

TOWN OF SARATOGA ZONING ORDINANCE

Town Ordinance No. 04-20-16

Town Ordinance No 04-01-23

Public Hearing by Town Plan Commission ~~04-13-2016~~ 10 26 2022

Approved by Town Board ~~04-20-2016~~ 05 04 2023

Approved by Wood County ~~05-17-2016~~ TBD

Ratified by Town Board ~~05-18-2016~~ TBD , by Town Ordinance # ~~05-18-16~~ TBD

Rescinds and Replaces Ordinance ~~10-17-12~~ 04-20-16

Public Hearing TBD

Approved by Town Board TBD

Rescinds and replaces Ordinance 04-20-16 and all prior documents

1. TITLE, AUTHORITY, COMPREHENSIVE PLAN, AND PURPOSE

1.1. **Title:** This ordinance is entitled “Town of Saratoga Ordinance No: ~~10-17-12~~, ~~05-04-2023~~ Zoning Ordinance,” and may be referred to as the Zoning Ordinance.

1.2. **Statutory Authority:** The Town of Saratoga’s statutory authority to adopt and enforce a zoning ordinance is set forth in Wisconsin Statutes sections 60.61 and 60.62, which incorporate Wisconsin Statutes sections 61.35 and 62.23 by reference. The Town Meeting has granted general and continuing village powers and zoning authority to the Town Board.

1.3. **Comprehensive Plan:** The Town Board approved the Town’s comprehensive plan in August 2007 (**Pending Review in 2023**), following an extensive planning effort, community participation and advice from a professional land-use consulting firm. The Town of Saratoga Comprehensive Plan 2007-2025 (“Comprehensive Plan”) was adopted in accordance with Wisconsin’s “Smart Growth” law and Wisconsin Statute section 66.1001. The Comprehensive Plan included a recommendation that the Town adopt a zoning ordinance in 2012. The zoning ordinance is intended to support and implement the goals, objectives, policies, and recommendations set forth in the Comprehensive Plan.

1.4. **Purpose of Zoning Ordinance:** This zoning ordinance has been adopted to promote the health, safety, and general welfare of the Town of Saratoga, through the regulation of land use. The ordinance establishes zoning districts of such number, shape, and area as are deemed best suited to meet the purpose and goals of the Town’s land use and planning objectives. Within these districts, the ordinance regulates the location and use of buildings, structures and open space, and the height and size of buildings and other structures. The ordinance also provides for administration and enforcement of the land use regulations set forth in the ordinances and Comprehensive Plan.

1.5. **Appendix.** The Appendix attached to this ordinance includes maps, forms and references that are hereby made a part of this ordinance as if set forth in full herein and may be updated and supplemented by resolution of the Town Board.

2. DEFINITIONS. The terms set forth in this section, wherever they occur in this ordinance, shall be interpreted as defined below. Words and phrases not defined in this section or elsewhere in this ordinance shall be construed by reference to the Wisconsin Statutes, Wisconsin zoning case law, other states’ zoning case law, the dictionary and common usage, in that order of preference.

- 39 2.1. **Access, Controlled (Road or Facility):** A controlled access road or facility is defined
 40 as a highway or street especially designed for through traffic, and over, from or to
 41 which owners or occupants of abutting land or other persons have no right or easement
 42 or only a controlled right or easement of access, light, air or view by reason of the fact
 43 that their property abuts upon such controlled access facility or for any other reason.
 44 Such highways or streets may be freeways open to use by all customary forms of
 45 surface transportation.
- 46 2.2. **Accessory or Auxiliary Use or Structure:** A use or structure subordinate to the
 47 principal use of a building or to the principal use of land and which is located on the
 48 same piece of land. The accessory use or structure is serving a purpose customarily
 49 incidental to the use of the principal building or land use. For example, in the case of
 50 a house and detached garage on a lot, the accessory building is the garage.
- 51 2.3. **Agricultural Use:** Agricultural use is any of the following activities conducted for the
 52 primary purpose of producing an income or livelihood: crop or forage production,
 53 keeping livestock, beekeeping, nursery or sod production, floriculture, aquaculture, fur
 54 farming, or enrolling land in a federal, agricultural commodity payment program or a
 55 federal or state agricultural land conservation payment program. For purposes of this
 56 zoning ordinance, agriculture does not include forestry. (*See definitions of “forestry”*
 57 *elsewhere in this section.*)
- 58 2.4. **Airport:** Any runway, landing area, airport or other facility designed, used or
 59 intended to be used either publicly or privately by any persons for the landing and
 60 taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down
 61 areas, hangers or other necessary buildings and open spaces.
- 62 2.5. **Alley, Trail or Lane:** A public or private way not more than 30 feet wide affording
 63 generally secondary means of access to abutting property and not intended for general
 64 traffic circulation.
- 65 2.6. **Apartment:** (*See definition of “dwelling” elsewhere in this section.*) One or more
 66 rooms in a dwelling designed and intended for occupancy as a separate dwelling unit.
- 67 2.6.1. Apartment, efficiency: A dwelling unit in a multi-family building consisting
 68 of not more than one habitable room, together with kitchen or kitchenette and
 69 toilet facilities.
- 70 2.6.2. Apartment, hotel: An apartment house that furnishes services for the use of its
 71 tenants, which are ordinarily furnished by hotels.
- 72 2.7. **Automobile:** For purposes of this ordinance, the term “automobile” includes cars,
 73 trucks, farm machinery and ancillary equipment.
- 74 2.8. **Automobile Body Shop:** Overall painting or a paint shop for motor vehicles;
 75 collision services; steam cleaning. Mechanical automobile repair does not fall within
 76 the general definition of automobile body shop, but rather is a separate use and is
 77 termed “automobile repair” in this ordinance. The reason for separating these uses
 78 relates to potential differences in ventilation needs and impacts on air quality. An

