, stoops, or steps in contrast with those which are accessory or of secondary importance.

Residential: The term residential means occupancy of a dwelling for periods of 30 days or greater. Occupancies of dwellings for periods of less than 30 days are deemed commercial uses. 66.15 modified and amended by Ordinance 16-014 Passed 12/27/2016 Published 12/31/2016

Resort: A building or buildings having rooms for persons and having provisions for at least one type of recreational activity, excluding lawn games, children's playgrounds and swimming pools.

Recreational Vehicle Parking Area: A parcel of land in which two or more spaces are occupied or intended for occupancy by recreational vehicles for transient dwelling purposes.

Rooming House: A dwelling consisting of three (3) or more rooming units leased separately, none of which include cooking facilities, but which may include a common kitchen to be shared by three (3) or more occupants. A hotel, motor hotel or motel licensed by the State of Wisconsin shall not be deemed a rooming house for purposes of this Chapter.

Sanitary Station: A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

Service Building: A structure housing toilet, washing, bathing and other such facilities.

Setback: The minimum distance between the property line and the nearest part of the principal

building measured perpendicular to the property line. No structure, including but not limited to any buildings, decks, garages, gazeboes, tents, screen houses, above ground or in-ground swimming pools, nor any other man-made structure above grade level may be in the setback area.

Shorelands: Lands within the following distances from the ordinary high-water mark of navigable water; 1,000 feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

Shoreland-Wetland District: The zoning district comprised of shorelands that are designated as wetlands on the wetlands inventory maps, which have been adopted and made a part of this Chapter.

Street: All property dedicated or intended for public or private street purposes and over twenty-one (21) feet in width.

Story: The space in a building between the surfaces of any floor and the floor next above or below, or roof next above, or any space not defined as basement, ground floor or attic.

Structure: “Structure” is anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground.

Structural Alteration: Any change in the support members of a structure, such as foundations, bearing walls, columns, beams or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Temporary Structure: A removable structure, not designed for human occupancy, but for the protection of goods or chattels.

Tent: Means a portable lodge of canvas or strong cloth or other flexible material, stretched and sustained by poles.

Ticket Booth: Any structure used primarily for the purpose of selling tickets and which may or may not be located on the same parcel as the facility to which the tickets provide admission.

Tourist Rooming House: “Tourist rooming house” means all lodging places and tourist cabins and cottages, other than hotels, motels and resorts, in which sleeping accommodations are offered for pay to tourists or transients for periods of less than 30 days. Excluded from this definition are the following properties

1. operating under state license issued to a hotel, motel or resort.
2. private boarding or rooming houses not accommodating tourists or transients
3. bed and breakfast establishments licensed by the state.

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Travel Trailer: All vehicles and portable structures built on a chassis whether designed to be towed upon the highway or self-propelled, designed as a temporary or permanent dwelling for travel, recreational or vacation use and not included in the definition of non-dependent mobile home in sec. 66.0435 (1) (f), Wisconsin Statutes. For purposes of this Chapter, a dependent

mobile home, as defined in sec. 66.0435 (1) (f), Wisconsin Statutes, camping trailer, pick-up coach, motor home and similar recreational vehicles are considered to be travel trailers unless otherwise indicated.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this Chapter.

Variance: A departure from the terms of the zoning ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that condition permitted by the departure will be in fundamental harmony with surrounding uses, and which hardships are not caused by the acts of the owner.

Wetlands: Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wetland Alteration: Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

Yard, Front: An open, unoccupied space unobstructed to the sky, extending across the full width of a lot, or plot of land between the street line and the front building wall. No structure, including but not limited to any buildings, decks, garages, gazebo, tents, screen houses, above ground or in-ground swimming pools, nor any other man-made structure above grade level shall be located in the front yard. Unenclosed terraces, slabs or stoops without roofs or walls may project into this open space.

Yard, Front Waterfront commercial: In the Waterfront Commercial District, the front yard shall be the open, unoccupied space unobstructed to the sky, extending across the full width of a lot, or plot of land between the between the ordinary high water mark and the principal building wall. No permanent above ground structure including but not limited to any buildings, garages, gazeboes, screen houses, above ground swimming pools, nor any other man-made structure above grade level not specifically permitted hereunder shall be located in the front yard. The following may be located in the front yard: unenclosed terraces or decks, provided that there are no railings; slabs or stoops sidewalks patios without roofs or walls; in ground pools, may project into this open space.

Yard, Rear: An open, unoccupied space unobstructed to the sky, extending across the full width of a lot, or plot of land between the rear lot line and the rear building wall. Unenclosed terraces, slabs or stoops without roofs or walls may project into this open space.

Yard, Side: An open, unoccupied space unobstructed to the sky, extending the full length of the lot, or plot of land between the side lot lines and the side building wall. Unenclosed terraces, slabs or stoops without roofs or walls may project into this open space.

66.16 Home Occupations and Businesses.

- a. **Home occupations and businesses, where permitted.** Home businesses are

permitted in any district provided that the home business conforms to the requirements of this section.

- b. **Permitted uses.** A home occupation is permitted without a special use permit if the place where it is carried on meets each of the following requirements:
1. The use will be clearly incidental and secondary to the use of the dwelling and dwelling purposes and shall not change the character of use as a dwelling.
 2. The total area used for the business shall not exceed one quarter (25 %) of the floor area of the dwelling unit.
 3. There is no outside storage on the premises of material or equipment used as part of the home business.
 4. There shall be no exterior advertising of the home business other than an identification sign, which shall be attached to the dwelling.
 5. The business generates no noise, odors, or pollution that adversely affects neighboring property.
 6. The business is conducted inside the dwelling.
 7. The business is operated by the owner residing on the premises.
 8. There are no employees other than residents of the dwelling. Persons hired to do yard work or housework are not counted.
- c. **Conditional uses:** No person shall operate a home business without first obtaining a conditional use permit, unless such home occupation complies with each of the requirements of subparagraph b above. Application for the conditional use permit shall be made as provided in this Chapter. A conditional use permit may be granted if the following conditions exist:
1. The proposed home business will not interfere with permitted uses in the neighborhood, or make the premises unsuitable for such permitted uses.
 2. The proposed home business will not disturb the peace.
 3. The proposed home business will not reduce property values in the area.
 4. No more than a total of ten (10) vehicles per day will stop, in connection with the home business, at the place of home business in any one twenty-four hour period. This includes parking, stopping to load or unload anything, and stopping to pick up or drop off passengers. Not more than three (3) vehicles may be parked by clients or customers at the premises at any one time.
- d. **Occasional use.** Nothing in this article shall be construed to limit, prohibit or regulate the occasional part-time use of a residence for the purpose of entertaining in connection with business, for the purpose of studying or working on papers brought home from work, or for the purpose of making telephone calls or using a computer in connection with work.

Article II: Zoning Districts
Subchapter A General Provisions

66.17 Establishment of Zoning Districts

In order to carry out the purposes and provisions of the Chapter, the following zoning districts are established:

	<u>Subchapter</u>
Conservancy Overlay District (CON-O) <small>66.201 -66.205 Modified by ORDINANCE NO. 08-009 (2009)</small>	B
Agricultural	C
Residential (R-1) (Single-family residential district)	E
Residential (R-2) (Single-family and multi-family residential district)	F
Residential (R-3) (Mobile Home district)	G
Commercial (C-1) <small>66.54 y.; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012</small>	H
Waterfront Commercial	I
Multi-Family Use Exists	J
Industrial	K
Business Park	L
Light Commercial District (C-2)	M
Planned Unit Development District	N
Planned Development District	O
Shoreland-Wetland Zoning	P

66.18 Zoning District Map

- a. The boundaries of the above districts are established as shown on the "Official Zoning Map, Village, Wisconsin." Such map, together with a copy of this Chapter, shall be available for public inspection in the Office of the Village Clerk. The map shall be certified by the President and attested by the Village Clerk. No changes in zoning district boundaries shall be effective until recorded.
- b. The land uses and minimum standards set out in Article II apply to the districts delineated on the Zoning District Map.

66.19 Zoning District Boundaries

- a. The district boundaries are either streets or alleys, unless otherwise shown and where the designation on the zoning map indicates that the various districts are approximately bounded by the centerline of a street or alley, such street or alley centerline shall be construed to be the district boundary line.
- b. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines and where the designations on the zoning map are approximately bounded by lot lines, said lot line shall be construed to be the boundary of the district.
- c. In un-subdivided property, the district boundary lines shown on the zoning map shall be determined by use of the scale shown on such map.

Subchapter B. Conservancy Overlay District (CON-O)

66.201 Purpose

The purpose of this district is to protect, manage and control the flow of stormwater through the district, preserve natural habitat and to prevent the uncontrolled spread of development so as to prevent hazards to public and private property, but to permit

controlled development in harmony with the Village stormwater management plan, or plan component thereof, and all other provisions of this Code. No land shall be used and no buildings shall hereafter be erected or moved except in accordance with the regulations below.

66.202 Restrictions

In addition to the restrictions and requirements of the basic district applicable to a particular site, the restrictions of this District shall also apply. To the extent there is a conflict between the restrictions or requirements associated with the applicable districts, the restrictions or requirements that most restrictively limit the use or regulate development of the parcel shall apply.

66.203 Permitted Uses

- A. Fishing.
- B. Forestry and the management of forests.
- C. Grazing.
- D. Harvesting of wild crops such as wild hay, ferns, moss, berries and nuts, fruits and seeds.
- E. Areas of scenic, historic or scientific value.
- F. Wildlife preserves, public and private parks, picnic areas and similar uses.
- G. Lawful uses in effect on the date of publication after passage.
- H. Uses similar and customarily incident to any of the above uses.

66.204 Conditional Uses

The following uses are allowed as conditional uses within this district provided that the use conforms to the conditions imposed. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- A. Dams, flowages, ponds and water storage and water pumping facilities.
- B. Filling, draining or dredging of wetlands, provided that this shall conform to any Shoreline Zoning Ordinance enacted pursuant to Section 59.971 of the Wisconsin Statutes.
- C. Golf courses open to the public.
- D. Piers, docks and boathouses.
- E. Commercial or non-profit tours by motor vehicle or horses, nature trails, hiking trails, or bridle paths.

- F. Nonresidential buildings and structures used solely in conjunction with raising of wildlife, the practice of forestry, including building and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
- G. Private or non-profit educational facilities.
- H. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto.
- I. Relocation of any watercourse.
- J. Removal of topsoil or peat.
- K. Utilities such as, but not restricted to, public and private utilities and appurtenant structures, storm sewers, telephone, telegraph, power or other transmission lines.
- L. Any permitted use or conditional use enumerated in the underlying zoning district.
- M. Lawful uses compatible with the purpose of the District.
- N. Public and private parking lots, driveways and roads.
- O. All applications for a conditional use permit under this section shall be accompanied by the following, in addition to all other application.
 - 1. A stormwater plan for the site which is compatible with the Village stormwater management plan, subject to approval of the Village Engineer.
 - 2. A plot plan showing the exact location and size of any building or buildings, parking lots and driveway. The plan shall also designate existing and proposed elevations.

66.205 Applicable Standards

The lot area, building height, setback or other dimensional standards applicable to the (CON-O) district shall be the same standards provided in the underlying zoning district, except as otherwise approved in the Conditional Use Permit.

66.201 -66.205 Modified and Amended by ORDINANCE NO. 08-009 Date and Introduced: December 8, 2008 Published before passage: December 20 and December 27, 2008 Passed: January 12, 2009 Published after passage: January 17, 2009

Subchapter C Agricultural District (A)

66.21 Purpose

The purpose of the Agricultural District is to provide for agricultural uses and uses compatible with agriculture. The intent is to help conserve good farming areas and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for premature provision of essential public improvements and services (such as sewer and water lines).

66.22 Permitted Uses

- a. Farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.
- b. Farming, grazing, and dairying provided that buildings in which farm animals are kept shall be at least one hundred (100) feet from the nearest residential or commercial district.
- c. Harvesting of wild crops such as wild hay, ferns, moss, berries and nuts, fruits and seed
- d. Forestry, grazing, fishing, hatcheries, nurseries, orchards, paddocks, poultry raising, stables and truck farming. Nonresidential buildings and structures used solely in conjunction with raising of wildlife, the practice of forestry, including building and structures used by public or semi-public agencies or groups for research in or the rehabilitation of natural resources.
- e. Preservation of areas of scenic, historic or scientific value.
- f. Public and private parks, picnic areas and similar uses.
- g. Wildlife preserves.
- h. Uses customarily incident to any of the above uses, including residential use incident to any of the above uses.

66.23 Conditional Uses

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Churches, schools, community parks and recreational areas.
- b. Fur farms, kennels, insect-breeding facilities, greenhouses, and other agricultural uses that may cause noxious odors or noise, or create health or sanitation hazards are permitted, provided that written permission be obtained from the Village Board on the recommendation of the Plan Commission pursuant to the procedures prescribed for zoning amendments by Section 62.23 of the Wisconsin Statutes.
- c. Public and semi-public buildings.
- d. Riding stables, riding schools, petting zoos and wild animal parks.
- e. Single-family residences provided they are located on tracts of five acres or more and that soil analysis indicates suitability for private sewer and water systems.
- f. Trap or skeet shooting facilities, target ranges, gun clubs, shooting preserves

- g. Water storage facilities and power stations
- h. Large scale farm operations.
- i. Any permitted use or conditional use in this zoning district which does not meet the area requirements of s. 66.24-26 below but such uses, nevertheless, may be allowed in this district provided that due consideration is given to location, development and operation of such uses.

66.24 Lot Area Requirement

The minimum lot area per family in the Agricultural District shall be five (5) acres.

66.25 Building Height Requirement

- a. The maximum building height for residential structures shall be thirty-five (35) feet.
- b. There shall be no maximum building height on other structures.

66.26 Setback Requirements

- a. The minimum front yard setback shall be fifty (50) feet.
- b. The minimum rear yard setback shall be fifty (50) feet.
- c. The minimum side yard setback shall be twenty (20) feet on each side for principal buildings and five (5) feet on each side for accessory buildings.

Subchapter D General Provisions for all Residential Districts

66.27 Intent

It is the general intent of the residential districts to provide a quiet, pleasant and safe living area protected from traffic hazards and the intrusion of incompatible uses. It is further intended that the residential districts provide long-term accommodations for residents such that rentals or less than thirty (30) days will be prohibited in the R-1, R-2 and R-3 districts.

66.28 Reserved.

66.29 Community Living Arrangements: Family Day Care Homes

State Laws Adopted. The provisions of §62.23(7)(i) and §66.1017, Wisconsin Statutes 2003-04, are hereby adopted by reference and shall supersede all permitted and conditional uses as stated in this Chapter.

Subchapter E Residential (R-1) Single-Family Residential

66.30 Purpose.

It is the purpose of the R-1 district to provide low and medium density, single-family residential use. It is also intended to provide a quiet, pleasant and safe living area protected from traffic hazards and the intrusion of incompatible uses.

66.31 Permitted Uses.

- a. Single family dwellings.
- b. Accessory buildings.

- c. Private swimming pools
- d. Family day care homes as defined in s. 48.65 of the Wisconsin Statutes.
- e. Municipal utility buildings.
- f. Home occupations and professional offices in compliance with section 66.16 (b)

66.32 Conditional Uses and Structures

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Home occupations and professional offices in homes in compliance with section 66.16(c).
- b. Parks.
- c. Single-family planned residential development.
- d. Utility lines.
- e. Uses customarily incident to the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- f. Any permitted use or conditional use in this zoning district, not complying with the area requirements of sections 66.33-66.36 but such uses, nevertheless, may be allowed in this district provided that due consideration is given to location, development and operation of such uses.

g. Tourist rooming houses. Tourist rooming houses provided that all of the following conditions apply:

1. The rental of the premises is for periods of at least 7 days.
2. The owner of the premises holds a permit issued pursuant to Ch 35.
3. The premises have a barrier on the side and rear yards of the property to restrict entry to neighboring properties.
4. The premises have on-site parking for the maximum permitted occupancy that is in compliance with the requirements of Chapter 35 and 58.
5. The premises shall be not less than 500 feet from another tourist rooming house.

66.32 (g) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

66.33 Lot Area and Lot Width Requirements

- a. The following standards shall apply to the permitted uses:
 1. The minimum average lot width shall be sixty (60) feet.
 2. The minimum lot area shall be six thousand (6,000) square feet.
- b. The following standards shall apply to the conditional uses:

1. The minimum lot width shall be seventy-five (75) feet.
2. The minimum lot area shall be ten thousand (10,000) square feet.

66.34 Building Height Requirements

The maximum building height shall be thirty-five (35) feet.

66.35 Setback Requirements

The following standards shall apply to the permitted uses:

- a. The minimum front yard setback shall be twenty (20) feet. However, more restrictive standards may be imposed by state regulations in certain circumstances, for example, on lots fronting on certain classes of state highways.
- b. The minimum rear yard setback for principal buildings shall be twenty (20) feet.
- c. The minimum rear yard setback for accessory buildings shall be four (4) feet.
- d. The minimum side yard setback for principal buildings on pre-existing lots which are sixty-six (66) feet or less in width shall be six (6) feet on each side.
- e. The minimum side yard setback on lots which are more than sixty-six (66) feet in width shall be eight (8) feet on one side and twenty (20) feet total for both sides.
- f. The minimum side yard setback for accessory buildings shall be four (4) feet on each side.

66.36 Floor Area Requirements

The minimum floor area per family for the permitted and conditional uses shall be seven hundred twenty (720) square feet.