- 79 applicant may request both uses on one site, in which case the more restrictive
80 requirements would apply to any zoning permit or conditional use permit.
- 81 2.9. **Automobile Repair:** General repair, rebuilding or reconditioning of engines, motor
82 vehicles or trailers; collision services including body, frame, or fender straightening or
83 repair, vehicle steam cleaning. Overall painting or a paint shop for motor vehicles
84 does not fall within the general definition of automobile repair, but rather is a separate
85 use and is termed an “automobile body shop” in this ordinance. (*See automobile body*
86 *shop definition in this section.*)
- 87 2.10. **Automobile or Trailer Sales Area:** An open area, other than a street, used for the
88 display, sale, or rental of new or used motor vehicles or trailers in operable condition
89 and where no repair work is done.
- 90 2.11. **Automobile Salvage Yard:** Any area of land where two or more inoperative vehicles,
91 and/or accumulation of parts thereof, are stored in the open and are not being restored
92 to operation, or any land, building, or structure used for the wrecking or storing of
93 such motor vehicles and/or accumulation of parts thereof.
- 94 2.12. **Automobile Service Station or Filling Station or Gas Station:** A building or other
95 structure or a tract of land where gasoline or similar fuel, stored only in underground
96 tanks, is dispensed directly to users of motor vehicles. The following activities are
97 permitted as accessory uses to a gas station: the dispensing of oil, greases, antifreeze,
98 tires, batteries, and automobile accessories directly to users of motor vehicles; tuning
99 motors, minor servicing and repair to the extent of installation of the items enumerated
100 above and washing of automobiles. Other activities shall be prohibited, including, but
101 not limited to: upholstering work, auto glass work, painting, welding, tire recapping,
102 auto dismantling, and auto sales. (*See also Convenience Store.*)
- 103 2.13. **Basement:** That portion of any structure whose floor line is below ground line and
104 has more than half of its clear height below the finished ground line.
- 105 2.14. **Board of Appeals:** The Town of Saratoga Zoning Appeals Board. (*See also Town*
106 *Board, which does not serve as the Board of Appeals.*)
- 107 2.15. **Boarding or Rooming House:** A dwelling or part thereof consisting of a single
108 housekeeping unit where meals and lodging are provided for three or more persons,
109 not transients, for compensation by previous arrangement.
- 110 2.16. **Building:** Any structure having a roof supported by columns or walls, used or
111 intended to be used for the shelter or enclosure of persons, animals, equipment,
112 materials or machinery. ~~When such a structure is divided into separate parts by one or~~
113 ~~more un-pierced walls extending from the ground up, each part is deemed a separate~~
114 ~~building, except as regards minimum side yard requirements as hereinafter provided.~~
- 115 2.16.1. **Building, height of:** The vertical distance from the average contact ground
116 level at the front wall of the building to the highest point of the coping of a flat
117 roof or, to the deck line of a mansard roof, or to the mean height level between
118 eaves and ridge for gable, hip or gambrel roofs.

- 119 2.16.2. Building setback line: The line outside the right-of-way of a street beyond
 120 which no building or part thereof shall project and no accessory structure
 121 built, except as otherwise provided by this ordinance. Building setback lines
 122 are measured using the same standards for measurement as those used and set
 123 forth in the Town Building Code, and such standards are incorporated by
 124 reference as if set forth fully herein.
- 125 2.16.3. Building, floor area ratio: The floor area of the building divided by the area of
 126 the lot on which it is or will be located. The floor area of the building shall
 127 include that area of ground covered by the roof of the building. Total floor
 128 area shall include the sum of the floor areas of all buildings on the lot.
- 129 2.16.4. Building, completion: The building shall be considered complete when
 130 roofing materials, siding materials, window, doors and steps have been affixed
 131 to the exterior and the interior supplied with electricity, plumbing and heating
 132 fixtures in operable condition and in conformance with applicable codes.
- 133 2.17. **Buildable Lot Area:** That part of the lot not included within the open areas required
 134 by this ordinance.
- 135 2.18. **Business:** Any lawful commercial endeavor to engage in the manufacturing, purchase,
 136 sale, lease, or exchange of goods and/or the provision of services.
- 137 2.19. **Campgrounds:** Any public or private premises, including buildings, established for
 138 temporary day and overnight habitation by persons using equipment designed for the
 139 purpose of temporary camping.
- 140 2.20. **Camping Vehicle:** A vehicle ~~eight feet (8') or less in width~~ with a collapsible,
 141 folding, or rigid structure designed for temporary human habitation and self-propelled,
 142 or towed by a motor vehicle upon a highway. (*See also Recreation Vehicle.*)
- 143 2.21. **Cemetery:** Land used or intended as use for the burial of the human dead and
 144 dedicated for cemetery purposes, including columbarium, crematories, mausoleums
 145 and mortuaries if operated in connection with and within the boundaries of such
 146 cemetery.
- 147 2.22. **Channel:** A natural or artificial watercourse of perceptible extent, with definite bed
 148 and banks to confine and conduct continuously or periodically flowing water.
- 149 2.23. **Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, and injured
 150 persons or animals and those who are in need of medical or surgical attention, but
 151 where persons are not provided with board or room nor kept overnight on the
 152 premises. Animals may be kept overnight at veterinary clinics.
- 153 2.24. **Club:** An association of persons who are organized for some non-commercial
 154 common purpose. Examples of clubs are the Boys and Girls Club, the Local History
 155 Club, the 4-H Club and the Gardening Club. A group organized solely or primarily to
 156 render a service customarily provided by a commercial enterprise is not a club.
- 157 2.25. **Comprehensive Plan:** The Town's community development plan entitled "Town of
 158 Saratoga, Wood County, Wisconsin Comprehensive Plan 2007-2025", as adopted or
 159 amended under Wisconsin Statute 62.23 and in accordance with Wisconsin Statute

- 160 66.1001, to guide and coordinate development in the Town of Saratoga, in accordance
 161 with existing and future needs, promoting public health, safety and general welfare,
 162 protecting the natural resources and planning for efficiency and economy in the
 163 process of development.
- 164 2.26. **Conditional Use:** *See Use, Conditional.*
- 165 2.27. **Convenience Store:** A small store or shop which may also be associated with the sale
 166 of motor vehicle fuel, and stocking a range of everyday items such as groceries,
 167 toiletries, bakery goods, beverages, food items, limited household items and
 168 automotive supplies. Convenience stores may also have automobile washing facilities.
 169 Convenience stores may not provide automobile repair or painting services.
- 170 2.28. **Court:** An open unoccupied and unobstructed space, other than a yard, on the same
 171 lot with a building or group of buildings, which is enclosed on three or more sides.
- 172 2.29. **District:** A portion of the Town where certain uniform regulations and/or
 173 requirements or combinations of both apply according to the provisions of this
 174 ordinance and as may be specified on the Town’s Official Zoning Map as adopted by
 175 the Town Board of Supervisors.
- 176 2.30. **Density:** The ratio of living units per acres allowable under a schedule of district
 177 regulations.
- 178 2.31. **Dwelling:** Any building or portion thereof designed or used exclusively as the
 179 residence or sleeping place of one or more persons, but not including a tent, camping
 180 trailer, trailer, or trailer coach, hotel or motel.
- 181 2.31.1. Dwelling, single family: A building designed for or used exclusively for
 182 residence purposes by one family or housekeeping unit.
- 183 2.31.2. Dwelling, two family (**Duplex**): A building designed for or used exclusively by two
 184 families or housekeeping units.
- 185 2.31.3. Dwelling, multi-family: A building or portion thereof designed for or used by
 186 three or more families or housekeeping units.
- 187 2.31.4. Dwelling group: A group of two or more detached dwellings located on a
 188 parcel of land in one ownership and having any yard or court in common.
- 189 2.31.5. Dwelling unit: One room, or a suite or two or more rooms designed for or
 190 used by one family for living and sleeping purposes and having kitchen and
 191 toilet facilities.
- 192 2.32. **Easement:** Authorization by a property owner for the use by another, and for a
 193 specified purpose, of a designated part of his or her property.
- 194 2.33. **Factory-Built Home:** Any structure built in a factory and designed for long-term
 195 residential use including:
- 196 2.33.1. **Manufactured Homes:** Homes built **entirely** in the factory in compliance with
 197 The Federal Manufactured Home Construction and Safety Standards of June
 198 15, 1976, as defined in Wisconsin Statutes 101.91(2), (am). (*The term*
 199 *“mobile home” is often used to describe any manufactured home regardless*
 200 *of when it was built.*)