Subchapter F Residential (R-2) Single-Family and Multi-Family Residential

66.37 Purpose

It is the purpose of the R-2 district to provide low and medium density single-family and multi-family residential use. It is also intended to provide a quiet, pleasant and safe living area protected from traffic hazards and the intrusion of incompatible uses.

66.38 Permitted Uses

- a. Any use permitted in the R-1 district.
- b. Two-family dwellings.
- c. Seasonal dwellings.
- d. Private garage space for up to three (3) cars for each residential parcel item (a), (b), (c) and (d).
- e. Accessory buildings.
- f. Municipal utility buildings.

66.39 Conditional Uses

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Any conditional use allowed in the R-1 district.
- b. Multi-family units, consisting of apartment buildings, condominiums, cooperatives, planned unit developments and residential construction of any type consisting of three or more residential type units are admitted if a permit is issued upon the terms and conditions provided for in Subchapter J.
- c. Private garage space for more than three (3) cars.
- d. Rest homes, charitable institutions; convalescent homes; nursing homes; homes for the care of children, aged and indigent; and similar institutions.
- e. Nursery Schools.
- f. Planned unit developments.
- g. Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.
- h. Water storage facilities and their accessory structures.
- i. Hotels, motels and resorts provided that all of the following conditions apply:
 1. The subject parcel abuts either the Commercial 1 or Commercial 2 district.
 2. The subject parcel is incorporated into and made a part of a parcel which is located in either the C-1 or C-2 District.
 3. The subject parcel and the parcel that is in the Commercial District must be owned by the same person or entity.
 4. All traffic must enter and exit the parcel in the C-1 or C-2 district.
 5. The owner of the subject parcel must grant an open air easement to the Village for a buffer area as is deemed appropriate to accomplish the goals of this Chapter as reasonably determined by the Plan Commission.
- j. Bed and Breakfast establishments licensed by the State of Wisconsin and as defined in 254.61 (1) Wisconsin Stats.
- k. Uses customarily incident to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.
- l. Any permitted use or conditional use in this zoning district which does not meet the area requirements of sections 66.40-66.43 but qualify for a conditional use permit pursuant to the provisions of Article III of this Chapter.
- m. Tourist rooming houses.** Tourist rooming houses provided that all of the following

conditions apply:

1. The rental of the premises is for periods of at least 7 days.
2. The owner of the premises holds a permit issued pursuant to Ch 35.
3. The premises have a barrier on the side and rear yards of the property to restrict entry to neighboring properties.
4. The premises have on-site parking for the maximum permitted occupancy that meets the requirements of Chapter 35 and 58.

66.39 (m) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

66.40 Lot Area and Lot Width Requirements

- a. The following standards shall apply to the permitted uses established after the effective date of this chapter:
 1. The minimum lot width for single family uses shall be sixty (60) feet.
 2. The minimum lot area for one residence shall be six thousand (6,000) square feet.
 3. The minimum lot width for duplexes shall be one hundred (100) feet.
 4. The minimum lot area for duplexes shall be ten thousand (10,000) square feet.
- b. The following standards shall apply to the conditional uses:
 1. The minimum lot width shall be One hundred (100) feet.
 2. The minimum lot area per one and two-family buildings shall be Ten thousand (10,000) square feet.
- c. No lot existing at the time of enactment of this section may be divided or combined without a conditional use permit
- d. All lawful uses in effect prior to the effective date of this chapter shall be subject to the regulations in effect at the time the use was created.

66.41 Building Height Requirements

- a. The maximum building height for the permitted uses shall be thirty-five (35) feet.
- b. The maximum building height for the conditional uses shall be forty-five (45) feet, excluding publicly owned water storage facilities.

66.42 Setback Requirements

- a. The following standards shall apply to the permitted uses:
 1. The minimum front yard setback shall be twenty (20) feet. However, more restrictive standards may be imposed by state regulations in certain circumstances, for example, on lots fronting on certain classes of state highways.
 2. The minimum front yard setback in Dells Manor Unit #1 subdivision shall be ten (10) feet.
 3. The minimum rear yard setback for principal buildings shall be twenty (20) feet.
 4. The minimum rear yard setback for accessory buildings shall be four (4) feet.

5. The minimum side yard setback for principal buildings on pre-existing lots which are sixty-six (66) feet or less in width shall be six (6) feet on each side.
 6. The minimum side yard setback on lots which are more than sixty-six (66) feet in width shall be eight (8) feet on one side and twenty (20) feet total for both sides.
 7. The minimum side yard setback for accessory buildings shall be four (4) feet on each side.
 8. The minimum front yard setback for properties bordering on North Burritt and Clara Avenue shall be 35 feet.
- b. The following standards shall apply to the conditional uses:
1. The minimum front yard setback shall be thirty (30) feet except for properties bordering North Burritt and Clara Avenue where the minimum front yard setback shall be thirty-five (35) feet. However, more restrictive standards may be imposed by state regulations in certain circumstances, for example, on lots fronting on certain classes of state highways.
 2. The minimum rear yard setback for principal buildings shall be twenty-five (25) feet.
 3. The minimum rear yard setback for accessory buildings shall be four (4) feet.
 4. The minimum side yard setback for principal buildings shall be fifteen (15) feet on each side.
 5. The minimum side yard setback for accessory buildings shall be four (4) feet on each side.

66.43 Floor Area Requirements

The minimum floor area per dwelling unit shall be seven hundred twenty (720) square feet.
Subchapter G Residential (R-3) Mobile Home District

66.44 Purpose

It is the purpose of the R-3 district to provide for the development of properly located and planned facilities for mobile homes. It is recognized that such areas should be carefully located and designed to meet the needs of the residents and to achieve a satisfactory relationship to adjoining and nearby property. It is also intended to provide a quiet, pleasant and safe living area protected from traffic hazards and the intrusion of incompatible uses.

66.45 Permitted Uses

Mobile Home Park operating under a permit issued by the State of Wisconsin Department of Commerce.

66.46 Conditional Uses

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Any use allowed as a permitted or conditional use in the R-1 and R-2 Districts.

- b. General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous food stores, including candy, nut and confectionery stores and dairy product and ice cream stores.

66.47 Site Area and Site Width Requirements

Site size requirements for all uses in the R-3 District shall be as follows:

- a. Minimum lot area per Mobile Home Park shall be ten (10) acres.
- b. Minimum lot width per mobile home site in a Mobile Home Park shall be sixty (60) feet.
- c. Minimum lot area per mobile home site in a Mobile Home Park shall be six thousand (6000) square feet.

66.48 Building Height Requirements

The maximum building height shall be thirty-five (35) feet.

66.49 Setback Requirements

The following standards shall apply to all the permitted uses:

- a. The minimum front yard setback for Mobile homes in Mobile home parks shall be eighteen (18) feet from a public street and ten (10) feet from a private street.
- b. The minimum rear yard setback for principal buildings shall be ten (10) feet, except for those sites where the rear yard abuts on the green buffer area, in which the set back shall be zero (0) feet.
- c. The minimum rear yard setback for accessory buildings shall be four (4) feet.
- d. The minimum side yard setback for principal buildings shall be six (6) feet, with the sum of the two side yards is a minimum of twenty (20) feet.
- e. The minimum side yard setback for accessory buildings shall be four (4) feet on each side.

66.50 Floor Area Requirements

The minimum floor area for each site shall be four hundred (400) square feet.

66.51 Other Requirements for Mobile Home Parks

- a. All drives, parking areas and walkways shall be hard-surfaced.
- b. It shall conform to the requirements of 42 U.S.C. §§ 5401 et seq. and Comm. 95 of the Wisconsin Administrative Code.

Subchapter H Commercial District (C-1)

66.52 Purpose

It is the purpose of the C-1 District to provide an area for the business and commercial needs of the community and to provide an area for those businesses and commercial activities which have to do with motor vehicles or highway transportation, or which provide goods or services

primarily to travelers on a highway, or for which location adjacent to a major thoroughfare or highway is a compelling practical consideration, or for which it is especially appropriate, because of a need for large areas or for some other reasons, to be located adjacent to a major thoroughfare or highway.

66.53 Permitted Uses. The following are permitted uses in this District:

- a. Accounting, auditing and bookkeeping firms or services.
- b. Advertising agencies, news agencies, and employment agencies.
- c. Barber shops, beauty shops, and hairdressers.
- d. Banks and other financial institutions.
- e. Bicycle shops, including facilities for the repair of non-motorized bicycles only.
- f. Billiard and pool establishments.
- g. Book and stationery stores, news dealers and newsstands.
- h. Camera and photographic supply stores; photographic studios and commercial photography establishments.
- i. Commercial parking lots, parking garages, and parking structures.
- j. Commercial sports clubs, athletic fields, arenas, skating rinks, bowling alleys, and similar facilities.
- k. Construction firms and construction equipment storage; establishments which rent or lease construction equipment, floor sanding and waxing machines, ladders, scaffolds, tools, chairs, or other furniture or types of machines or equipment. Also, establishments for the sale or storage of lumber or other building materials.
- l. Dealers in new and used passenger automobiles and trucks; establishments engaged in daily or extended term rental or leasing of passenger automobiles, limousines, trucks, truck trailers, or utility trailers;
- m. Dealers in plumbing, heating and air-conditioning equipment.
- n. Department stores, variety stores, general merchandise stores, clothing stores and shoe stores, excepting clothing stores which produce custom made clothing for customers on the premises.
- o. Drug stores and pharmacies.
- p. Duplicating, blueprinting, photocopying, addressing, mailing, mailing list and stenographic services.

- q. Establishments engaged in the retail sale of automobile travel trailers, Manufactured homes or campers, or in the daily or extended term rental or leasing of house trailers, Manufactured homes or campers when such use is not on the premises.
- r. Establishments engaged in the sale, servicing, repairing, testing, demonstration or other use of electrical household appliances, including washing machines, vacuum cleaners, dishwashers, irons, toasters, or similar household appliances, refrigeration or air conditioning appliances of equipment; provided further, specifically, that areas and facilities for operating, repairing, loading, unloading and storage of such appliances or equipment shall be provided in a manner which affords no nuisance of obstruction, or of discharge of unpleasant or harmful vapors or liquids, or of unsightly conditions to the public.
- s. Establishments or facilities for the sale, service, repair, testing, demonstration or other use of motor boats, other watercraft, marine supplies, motors for watercraft or their components, motorcycles, motorized bicycles, go-karts, snowmobiles, aircraft or other motorized vehicles or their components.
- t. Establishments for the washing, cleaning or polishing of automobiles, including self-service car washes.
- u. Farm and garden equipment dealers, including power mowers; hay, grain, feed, and farm and garden stores; hardware and electrical supply stores.
- v. Florist shops, greenhouses and nurseries.
- w. Furniture, home furnishings, floor-covering, paint, glass, and wallpaper stores.
- x. General grocery stores, supermarkets, fruit and vegetable stores, meat and fish stores, and miscellaneous food stores, including candy, nut and confectionery stores and dairy product and ice cream stores.
- y. Watch, clock, and jewelry stores and repair services.
- z. Liquor stores
- aa. Motion picture theaters, including drive-in theaters.
- bb. Offices of insurance companies, agents, brokers and service representatives.
- cc. The offices of governmental agencies and post offices.
- dd. The offices, meeting places and premises of professional membership associations, civic, social and fraternal associations, business associations, labor unions and similar labor organizations, political organizations, religious organizations, charitable organizations, or other non-profit membership organizations.

- ee. Offices of real estate agents, brokers, managers and title companies.
- ff. Private and public golf and country clubs; golf and baseball driving ranges, archery ranges, and miniature golf courses.
- gg. Professional, scientific or educational firms, agencies, offices or services, including engineering and architectural firms or consultants, law offices, and the offices of physicians and surgeons, dentists and dental surgeons, osteopathic physicians and chiropractors.
- hh. Public transportation passenger stations, taxi cab company offices, taxicab stands.
- ii. Retail bakeries, including those which produce some or all of the products sold on the premises, but not including establishments which manufacture bakery products primarily for sale through outlets located elsewhere or through home delivery service.
- jj. Retail laundry and dry cleaning outlets, including laundering and dry cleaning plants, coin-operated laundries and dry cleaning establishments, commonly called Laundromats and laundrettes. Garment pressing establishments, hand laundries or hat cleaning and blocking establishments, tailor shops, dressmaker shops, garment repair shops, and shoe repair shops.
- kk. Restaurants, lunchrooms and other eating-places, including drive-in type establishments.
- ll. The sale, service, repair, testing, demonstration or other use of radios, television sets, high-fidelity sound equipment, electronic amplifiers, stereophonic sound systems, musical instruments or other such devices.
- mm. Sporting goods stores.
- nn. Stores for the sale of tires, batteries or other automotive accessories.
- oo. Summer resorts, winter resorts, tourist cottages or cabins; hotels, motels, bed and breakfasts; commercial camping and tenting areas, ski lodges and resorts, dude ranches, vacation farms, fishing camps, children's camps and similar establishments.
- pp. Telephone and telegraph offices.
- qq. Tourist-oriented retail shops, including gift, novelty, souvenir and curio shops, antique and secondhand stores.
- rr. Tobacco and smokers' supplies stores.
- ss. Wholesale merchandise establishments.

- tt. Uses customarily incident to any of the above uses.

66.54 Conditional Uses

The following are permitted as conditional uses in the C-1 District; provided that no nuisance shall be afforded to the public through noise, the discharge of exhaust gases from motor-driven equipment, unpleasant odors, smoke, steam, harmful vapors, noxious materials, creation of traffic hazards, or other conditions generally regarded as nuisances; and provided that where operations which are necessary or incidental to the proper performance of these services or occupations would tend to afford such nuisances, areas, facilities, barriers or other devices shall be provided in such a manner that the public is effectively protected from any and all such nuisances. These uses shall be subject to the approval of the Plan Commission and the Village Board.

- a. Amusement parks, indoor recreational facilities and any use subject to Chapter 21 not specifically identified as a permitted use in section 66.53 above.
- b. ~~Any building height over forty five (45) feet, it being understood that any such construction shall have prior approval as to plans and specifications by the state agency having jurisdiction over such construction.~~ 66.54 (b) Repealed by Ordinance 19-002
Passed 3/13/2019 Published 3/23/2019
- c. Circuses, carnivals, musical or theatrical performances, public lectures, religious or evangelical meetings, or other similar public functions which are customarily held for short periods of time, which are customarily held in temporary structures, tents, or in the open air, and for which admission is required or a collection in lieu of admission charge is required.
- d. Dealers in coal, wood fuel, and ice.
- e. Dealers in liquefied petroleum gas (bottled gas).
- f. Establishments or facilities for the rental, of motorcycles, motorized bicycles, go-karts, mopeds, scooters, Segway's, golf cart, neighborhood electric vehicles, all-terrain vehicles, powered skateboards, bicycles, snowmobiles, aircraft, motorboats or other watercraft. Establishments for the sale or rental of all-terrain vehicles or utility vehicles shall not be located on or have direct access to Wisconsin Dells Parkway (USH 12) or Munroe Avenue (STH 23) or any village street that is not a designated ATV/UTV route. 66.54 (f) modified Ordinance 21-001 Passed: 4/12/2021 Published: 4/22/2021
- g. Establishments primarily engaged in renting locker space for the storage of food products, including refrigerated storage of food products, and including those establishments which provide services or facilities for processing, preparing or packaging food for such storage.
- h. Fuel oil dealers.
- i. Gasoline service stations, provided further that all gasoline pumps, storage tanks and accessory equipment must be located at least thirty (30) feet from any

existing or officially proposed street line and establishments engaged in general and specialized automobile repairs, tire repairs, and automobile painting.

- j. Motor carrier facilities.
- k. Riding stables and riding schools.
- l. Stockyards, or any establishment providing public facilities for receiving, shipping, loading, unloading, weighing, or feeding livestock temporarily held either pending sale or while in transit.
- m. Nightclubs, taverns, bars and premises operating pursuant to Class B liquor licenses.
- n. Teen bars and other places of gathering for teenagers,
- o. Ticket booths. This use shall be subject to the restriction that it shall conform to all chapters of the Village now in effect or hereafter enacted.
- p. Campgrounds and travel trailer parks, specifically parcels of land in which twenty or more spaces are occupied, or intended for occupancy, by travel trailers or “campers,” and for transient dwelling purposes only. This provision shall include by reference the definition of “travel trailer park” and “travel trailer” set forth in Section 1.18 of this Chapter. This use shall be subject to the condition that it shall conform to all chapters of the Village and of Sauk County regulating travel trailers and travel trailer parks; to the Wisconsin Administrative Code, Chapter HSS 178, “Campgrounds and Camping Resorts,” and to any Shoreland Protection Chapter enacted pursuant to sec. 59.692, Wis. Stats., “Zoning of Shorelands on Navigable Waters.”
- q. Veterinarians’ offices and facilities, and boarding facilities for domestic animals.
- r. Warehouses.
- s. Commercial horse, dog and snowmobile racetracks.
- t. Adult Entertainment Establishments regulated by Chapter 31 of the Village Municipal Code
- u. Commercial and private airports, heliports and helicopter sightseeing operations.
- v. Retail establishments which sell clothing which is customized on site for the customer using embroidery, heat transfer, screen printing or other means to affix a picture, emblem, symbol, photograph or message.
- w. Mixed uses, including but not limited to, the combination of residential and business uses on the same premises.

- x. Boarding houses, lodging houses, rooming houses and dormitories.
- y. A hotel, motel or resort licensed by the State of Wisconsin and operating as such on July 31, 2001 may not be subsequently converted to a residential use except when authorized as a conditional use. No operating hotel, motel or resort may rent rooms for residential use while licensed as a hotel, motel or resort. 66.54 y.; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012
- z. Any multi-family residential use.
- aa. Any permitted use or conditional use in this zoning district which does not meet the area requirements of sections 66.55-66.58 but qualifies for a conditional use permit pursuant to the provisions of Article III of this Chapter.
- bb. Legal non-conforming residential uses. When granted a Conditional Use Permit the premises become re-classified as Commercial Conditional Use. 66.54 bb. Modified and amended by Ordinance 16-014 Passed 12/27/2016 Published 12/31/2016

66.55 Lot Area and Lot Width Requirements

The following standards shall apply to all uses in the C-1 District:

- a. The minimum lot width shall be seventy-five (75) feet. Except that for lots created after the effective date of this ordinance the minimum lot width shall be two hundred (200) feet.
- b. There is no minimum lot area requirement for lots created prior to the effective date of this ordinance. For lots created after the effective date of this ordinance the minimum lot area shall be one (1) acre.

66.56 Building Height Requirement

The maximum building height shall be seventy-five (75) feet. 66.56 by Ordinance 19-002 Passed 3/13/2019 Published 3/23/2019

66.57 Setback Requirements

- a. The minimum front and rear yard setback shall be twenty (20) feet, excepting that Blocks 37 and 44, Village, fronting on West Monroe Avenue, shall have no setback requirement.
- b. The minimum side yard requirements shall be six (6) feet on one side and twenty (20) feet total for both sides for principal buildings and four (4) feet on each side for accessory buildings. However, Blocks 37 and 44, Village, fronting on West Monroe Avenue, shall have no setback requirement.
- c. The minimum side yard requirements in (b) above are conditioned on the requirement that any overhang of a building shall not extend over the lot line of the property on which it is built.

66.58 Floor Area Requirement

There shall be no minimum building area requirement.

66.59 Architectural Review. Prior to initiating construction on any parcel in the District, the owner shall submit plans and specifications for architectural review pursuant to the provisions of Chapter 61 of the Village Municipal Code.

66.60 Landscaping. Prior to initiating construction on any parcel in the District, the owner shall submit plans and specifications for landscaping review pursuant to the provisions of Chapter 61 of the Village Municipal Code

Subchapter I Waterfront Commercial District (WC)

66.61 Purpose

It is the purpose of the WC District to provide an area generally fronting on bodies of water for those residential and commercial activities related to aquatic recreation and enjoyment, or for which location adjacent to a lake or river is a compelling practical consideration.

66.62 Permitted Uses

- a. Single-family and two-family dwellings.
- b. Seasonal dwellings exclusively occupied as residential.

66.63 Conditional Uses

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Amusement parks.
- b. Snowmobile rentals, boat liveries, including boat storage, sale of boats, motors, fuel, marine supplies and the servicing of boats and motors, but not the manufacture of boats or motors.
- c. Telephone buildings, exchanges, lines and transformer stations, but excepting service garages and storage yards.
- d. Water storage facilities and their accessory structures.
- e. Commercial camping and tenting areas, vacation farms, fishing camps and similar establishments.
- f. Boat launching areas.
- g. Sale of bait and sporting goods and supplies.
- h. Hotel, motels, tourist camps, tourist rooming houses, tourist cabins, tourist cottages, resorts, and all properties subject to regulation under subchapter VII of Chapter 97 Wis. Stats. 66.63 (h) modified Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

- i. Commercial sports clubs, athletic fields, arenas, and similar facilities.
- j. Golf or baseball driving ranges, archery ranges, miniature golf courses, and similar facilities.
- k. Restaurants, lunchrooms and other eating places, except drive-in type establishments.
- l. Nightclubs, taverns, bars and other drinking places.
- m. Retail shops, including souvenir and curio shops.
- n. Dockominiums.
- o. Boarding houses, lodging houses, rooming houses and dormitories or any building for transient occupancy.
- p. Multi-family units, consisting of apartment buildings, condominiums, cooperatives, planned unit developments and residential construction of any type consisting of three or more residential-type units are admitted if a permit is issued upon the terms and conditions provided for in Subchapter J.
- q. Any permitted use or conditional use in this zoning district which does not meet the area requirements of sections 66.64-66.67 below but qualify for a conditional use permit pursuant to the provisions of Article III of this Chapter.
- r. Condominium developments of three (3) or more units
- s. The combining or division of any platted lot or parcel originally created prior to the effective date of this ordinance.
- t. Single family and two-family dwellings operating as tourist rooming houses if all of the following conditions apply:
 - 1. The rental of the premises is for periods of at least 7 days.
 - 2. The owner of the premises holds a permit issued pursuant to Ch 35.
 - 3. The premises have a barrier on the side and rear yards of the property to restrict entry to neighboring properties. For lake front premises the barrier shall be on the two side yards.
 - 4. The premises have on-site parking for the maximum permitted occupancy in compliance with the requirements of Chapters 35 and 58.

66.63 (t) modified Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020

66.64 Lot Area and Lot Width Requirements

The following standards shall apply to all uses in the WC district:

- a. The minimum lot width for single family uses shall be sixty (60) feet except that the minimum width of lots and parcels created after the effective date of this ordinance shall be one hundred (100) feet.

- b. The minimum lot width for duplexes and conditional uses shall be one hundred (100) feet
- c. The minimum lot area for duplexes and conditional uses shall be ten thousand (10,000) square feet
- d. Lots and parcels shall not be combined, or divided, without a conditional use permit.
- e. For purposes of this section Lot width shall be measured from at the setback line from the water.

66.65 Building Height Requirements

- a. The maximum building height for permitted uses shall be thirty-five (35) feet.
- b. For conditional uses building height shall be not exceed four (4) stories.

66.66 Setback Requirements

- a. For permitted uses the following setback requirements apply:
 - 1. The minimum front yard setback shall be twenty (20) feet.
 - 2. The minimum rear yard setback shall be twenty (20) feet.
 - 3. The minimum side yard setback for permitted uses for principal buildings shall be six (6) feet on one side and twenty (20) feet total for both sides.
- b. For conditional uses the setback requirements apply:
 - 1. The minimum front yard setback shall be thirty (30) feet.
 - 2. The minimum side yard setback for conditional uses for principal buildings shall be equal to the ten per cent (10%) of the lot width or a total of twenty (20) feet whichever is greater. The minimum side yard setback shall be six (6) feet.
 - 3. The minimum side yard setback for accessory buildings shall be ten (10) feet.
 - 4. Under proper circumstances the village board may expand or reduce the setbacks, as it deems necessary to accomplish the intent of this ordinance.
- c. No building or structure shall be constructed and no existing buildings or structures shall be constructed or altered in such a way that any portion thereof will be within twenty (20) feet of the ordinary high water mark for permitted uses and thirty (30) feet for conditional uses. For buildings consisting of four (4) stories, the set back shall be forty (40) feet.

66.67 Floor Area Requirements

- a. The minimum building area for one- and two-family residential structures shall be seven hundred twenty (720) square feet per unit.
- b. There shall be no minimum building area requirement for commercial structures.

66.68 Tree Cutting and Shrubbery Removal

- a. **Purpose.** Trees are declared to be beneficial public resources. The intent and purpose of this regulation is to preserve the beauty and character of the shoreline of Lake Delton, and to maintain property values by improving and preserving the aesthetic appeal of Lake Delton through tree regulations, to preserve the natural resources of the Village and to reduce the amount of erosion due to tree removal, to protect the quality of the waters of the Village of Lake Delton and to protect the health, safety and welfare of the people by minimizing the amount of sediment and other pollutants carried by run off to surface waters due to the erosion of land not protected by a naturally wooded environment. These provisions shall not apply to the removal of dead or dying trees at the discretion of the landowner, or to silvicultural thinning upon recommendation of a forester.

- b. **Definitions.** Clear Cutting: Removal of all trees and shrubbery. Preservation area: a strip paralleling the shoreline and extending twenty-five (25) feet inland from all points along the ordinary high water mark of the shoreline; Replacement Tree: A tree of at least 1-1/2" diameter that survives one year after planting. It should be similar in type to the tree it is intended to replace.

- c. **Clear Cutting Restricted.** Tree-cutting and shrubbery removal in a strip paralleling the shoreline and extending twenty-five (25) feet inland from all points along the ordinary high water mark of the shoreline shall be limited in accordance with the following provisions:

No more than thirty (30) feet in any one hundred (100) feet shall be clear-cut. Where the shoreline is less than one hundred (100) feet, no more than 30% of this strip shall be clear-cut. Provided, further, that cutting of this 30% shall not create a clear cut opening in the strip greater than thirty (30) feet wide in any one hundred (100) feet of the shoreline (measured along the ordinary high water mark).

- d. **Erosion Control.** Natural shrubbery shall be preserved as far as practicable and where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. Any path, road or passage within the twenty-five (25) foot area shall be constructed and surfaced so as to effectively control erosion.

- e. **Variances.** A variance to the provisions of this ordinance may be permitted by the Zoning Board of Appeals subject to the provisions of Article V of this ordinance. An applicant for a variance under this section shall provide the following information to the Zoning Board of Appeals along with the application: Location of all structures and parking, gradient of the land, existing vegetation and the reasons for the proposed cutting.

In addition to the criteria established by Article V of this Ordinance, the Zoning Board of Appeals shall consider the following factors in determining whether or not to issue a variance:

1. Will not cause undue erosion.

2. Will not destroy the scenic beauty and will provide substantial shielding from the water of structures and parking areas.
 3. The board may condition such a permit upon the planting of replacement trees by the landowner.
- f. **Permits for Tree Removal.** Trees removed in excess of the above reasons will require a tree removal permit. Permits shall be issued by the Building Inspector upon application by the landowner or agent of the landowner. The Village Board shall establish a permit fee to be paid upon filing of the application. Conditions under which a permit may be issued include, but will not be limited to the following:
1. The tree is dead, dying or diseased, or the tree is damaged or injured to the extent that it is likely to die or become diseased.
 2. The removal of the tree will enhance the health of the remaining trees.
 3. The removal of the tree is consistent with good arboriculture practices.
- g. **Penalties.** Any person, agent, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$100.00 for the first offense, with a deposit required of \$100.00 and not more than \$500.00 for the second offense, with a deposit of \$500.00, and the costs of prosecution. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the county jail of Sauk County, Wisconsin, until the forfeiture and costs are paid, but not exceeding thirty (30) days for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. In addition, a replacement tree shall be planted to replace all trees removed contrary to the provisions of the ordinance.
- h. **Sauk County Shoreland Protection Ordinance.** The provisions of this Section IX of Subchapter I shall apply to those areas that were part of the Village before May 1, 1982. All areas of the Village annexed subsequent to that date are governed by the Sauk County Shoreland Protection Ordinance.

Subchapter J Rules that Apply in any District Where Multi-Family Use Exists

66.69 Purpose

It is the purpose of these rules to control certain types of multiple residential developments in order to ensure adequate police and fire protection to ensure the availability of adequate sewer and water facilities, to provide for the orderly development of the Village, and to promote the health, safety and welfare of the residents of the Village.

66.70 Definitions

For the purposes of determining land use intensity (LUI), the following definitions shall apply:

- a. **Land Area (LA).** Land area for LUI computations is the total area of the parcel being developed.
- b. **Building Area (BA).** Building area is the total land covered by residential buildings, measured horizontally from the faces of the exterior walls (or the

exterior lines of omitted walls) at main grade level. Entrance platforms, steps and terraces are not countable as a building area.

- c. **Floor Area (FA) and Floor Area Ratio (FAR).** Floor area is the total floor area for residential use on all floors of a building or buildings, measured from the outside faces of the exterior walls, including walls, lobbies, stairways, elevator shafts, enclosed porches, balconies and below grade floor areas used for habitation and residential access. Floor area does not include: (1) open terrace, patio, atrium or balcony; (2) carport, garage, breezeway or tool shed; (3) special purpose areas for the common use of all the occupants, such as recreation room or social hall; (4) staff space for therapy or examination in care housing; (5) basement spaces not used for living accommodations; or (6) any commercial or other non-residential space. The floor area ratio (FAR) times the land area (LA) equals the maximum amount of floor area (FA) acceptable for the development of a property. $FAR \times LA = FA$, or $FAR = FA/LA$.
- d. **Open Space (OS) and Open Space Ratio (OSR).** Open space is the sum of the uncovered open space and one half (1/2) of the covered open space. Uncovered open space is the horizontal area of the site not covered by building area (BA), plus open exterior balconies and roof area improved as recreational space (RS). Covered open space (COS) is the usable open space that is closed to the sky, having two clear unobstructed open or partially opened sides (minimum fifty percent (50%) open). The square foot amount countable as covered open space may not exceed the square foot amount of the open sides. Examples: covered balconies, covered portions of improved roof area or spaces under buildings supported by posts, columns or cantilevers. The open space ratio (OSR) times the land area (LA) equals the minimum amount of open space acceptable for the development of a property. $OSR \times LA = OS$, or $OS/LA = OSR$.
- e. **Livability Space (LS) and Livability Space Ratio (LSR).** Livability space is nonvehicular open space, including lawns, planting space, walks, paved terraces and sitting areas. No paved areas for car traffic or parking can be included as livability space. The livability space ratio (LSR) times the land area (LA) equals the minimum amount of livability space acceptable for the development of a property. $LSR \times LA = LS$, or $LS/LA = LSR$.
- f. **Recreation Space (RS) and Recreation Space Ratio (RSR).** Recreation space is a public or private exterior area improved for recreation and available to all residents; having a least dimension of thirty (30) feet, and a minimum total area of two thousand(2,000) square feet in projects totaling less than two (2) acres, six thousand (6,000) square feet in projects totaling two (2) to three (3) acres, and ten thousand (10,000) square feet in projects with three (3) or more acres. Countable recreation space shall be a minimum of twenty (20) feet from any residential wall containing a window on the ground floor. No improvement within twenty-five (25) feet of the ordinary high water mark shall be included in recreation space. The recreation space ratio (RSR) times the land area (LA) equals the minimum amount of recreation space acceptable for the development of a property. $RSR \times LA = RS$, or $RS/LA = RSR$.

66.71 Permits

In addition to all other applicable provisions of this Chapter 66, all apartment buildings, condominiums, cooperatives, planned unit developments and residential construction of any type consisting of three or more residential-type units shall be subject to the provisions of this subchapter. In addition all development in the Waterfront Commercial District other than single-family residence or duplexes, and all re-plats, divisions or combination of lots are subject to the provisions of this subchapter. Conditional Use Permits shall be required for such developments and shall be issued only upon the terms and conditions hereafter provided for in this Subchapter. In the event of a conflict between the provisions of this subchapter and any other section of the Village Municipal Code the more restrictive provision applies.

66.72 Plans

Plans and a scale map shall be filed with the Village Clerk, which plans and scale map shall indicate the following:

- a. Name and address of owner.
- b. Name and address of designer/engineer.
- c. Names of adjoining property owners.
- d. Legal description of property.
- e. Present zoning classification.
- f. Location of property lines.
- g. The location of existing and proposed public and private roads, walkways and parking facilities.
- h. The location of existing and proposed utilities
- i. Grading plan and storm drainage system.
- j. Building setbacks and dimensions.
- k. The location and treatment, including landscaping, of open space areas and recreational or other special amenities.
- l. A construction schedule indicating the approximate dates when construction of the project can be expected to begin and be completed.
- m. Agreements, by-laws, provisions or covenants that govern the organizational structure, use, maintenance and continued protection of the development in any of its common services, common open areas or other facilities.
- n. For purposes of determining land use intensity, the following items as defined herein shall also be furnished:

1. Land Area (LA)
 2. Building Area (BA)
 3. Floor Area (FA)
 4. Floor Area Ratio (FAR)
 5. Open Space (OS)
 6. Open Space Ratio (OSR)
 7. Livability Space (LS)
 8. Livability Space Ratio (LSR)
 9. Recreation Space (RS)
 10. Recreation Space Ratio (RSR)
 11. Such other information as the Building Inspector shall determine necessary to evaluate the project.
- o. Any maps, plans or documents required under Chapter 61.

66.73 Standards

In all such developments, the following standards shall be met in addition to any other restrictions imposed by this Zoning Chapter:

- a. **Environmental Preservation.** The location and orientation of all improvements, shall, whenever feasible, preserve natural features by minimizing the disturbance to the physical environment. Natural features such as trees, water ways, historic landmarks or slopes shall be delineated in the development plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, play areas, parking areas and finished grade elevations. The provisions of Section IX of Subchapter I of this Chapter are applicable to all developments under this subchapter.
- b. **Trash Collection.** Trash collection areas shall be provided within two hundred fifty (250) feet of the units they are designated to serve. Such areas shall be enclosed within a building or screened with walls having a minimum height of five (5) feet.
- c. **Buffer Strip.** The developer shall provide landscaped and land sculptured buffer strips along borders of the property not abutting upon a navigable waterway. Said buffer strips shall contain no structural improvements other than signs in conformity with Village chapters and shall not be paved, blacktopped or finished in any other unnatural surface except as necessary for reasonable access to the rest of the development. Said buffer strips shall have minimum widths as follows:
 1. Street - twenty (20) feet
 2. Side lot - ten (10) feet
 3. Rear lot - twenty (20) feet
 4. Front lot - twenty (20) feet
- d. **Set back from waterway.** No structure, including any buildings, decks, garages, gazebo, tents, screen houses, or any man-made structure above grade level, gazebos etc or other roofed improvement shall be located within thirty (30) feet from the ordinary high water mark of any navigable body of water.