- 201 2.33.2. Modular Homes: Factory-built homes built to the state, local or regional code
 202 where the home will be located. Modules are transported to the site and
 203 installed.
- 204 2.33.3. Panelized Homes: Factory-built homes in which panels (a whole wall with
 205 windows, doors, wiring and outside siding) **are built on site or** transported to the
 building site and assembled. These homes must meet state or local building codes.
- 206 2.33.4. Pre-Cut Homes: Factory-built homes in which building materials are factory-
 207 cut to design specifications, transported to the building site and assembled.
 208 Pre-cut homes include kit, log and dome homes. These homes must meet
 209 local and state building codes. **There are numerous styles and forms of these
 homes, PARK Model, Tiny Homes, SHOUSE, Barndominiums, etc...**
- 210 2.33.5. Mobile Homes: Applies to manufactured homes produced prior to June 15,
 211 1976. (The term “mobile home” is often used to describe any manufactured
 212 home regardless of when it was built.) **These structures are built on a frame with
 some type of wheel configuration.**
- 213 2.34. **Family:** A group of persons living together in one (1) dwelling unit as a single
 214 housekeeping entity.
- 215 2.35. **Flood:** See Wood County Shoreland Zoning Ordinance for definitions of floodplain,
 216 flood profile, flood proofing, flood stage and floodway.
- 217 2.36. **Forestry:** The science, art, and craft of creating, managing, using, and conserving
 218 forests and associated resources in a sustainable manner to meet desired goals, needs,
 219 and values for human benefit. Modern forestry generally embraces a broad range of
 220 uses, including timber as raw material for wood products, Christmas trees, wildlife
 221 habitat, natural water quality management, recreation, landscape and community
 222 protection, employment, aesthetically appealing landscapes, biodiversity management,
 223 watershed management, erosion control, and preserving forests as 'sinks' for
 224 atmospheric carbon dioxide. Forestry includes silviculture, a science that involves the
 225 growing and tending of trees and forests. *(See definition of “Agriculture” in this
 226 section.)*
- 227 2.37. **Frontage:** That boundary of a lot, which is along an existing or dedicated public
 228 right-of-way such as a street, or, where no public street exists, is along another public
 229 way.
- 230 2.37.1. Where a lot abuts more than one street, the Plan Commission shall determine
 231 the frontage for purposes of this ordinance.
- 232 2.37.2. Frontage where measured: For construction purposes, minimum frontage
 233 requirements set forth in Section Five (5) of this ordinance shall be met at the
 234 front building line.
- 235 2.38. **Garage:** A building or structure, or part thereof, used or designed to be used for the
 236 parking and storage of vehicles, trailers and/or equipment.
- 237 2.38.1. Garage apartment: A structure being part of a private garage in which
 238 provision is made for one dwelling unit.
- 239 2.38.2. Garage private: A detached accessory building or a portion of the principal
 240 building used or intended for use by the occupants of the premises for the
 241 storage of vehicles or trailers, but not commercial vehicles or trailers.

- 242 2.38.3. Garage public: A building or portion thereof, other than a private or storage
 243 garage, designed or used for equipping, servicing, repairing, hiring, selling,
 244 storing, or parking motor driven vehicles. The term repairing shall not include
 245 an automotive body repair shop nor the rebuilding, dismantling or storage of
 246 wrecked or junked vehicles.
- 247 2.39. **Grade:** The average level of the finished surface of the ground adjacent to the exterior
 248 walls of a building.
- 249 2.39.1. Grade, existing: The vertical elevation of the ground surface prior to
 250 excavating or filling.
- 251 2.39.2. Grade, finished: The final grade of the site that conforms to the approved plan
 252 as required by this ordinance.
- 253 2.39.3. Grade, natural: The existing grade of elevation of the ground surface that
 254 exists or existed prior to man-made alterations.
- 255 2.39.4. Grade, percentage of: The rise or fall of a slope in feet and tenths of a foot for
 256 each 100 feet of horizontal distance. (Twelve feet of change in elevation in
 257 100 feet horizontal distance is a 12% grade.)
- 258 2.40. **Hardship:** The term “hardship” has a particular legal meaning when used in this
 259 ordinance. It is used here when determining whether the requisite hardship exists to
 260 support granting a “variance”¹ to provisions of this ordinance. The meaning of the
 261 term “hardship” will depend on future definition, interpretation and application by the
 262 Wisconsin legislature and courts. (*See the Appendix for additional information on*
 263 *current interpretations of hardship and variances.*)
- 264 2.41. **High Water Line; Ordinary High Water Mark:** *See Wood County Shoreland*
 265 *Zoning Ordinance.*
- 266 2.42. **Home Occupation:** An occupation carried on in a dwelling unit by the resident
 267 thereof; provided that the use is limited in extent and incidental and secondary to the
 268 use of the dwelling unit for residential purposes and does not change the character of
 269 the dwelling unit.
- 270 2.43. **Hotel/Motel:** Any building or portion thereof, except hospitals and jails, used as a
 271 temporary abiding place for remuneration, ~~with or without meals, containing guest rooms or~~
~~suites where no provision for cooking is made in any individual guest room or suite.~~
- 272 2.44. **Household Unit:** A group of persons who live together in one dwelling unit as a single
 273 housekeeping unit to the exclusion of all others.
- 274 2.45. **Industrial:** A business use or activity at a scale greater than home occupation
 275 involving manufacturing, fabrication, assembly warehousing, and/or storage.
- 276 2.46. **Industry:** The manufacture, fabrication, processing, preparation or treatment of any
 277 article, substance, or commodity. ~~These sites could include~~ indoor or outdoor storage of
 materials, truck storage yards, warehouses, wholesale storage, and other similar types of
 enterprise.