- e. **Land use intensity.** Projects shall comply with the following land use criteria:

Development	Floor Area Ratio (FAR) Maximum	Open Space Ratio (OSR) Minimum	Livability Space Ratio (LSR) Minimum	Recreation Area Space Ratio (RSR) Minimum
Single Story	.264	.74	.48	.042
2-story	.303	.73	.46	.046
3-4 story	.566	.71	.40	.062

- f. Adjusted Floor Area for Walk-up Apartments. The floor area (FA) for units with individual exterior entrances and without interior common hallways shall be increased by eleven percent (11%) before computing the FAR, to allow approximately ten percent (10%) of the total floor area for common use halls, stairways, etc.
- g. Adjustment for Mixed Projects. Projects with a mix of building types shall be subject to proration of the above criteria based upon the number of units in each category.

66.74 Architectural and Landscape review.

The owner shall submit plans and specifications for architectural and landscaping review pursuant to the provisions of Chapter 61 of the Village Municipal Code.

66.75 Procedure

- a. All applications for permits shall first be reviewed by the Building Inspector.
- b. Following review by the Building Inspector, the application shall be submitted to the Village Board with the recommendation that it be approved as submitted, approved with modifications, or disapproved.
- c. The Village Board may approve the plan and authorize the development to proceed accordingly or disapprove the plan and send it back with specific objections. Any approval shall be conditioned upon compliance and conformity with all plans and specifications submitted and approved by the Board.
- d. Minor changes in the location, siting, or character of buildings and structures may be authorized by the Building Inspector, if required by engineering or other circumstances not foreseen at the time the application was approved. No change authorized by the Building Inspector under this section may increase the size of any building or structure by more than 10%, nor change the location of any building or structure by more than ten (10) feet in any direction; provided, notwithstanding anything in the foregoing, the Building Inspector may not permit changes beyond the minimum or maximum requirements set forth in this Chapter. All other changes in the project, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a permit.

66.76 Variance

This Chapter is established for the purpose of regulating land use density in a manner that will give developers flexibility while retaining controls designed to enhance the aesthetics and safety of the community. It is understood that the rules imposed by this or any Chapter regulating complex development must allow for certain flexibility beyond strict enforcement of those rules. For that reason it is declared to be the policy of this municipality to grant variances from the strict enforcement of this Chapter in cases where the regulatory and aesthetic purposes of this Chapter are shown to be met despite lack of strict compliance with the rules established. The Village Plan Commission with the approval of the Village Board shall be the body designated to determine the granting or refusal of variances hereunder.

66.77 Term of Permit

Any permit granted hereunder shall lapse and be of no further effect in the event construction has not begun within one year from approval by the Village Board. The Village Board may, upon showing of good cause, extend the time for beginning construction for periods of up to one year. Any permit granted hereunder shall lapse and be of no further effect in the event that the Village Board does not substantially complete the project within two years of its approval. If the project is to be developed in stages, each stage must be substantially completed within two years of the time provided for the start of construction of such stage according to the construction schedule submitted with the application for permit. The Village Board may, upon showing of good cause, extend the time for substantial completion for periods of up to one year.

66.78 Future Modification

Any area designated and established as “open space,” “livability space” or “recreation space” in a project for which a permit has been granted, shall not be changed or modified in such fashion as to alter the classification of such area without first obtaining a permit for such alteration in the same manner as the permit for the original project was obtained. Such permit shall be given only in the event that the Village Board determines that any such proposed change shall enhance the aesthetic value of the project or shall be necessary because of circumstances not foreseen at the time of original project application.

Subchapter K Industrial District (I)

66.79 Purpose

The purpose of the K District is to provide an area for manufacturing and industrial activities and for uses which present special problems or hazards. Its purpose is also to provide an area for a variety of uses which require large installations, facilities or land areas, or which would create or tend to create conditions of public or private nuisance, hazards, or other undesirable conditions, or which for these or other reasons may require special safeguards, equipment, processes, barriers, or other forms of protection, including spatial distance, in order to reduce, eliminate or shield the public from such conditions.

66.80 Permitted Uses

No uses are permitted as a matter of right within this district.

66.81 Conditional Uses

The following are permitted as conditional uses within this district. All such uses shall be subject to the consideration and approval of the Plan Commission with regard to such matters as the

creation of nuisance conditions for the public or for users of nearby areas, the creation of hazards to health or safety, or other factors affecting the general welfare.

- a. A dwelling unit provided for a caretaker or superintendent in the case of an industrial use, which requires constant supervision.
- b. Other industrial or commercial activities which possess the special problem characteristics described above relating to the creation of hazards or nuisance conditions.
- c. Manufacturing establishments, usually described as factories, mills or plants in which raw materials are transformed into finished products, and establishments engaged in assembling component parts or manufactured products.
- d. The outdoor storage of industrial products, machinery, equipment, or other materials, provided that such storage be enclosed by a suitable fence or other manner of screening.
- e. Railroads, including rights-of-way, railroad yards and structures normally incident to the operation of railroads, including station houses, platforms, and signal towers, but not including warehouses owned by companies other than a railroad company or railroad terminal companies.
- f. Uses customarily incident to, or similar to the above uses.
- g. Aircraft landing fields, hangars, or accessory structures.
- h. Any use permitted in any Commercial District.
- i. Shopping centers and retail store(s) with a footprint exceeding one hundred thousand (100,000) square feet and/or more than one hundred (100) employees.

66.82 Prohibited Uses

- a. Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt or other paving or road-surfacing materials.
- b. Junk yards.
- c. Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.
- d. Sand or gravel quarries, or facilities for the manufacture or processing of such products as sand, gravel, stone or crushed stone.

66.82 Lot Width Requirements

The minimum lot width shall be one hundred (100) feet.

66.83 Building Height Requirement

The maximum building height shall be forty-five (45) feet.

66.84 Setback Requirements

- a. The following standards shall apply:
 - 1. The minimum front yard setback shall be fifty (50) feet.
 - 2. The minimum rear yard setback shall be fifty (50) feet.

66.85 Reserved

Subchapter L Business Park District (BP)

66.86 Purpose

The purpose of the BP District is to encourage development of and provide a desirable location for industries which are harmonious with, and not constitute a hazard or nuisance to, surrounding areas.

66.87 Permitted Uses

No parcel in the Lake Delton Business Park (hereinafter referred to as “Park”) may be built upon, altered, or occupied for any purpose or use unless said purpose or use has been approved by the Plan Commission and the Village Board. The kinds of uses deemed appropriate by the Village are depicted below. The uses contained herein are for illustrative purposes only. All specific uses must obtain the approvals referenced herein.

- a. Offices, businesses and professional, including:
 - 1. Accounting, auditing, and bookkeeping offices
 - 2. Advertising offices
 - 3. Banks and financial institutions
 - 4. Business associations
 - 5. Business and management consultant offices
 - 6. Chiropractic offices
 - 7. Contractors offices
 - 8. Dental offices
 - 9. Educational and scientific research offices
 - 10. Employment agency offices
 - 11. Engineering and architectural offices
 - 12. Finance offices
 - 13. Insurance offices
 - 14. Investment service office
 - 15. Labor unions
 - 16. Laboratories, with accessory research and testing
 - 17. Legal offices
 - 18. Medical clinics and offices
 - 19. Real estate offices

- b. Manufacturing activities, including:
 - 1. Bicycles
 - 2. Cabinets

3. Cameras
4. Candy
5. Clothing
6. Computers
7. Electrical appliances
8. Electronics components
9. Furniture
10. Generators
11. Glass products
12. Machine shop
13. Machine tools
14. Medical equipment
15. Motors
16. Musical instruments
17. Photographic equipment
18. Plastics products
19. Printing shops
20. Printing and publishing establishments
21. Sporting and athletic equipment
22. Telephone transmission buildings
23. Televisions
24. Toys
25. Transformers
26. Warehouse and mini-storage facilities
27. Wholesale businesses

- c. Uses not explicitly referenced herein which are closely related to those delineated or generally provided an environmentally clean, quiet and safe use are permitted as conditional uses.

66.88 Prohibited Uses

The following uses shall not be permitted in this District:

- a. Abattoirs
- b. Acid manufacture
- c. Cement, lime, gypsum, or plaster of paris manufacture
- d. Drop forge
- e. Explosive/hazardous materials manufacture or storage
- f. Fat rendering
- g. Fertilizer manufacture
- h. Junk yards

- i. Smelting of metals
- j. Stockyards
- k. Tannery

66.89 Lot Area Requirement

The minimum lot area for all parcels in the BP district shall be two (2) acres.

66.90 Setback Requirements

- a. The minimum front yard setback shall be forty (40) feet.
- b. The minimum rear yard setback shall be twenty-five (25) feet.
- c. The minimum side yard setback shall be twenty (20) feet.
- d. Setback areas shall be landscaped except for driveways.
- e. No parking is allowed in setback areas.

66.91 Construction Materials

- a. All buildings constructed within Park shall provide for attractive profiles. Exterior walls may be constructed of wood, brick, architectural concrete masonry units, stone, architectural concrete and pre-cast concrete, glass, enameled or anodized metal. Materials shall be combined with design and color consistent with the harmonious development of the site.
- b. The stark under-designed warehouse look shall be eliminated through the use of sidewall and facade materials, e.g., masonry, metal, wood, concrete and glass, with attractive profiles, textures, and colors. All designs shall provide for the smooth transition between office and light manufacturing building space requirements.
- c. The design of any accessory buildings shall be consistent with the design and materials proposed for the principal building(s).

66.92 Architectural Review

- a. Prior to initiating construction on any parcel in the Park, the owner shall submit plans and specifications for approval by the Plan Commission and the Village Board. The plans and specifications must include the following elements:
 - 1. Building Plans and elevations.
 - 2. A complete site plan depicting all setbacks, parking lots, loading docks, signs, refuse collection systems, general landscaping and circulation patterns, and all exterior lighting proposed for the site.
 - 3. A landscaping plan, accurately depicting the location, number, and type of plantings and/or berms proposed for the site.

- b. The owner shall submit five (5) copies of all documents and plans. All elevations shall be drawn at a minimum of 1/8"-1". All site plans shall be drawn at a scale no smaller than 1"-20', unless otherwise approved by the Village's Engineering Consultant.
- c. Within fifteen (15) days from the date the plans are received by the Village Clerk, the Plan Commission shall meet and review the plans and forward its recommendation, in writing, to the Village Board. Within thirty (30) days of submission of the plans and the recommendation of the Plan Commission, the Village Board shall issue its decision thereon. Plans shall be evaluated considering the provisions of these covenants as well as the general welfare of the Business Park occupants and surrounding property owners.

66.93 Landscaping

The following landscaping requirements shall be adhered to for all developments within the Park.

- a. All developed areas of any lot not used for building, parking, driveways, or storage shall be landscaped with trees, shrubs, berms, and planted ground covers. Areas of the site held or designated for expansion shall be planted with grass and maintained as specified herein. The Plan Commission shall determine the area of the site acceptable for expansion.
- b. It is the owner's responsibility to maintain all landscaping in an attractive and welltrimmed condition at all times. The owner shall also replace any dead or damaged trees or shrubs with a similar species. Any dead or damaged sod shall also be replaced.
- c. A landscaping plan shall be prepared and submitted for approval by the Plan Commission at the plan review stage. All landscaping shall be installed prior to the commencement of business operations, or at the end of the first planting season, whichever is feasible. To insure compliance with these provisions, the owner shall submit a bond in an amount equal to 1-1/2 times the estimated cost of the landscaping as specified in the landscaping plan. The bond will be in a form approved by the Village Attorney. The bond will be refunded to owner upon satisfactory installation of all landscaping elements as specified in the approved landscaping plan.

66.94 Construction

- a. Only such excavation and drilling as are necessary for construction will be allowed. Owner shall plan to minimize erosion, dust, noise, odors, vibrations and other nuisances, which in any way might adversely affect the operation of other park occupants.
- b. During construction, the owner shall clean the working areas each day, shall remove all trash and waste materials, and shall maintain the site in a neat and orderly condition.

- c. All paved Village streets shall be cleaned of construction debris at the end of each day's construction leaving the roads in first-class condition.
- d. The owner shall plan and conduct the site grading and construction to minimize erosion and sediment run-off from the areas.
- e. Combination of berms and barriers to direct surface water around the construction sites together with sedimentation basins with overflow weirs shall be employed wherever practical. Finished areas should be top soiled and seeded as soon as construction and weather conditions will permit, and areas to be paved should likewise be completed without delay. Owner shall submit an erosion control plan for approval.
- f. The owner shall plan and conduct site grading and haul road use to minimize dust nuisance. To this end, calcium chloride or other wetting agent shall be spread as necessary. Water Wagons may also be used to control dust.

66.95 Signs

All signs shall be constructed in accordance with the Village Sign Chapter. In addition to the requirements contained therein, the following requirements shall also apply:

- a. All identity signage not attached to the building shall be set back a minimum of fifteen (15) feet from the property line. Signs shall be incorporated into the landscape plan. Sign material shall be as specified by the Village. Maximum overall size shall not exceed five (5) feet in height or fifty (50) square feet in area.
- b. All identity signage attached to the building shall be incorporated into the building architecture and shall be presented for approval with the architectural plans. Signs may not exceed ten (10) percent of the square feet contained in the wall to which they are affixed. In addition, signs may not extend above the roof parapet line or project more than eighteen (18) inches from the face of the buildings.
- c. Traffic control and directional signage within individual lot developments shall be consistent with the identity signage and submitted for approval with the landscape design.
- d. Traffic control and directional signage within public right-of-ways shall be of the standard type used by the Village and shall be placed by the Village personnel.
- e. Flashing signs are expressly prohibited.

66.96 Outdoor Storage and Display

No outside storage of any kind shall be permitted unless such storage material is visually screened from all streets with a suitable fence at least six (6) feet in height. Screening shall be attractive in appearance and in keeping with the architectural quality of the main structure. Said storage shall be limited to the rear two-thirds of the property, and within the building setback lines. No waste material or refuse may be dumped or permitted to remain on any part of the

property outside of the building. Storage of fuel oil or other bulk fluids must be underground. Fences, walls or hedges may not extend forward of building setback lines.

66.97 Protective Covenants

All parcels of land conveyed from and located within the Lake Delton Business Park shall be conveyed subject to the following Protective Covenants which shall run with the land and shall be binding on all purchasers, their successors, assigns, and any persons claiming under them. The real estate affected by the Protective Covenants is described as follows:

A part of Certified Survey Map Numbers 833 and 1445, located in the Northwest Quarter of the Northeast Quarter and the Northeast Quarter of the Northeast Quarter, Section 28, and the Southeast Quarter of the Southeast Quarter and the Southwest Quarter of the Southeast Quarter of Section 21, all in Township 13 North, Range 6 East, Village, Sauk County, Wisconsin, described as follows: Beginning at the North Quarter corner of said Section 28; thence South $0^{\circ}38'52''$ East along the West line of the Northwest Quarter of the Northeast Quarter, 717.14 feet; thence North $89^{\circ}42'39''$ East parallel with the North line of said Section 28, 1340.31 feet to the East line of said Northwest Quarter of the Northeast Quarter, thence North $0^{\circ}33'09''$ West along said East line, 355.32 feet; thence North $89^{\circ}42'29''$ East parallel the aforesaid North line of Section 28, 716.36 feet; thence North $52^{\circ}09'24''$ East, 150.00 feet to the Southwesterly right-of-way line of U.S.H. 12; thence North $37^{\circ}46'28''$ West along said right-of-way line, 150.00 feet; thence South $52^{\circ}09'24''$ West, 160.90 feet; thence North $41^{\circ}55'59''$ West, 698.32 feet to the Easterly corner of Certified Survey Map No. 833; thence North $61^{\circ}50'14''$ (recorded as North $63^{\circ}59'17''$ West) along said Easterly line, 243.53 feet; thence North $52^{\circ}18'11''$ East (recorded as North $50^{\circ}16'27''$ East, 407.91 feet) along the Northerly line of Certified Survey Map No. 833, 409.26 feet to the Westerly right-of-way line of Frontage Road; thence North $37^{\circ}34'15''$ West (recorded as North $39^{\circ}43'33''$ West, 50.00 feet) along said Westerly right-of-way line and the Northerly line of Certified Survey Map No. 833, 50/09 feet: (NOTE: The foregoing three courses are based on computation and not actual field measurement.); thence South $52^{\circ}18'11''$ West (recorded as South $50^{\circ}16'27''$ West) along the Northerly line of Certified Survey Map No. 833, 430.45 feet; thence North $55^{\circ}17'49''$ West (recorded as North $57^{\circ}22'00''$ West) along the Northerly line of Certified Survey Map No. 833, 722.20 feet; thence South $20^{\circ}37'46''$ West (recorded as South $18^{\circ}28'10''$ West) along the Northerly line of Certified Survey Map No. 833, 888.65 feet to the North line of said Section 28; thence South $89^{\circ}42'29''$ West along said North line, 325.03 feet to the North Quarter corner and the Point of Beginning. Containing 42.02 acres (1,830,460 square feet) more or less.

Excepting therefrom:

Part of Lot 1, CSM No. 1445 and Lot 6, CSM No. 2285, Village, Sauk County, Wisconsin bounded by the following described line: Beginning at the southeast corner of said Lot 6; thence $S89^{\circ}52'20''W$ along south line of said Lot 6, 609.91 feet to southwest corner of said Lot 6; thence $N1^{\circ}21'W$ along west line of said Lot 6, 348.58 feet to southwest corner of Lot 9, CSM No. 2824; thence $N89^{\circ}52'E$ along south line of said Lot 9 and Miller Drive, 414.48 feet; thence $N0^{\circ}06'E$ along east line of said Miller Drive, 428.30 feet; thence $N89^{\circ}52'20''E$, 194.99 feet to east line of said Lot 6; thence $S0^{\circ}34'50''E$ along east line of said Lot 6, 776.92 feet to point of beginning. Described parcel contains 6.841 acres.

Lot Nine (9) of Certified Survey Map No. 2824 as recorded in the office of the Register of Deeds for Sauk County, Wisconsin, in Volume 13, on page 2824-A as Document No. 590929, Village, Sauk County, Wisconsin.

Lot Eight (8) of Certified Survey Map No. 2679 as recorded in the office of the Register of Deeds for Sauk County, Wisconsin, in Volume 12, on Page 2679, as Document No. 579073, Village, Wisconsin.

66.98 Completion of Project/Repurchase

- a. In the event any purchaser of land in the Business Park elects to sell any portion which is not being used in connection with the business or industry of the purchaser, or which the purchaser desires to sell separate and distinct from any sale of the business industry being conducted by the purchaser, the same shall be offered for sale, in writing, to the Village at the same price per acre paid for such land by the purchaser, together with the costs of improvements thereon paid by the purchaser relating to such land, with interest at the rate of 5% per annum on the purchase price from the date of payment of the purchaser price of said land by the purchaser, and 5% per annum on the costs of improvements from the date of payment of any costs for improvements on said lands by the purchaser and 5% per annum on the costs of any special assessments from the date of payment of any special assessments paid by the purchaser relating to such lands to the date of repurchase by the Village. Any division of parcels shall comply with the minimum parcel size requirements of the Lake Delton Zoning Chapter. The Village shall have ninety (90) days from the date of receipt of such offer to accept or reject it, unless an extension of time may be agreed upon in writing. Acceptance or rejection of such offer shall be by Resolution adopted by the Village Board.
- b. In the event of acceptance of such offer by the Village, conveyance shall be by Warranty Deed, free and clear of all liens and encumbrances created by act or default of the purchaser. If the Village fails to act on such offer of sale within ninety (90) days from receipt thereof or rejects the offer, the purchaser may then sell the land to any third party and the Village shall have no further interest or right therein, except that the use of the land by any subsequent purchaser shall be subject to applicable zoning chapters, restrictions and regulations of the Village and Business Park Protective Covenants relating to the use of the land at the time of sale.
- c. If a purchaser of land in the Business Park has not or cannot start construction and improvements on the land purchased within twenty-four (24) months of the date of payment of the purchase price, the Village shall have the right to repurchase the property from the purchaser at the original purchase price without interest. Any extension of time to permit construction and improvement must be mutually agreed upon in writing between the Village and the purchaser and adopted by Resolution of the Lake Delton Village Board.
- d. If the Village reclaims the land through non-performance by the purchaser as provided herein, purchaser shall convey the property to the Village by Warranty Deed, free and

clear of all liens and encumbrances created by act or default of the purchaser. The Deed shall be delivered to the Village upon payment of the amounts set forth herein.

- e. If the Village reclaims land through non-performance by the purchaser, the Village may sell the land to any party and the subsequent purchaser shall be subject to applicable zoning chapters, restrictions and regulations of the Village and the Business Park Protective Covenants relating to the use of the land at the time of the sale.
- f. The provisions of this Section may be amended or modified only by a majority vote of the Lake Delton Village Board and such amendment shall not require the approval or action of the other property owners within the Business Park as set forth in the Protective Covenants.

66.99 Applicability

- a. Each parcel in the Business Park shall be conveyed subject to these Protective Covenants, all of which are to run with the land and shall be binding on all purchasers, their successors, assigns, and any persons claiming under them for a period of ten (10) years from the recording of these Protective Covenants, after which time the Protective Covenants shall be automatically extended for successive periods of ten (10) years each, unless an instrument is recorded containing the signatures of the owners of a majority of the land in the Business Park (based upon the amount of square footage owned as compared to the total square footage in the Business Park), and also containing the approval of the Lake Delton Village Board as evidenced by a Resolution duly adopted by the Village Board, which instrument and Resolution shall agree to change, modify, or amend the Protective Covenants in whole or in part.
- b. If two or more persons own one parcel, any one of such persons may cast a vote for that parcel and such vote shall be deemed to have been cast on behalf of all other owners and with their consent. However, if two (2) or more owners of a single parcel cannot agree among themselves, such parcels shall not be counted in the voting. The unsold lands retained by the Village shall be included in the voting.
- c. The Protective Covenants of the Business Park, with the exception of the provisions of Section V, may be modified and amended by the recording of an instrument to said effect duly signed by a majority of the then owners of a majority of the lands in the Business Park and also containing the approval of the Lake Delton Village Board, as evidenced by a Resolution duly adopted by the Village Board. The majority of the property owners shall have the right at any time, however, to amend and modify these Covenants as applied to any lands in the Business Park owned by the Village by the recording of an instrument to said effect containing the approval of the Village Board as evidenced by a Resolution adopted by the Village Board.

66.100 Binding Effects and Enforcement of Protective Covenants

- a. All restrictions and covenants contained herein are imposed for the benefit of the lands within the Business Park, and are made for the benefit of the Village and

any and all persons who may hereafter own an interest in any lands within the Business Park. All such persons in interest, including the Village, are specifically given the right to enforce these covenants, restrictions and conditions by proceedings at law or in equity against any person or persons violating or attempting to violate any covenants, either to restrain violation or to recover damages, or both.

- b. If the owner violates any of the provisions contained in these covenants and fails to cure such default within thirty (30) days after receipt of written notice thereof from the Village, the Village shall have the right, privilege and license to enter upon the premises and take such action as is necessary to cure such violation and all reasonable cost incurred by the Village shall be reimbursed to the Village by the violator.
- c. No failure to object to a violation of these Covenants, or to take action to enforce any covenants or conditions shall be deemed a waiver of any right to fully enforce the same thereafter.
- d. If any covenant, condition or restriction set forth herein, or any portion thereof, is determined to be invalid or void because unlawful, such invalidity shall in no way affect any other covenant, condition or restriction herein provided.

66.101 Variances

The Village reserves the right to grant variances to any or all of these restrictions as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of these restrictions will result in practical difficulty or unnecessary hardship or if in the judgment of the Village Board the development or lack of development of the Business Park makes such course of action necessary or advisable. A variance shall be granted by a duly adopted resolution of the Village Board after recommendation and report by the Zoning and Planning Commission to the Board.

66.102 Other Applicable Zoning Chapters

These Protective Covenants shall not supersede compliance with all other applicable federal, state and local codes and chapters; provided, however, the more restrictive code, Chapter or covenant shall apply.

Subchapter M District (C-2)

66.103 Purpose

It is the purpose of the C-2 District to provide an area for certain business and commercial needs of the community which provide goods or services primarily to residents of the area and such businesses and commercial activities do not generate high traffic volume or otherwise adversely impact the area.

66.104 Permitted Uses

Any use in existence prior to the effective date of this Chapter

66.105 Conditional Uses

The following are permitted as conditional uses within this district. Such use shall be subject to the consideration of the Plan Commission and the Village Board with regard to such matters as creation of nuisance conditions for the public or for the users of nearby areas, the creation of traffic hazards, the creation of health hazards, or other factors:

- a. Amusement parks or amusement related business and any business licensed under Chapter 21 of the Village Municipal Code.
- b. Snowmobile rentals, boat liveries, including boat storage, sale of boats, motors, fuel, marine supplies and the servicing of boats and motors, but not the manufacture of boats or motors.
- c. Telephone buildings, exchanges, lines and transformer stations, service garages and incidental storage yards.
- d. Water storage facilities and their accessory structures.
- e. Commercial camping and tenting areas, vacation farms, fishing camps, educational and/or religious institution and Bible camp, and similar establishments.
- f. Commercial sports clubs, athletic fields, arenas, and similar facilities.
- g. Golf or baseball driving ranges, archery ranges, and similar facilities.
- h. Restaurants, lunchrooms and other eating places, except drive-in type establishments.
- i. Taverns, bars, nightclubs and other drinking places.
- j. Retail shopping centers with not exceeding ten (10) stores or twenty thousand (20,000) square feet in area.
- k. Building contractors and establishments for the sale or storage of lumber or other building material.
- l. Hotel, motels, tourist camps, tourist cabins, tourist cottages, summer resorts, and winter resorts, Bed and Breakfast establishments licensed by the State of Wisconsin and as defined in s. 254.61 (1) Wisconsin Stats.
- m. Retail stores and services.
- n. Banks and other financial institutions.
- o. Bicycle shops, including facilities for the repair of non-motorized bicycles only.
- p. Florist shops, greenhouses and nurseries.
- q. Offices.
- r. Uses customarily incident to any of the above uses.
- s. Churches

- t. Bed and Breakfast establishments licensed by the State of Wisconsin and as defined in s. 254.61 (1) Wisconsin Stats.
- u. Any multi-family residential use.
- v. Any permitted use or conditional use in this zoning district, which does not meet the area requirements of sections 66.106-66.109, but qualify for a conditional use permit pursuant to the provisions of Article III of this Chapter.

66.106 Lot Area and Lot Width Requirements

The following standards shall apply to all uses in the C-2 district:

- a. The minimum lot width shall be two hundred (200) feet.
- b. The minimum lot area shall be one acre.

66.107 Building Height Requirements.

The maximum building height for permitted uses shall be thirty-five (35) feet.

66.108 Setback Requirements

- a. The minimum front yard setback shall be thirty-five (35) feet.
- b. The minimum rear yard setback shall be twenty-five (25) feet.
- c. The minimum side yard setback for structures shall be ten (10) feet on one side and thirty (30) feet total for both sides.

66.109 Floor Area Requirements

- a. The minimum building area for one and two-family residential structures shall be seven hundred twenty (720) square feet per family.
- b. There shall be no minimum building area requirement for commercial structures.

Subchapter N Planned Unit Development District (PUD)

66.110 Purpose

The purpose of this Planned Unit Development (PUD) District is to provide flexible land use and design regulations through the establishment of performance criteria so that small to large scale neighborhoods or portions thereof that incorporate a variety of residential types and nonresidential uses and contain both individual building sites and common property which are planned and developed as a unit may be developed within the Village. Such a planned unit is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a neighborhood. This district specifically encourages innovations in residential development so that the growing demands for housing at all economic levels may be met by greater variety in type, design and siting of dwellings and the conservation and more efficient use of land in such developments.

This district recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulations of land use in areas

and neighborhoods that are already substantially developed, these controls represent a type of regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned unit development concept. This district recognizes that a rigid set of space requirements along with bulk and use specifications would frustrate the applications of this concept. Thus, where PUD techniques are deemed appropriate through the rezoning of land to a Planned Unit Development District, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

66.111 Objectives

In order to carry out the intent of this section, a PUD shall achieve the following objectives:

- a. A maximum choice in the types of environment, occupancy tenure (e.g., cooperatives, individual ownership, condominium, leasing), types of housing, lot sizes and community facilities.
- b. More usable open space and recreation areas.
- c. More convenience in location of accessory commercial and service areas.
- d. The preservation of trees, outstanding natural topography and geological features and prevention of soil erosion.
- e. A creative use of land and related physical development which allows an orderly transition of land from rural to urban areas.
- f. An efficient use of land resulting in similar networks of utilities and streets and thereby reducing maintenance and development costs.
- g. A development pattern in harmony with the objectives of the Master Plan.
- h. A more desirable environment than would be possible through the strict application of other sections of this chapter.

66.112 General Requirements For Planned Unit Development

- a. **Minimum Area.** Under normal circumstances, the minimum area required to qualify for a Planned Unit Development District shall be five (5) contiguous acres of land. Where the applicant can demonstrate that the characteristics of his holding shall meet the objectives of this subchapter, the Plan Commission may consider projects with less acreage.
- b. **Ownership.** The tract of land for a project may be owned, leased or controlled either by a single person or corporation or by a group of individuals or corporations. The owner, owners, shall file an application or agent, of all property included in a project. In the case of multiple ownership, the approved plan shall be binding on all owners.

- c. **Location of PUD District.** The PUD District shall be applicable to any area of the Village where the applicant can demonstrate that the characteristics of his holdings shall meet the objectives of this section.

- d. **Permitted Uses.** The provisions of this section determine all uses within an area designated as a PUD District and the approved plan of the project concerned.
 - 1. Residential Uses. Residences may be of any variety of types.
 - 2. Accessory Commercial, Service and Other Nonresidential Uses. Commercial, service and other nonresidential uses may be permitted (or required) where such uses are scaled primarily to serve the residents of the PUD.
 - 3. Other Uses. Customary accessory or associated uses such as private garages, storage spaces, recreational and community activities, churches and schools shall also be permitted as appropriate to the PUD.

- e. **Character and intensity of land use.** The following criteria shall be applied to every proposed Planned Unit Development as a basis for determining its consistency with the letter and spirit of this Section.
 - 1. Its compatibility with the site, with particular emphasis on the preservation of what features and the use of open space.
 - 2. Its overall compatibility with existing land uses in the vicinity and with probable future land uses in the vicinity.
 - 3. The internal compatibility of the various land uses proposed to be included within the development.
 - 4. Its compatibility with existing and probable future transportation facilities in the vicinity, and its tendency to increase the demand upon those facilities.
 - 5. The provision of adequate internal circulation facilities including streets and sidewalks, and parking facilities within the development.
 - 6. Its compatibility with existing and probable future provision of public utility service such as sewer and water facilities and its tendency to increase the demand upon those facilities.
 - 7. Its compatibility with existing and probable other public services, such as schools, police protection, fire protection, street maintenance, etc., and its tendency to increase the demand upon these services.
 - 8. Lot sizes need not be equal to the lot sizes required in the zoning district, but there shall be no more buildings or building sites per acre than permitted in the same zoning district for subdivisions not designed as planned unit developments. Common open spaces and common open facilities such as playgrounds, swimming pools and community buildings available only to persons living in the planned unit development may be considered in determining the area of the planned unit development.
 - 9. The maximum building height shall in no event exceed the maximum height prescribed in the same zoning district.

- f. **Economic feasibility and impact.** The proponents of a Planned United Development District application shall provide evidence satisfactory to the 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.

- g. **Engineering design standards.** The width of street right-of-way, width and location of street or other paving, storm water control, outdoor lighting, location of sewer and environmental consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in tile specific situation, provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Village.
- h. **Preservation and maintenance of open space.** In a Planned Unit Development District, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication to the public.
 - 1. In the case of private reservation, the open area to be reserved may 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.
 - 2. The care and maintenance of such or such open space reservation 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.
 - 3. Ownership and tax liability of private open space reservation shall be established in a manner acceptable to the Village and made a part of the conditions of plan approval.
- i. **Development Schedule.** District 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 adverse effect upon the community as a result of termination at that point.
- j. **Common Property in the PUD.** Common property in a PUD is a parcel or parcels of land, together with the improvements thereon, the owners and occupants of the individual building sites share the use and enjoyment of which. When common property exists, the ownership of such common property may be either public or private. When common property exists in private ownership, satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas and recreational and open space areas.

66.113 Planned Unit Development Application Procedure And Zoning Approval Process

- a. **General.** Whenever any Planned Unit Development is proposed, before any permit for the erection of a permanent building in such Planned Unit Development shall be granted, and before any subdivision plat or any part thereof may be filed in the office of the applicable Register of Deeds, the developer or his

authorized agent shall apply for and secure approval of such Planned Unit Development in accordance with the following procedures.

- b. **Application for Sketch Plan Approval.** In order to allow the Plan Commission and the developer to reach an understanding on basic design requirements prior to detailed design investment, the developer shall submit a sketch plan of the proposed development to the Commission through the Building Inspector. The sketch plan shall be approximately to scale, though it need not be to the precision of a finished engineering drawing, but it shall clearly show the following information:
1. The location of the various uses and their areas in acres.
 2. The general outlines of the interior roadway system and all existing rights of way and easements, whether public or private.
 3. Delineation of the various residential areas indicating for each such area its general extent, size and composition in terms of total number of dwelling units, approximate percentage allocation by dwelling unit type (e.g., single family, detached, duplex, townhouse, garden apartments, condominium, high-rise), plus a calculation of the residential density in dwelling units per gross acre (total area including interior roadways) for each such area.
 4. The interior open space system.
 5. The overall drainage system.
 6. If grades exceed 3%, or portions of the site have a moderate to high susceptibility to erosion, or a moderate to high susceptibility to flooding and ponding, a topographic map showing contour intervals of not more than five (5) feet of elevation shall be provided along with an overlay outlining the above susceptible soil areas, if any.
 7. Principal ties to the Village at large with respect to transportation, water supply, sewage disposal, solid waste disposal and utilities.
 8. General description of the provision of other public facilities such as schools, fire protection services and cultural facilities, if any, and some indication of how these needs are proposed to be accommodated.
 9. A location map showing uses and ownership of abutting lands.
 10. General statement as to overall plan of development, the projected time frame involved, if the development is to be staged, a general indication of how the staging is to proceed.
- c. **Plan Commission Review.** The Plan Commission shall review the sketch plan and its related documents. The Chairman of the Plan Commission shall verify when all of the necessary application material has been presented and the Commission shall submit its report within sixty (60) days of such certification. If no report has been rendered after sixty (60) days, the application shall be deemed denied and the applicant may file an appeal with the Village Board.
- d. **Plan Commission Approval.** A favorable report shall be based on the following findings and conclusions which shall be included as part of the report:
1. The proposal conforms to the Master Plan.
 2. The proposal meets the provisions of this subchapter.