¹ Variances are sometimes referred to as “special exceptions.” The term variance is preferred in this ordinance. *See also, definition of “special exceptions.”*

- 285 For purposes of this zoning ordinance, nonmetallic mining is not an industry. (*See*
 286 *definition of “nonmetallic mining” in this section.*)
- 287 2.47. **Junkyard:** A place where waste, and discarded, recycled, or salvaged materials are
 288 bought, sold, exchanged, baled, packed, disassembled, handled or recycled, including
 289 auto wrecking activities, building wrecking activities, ~~used lumber places~~ and places for
 290 storage of salvaged equipment, materials, and parts, but not including places where such
 291 uses are conducted entirely within a completely enclosed building and not including
 292 pawn shops and establishments for the sale, purchase or storage of used furniture and
 293 household equipment, used cars in working condition, or salvaged materials incidental
 294 and necessary to manufacturing operations.
- 295 2.48. **kennel:** A kennels is any premise, or portion thereof, where dogs, cats or other household
 296 pets are maintained, boarded, bred or cared for, in return for remuneration, or are kept
 297 for the purposes of sale.
- 298 2.49. **Laundromat:** A business that provides washing, drying and/or ironing machines for hire
 299 to be used by customers on the premises.
- 300 2.50. **Loading Space:** An off-street space or berth on the same lot with a building or contiguous
 301 to a group of buildings for the temporary parking of a commercial vehicle while loading
 302 or unloading merchandise or materials, and which abuts upon a street, alley or other
 303 appropriate means of access.
- 304 2.51. **Lot:** A parcel of land occupied or intended to be occupied by a principal building or a
 305 group of such buildings and accessory buildings, or utilized for a principal use and uses
 306 accessory thereto, together with such open spaces as required by this ordinance, and
 307 having frontage on an officially approved street or place.
- 308 2.51.1. Lot area: The area of contiguous land bounded by lot lines, inclusive of land
 309 provided for public thoroughfares.
- 310 2.51.2. Lot, corner: A lot abutting upon two or more streets at their intersection or upon
 311 two parts of the same street, such streets or parts of the same street forming an
 312 interior angle of less the 135 degrees. The point of intersection of the street lines
 313 in the “corner.”
- 314 2.51.3. Lot, depth: The mean horizontal distance between the front and the rear lot lines.
- 315 2.51.4. Lot, interior: A lot other than a corner lot.
- 316 2.51.5. Lot, line: A property boundary line of any lot held in single or separate
 317 ownership; except that where any portion of the lot extends into the abutting
 318 street or alley, the lot line shall be deemed to be the street or alley right-of- way
 319 line.
- 320 2.51.6. Lot of record: A lot which is part of a subdivision, the map of which has been
 321 approved by the Wood County Planning and Zoning Commission, as of the
 322 effective date of this ordinance, shall have the same status as if the said
 323 subdivision plat was officially recorded in the office of the Register of Deeds;
 324 however, no building permit shall be issued for any lots in such subdivision
 325 until a final plat which includes such lots, has been officially recorded in the
 326 office of the Register of Deeds.
 327

- 328 2.51.7. Lot, through: A lot having frontage on two parallel or approximately parallel
329 streets.
- 330 2.51.8. Lot width: The mean width of the lot measured at right angles to its depth.
- 331 2.52. **Minor Structure:** Any small, movable accessory structure or construction such as
332 birdhouses, tool houses, pet houses, play equipment, and arbors, including walls and
333 fences under four feet (4') in height.
- 334 2.53. **Mobile Home or Manufactured Home:** *(See also definition of Factory-Built Homes.)*
- 335 2.53.1. Manufactured Home, length/width: The distance from the exterior of the front
336 wall (nearest to the drawbar and coupling mechanism) to the exterior of the
337 rear wall (at opposite end of the home) where such walls enclose living or
338 other interior space and such distance includes expandable rooms, excluding
339 bay windows, porches, drawbars, couplings, hitches, wall and roof extensions,
340 or other attachments. Width means the distance from the exterior of one side
341 wall to the exterior of the opposite side wall where such walls enclose living
342 or other interior space and such distance includes expandable rooms,
343 excluding bay windows, porches, wall and roof extensions, or other
344 attachments.
- 345 2.53.2. Manufactured Home Lot: A parcel of land designed for the placement of a
346 single manufactured home.
- 347 2.53.3. Manufactured Home Park: A parcel of land under single ownership designed,
348 maintained, intended or used for the purpose of providing a location and
349 accommodations for two or more manufactured homes, including all buildings
350 used or intended for use as part of the equipment thereof, whether or not a
351 charge is made for the use of the park or its facilities.
- 352 2.54. **Motor Home:** A motorized vehicle designed to be operated upon a highway for use
353 as a temporary or recreational dwelling and having the internal characteristics and
354 equipment similar to a manufactured home.
- 355 2.55. **Motor Vehicle:** Any self-propelled vehicle capable of transporting persons or goods.
- 356 2.55.1. Motor Vehicle, inoperable: Any motorized vehicle incapable of immediately
357 being driven and/or not properly licensed in accordance with state law.
- 358 2.55.2. Motor Vehicle, junk: Any motor vehicle, trailer, or semitrailer that is
359 inoperable and which, by virtue of its condition cannot be economically
360 restored to operable condition; provided that such vehicle, trailer or semitrailer
361 shall be presumed to be a junk vehicle if no license plates are displayed or if
362 the license plates displayed have been invalid for more than 60 days.
- 363 2.56. **National Register of Historic Places:** The listing maintained by the U.S. National
364 Park Service of areas that have been designated as historically significant. The
365 Register includes places of local and state significance, as well as those of value to the
366 nation in general.
- 367 2.57. **Nonconforming Lot:** A lot, which had dimensions or square footage, that met legal
368 requirements prior to the adoption, amendment or comprehensive revision of a zoning
369 ordinance, but which fails to conform to the current requirements of this ordinance.