3. The proposal is conceptually sound in that it conforms to accepted design principles in the proposed functional roadway system, land use configuration, open space system, drainage system and scale of the elements both absolutely and to one another.
 4. The proposal makes appropriate provisions for the preservation of natural features such as streams and shorelines, ponds, lakes, trees, grasses, wooded cover and terrain.
 5. There are adequate services and utilities available or proposed to be made available in the construction of the development.
 6. A recommendation that a public hearing be held for the purpose of considering PUD districting.
 7. Financing is available to the applicant sufficient to assure completion of the planned unit development.
- e. **Plan Commission Rejection.** If the Plan Commission rejects the proposed PUD, it shall state clearly the reasons therefore, and if appropriate, point out to the applicant what might be necessary in order to receive approval. The applicant may, within ten (10) days after receiving notice of rejection, re-apply for PUD districting and the Plan Commission may then determine on its own initiative whether or not it wishes to accept such reapplication.

66.114 Public Hearing Procedure

- a. **Public Hearing Process.** The Plan Commission shall set a date for and conduct a public hearing after giving a Class 2 public notice as specified in Ch. 885, Wis. Stats., for the purpose of considering PUD districting for the applicant's plan in accordance with the procedures established under the state statutes and Village regulations or other applicable law, such public hearing to be conducted within thirty (30) days of the receipt of the application. Within thirty (30) days of the public hearing the Plan Commission shall issue its decision approving or rejecting the application.
- b. In the event the application is approved the Village Board shall act upon said recommendation.
- c. In the event the application is rejected, the applicant may appeal to the Village Board, which shall conduct a public hearing after giving a Class 2 public notice as specified in Ch. 885, Wis. Stats. Within thirty (30) days of said public hearing, the Village Board shall render its decision on the application.
- d. **Village Engineer Report.** The Village Engineer shall submit a report to the Plan Commission or Village Board noting the feasibility and adequacy of the design elements of the development. The Village Engineer may also state in the report any other conditions or problems that should be considered before approval.

66.115 Zoning For Planned Unit Development

- a. If the Village Board grants the PUD districting, the zoning map shall be so annotated. The Village Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning

Chapter any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction, or occupancy, circulation systems both vehicular and pedestrian, availability of sites within the area for necessary public services such as schools, fire houses and libraries, protection of natural and historic sites, and other such physical or social demands. The Village Board shall state at this time its findings with respect to the land use intensity or dwelling unit density as called for in this subchapter.

- b. PUD Districting shall be conditioned upon the application securing of final building permits in accordance with the Village Chapter as well as compliance with all additional conditions and requirements as may be set forth by the Village Board in its resolution granting the PUD District.
- c. The Resolution approving Planned Unit Development shall be recorded in the Office of the Register of Deeds for Sauk County.

Subchapter O Planned Development District (PDD)

66.116 Purpose

The purpose of this Planned Development District (PDD) is to provide flexible commercial land use and design regulations through the establishment of performance criteria so that small to large scale commercial developments that incorporate a variety of commercial uses and contain both individual building sites and common property which are planned and developed as a district may be developed within the Village. Such a planned development district is to be designed and organized so as to be capable of satisfactory use and operation as a separate entity without necessarily needing the participation of other building sites or other common property in order to function as a district. This district specifically encourages innovations in commercial development so as to promote the conservation and more efficient use of land in such developments.

This district recognizes that while the standard zoning function (use and bulk) and the subdivision function (platting and design) are appropriate for the regulations of land use in commercial areas that are already substantially developed, these controls represent a type of regulatory rigidity and uniformity which may be inimical to the techniques of land development contained in the planned development district concept. This district recognizes that a rigid set of space requirements, parking requirements, setbacks and the like, along with bulk and use specifications would frustrate the applications of this concept. Thus, where PDD techniques are deemed appropriate through the rezoning of land to a Planned Development District, the set of use and dimensional specifications elsewhere in this chapter are herein replaced by an approval process in which an approved plan becomes the basis for continuing land use controls.

66.117 Objectives

In order to carry out the intent of this section, a PDD shall achieve the following objectives:

- a. Provide for harmonious and coherent site and building design that creates a sense of place.
- b. More convenience in location of commercial and service areas.

- c. The preservation of trees, outstanding natural topography and geological features and prevention of soil erosion.
- d. A creative use of land and related physical development, which allows an orderly transition of land from rural to urban areas.
- e. An efficient use of land resulting in similar networks of utilities and streets and thereby reducing maintenance and development costs.
- f. A development pattern that promotes and is in harmony with the objectives of the Master Plan.
- g. A more desirable environment than would be possible through the strict application of other sections of this chapter.

66.118 General Requirements For Planned Development District

- a. **Minimum Area.** Under normal circumstances, the minimum area required to qualify for a Planned Development District shall be ten (10) contiguous acres of land. Where it can demonstrate that a development of less than ten (10) acres meets the objectives of this subchapter, the Plan Commission may approve developments with less than ten (10) acres of contiguous land.
- b. **Ownership.** The tract of land for a PDD need not be owned by single person or legal entity. An application for a planned development district shall be filed by or on behalf of the owner(s), of all the land to be included the PDD. In the case of multiple ownership, the application shall be signed and binding upon all owners of the land subject to the PDD.
- c. **Location of PDD District.** The PDD District shall be applicable to any area of the Village, which is zoned commercial, where the applicant can demonstrate that the characteristics of his holdings shall meet the objectives of this section.
- d. **Permitted Uses.** The Planned Development District may include uses of residential, including single family, multi-family and condominiums, commercial, conservation, or industrial for the district as whole and/or for some areas within the district, as appropriate. The Village may include or exclude uses from the proposed PDD or include uses with attached conditions as appropriate to achieve the intent of these provisions. In making its determination of the uses to be permitted within the district, the Village may consider the compatibility in relationship of uses within the district, the compatibility in relationship of permitted uses adjoining the district or in proximity to the district, the appropriateness of permitted uses for the area in general and their overall impact on the community, and consistency of the permitted uses with the Master Plan and other adopted plans and policies.
- e. **Character and intensity of land use.** In the event that the provisions of Subchapter J of this Chapter regulating land use intensity are applicable to parcel within a proposed district, then the ratios provided therein shall be applicable to the parcel within the district, which is used for multifamily housing.

- f. **Economic feasibility and impact.** The proponents of a Planned Development District application shall provide evidence satisfactory to the 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.
- g. **Engineering design standards.**
 - 1. The width of streets right-of-way, width and location of street or other paving, storm water control, outdoor lighting, location of sewer and environmental consideration shall be based upon existing Village chapters in effect at the time of the approval of the application for PDD.
 - 2. There is no lot area, building height, setback or other dimensional standard applicable to any parcel in the PDD district
- h. **Development schedule.**
 - 1. The Developer shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission and Village Board. If the District Development plan is proposed for construction in phases during a period extending beyond one year, a proposed and tentative schedule for the development of such phases shall be submitted, stating the approximately beginning and completion date for each phase, if known, the portion of total open space and the proportion of each type of proposed land use to be provided or constructed during each such phase; and the overall chronology of development to be followed from phase to phase.
 - 2. All public improvements directly related to each phase shall be completed at the time the phase is developed and improvements serving the proposed district as a whole and any adjoining area within the district shall be completed in a sequence assuring full utility of the planned development and the district as a whole. All improvements whether public or private, shall be completed so that future improvements, as anticipated by the developer, required by the Village Board, or by Chapter, are not compromised or rendered unduly difficult.
 - 3. Each phase as it is completed shall fully comply with the requirements of this subchapter and all Village chapters and not be dependent upon completion of a future phase for compliance unless specifically authorized by the Village Board.
- i. **Common Property in the PDD.** Common property in a PDD is a parcel or parcels of land, together with the improvements thereon, the owners and occupants of the individual building sites share the use and enjoyment of which satisfactory arrangements shall be made for the improvement, operation and maintenance of such common property and facilities, including private street, drives, service and parking areas and recreational and open space areas.
- j. **Sign requirements.** The size, location, and spacing of signs within the PDD shall be subject to the provisions of the development plan as approved by the Village Board and regulated as permitted under this subchapter. If the provisions of the

Village Sign Chapter conflict with the provisions of this subchapter, the provisions of this subchapter control.

The size, location setback and spacing of all signs shall be as permitted pursuant to the development plan for the PDD as approved of the Village Board. In reviewing the sign component of the development plan the Village Board shall in the exercise of its discretion consider the following factors:

1. No sign shall be so illuminated so as to create or cause a hazard to vehicles or other traffic, or obscure an official device, sign or signal.
 2. Signs shall not be placed in such a way that they unduly obstruct existing buildings or signs.
 3. Any electric sign shall comply with the National Electric Code 1978 Edition as amended and adopted by the State of Wisconsin.
 4. Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct nor interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public highway or highways.
- e. **Interstate Signs.** Signs visible from Interstate Highways shall be regulated, in addition to the other provisions of this section, in the following manner:
1. All signs shall advertise businesses, goods services or activities occurring within the PDD.
 2. Any sign readable or designed to be readable from a through travel lane of an Interstate Highway is also subject to the permit and sign criteria requirements administered by the Wisconsin Department of Transportation pursuant to s. 84.30 Wisconsin Statutes. Accordingly, no permit for any sign readable or designed to be readable from a traveled lane of an Interstate highway will be granted under this Chapter until the applicant has filed with the Village Clerk a copy of a permit from the said state department which is in effect at the time of the filing.

66.119 Reserved

66.120 Public Hearing Procedure

- a. **Public Hearing Process.** Upon approval by the Plan Commission, or upon its own determination, subsequent to an appeal from a rejection by the Plan Commission, the Village Board shall set a date for and conduct a public hearing after giving a Class 2 public notice as specified in Ch. 885, Wis. Stats., for the purpose of considering Planned Development Districting for the applicant's plan in accordance with the procedures established under the state statutes and Village regulations or other applicable law, such public hearing to be conducted within forty-five (45) days of the receipt of the favorable report or the decision or appeal from an unfavorable report.

- b. Village Engineer Report. The Village Engineer shall submit a report to the Village Board noting the feasibility and adequacy of those design elements under his sphere of interest. This report need only concern itself with general conceptual acceptance or disapproval, as the case may be, and in no way implies any future acceptance or rejection of detailed design elements as will be required in the later site plan review stage. The Village Engineer may also state in his report any other conditions or problems that shall be overcome before consideration or acceptance on his part.
- c. Action on application. Within forty-five (45) days after the public hearing, the Village Board shall render its decision on the application.

66.121 Village Board Approval

- a. The Village Board may approve a planned development district if after its review of the findings and recommendation of the Zoning and Planning Commission Plan Commission, the Board finds that the proposal will meet the requirements of the Village Chapters and will advance objectives of the Village master plan. The Village Board may, if it feels it necessary in order to fully protect the public health, safety and welfare of the community, attach to its zoning Chapter any additional conditions or requirements for the applicant to meet. Such requirements may include, but are not confined to, visual and acoustical screening, land use mixes, order of construction, or occupancy, circulation systems both vehicular and pedestrian, availability of sites within the area for necessary public services such as schools, fire houses and libraries, protection of natural and historic sites, and other such physical or social demands. The Village Board shall state at this time its findings with respect to the land use intensity as called for in this subchapter. The Village Board may accept, modify or change the recommendations of the Zoning and Planning Commission regarding the conditions and restrictions to be placed upon approval as the Board in the exercise of its discretion deems necessary to ensure that the planned development meets the objective of this subchapter.
- b. If the Village Board grants the Planned Development Districting, the zoning map shall be so annotated.
- c. Planned Development Districting shall be conditioned upon the application securing of final building permits in accordance with the Village Chapter as well as compliance with all additional conditions and the Village Board in its resolution granting the Planned Development District may set requirements as forth.
- d. Expiration. The Board's approval of a planned development district shall expire unless the applicant obtains building permits for the planned development within one (1) year after the date of the planned development approval. Furthermore, the planned development approval will also expire if the building permits for such development expire.

- e. Extensions. The planned development district approval may be extended a maximum of two (2) times. Each extension shall be for a period of no more than one year. The Plan Commission may grant an extension if, after a public hearing, it finds that:
 - 1. conditions and regulations affecting development in the Village have not changed in a manner that would warrant reconsideration of the findings and the decision made at the time of the original planned development approval and
 - 2. the extension of the planned development district approval will not unreasonably delay efforts to advance the objectives of the Zone.
- f. Vested Rights. The approval of a planned development shall not create any right to an extension of such approval or any vested right to develop the subject property in a manner that does not comply with the laws and regulations in effect at the time that the applicant obtains a building permit. The Resolution approving Planned Development District shall be recorded in the Office of the Register of Deeds for Sauk County.

Subchapter P Shoreland-Wetland Zoning

66.122 Finding Of Fact And Purpose

Uncontrolled use of the shoreland-wetlands and pollution of the navigable water of the Village would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has delegated responsibility to all municipalities to:

- a. Promote the public health, safety, and general welfare;
- b. Maintain the storm and floodwater storage capacity of wetlands;
- c. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- d. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat;
- e. Prohibit certain uses detrimental to the shoreland-wetland area; and
- f. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover controlling shoreland-wetland excavation, filling and other earth moving activities.

66.123 Compliance-Other Permits

The use of wetland and the alteration of wetlands within the shoreland area of the Village shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter.

66.124 State Highways Exempt

The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when section 30.12(4)(a), Wis. Stats., applies.

66.125 Abrogation And Greater Restrictions

This subchapter supersedes all the provisions of any municipal zoning Chapter enacted under sections 61.35, 62.23 or 87.34 Wis. Stats., which relate to floodplains and shoreland-wetlands, except that where another municipal zoning Chapter is more restrictive than this subchapter, that Chapter shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

66.126 Interpretation

In their interpretation and application, 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 powers granted by the Wisconsin Statutes. Where a provision of this Chapter is required by a standard in chapter NR 117, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the chapter NR 117 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter. Any reference to Department in this subchapter shall mean the State of Wisconsin Department of Natural Resources.

66.127 Annexed Areas

The Sauk County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the Village for all areas annexed by the Village after May 7, 1982. These annexed lands are described on the Village's official zoning map. The Sank County shoreland zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Village zoning administrator.

66.128 Shoreland-Wetland Zoning Maps

The following maps are hereby adopted and made part of this Chapter and are on file in the office of the Village Clerk:

- a. Wisconsin Wetland Inventory maps stamped "FINAL" on August 26, 1993.
- b. Flood plain zoning maps titled Flood Insurance Rate Map for the Village dated September 4, 1985 and Wisconsin River 100-year Flood Profiles for the Village, Sauk County, dated April 25, 1985.
- c. United States Geological Survey maps dated 1975.

66.129 District Boundaries

- a. The shoreland-wetland zoning district includes all wetlands in the Village which are five acres or more and are shown on the final Wetland Inventory Map that has been adopted and made a part of this subchapter and which are:
 1. Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in the Village shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps

which have been incorporated by reference and made a part of this subchapter.

2. Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this subchapter. Floodplain zoning maps adopted in Section VII shall be used to determine the extent of floodplain areas.
- b. Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high-water mark.
- c. When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped, is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in Section IX, and X, the zoning administrator shall be responsible for initiating a map amendment within a reasonable period.

66.130 Filled Wetlands

Wetlands, which are filled prior to August 26, 1993, the date on which the Village received final wetland inventory maps, in a manner, which affects their wetland characteristics to the extent that the area can no longer be defined as wetland, are not subject to this Chapter.

66.131 Wetlands Landward Of A Bulkhead Line

Wetlands located between the original ordinary high water mark and a bulkhead line established prior to May 7, 1982 under s. 30.11, Stats. are not subject to this Chapter.

66.132 Permitted Uses

The following uses are permitted subject to the provisions of chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- a. Activities and uses which, do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 1. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 3. The practice of silviculture, including the planting, thinning and harvesting of timber;
 4. The pasturing of livestock;
 5. The cultivation of agricultural crops; and

6. The construction and maintenance of duck blinds
- b. Uses that do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
1. The practice of silviculture, including limited temporary water level stabilization measures, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silviculture activities if not corrected;
 2. The cultivation of cranberries, including limited wetland alterations necessary for the purpose of growing and harvesting cranberries;
 3. The maintenance and repair of existing drainage systems to restore pre-existing levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoils are placed on existing spoil banks wherever possible;
 4. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 5. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 6. The installation and maintenance of sealed tiles for the purpose of draining lands outside the shoreland-wetland zoning district provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Section XVII of this Chapter; and
 7. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- c. Uses which are allowed upon the issuance of a Conditional Use permit and which may include wetland alterations only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary for the continuity of the Village street system, the provision of essential utility and emergency services or to provide access to uses permitted under this Chapter, provided that:
 - I. The road cannot, as a practical matter, be located outside the wetland;
 - II. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland listed in Section XVII of this Chapter;
 - III. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - IV. Road construction activities are carried out in the immediate area of the roadbed only; and
 - V. Any wetland alteration must be necessary for the construction or maintenance of the road.
 2. The construction and maintenance of nonresidential buildings provided that:

- I. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals;
 - II. The building cannot, as a practical matter, be located outside the wetland;
 - III. The building does not exceed 500 square feet in floor area; and
 - IV. Only limited filling and excavating necessary to provide structural support for the building is allowed.
3. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
- I. Any private development allowed under this paragraph shall be used exclusively for the permitted purpose;
 - II. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed.
 - III. The construction and maintenance of roads necessary for the uses permitted under this paragraph are allowed only where such construction and maintenance meets the criteria in Section XI of this Chapter; and
 - IV. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
4. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines provided that:
- I. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - II. Only limited filling or excavating necessary for such construction or maintenance is allowed; and
 - III. Such construction or maintenance is done in a manner designated to minimize adverse impacts upon the natural functions of the wetland listed in Section XVII of this Chapter.

66.133 Prohibited Uses

- a. Any use not listed in Section XI of this subchapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section XVII of this Chapter.
- b. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high-water mark of any navigable waters are prohibited.