- 370 2.58. **Nonconforming Structure:** A structure which met legal requirements prior to the
 371 adoption, amendment or comprehensive revision of a zoning ordinance, but which fails
 372 to conform to the current requirements of this ordinance.
- 373 2.59. **Nonconforming Use:** A use which existed lawfully prior to the adoption, amendment
 374 or comprehensive revision of a zoning ordinance, but which fails to conform to the
 375 current requirements of this ordinance.
- 376 2.60. **Nonmetallic Minerals:** A product, commodity or material consisting principally of
 377 naturally occurring, organic, inorganic, nonmetallic, non-renewable material.
 378 Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos,
 379 beryl, diamond, clay, coal, feldspar, peat and talc.
- 380 2.61. **Nonmetallic Mining** means any or all of the following:
 381 2.61.1. Extraction from the earth of mineral aggregates or nonmetallic minerals for
 382 off-site use or sale, including drilling and blasting as well as associated
 383 activities such as excavation, grading and dredging of such mater.
 384 2.61.2. Manufacturing or industrial processing operations that may involve the use of
 385 equipment for the crushing, screening, separation, washing, drying or blending
 386 of the mineral aggregates or nonmetallic minerals obtained by extraction from
 387 the mining site, or from materials transferred from off-site.
 388 2.61.3. Manufacturing processes aimed at producing nonmetallic products for sale or
 389 use by the Operator.
 390 2.61.4. Stockpiling of nonmetallic products for sale or use off-site and stockpiling of
 391 waste materials.
 392 2.61.5. Transporting of the extracted nonmetallic materials, finished products or waste
 393 materials to or from the extraction site and/or processing site(s).
 394 2.61.6. Stockpiling, storing or processing of nonmetallic products for transportation
 395 including trucking terminals and rail terminals whether located on or off of the
 396 mine site.
 397 2.61.7. Disposal of waste materials from nonmetallic mining
 398 2.61.8. Reclamation of the extraction site
- 399 2.62. **Nursing Home:** A home in which three or more persons not of the immediate family
 400 are received, and provided with shelter and care for compensation, but not including
 401 hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or
 402 care of the sick or injured.
- 403 **Outdoor Storage:** All exterior storage will be kept in an orderly manner and concealed as best
 404 as possible with vegetation or fencing. Any Junk or non-working vehicles and piles of
 mechanical equipment , scrap metal, sand, dirt or rock piles greater than 10’ wide x 30’ long,
 over 8’ tall.
- 405 2.63. **Parking Area or Lot, Public:** An open area, other than a street or other public way,
 406 used for the parking of ~~automobiles~~ motorized vehicles and available to the public whether
 for a fee, free or as an accommodation for clients or customers.
- 407 2.64. **Parking Space:** A surfaced area of not less than one hundred eighty (180) square feet,
 408 having a minimum width of nine (9) feet and a minimum length of eighteen (18) feet,
 409 either within a structure or in the open, exclusive of driveways or access drives, for the
 410 parking of motor vehicles.
- 411 2.65. **Person:** Any individual, firm, trust, partnership, public or private association or
 412 corporation; or an individual, partnership, firm, company, corporation, municipality,

- 413 county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their
414 agent, heir, or assignee.
- 415 2.66. **Planned Unit Development (PUD):** A form of land development permitted after
416 following the procedures for creating a planned unit development district as provided in
417 this ordinance. The planned unit development district is designed to allow variation in
418 the types and arrangements of land uses and structures in developments conceived and
419 implemented as cohesive, unified projects.
- 420 2.67. **Principal Building:** The building of primary importance on a parcel of land, in
421 contrast to those which are accessory or of secondary importance. In the case of a
422 house and attached garage, the entire structure, including the house and garage, shall be
423 considered the principal building.
- 424 2.68. **Recreational Area:** A park, playground, ball field, ski hill, sport field, swimming,
425 pool, riding stables or riding academies or other facilities and areas constructed for
426 recreational activities and open for use by the public or a private organization
- 427 2.69. **Recreation Vehicle (RV):** See section 2.19 of this ordinance entitled “Camping
428 Vehicle.
- 429 2.70. **Resort:** An area containing one or more permanent buildings utilized principally for
430 the accommodation of the public for recreation purposes.
- 431 2.71. **Riding Stables or Riding Academies:** Buildings or premises used for the rent or lease
432 of horses or other animals for riding.
- 433 2.72. **Right-of-Way:** A public or private area that allows for the passage of people or goods.
434 Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and
435 walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the
436 public for public use or otherwise under the control of a public agency.²
- 437 2.73. **Roadside Stand:** A temporary structure designed and constructed so that the structure
438 is easily portable and can be readily moved.
- 439 2.74. **Sanitary Landfill:** The term “sanitary landfill” has the meaning set forth in Wisconsin
440 Statutes Chapter 289.01 (20) and (35), as may be amended from time to time.
- 441 2.75. **Service Building:** A structure housing toilet, washing and bathing facilities and such
442 other facilities as may be required by this ordinance.
- 443 2.76. **Setbacks:** *See Building Setbacks.*
- 444 2.77. **Solar Energy:** Direct radiant energy received from the sun.
- 445 2.78. **Solar Energy System:** Equipment, which directly converts and then transfers or stores
446 solar energy into usable forms of thermal or electrical energy.

²For example, although dedication is generally preferable, a public right-of-way may also be established by easement.