66.134 Nonconforming Structures And Uses

The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of the Chapter, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions:

The shoreland-wetland provisions of this subchapter authorized by s. 61.351, Wis. Stats., shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure or of any environmental control facility related to such a structure in existence on the effective date of the shoreland-wetland provisions. All other modifications to nonconforming structures are subject to s. 62.23(7)(h), Wis. Stats., which limits total lifetime structural repair and alterations to 50% of current fair market value.

- a. If a nonconforming use or the use of a nonconforming structure is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter.
- b. Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Chapter adopted under ss. 61.351 or 62.231, Wis. Stats., may be continued although such use does not conform with the provisions of the Chapter. However, such nonconforming use may not be extended.
- c. The maintenance and repair of nonconforming boathouse, which are located below the ordinary high-water mark of any navigable waters, shall comply with the requirement of s.30.121, Wis. Stats.
- d. Uses, which are nuisances under common law, shall not be permitted to continue as nonconforming uses.

66.135 Zoning Administrator

The Village Zoning Administrator is appointed zoning administrator for the purpose of administering and enforcing this Chapter. The zoning administrator shall have the following duties and powers:

- a. Advise applicants as to the provisions of this Chapter and assist them in preparing permit applications and appeal forms.
- b. Issue permits and inspects properties for compliance with this Chapter.
- c. Keep records of all permits issued, inspections made, work approved and other official actions.
- d. Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
- e. Submit copies of decision on variance, conditional use permits, appeals for a map or text interpretation, and map or text amendments within ten (10) days after they are granted or denied, to the appropriate district office of the Department.
- f. Investigate and report violations of this Chapter to the Plan Commission.

66.136 Zoning Permits

- a. **Exemptions:** When required, unless another section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the zoning administrator before any new development, or any change in the use of an existing building or structure is initiated.
- b. **Application:** An application for a zoning permit shall be made to the zoning administrator upon forms furnished by the Village and shall include, for the purpose of proper enforcement of these regulations, the following information:
 1. General Information
 - I. Name, address, and telephone number of applicant, property owner and contractor, where applicable.
 - II. Legal description of the property and a general description of the proposed use or development.
 - III. Whether or not a private water supply or sewage system is to be installed.
 2. Site Development Plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
 - I. Dimensions and area of the lot;
 - II. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways;
 - III. Description of any existing or proposed on-site sewage systems or private water supply systems;
 - IV. Location of the ordinary high-water mark of any abutting navigable waterways;
 - V. Boundaries of all wetlands;
 - VI. Existing and proposed topographic and drainage features and vegetative cover;
 - VII. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps;
 - VIII. Location of existing or future access roads; and
 - IX. Specifications and dimensions for areas of proposed wetland alteration.
- c. **Expiration.** All permits issued under the authority of this Chapter shall expire twelve (12) months from the date of issuance.

66.137 Conditional Use Permits

- a. **Application.** Any use listed as a conditional use in this Chapter shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the Village Board after review and recommendation of the Village Plan Commission following the procedures of this Section.
- b. **Conditions:** Upon consideration of the permit application and the standards applicable to the conditional uses designated in this Chapter, the Village Board after review and recommendation of the Village Plan Commission shall attach

such conditions to a condition use permit, in addition to those required elsewhere in this Chapter, as are necessary to further the purposes of this Chapter as listed in Section I. Such conditions may include specifications for, without limitation because of specific enumeration type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its recommendation, the Plan Commission may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Chapter.

- c. **Fees:** The Village governing body may, by resolution, adopt fees for the following:
 - 1. Zoning permits.
 - 2. Certificates of compliance.
 - 3. Public Hearings.
 - 4. Legal notice publications.
 - 5. Conditional use permits.
 - 6. Rezoning petitions.

- d. **Recording:** Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the zoning administrator of the land use and structures permitted and file said record with the Village Clerk and with the Office of the Register of Deeds for Sauk County.

- e. **Revocation:** Where the conditions of a zoning permit or conditional use permit are violated, the Plan Commission or the Village Board shall revoke the permit.

- f. **Board Of Appeals; Powers And Duties:** The Board of Appeals established under the Village Zoning Code shall have the following duties under this Chapter:
 - 1. Hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Chapter.
 - 2. Hear and decide denials of applications for conditional use permits.
 - 3. May authorize upon appeal a variance from the dimensional standards of this Chapter where an applicant convincingly demonstrates:
 - I. That literal enforcement of the terms of the Chapter will result in unnecessary hardship for the applicant.
 - II. That the hardship is due to special conditions unique to the property; and is not self-created or based solely on economic gain or loss;
 - III. That such variance is not contrary to the public interest as expressed by the purpose of this Chapter; and
 - IV. That such variance will not grant or increase any use of property, which is prohibited in the zoning district.

- g. **Appeals To The Board:** Appeals to the Board of Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Village affected by any order, requirement, decision, or determination of the zoning administrator or other administrative official, denying a conditional use permit or a variance. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board by filing with the official whose decision is in question, and with the Board of Appeals, a notice of appeal specifying the reasons for the appeal. The zoning administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.
- h. **Public Hearings:**
 - 1. Before making a decision on an appeal or application, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a class 2 notice under ch. 985, Stats., specifying the date, time and place of the hearing and the matters to come before the Board. At the public hearing, any party may present testimony in person, by agent or by attorney.
 - 2. A copy of such notice shall be mailed to the parties in interest and the appropriate district office of the Department at least ten (10) days prior to all public hearings on issues involving shoreland-wetland zoning.
- i. **Decisions:**
 - 1. The final disposition of an appeal before the Board of Appeals shall be in the form of a written decision, made within a reasonable time after the public hearing and signed by the Board chairperson. Such decision shall state the specific facts, which are the basis of the Board's determination and shall either affirm, reverse, or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution.
 - 2. A copy of such decision shall be mailed to the parties in interest and the appropriate district office of the Department within ten (10) days after the decision is issued.

66.138 Amending Shoreland-Wetland Zoning Regulations

- a. The Village governing body may alter, supplement or change the district boundaries and the regulations contained in this Chapter in accordance with the requirement of section 62.23(7)(d)2, Wis. Stats., NR 177, Wis. Adm. Code, and the following:
- b. A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of the submission of the proposed amendment to the Plan Commission;
- c. All proposed text and map amendments to the shoreland-wetland zoning regulations shall be referred to the Plan Commission, and a public hearing shall be held after class II notice as required by section 62.23(7)(d)2, Wis. Stats. The

appropriate district office of the Department shall be provided with written notice of the public hearing at least ten (10) days prior to such hearing.

- d. In order to insure that this Chapter will remain consistent with the shoreland protection objectives of section 144.26, Wis. Stats., the Village governing body may not rezone a wetland in a shoreland-wetland zoning district, or any portion thereof, where the proposed rezoning may result in a significant adverse impact upon any of the following wetland functions:
 - 1. Storm and flood water storage capacity;
 - 2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland;
 - 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - 4. Shoreline protection against erosion;
 - 5. Fish spawning, breeding, nursery or feeding grounds;
 - 6. Wildlife habitat; or
 - 7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

- e. Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in section XIX D. of this Chapter, the Department shall so notify the Village of its determination either prior to or during the public hearing held on the proposed amendment.

- f. The appropriate district office of the Department shall be provided with:
 - 1. A copy of the recommendation and report, if any, of the Plan Commission on a proposed text or map amendment, within ten (10) days after the submission of those recommendations to the Village governing body.
 - 2. Written notice of the action on the proposed text or map amendment within ten (10) days after the action is taken.

- g. If the Department notifies the Plan Commission in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in Section XIX, D of this Chapter, that proposed amendment, if approved by the Village governing body, shall not become effective until more than thirty (30) days have elapsed since written notice of the Village approval was mailed to the Department, as required by section XIX, F of this Chapter. If within the thirty (30) day period, the Department notifies the Village that the Department intends to adopt a superseding shoreland-wetland zoning Chapter for the Village as provided by sections 62.231(6) or 61.351(6), Wis. Stats., the proposed amendment shall not become effective until the Chapter adoption procedure under section 62.231(6) or 61.351(6), Wis. Stats., is completed or otherwise terminated.

66.139 Enforcement And Penalties

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective

date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator shall refer violations to the Plan Commission and the district attorney, corporation counsel or Village attorney who shall prosecute such violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than \$10.00 nor more than \$50.00 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the Village, the state, or any citizen thereof pursuant to section 87.30(2), Wis. Stats.

Article III: Conditional Uses

66.140 Statement of Purpose-Conditional Uses

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

66.142 Authority of the Plan Commission; Requirements

- a. The Plan Commission, after a public hearing, shall, within a reasonable time, make a recommendation to the Village Board that it grant or deny any application for a conditional use. Prior to making its recommendation regarding a proposed conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
- b. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements, may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- c. Unless specifically excused by the Village Board, as part of its imposition of conditions under a Conditional Use Permit, compliance with all other provisions of this Chapter, and any and all applicable provisions of this Chapter or any other Chapter of the Village Municipal Code including but not limited to provisions regulating lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses.

66.143 Initiation of Conditional Use

Any person, firm, corporation or organization having a freehold interest of a possessory interest

entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses provided for this Article in the zoning district in which such land is located.

66.144 Application for Conditional Use

- a. **Filing of Application:** An application for a conditional use shall be filed with the Zoning Administrator on a form prescribed by the Village. The application shall be accompanied by such plans and other information as may be prescribed by the Zoning Administrator, and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use shall conform to the standards set forth in VII hereinafter. The Zoning Administrator may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions and control; bedrock, vegetative cover, specifications for areas of proposed filling grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, including site plans, floor plans elevations, sewage disposal facilities, water supply systems and arrangements of operations. The application fee as established by the Village Board shall be paid upon filing of the application.

- b. **Application Information:** Applications for conditional use permits shall be made in duplicate to the Building Inspector on forms furnished by the Village and shall include the following:
 1. Names and Addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 2. Description of the Subject Site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Additional information as may be required by the Village Board, Zoning and Planning Commission, Village Engineer, Building, Plumbing, or Health Inspectors.

- c. **Zoning Administrator Review:** The Zoning Administrator shall review the application and supporting materials and determine whether or not the application is complete and whether or not additional information is necessary. After the Zoning Administrator has determined that the application and supporting materials is complete the application shall be forwarded to the Village Plan Commission for hearing.

66.145 Hearing on Application

Upon receipt of the application and statement referred to in Paragraph IV above, the Plan Commission shall hold a public hearing on each application for a conditional use at such time and place as shall be established by such Board. The hearing shall be conducted and a record of

the proceedings shall be preserved in such manner and according to such procedures as the Village Board, shall, by rule, prescribe from time to time.

66.146 Notice of Hearing on Application

Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice under the Wisconsin Statutes in the official Village paper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Building Inspector, members of the Village Board, and Plan Commission, and the owners of record, as listed in the office of the Assessor, who are owners of property in whole or in part situated within one hundred (100) feet of the boundaries of the properties affected, said notice to be sent at least ten (10) days prior to the date of such public hearing.

66.147 Standards-Conditional Uses

The Plan Commission shall not grant a favorable recommendation of an application for a conditional use, without the review, and determination of the following:

- a. That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- b. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- c. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- d. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- e. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- f. That the conditional use shall conform to all applicable regulations of the district in which it is located.
- g. That the proposed use does not violate flood plain regulations governing the site.
- h. That when applying the above standards to any new construction of a building or an addition to an existing building, the Zoning and Planning Commission shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition as its location does not defeat the purpose and objective of the zoning district.
- i. That it addition, in passing upon a Conditional Use Permit, the Zoning and Planning Commission shall also evaluate the effect of the proposed use upon:
 1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution including sedimentation.
3. Existing topographic and drainage features and vegetative cover on the site.
4. The location of the site with respect to flood plains and floodways of rivers and streams.
5. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
6. The location of the site with respect to existing or future access roads.
7. The need of the proposed use for a shoreland location.
8. Its compatibility with uses on adjacent land.
9. The amount of liquid wastes to generate and the adequacy of the proposed disposal systems.

66.148 Denial of Application for Conditional Use Permit

- a. When the recommendation of the Plan Commission is that a conditional use application be denied, the Plan Commission shall furnish the applicant, in writing, when so requested, those standards that are not met and enumerate reasons the Commission has used in determining that each standard was not met. The applicant may withdraw the application, resubmit the application with changes to meet the requirements stated by the Commission or appeal the decision to the Village Board.
- b. The application shall not be resubmitted to the Plan Commission for a period of one year from the date of said denial, except on the grounds that substantial new evidence or proof of change to compliance with the applicable conditions is included in the resubmitted application.

66.149 Conditions and Guarantees

The following conditions shall apply to all conditional uses:

- a. Prior to the granting of any conditional use, the Village Board may impose such conditions and restrictions upon the establishment, location, construction, maintenance, public health, safety and general welfare of the community, and to secure compliance with all standards and requirements. In all cases in which conditional uses are granted, the Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
 1. Landscaping
 2. Type of construction
 3. Construction commencement and completion dates
 4. Sureties
 5. Lighting
 6. Fencing
 7. Operational control
 8. Hours of operation
 9. Traffic circulation
 10. Deed restrictions
 11. Access restrictions

12. Setbacks and yards
 13. Type of shore cover
 14. Specified sewage disposal and water supply systems
 15. Planting screens
 16. Piers and docks
 17. Increased parking
 18. Or any other requirements necessary to fulfill purpose and intent of this chapter.
- b. The Plan Commission and the Village Board shall evaluate each application and may request assistance from any source, which can provide technical assistance. The Plan Commission and Village Board may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
 - c. No alteration of a conditional use shall be permitted unless approved by the Plan Commission and Village Board.
 - d. After evaluating the application, and the recommendation of the Zoning and Planning Commission the Village Board may authorize the Zoning Administrator to issue a conditional use permit subject to the requirements of this Chapter and any additional requirements it deems appropriate to comply with the intent of this Chapter.
 - e. Any conditional use authorized by the Village Board is conditioned upon the full and complete implementation of the plans and specifications submitted to the Plan Commission and the Village Board. In the event of a material change in the plans and specifications presented to and approved by the Plan Commission and the Village Board shall render the grant of a conditional use null and void. The Building Inspector shall not issue any building permit if the state approved building plans are not in substantial conformity with the plans and specifications submitted with the conditional use permit application.

66.150 Validity of Conditional Use Permit

Where the Village Board has approved or conditionally approved an application for a conditional use, such approval shall become null and void within twelve (12) months of the date of the action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six (6) months of the date of insurance and which shall not be renewed unless construction has commenced and is being diligently prosecuted.

66.151 Complaints Regarding Conditional Uses

- a. The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Building Inspector to order the removal or discontinuance of any unauthorized alterations of any violation of a condition imposed prior to or after approval or violation of any provision of this Code. Upon written complaint by

any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that a violation of the conditional use permit has occurred.

- b. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in s. 66.145 above. Any person may appear at such hearing and testify in person or be represented by an agent or attorney. The Plan Commission may order that the subject conditional use be brought into compliance with the conditional use permit.
- c. Under circumstances in which the Plan Commission deems proper, the Plan Commission may recommend that the Village Board modify existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use.
- d. In the event that the subject property is not brought into conformance with the requirements of its conditional use permit, or that no reasonable modification of such conditional use can be made in order to assure that the standards in s. 66.147 above, the Plan Commission may recommend to the Village Board that it revoke the subject conditional approval.
- e. Following any such hearing, the recommendation of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the reasons therefore. The Village Board shall review the recommendation of the Commission within thirty days and take whatever action it deems is warranted.

66.152 Recording of Permit. The permittee shall record the Conditional Use Permit with the Sauk County Register of Deeds and submit a copy of the recorded permit to the Zoning Administrator.

66.1525 Temporary Conditional Use Permit

- a. In circumstances it deems appropriate, the Village board may issue temporary conditional use permits. A temporary conditional use permit terminates upon the lapse of predetermined period of time or occurrence of a specified event. A temporary conditional use permit may not be issued for any use that is prohibited in the district.
- b. Application and processing. A property owner may apply for temporary permit following the same procedure required for a regular conditional use permit.
- c. Prior to the issuance of a temporary conditional use permit, the Plan Commission and the Village board shall apply the standards set forth in the §66.147 of this chapter.

In addition, the permit shall include the following:

1. The expiration date and/or a future happening or event which results in the expiration of the temporary conditional use permit.
2. The use, or uses, authorized by the permit

3. Any restrictions on modification or substitution of uses; including otherwise permitted uses.
 4. Conditions for renewal or extension on the temporary conditional use permit, or conversion to a full conditional use permit.
 5. Any condition, restrictions or requirements imposed upon the property or commercial activity;
 6. Any condition, restrictions or requirements imposed under the property in order to continue the temporary conditional use
 7. Any modifications or improvements to the property required to obtain or continue the temporary conditional use.
 8. Whether the permit is transferable
 9. Whether the owner is required to post a bond, irrevocable letter or credit or other security satisfactory to the village board, in the amount deemed sufficient to bring the property into conformity with the requirements of the this chapter, or any other relevant provision of the village code.
- d. After approval of an application for a temporary conditional use permit, and as a requirement of issuance of the permit the owner shall enter a written agreement with the village, approved by the village board, setting forth the terms and conditions arising from or related to the temporary conditional use permit. In appropriate circumstances' the Village Board may waive this requirement.
 - e. Only uses specifically authorized by the temporary conditional use permit can utilized on the property.
 - f. A temporary conditional use permit may be suspended or terminated for failure to comply with the terms and conditions of the permit or the agreement if applicable.
 - g. When temporary conditional use permit expires or is surrendered or terminated, the owner shall bring the property into conformity with the regulations or the zoning district within 30 days, or such other time period as ordered by the Village Board.

66.1525; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012

Article IV: Nonconforming Uses

66.153 Existing Nonconforming Uses

- a. The lawful nonconforming use of a structure or land existing at the time of the adoption or amendment of this Chapter may be continued although the use does not conform with the provisions of this Chapter. However, only that portion of the land 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. Total lifetime structural repairs or alterations shall not exceed fifty (50%) percent of the Village's assessed value of the structure unless it is permanently changed to conform to the use provisions of this Chapter.

66.154 Abolishment Or Replacement

If any nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure or land 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, to the extent of more than Fifty (50%) percent of its current assessed value, it shall not be restored except so as to comply with the use provisions of this Chapter.

66.155 Existing Nonconforming Structures

- a. The 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 with the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter. However, it shall not be extended, enlarged, reconstructed, 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. Lots of records that exist at the time of adoption of this Chapter or any amendments thereof, which do not meet the dimensional requirements of this Chapter, are designated non-conforming lots of record. Non-conforming lots of record that lack required lot area shall be allowed to be built upon in accordance with this Chapter if all yard and setback requirements are met. Two (2) or more non-conforming abutting lots of record in single ownership at the time of passage or amendment of this Chapter shall be considered to be a single undivided parcel for purposes of this Chapter.
- c. No parcel of land shall be divided or sold which does not meet the lot width and area requirements of this Chapter nor shall any division of land be made which leaves remaining any lot with a width or area below the requirements of this Chapter.

66.156 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 Zoning Appeals has permitted the substitution of a more restricted nonconforming use of 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 Zoning Appeals.

Article V: Board of Appeals

66.157 Purpose

A Zoning Board of Appeals shall be appointed as specified in Section 62.23 (7) (e), Wisconsin Statutes. The Zoning Board of Appeals shall have the powers authorized by §62.23(7)(e) Wis. Stats. Pursuant to the provisions of s. 62.23(7)(1) Wis. Stats. nothing shall preclude the Village Board from granting conditional use permits, variances or special exceptions. The members of the Zoning Board of Appeals shall be paid at the same rate as the Village Board members are paid for attendance of meetings, expenses or other enumeration or reimbursement. The members shall be removable by the Village President for cause upon written charges and after public hearing. The Zoning Board of Appeals shall make and file in the office of the Village its own rules of procedure consistent with the statutes. 66.157 Modified by Ordinance 19-002 Passed 3/13/2019 Published 3/23/2019

66.158 Rules of Board

The following shall be the rules governing the conduct of the business of said Board of Appeals.

- a. Meetings of the Board of Appeals shall be held at the call of the Chairman and at such other times as the Board may determine.
- b. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses
- c. All meetings of the Board shall be open to the public
- d. The Board shall keep minutes of its proceedings showing the vote of each member upon each question (or if absent or failing to vote, indicating such fact) and shall keep records of all its hearings and examinations and other official actions, all of which shall be immediately filed in the Office of the Board and shall be a public record.

66.159 Appeals

Appeals to the Board of Appeals shall be conducted as follows:

- a. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the Village, affected by any decision of the Building Inspector or Zoning Administrator.
- b. Such appeals shall be made within twenty (20) days from the date of the decision of the Building Inspector or other administrative officer appealed from. The original of such appeal shall be filed with the Board and shall specify the grounds thereof.
- c. A copy of such appeal shall be served upon the officer from whose decision the appeal is taken, and such officer shall, upon receiving the notice of such appeal, forthwith transmit to the Board copies of all papers constituting the record upon which the action appealed from was taken.
- d. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken and on due cause shown.
- e. Each appeal shall be heard by the Board following publication of a notice for hearing the appeal. Hearings shall be held at the Village Municipal Building. All appeals shall be decided within ten (10) days after completion of the hearing thereon.

- f. Prior to the hearing of the appeal, public notice thereof shall be given by the village Clerk by advertisement in the official newspaper at least once not less than seven days before the date set for such hearing. At least three copies of such notice shall be separately posted within a three hundred (300) foot radius of the lands affected by the appeal. Written notice thereof shall also be given to the Village Building Inspector, the Village Zoning Administrator; to the appellant; to the Village Clerk, who upon receipt of such notice, shall forthwith notify all members of the Village Board; and to all interested persons. Such notice shall be given not less than seven days before the date set for such hearing either by mail or by personal service as the Board shall determine.
- g. The concurring vote of four members of the Board shall be necessary to constitute a decision of that body upon any of the matters that it has the power to act upon.

66.160 Powers Of The Board And Powers Reserved To The Village Board

No action of the Board of Appeals shall have the effect of permitting in a zone any use not specifically permitted in that zone. The Village Board reserves to itself the authority to review and consider all applications for variances and conditional use permits.

66.161 Powers Of The Board Of Appeals

The Board of Appeals shall have the following powers:

- a. To hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, and determination made by the Building Inspector.
- b. To hear and decide special exceptions to the area requirements of this Zoning Code, except in those instances where the Village Board has the authority to grant or deny conditional use permits.
- c. To authorize, upon appeal in specific cases, such variance from the area requirements of this Chapter as will not be contrary to the public interest, where, owing to special conditions, peculiar to a specific lot or tract of land, a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, so that the spirit of this Chapter shall be observed and substantial justice be done. In every case where a variance from the regulations imposed by this Chapter has been granted by the Board of Appeals, the minutes of the Board shall affirmatively show that an “unnecessary hardship” exists, and the records of the Board shall clearly show in what particular and specific respects an “unnecessary hardship” is created.
- d. To forward to the Village Board any application for a conditional use permit or a variance from the use restrictions of this Zoning Code.
- e. The Board of Appeals shall have the power to call on any of the other Village officers, managers and employees, including the Village Engineer and/or the Village Attorney for assistance in the performance of its duties.

66.162 Exercise Of Powers

In exercising the above mentioned powers, the Board of Appeals may reverse or affirm, wholly or partly, or may modify any order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all the powers of the officer from whom the appeal was taken; provided that the Board shall make and sign legal findings of fact based upon credible evidence in the record.

66.163 Court Review

The court review of any determination of the Board of Appeals shall be as provided by Section 62.23, Subsections (1) to (15), inclusive, Wisconsin Statutes.

66.164 Penalties.

Any person, firm or corporation or other legal entity who violates any provisions of this Chapter shall be subject to a fine or civil forfeiture of not less than \$100.00 nor more than \$500.00, plus costs and Chapter compliance by Court order for compliance with the Chapter by injunction or otherwise, if the Village shall so request, or in default of payment of such forfeiture or compliance by Court order, injunction or otherwise, shall be subject to entry of civil judgment and enforcement as provided by law. Each day of violation constitutes a separate count and separate offense and violation of this Chapter.

66.165 Nuisances.

- a. Any violation of this Chapter is hereby declared to be a nuisance. In addition to any other relief provided by this Chapter, the Village may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction, and permanent injunction.
- b. Any use, in any district, which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood may be required to correct or improve such condition by such measures as are directed by the Village Board consistent with reasonable technological and economic practicality. Failure to correct such condition shall constitute a nuisance.

66.166 – 66.200 RESERVED

ARTICLE VI: MOBILE TOWER SERVICE SUPPORT STRUCTURE AND FACILITIES.

66.201 Regulation of Mobile Service Support structures and Facilities.

- a. The siting, construction and operation of a mobile service support structure, or the Class 1 collocation of an existing support structure or mobile service facilities, after the effective date of this Article, is regulated as a conditional use in all zoning districts within the Village of Lake Delton.
- b. The Class 2 collocation of an existing support structure or mobile service facilities, after the effective date of this Article, is regulated as a permitted use in all zoning districts within the Village of Lake Delton. Class 2 collocations are

subject to permitting as hereinafter provided.

66.203 Definitions.

All definitions contained in Section 66.0404(1), Wis. Stats., and Sections 1.6100 and 1.6002 of Chapter 47 of the Code of Federal Regulations are hereby incorporated by reference.

66.204 Procedure.

- a. Applications for a Conditional Use Permit for siting and construction of a Mobile Service Facility shall be in writing and filed in accordance with the provisions of Section 66.143 of this Chapter and subject to the limitations imposed by state and federal law.
- b. If an applicant is applying for a permit for a Class 2 Collocation, the Village shall not require documents under Section 66.144.b.3. which are not reasonably related to determining whether the application meets the requirements of 47 C.F.R. § 1.6100.
- c. Wireless telecommunications facilities shall be installed and modified in a manner that:
 - (1) Minimizes risks to public safety;
 - (2) Ensures that placement of facilities on existing structures is within the tolerance of those structures;
 - (3) Avoids placement of aboveground facilities and installation of new support structures or equipment cabinets in the public right-of-way;
 - (4) Maintains the integrity and character of the neighborhoods and corridors in which the facilities are located;
 - (5) Ensures that installations are subject to periodic review to minimize the intrusion on the right-of-way;
 - (6) Ensures that the Village bears no risk or liability as a result of the installations; and
 - (7) Ensures that applicant's use does not inconvenience the public, interfere with the primary uses of the right-of-way, or hinder the ability of the Village or other government entities to improve, modify, relocate, abandon, or vacate the right-of-way or any portion thereof, or to cause the improvement, modification, relocation, vacation, or abandonment of facilities in the right-of-way.
- d. Emergencies. The Village has the right to support, repair, disable, or remove any elements of the facilities in emergencies or when the facility threatens imminent harm to persons or property.

66.205 Documentation.

1. Conditional Use Permit. In addition to the documentation required under Section 66.144 (b) of this Chapter, applicants shall provide the following documentation and information to the Zoning Department in support of the application for a Conditional Use Permit:

- a. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.
 - b. If the application is for an existing structure, a description of the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.
 - c. The applicable shot clock for a decision on the application and an explanation as to why that shot clock applies.
 - d. If an applicant contends denial of its application would prohibit or effectively prohibit provision of service, in violation of federal law, an explanation and evidence supporting that claim.
 - e. If an applicant submits to the Village an application for a permit to engage in an activity described in this Chapter, which contains all of the information required under this Chapter, the Village shall consider the application complete. If the Village does not believe that the application is complete, the Village shall notify the applicant in writing, within ten (10) days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
2. Class 2 Collocation. Any person seeking to establish a Class 2 collocation on an existing structure within the Village of Lake Delton shall submit a written application with the Zoning Department, subject to the same requirements for the issuance of a building permit as provided under Chapter 57 of the Village Municipal code.
- a. The application shall be on the form provided by the Zoning Department including the following information:
 - (1) The name and business address of, and the contact individual for, the applicant;
 - (2) The location of the proposed or affected support structure; and

- (3) The location of the proposed mobile service facility.
- b. The Village shall consider the application complete, if it meets all the requirement of this chapter and applicable law, or shall notify the applicant in writing, within five (5) days of receiving the application, that the application is not complete.
- (1) The Village will not require more information than is reasonably related to determining whether the requests meets the requirements of local, state, and federal law.
 - (2) The written notification shall specify in detail the required information to complete the application.
 - (3) An applicant may resubmit an application as often as necessary until it is complete.

66.206 Review of Application.

1. Conditional Use Permit. The application will be reviewed and considered in accordance with Article III of this Chapter. The Planning Commission shall:
 - a. Review the application to determine whether it complies with all applicable aspects of the Village Building Code, subject to the limitations of Wis. Stat. §§ 66.0404(2)-(4), 47 C.F.R. §§ 1.6000-6100, and 47 U.S.C. § 332.
 - (1) When determining whether the application complies with the Village Code, the Planning Commission shall not consider the following:
 - (a) Sections 66.147.a. or 66.147.i.1. as they relate to radio frequency emissions which otherwise comply with the FCC’s regulations concerning such emissions.
 - b. Make a final decision whether to approve or disapprove the application.
 - (1) Notify the applicant, in writing, of its final decision, before the end of the applicable federal and state shot clocks.
 - (2) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
2. Class 2 Collocation. Within forty-five (45) days of its receipt of a complete

application for a Class 2 Collocation Permit, the Village shall complete all of the following or the applicant may give notice to the Village the forty-five (45) day period has run to receive the permit except that the applicant and the Village may agree in writing to an extension of the forty-five (45) day period:

- a. Make a final decision whether to approve or disapprove the application; and
 - b. Notify the applicant, in writing, of its final decision.
 - i. If the application is approved, issue the applicant the relevant permit.
 - ii. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
3. Appeal. An applicant seeking appeal of a decision may do so according to § 66.159 of this code.

66.208. Issuance of Conditional Use or Class 2 Collocation Permit.

If an application is made in accordance with the provisions of Section 66.0404, Wis. Stats., and applicable federal law and regulations, upon final decision of the Village Board to approve the application, or if the applicable shot clock has passed since filing of the application, no action has been taken, and the applicant notifies the Assistant Zoning Administrator that such shot clock has expired, the Assistant Zoning Administrator shall issue the permit for which applicant applied.

Chapter 66 Article VI Repeal and Recreation Ordinance 19-008 Passed 7/22/2019 Published 8/1/2019

66.209-66.510 RESERVED.

66.511 Countryside Residential (CR) District. This district is intended to permit development which has a very low density, countryside community character. The land use standards for this district permit primarily single-family detached residential development with a limited range of agricultural activities. Density and intensity standards for this district are designed to ensure that the countryside residential (CR) district shall serve as a designation which preserves and protects the countryside community character of its area. A variety of residential development options are available in this district, with a maximum gross density (MGD) of one dwelling unit.

66.512 Permitted Uses.

1. Single-family detached dwellings on individual lots.
2. Any permitted use in Residential 1 Zoning District
3. Private Swimming Pools
4. For parcels exceeding 3.5 acres in area, the following uses are permitted:
66.512 (4) Modified & Amending Ordinance 22-001 Passed: 3/14/2022 Published: 3/24/2022

- a. General gardening pursuits of such extent as to supply the occupant's personal needs including noncommercial crops; horses; chickens. with the exception of roosters; or fowl.
- b. Barns, garages, fenced areas, and accessory buildings.
- c. Qualified home occupations and professional offices in compliance with section 66.16(c) Village Municipal Code.
- d. Bed & Breakfast licensed and operated in accordance with Wisconsin Statutes and regulations.
- e. Ponds operated and complying with Chapter NR 343 Wisconsin Administrative Code.

66.513 Reserved.

66.514 Prohibited Uses. The following uses are prohibited in this district:

1. Short-term rentals for periods of less than 7 days.
2. Unless otherwise provided herein, raising cattle, swine, or sheep or other animals of husbandry
3. Commercial activity not otherwise permitted under section 66.16 (c) Village Municipal Code

66.515 Area, Density, Aesthetic and Lot Width Requirements.

1. All buildings, including accessory buildings, shall not cover more than thirty-five 35 percent of the total lot area
2. Minimum lot area: 3.5 acres
3. Minimum Lot Width: 200 feet
4. Building height: Thirty-five (35) Feet maximum
5. Setbacks: Front Yard: Fifty (50) Feet
Rear Yard: One Hundred (100) Feet
Side Yards: Twenty (25) Feet
6. Where animals are permitted, there shall be a minimum of a 100-foot separation between any adjacent property lines for uses such as stables, feed pens, fowl, or bird coops, or other animal shelters. No stables, feed pens, fowl or bird coops, or animal shelters, shall be constructed within the front and side-yards.

66.511-66.515 Modified & Amending Ordinance 21-012 Passed: 12/29/2021 Published: 1/6/2022

66.201 -66.205; Modified and Amended by ORDINANCE NO. 08-009 Passed: January 12, 2009 Published: January 17, 2009
 66.10 n.; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012
 66.54 y.; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012
 66.1525; Modified & Amended Ordinance 12-003 Passed: 3/26/2012 Published: 4/7/2012
 66.63 (h) modified and amended by Ordinance 14-016 Passed 6/9/2014 Published 6/18/2014
 66.201 – 66.213 modified and amended by Ordinance 16-003 Passed 5/9/2016 Published 5/14/2016
 66.15 modified and amended by Ordinance 16-014 Passed 12/27/2016 Published 12/31/2016 (Residential/Tourist Rooming House)
 66.54 bb. Modified and amended by Ordinance 16-014 Passed 12/27/2016 Published 12/31/2016
 66.214. Modified and amended by Ordinance 17-002 Passed 2/13/2017 Published 2/18/2017
 66.54 (b) Repealed by Ordinance 19-002 Passed 3/13/2019 Published 3/23/2019
 66.56 by Ordinance 19-002 Passed 3/13/2019 Published 3/23/2019
 66.157 Modified by Ordinance 19-002 Passed 3/13/2019 Published 3/23/2019
 66.10 (k) Repeal and Recreation Ordinance 19-005 Passed 7/8/2019 Published 7/18/2019

Chapter 66 Article VI Repeal and Recreation Ordinance 19-008 Passed 7/22/2019 Published 8/1/2019
66.10 o.; Modified & Amended Ordinance 19-015 Passed: 11/25/2019 Published: 12/5/2019
66.15 “Barrier”, “Hotel” and “Tourist Rooming House” Amended Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.10 (P) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.32 (g) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.39 (m) Created Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.63 (h) modified Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.63 (t) modified Ordinance 20-006 Passed: 12/7/2020 Published: 12/17/2020
66.54 (f) modified Ordinance 21-001 Passed: 4/12/2021 Published: 4/22/2021
66.511-66.515 Modified & Amending Ordinance 21-012 Passed: 12/29/2021 Published: 1/6/2022
66.512 (4) Modified & Amending Ordinance 22-001 Passed: 3/14/2022 Published: 3/24/2022