- 446 2.79. **Slaughterhouse:** Any building or premises used for the killing or dressing of fowl, cattle,
 447 sheep, swine, goats or horses, and the storage, freezing and curing of meat and
 448 preparation of meat products.
- 449 2.80. **Special Exception.** For purposes of this ordinance, the term “special exception” means
 450 a variance issued in accordance with the “Variances” section of this ordinance. Although
 451 some statutes and cases use the term “special exception” to mean a conditional use, for
 452 the purposes of this ordinance, a “special exception” is not a conditional use. A
 453 conditional use is defined in this “Definitions” section and issued in accordance with the
 454 “Permits and Inspections” section of this ordinance.
- 455 2.81. **Stable, Commercial:** A stable for horses, donkeys, mules, or ponies, which are let, hired,
 456 used or boarded on a commercial basis and for compensation.
- 457 2.82. **Stable, Private:** An accessory building for the keeping of horses, donkeys, mules or
 458 ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
- 459 **Story:** That portion of a building included between the surface of any floor and the
 460 surface of the floor next above it, or if there is no floor above it, then the space between
 461 the floor and the ceiling above it.
- 462 **Street:** A public right-of-way which provides a public means of access to abutting
 463 property. The term street shall include avenue, drive, circle, road, trail, parkway,
 464 boulevard, lane, place, highway, thoroughfare or any similar term.
- 465 2.84.1. Arterial Street: A public street or highway intended primarily for fast or heavy
 466 through traffic use. Arterial streets and highways shall include freeways and
 467 expressways as well as arterial streets, highways and parkways.
- 468 2.84.2. Collector Street: A public street intended to serve and provide access to
 469 neighborhoods or sub-neighborhoods.
- 470 **Structure:** Anything constructed or erected, the use of which requires a foundation or a
 471 location on or in the ground. It includes but is not limited to objects such as buildings,
 472 decks, and pools etc.
- 473 2.85.1. Permanent: A structure, which is built, of such materials and in such a way that
 474 it would commonly be expected to last and remain useful for a substantial period
 475 of time.
- 476 2.85.2. Temporary: A structure which is built of such materials and in such a way that
 477 it would commonly be expected to have a relatively short useful life, or is built
 478 for a purpose that would commonly be expected to be relatively short term.
- 479 2.85.3. Structure alteration: Any change in the component members of a building, such
 480 as walls, columns, beams or girders.
- 481 **Subdivision:** See Wood County Land Subdivision Ordinance.
- 482 **Town Board:** The Board of Supervisors of the Town of Saratoga.
- 483 2.86.
- 484

485 **Use:** The purpose for which land or a building or structure is arranged, designed or
 486 intended, or for which either land or a building or structure is, or may be occupied or
 487 maintained.

488 2.88.1. Use, conditional:³ A use listed in the zoning ordinance that may be allowed but
 489 only if found compatible following examination of a specified location,
 490 neighboring uses, limitations of the site, impact on natural resources, the health,
 491 safety and general welfare of Town residents, and the purposes of the zoning
 492 ordinance. Authorization of a conditional use is discretionary and must be
 493 determined on a case-by-case basis. Conditions may also be attached upon any
 494 approval, including regular review for compliance and impacts, expiration dates
 495 and renewal requirements, and limitations as to time and manner of operation.

496 2.88.2. Use, incompatible: A use or service that is incapable of direct association with
 497 certain other uses because it is contradictory, incongruous, or discordant.

498 2.88.3. Use, nonconforming: See Nonconforming use.

499 2.88.4. Use, permitted (permitted as of right): A use listed in the zoning ordinance that
 500 is allowed ‘by right’ at all locations in a zoning district, provided that the project
 501 or use complies with the general standards for the zoning district, any overlay
 502 district or design standards, and related building or construction codes.
 503 Authorization of a permitted use is non-discretionary and may be authorized
 504 with a zoning permit or confirmed with a zoning certificate of compliance.

505 2.88.5. Use, prohibited or unlisted: A use that is not allowed in a zoning district because
 506 it is not expressly listed or is specifically prohibited by the zoning ordinance.

507 **Variance:** A zoning variance authorizes a landowner to establish or maintain a use that
 508 is prohibited in the zoning ordinance. Zoning variances represent a departure from the
 509 terms of this ordinance where it is shown that unique physical circumstances applying to
 510 a land parcel causes a hardship to the owner and that the condition permitted by the
 511 departure still will be in fundamental harmony with surrounding uses.

512 **Vision Clearance Triangle:** An unoccupied triangular space at the corner of a corner lot
 513 which is bounded by the street lines and a setback line connections points determined by
 514 measurement from the corner of each street line.

515 **Wind Energy System:** Equipment that converts and then stores or transfers energy from
 516 the wind into usable forms of energy.

517 **Yard:** A required open space other than a court, or a lot, unoccupied and unobstructed
 518 from the ground upward except as otherwise provided in this ordinance.

519
 520

³Note: Wisconsin courts sometimes use the terms “conditional use” and “special exception” interchangeably. Historically, the term “conditional use” often referred to land *uses* and the term “special exception” referred to exceptions to dimensions and similar requirements set forth in a zoning ordinance. The term “conditional use” is preferred in this ordinance, and the historical distinction between conditional uses and special exceptions is no longer intended or relied upon in this ordinance.

- 521 2.92.1. Front Yard: A yard extending across the full width of the lot, the depth of which
522 is the minimum horizontal distance between the front lot line and a line parallel
523 thereto on the lot as required in the district where located.
- 524 2.92.2. Front Yard, how measured: The depth of the front yard shall be measured from
525 the right-of-way line of the existing street on which the lot fronts (the front Lot
526 Line); provided, however, that if the proposed location of the right- of-way of
527 such street as established on the Official Thoroughfare Plan or Major Street Plan
528 differs from that of the existing street, then the required front yard depth shall
529 be measured from the right-of-way line of such street as designated on the said
530 Thoroughfare Plan or Major Street Plan.
- 531 2.92.3. Rear Yard: A yard extending across the full width of the lot, the depth of which
532 is the minimum distance between the rear lot line and a line parallel thereto on
533 the lot as required in the district where located.
- 534 2.92.4. Side Yard: A yard extending from the front yard to the rear yard, the width of
535 which is the minimum horizontal distance between the side lot line and a line
536 parallel thereto on the lot as required in the district where located.
- 537 2.92.5. Side Yard, least width, how measured: Such width shall be measured from the
538 nearest side lot line and, in case the nearest side lot line is a side street lot line,
539 from the right-of-way line of the existing street; provided, however, that if the
540 proposed location of the right-of-way line of such street as established in the
541 Thoroughfare Plan differs from that of the existing street, then the required side
542 yard least width shall be measured from the right-of-way of such street as
543 designated on the Thoroughfare Plan.
- 544 2.93. **Water Storage Facility:** A water tower, tank or similar vessel, which is part of a high
545 capacity well.
- 546 2.94. **Well, High Capacity:** A well or other water supply or water system whose operating
547 capacity singly or in the aggregate with that of other wells on a property will be in excess
548 of 70 gallons per minute, as defined in Wis. Admin. Code NR 812.07 (53).
549

550 **3. DISTRICTS.** The following zoning districts are established:

- 551 3.1. **Residential Districts**
- 552 3.1.1. Suburban Residential District (RS-1)
- 553 3.1.2. Rural Residential District (RR-1)
- 554 3.1.3. Manufactured (Mobile) Home District (MH)
- 555 3.2. **Commercial Districts**
- 556 3.2.1. Light Commercial District (LC)
- 557 3.2.2. Highway Commercial District (HC)
- 558 3.2.3. General Industry District (ID)
- 559 3.3. **Rural Preservation District (RP)**
- 560 3.4. **Farmland Preservation District (FP)**
- 561 3.5. **Planned Unit Development Districts – Residential (PUD)**
- 562 3.6. **Overlay Districts**
- 563 3.6.1. Conservation subdivision Overlay District (CS-O)
- 564 3.6.2. Historic District Overlay (H-O)
- 565 3.6.3. Natural Resources Preservation and Floodplain Overlay (NRP-O)
- 566 3.6.4. Development Constraints Overlay District (DC-O)

567 **4. ZONING DISTRICT MAPS.** The location and boundaries of the zoning districts are hereby
 568 established as shown on the map(s) entitled “Town of Saratoga Zoning Map” on file in the
 569 Town Office, and referred to as the Zoning Map. The Town Zoning Official and Plan
 570 Commission shall periodically update the Zoning Map to show changes in the zoning district
 571 boundary lines resulting from amendments to this ordinance. Where any uncertainty exists as
 572 to the exact location of zoning district boundary lines, the Plan Commission, upon written
 573 application thereto, shall determine the location of such boundary lines. The Zoning Map,
 574 together with all information shown thereon and all amendments thereto, shall be as much a
 575 part of this ordinance as if fully set forth and described herein..

576 **5. RESIDENTIAL ZONING DISTRICTS** ⁴

- 577 5.1. **Suburban Residential District (RS-1)**
- 578 5.1.1. **Permitted Uses in RS-1 District.**
- 579 a. One dwelling per lot, single family ~~or duplex~~
- 580 b. ~~Two private garages are allowed~~ for each residential parcel, ~~some can be an~~
~~unattached garage.~~
- 581 c. Accessory buildings ~~(Maximum of Two (2))~~
- 582 d. Home occupations ~~with same limitations as in RR-1 District as noted in 5.1.4~~
~~below Uses customarily incident of any of the above uses;~~ provided that no
~~such use generates traffic or noise that creates a public or private nuisance.~~
- 583 e.
- 584
- 585 5.1.2. **Conditional Uses in RS-1 District**
- 586 a. Home occupations with same limitations as in RR-1 District.

⁴Note: Manufactured homes (mobile homes) for residential use are a permitted use within the Manufactured Home District (MH) and are a conditional use in the Rural Residential District (RR-1), provided that such use also conforms to all other applicable laws of the Town, County and State.

- 587 b. Libraries, museums, and art galleries
- 588 c. ~~Hospitals and clinics~~
- 589 d. ~~Colleges and technical-vocational schools~~
- 590 e. ~~Telephone buildings, excepting service garages and storage yards~~
- 591 f. ~~Microwave radio relay structures, television transmission towers, and cell~~
- 592 ~~phone towers~~
- 593 g. ~~Graded schools~~
- 594 h. ~~Churches and their affiliated uses~~
- 595 i. ~~Cemeteries of one acre or less located adjacent to a church~~

596 5.1.3. **RS-1 Suburban Residential District Standards**

a. Maximum building height	
Principal Building	35 ft.
Accessory Building	20 ft.
b. Maximum front yard setback	
Principal building	30 ft. adjacent to town road ⁵
	50 ft. adjacent to county or state highways
Accessory building	Same as principal building
c. Minimum rear yard setback	
Principal building	25 ft.
Accessory building	9 ft.
d. Minimum side yard setback	
Principal building	9 ft. from adjoining lot, or 30 ft. from adjacent town road, or 50 ft. from county or state highway
Accessory building	Same as principal building
e. Minimum lot area	1 acre (43,560 sq. ft.) minus road right-of-way
f. Lot Frontage	Minimum 66 feet
g. Off-street parking	
One and two family residence	See Section 14
Place of public gathering	See Section 14
h. Maximum Lot Coverage	Primary Building 30%, Accessory Building 5%
i. Residential Floor Area (Minimum)	750 square Feet
i. Outside Storage	NONE allowed
j. Garage Buildings	2 allowed - 1 must be attached 10% of total lot size
k. Accessory Buildings	2 allowed (2000 SF MAX for all); 5% of total lot size
k. Minimum Distance between Driveway and property Line	10 feet (min)

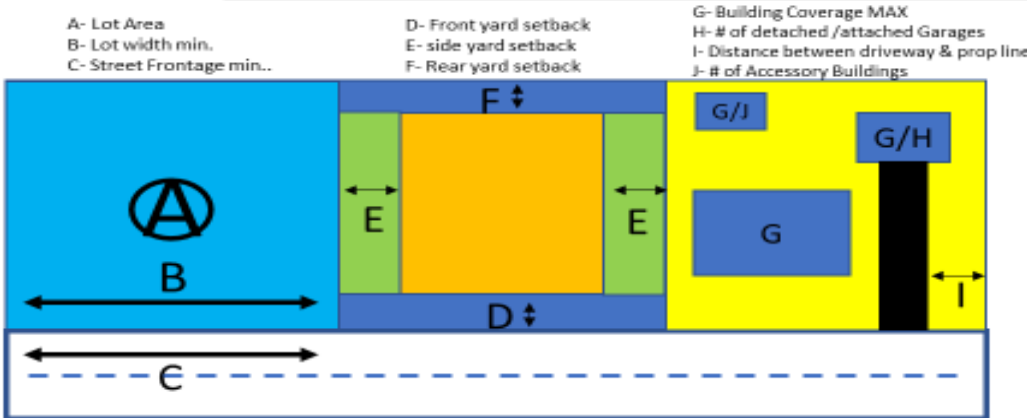
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Suburban Residential – RS-1		
Lot Standards		
Lot Area (min)	1 acre(Minus ROW)	A
Lot width (min)	66 feet	B
Street Frontage (min)	35 feet	C
Water Frontage (min)	As determined by County and Town	--
Building Setback-		
Front Yard (min)	30 feet (50' state Road)	D
Side yard (min)	9 feet (30' from Town Rd, 50' from State Road)	E
Rear Yard (min)	25 feet (9' for accessory Building/garage)	F
Building Standards		
Max Height-	Principal Bldg: 35 feet Accessory Building: 20 feet	
Building Coverage MAX	Primary 30%/ Accessory Bldg 5%	G
Residential Floor Area (min)	750 SQ feet	--
Floor area of attached garage	2000 SQ Feet	--
Number of detached Accessory Bldgs	No more than 10% of the lot size	J
Number of attached/detached garages	No more than 5% of the Lot size.	H
Distance between driveway & property line	10 feet	I

(13,068/2178 SQ Ft)



-Single family Housing

600

5.1.4. Home Occupations

601

a. **Permitted Uses:** A home occupation shall be a permitted use in the RS-1 district, with no conditional use permit required, if all of the following are true:

602

603

1) There may be only one unrelated person engaged in the home occupation other than the family members residing on the premises

604

605

2) There are no visible indications other than a business sign, that a home occupation is being conducted on the premises

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607

3) Any sign advertising the home occupation is no larger than 6 square feet. (See Sign Ordinance 06-18-2014)

608

609

4) No outside storage results from the home occupation

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5) No more than 25% of the gross area (including all floor levels) of the dwelling and no more than 25% of the combined floor area of all attached or detached garages or accessory buildings is used for the home occupation.

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6) The home occupation creates no offensive noise, vibration, sound, smoke, dust, odors, heat, glare, x-rays or electrical disturbance to radio, television or wireless communications. **This includes any extreme exterior lighting that spills over onto adjoining parcels.**

615

616

617 7) The home occupation does not result in any nuisance to the public, such
618 as, generation of substantial volume of vehicular or pedestrian traffic, or
619 parking demand.
620

621
622 b. **As Conditional Uses:** A home occupation may be allowed as a conditional
623 use in the RS-1 district, and shall require a conditional use permit, if any of the
624 following apply:

- 625 1) The home occupation does not comply with the requirements for a
626 permitted use set forth in this subsection above.
- 627 2) The home occupation includes parking of a semi-trailer (with or without
628 a tractor).

629 c. **Not Permitted:** The following activities are not considered home occupations
630 and shall not be permitted in the RS-1 district:

- 631 1) Any activity, which includes explosives, fireworks, or repair of motor
632 vehicles
- 633 2) Barbershops or beauty shops with more than one unrelated operator;
634 mechanical repair or welding shops; antique shops; restaurants; dance
635 studios, and uses listed as conditional uses in a Commercial District.
- 636 3) Any activity which, even with conditions and limitations, is not
637 consistent with the purpose of the RS-1 district and has a high likelihood
638 of creating conflicts within the district

639 ⁵Note: All references to roads, streets or highways refer to the right-of-way, not the paved portion of the
roadway.

640 5.2. **Rural Residential District (RR-1)**

641 5.2.1. **Permitted Uses in the RR-1 District**

- 642 a. One dwelling per lot, whether single family or duplex ~~or Multi-family~~
- 643 b. ~~Two~~ private garages for each residential parcel, **no more than 10% of the total lot**
size.
- 644 c. Accessory buildings, **no more than 5% of the total lot size.**
- 645 d. Uses customarily incident to any of the above uses except for agricultural use
646 as defined in this ordinance, provided that no such customarily incident use
647 generates traffic or noise that would create a public or private nuisance. (*See*
648 *definition of “agricultural use” in Definitions Section 2.*)
- 649 e. Home occupations meeting the criteria set forth in Section 5.1.4 (see above) with
addition of Private Stables

650

651 5.2.2. **Conditional Uses in the RR-1 Rural Residential District**

- 652 a. ~~Home occupations meeting the criteria set forth in Section 5.1.4 (see above)~~
- 653 b. Libraries, museums, and art galleries
- 654 c. ~~Hospitals, clinics and nursing homes~~
- 655 ~~d. Colleges and vocational schools~~
- 656 ~~e. Telephone buildings, excepting service garages and storage yards~~
- 657 ~~f. Microwave radio relay structures, television transmission towers, and cell~~
658 ~~phone towers~~
- 659 ~~g. Funeral homes~~
- 660 ~~h. Manufactured homes (mobile homes), provided that such use also conforms to~~
661 ~~all other applicable ordinances of the Town, County and State~~
- 662 i. Graded Schools

- 663 j. Churches and their affiliated uses
- 664 k. Cemeteries of one acre or less, located adjacent to a church
- 665 l. Public buildings, except sewage plants, garbage incinerators, warehouses,
- 666 **Municipal** garages, **municipal** shops and storage yards
- 667 m. Kennels as defined in this ordinance
- 668 n. Commercial stables
- 669 o. Forestry uses
- 670 **p. Conservation Subdivision Development**
- 671 **q. Planned Unit Development**
- 672 r. Other similar and compatible uses in accord with the purpose of this district as
- 673 determined by the Plan Commission to be in accord with the purpose of this
- 674 ordinance.

675 5.2.3. RR-1 Rural Residential District Standards

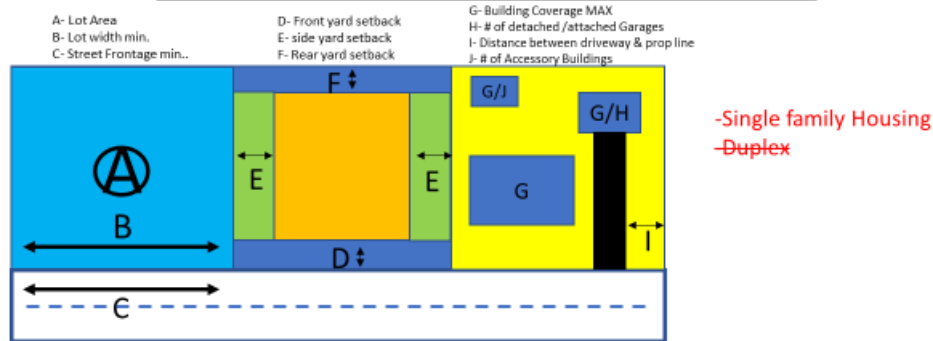
a.	Maximum building height	
	Principal building	35 ft.
	Accessory building	25 ft
b.	Minimum front yard setback	
	Principal building	30 ft adjacent to town road 50 ft adjacent to county or state highway
	Accessory building	Same as principal building
c.	Minimum rear yard setback	
	Principal building	25 ft
	Accessory building	9 ft. Based on height of structure height is min setback for side
d.	Minimum side yard setback	
	Principal building	9 ft from adjoining lot or 30 ft from adjacent town road, 50 ft from county or state highway
	Accessory building	Based on height of structure height is min setback for side
e.	Minimum lot area	3 acres (130,680 sq. ft) minus road right of way
f.	Lot frontage	75 feet minimum on street (Lot width 300 ft.)
g.	Off Street parking	
	One and Two Family Dwellings	See section 14
	Place of Public gathering	See section 14
h.	Maximum Lot Coverage	No more than 40% of the total lot
	Principal Building	None, Must Comply with setback standards (b) (c) (d)
	Accessory Buildings	3500 Square feet for all

i. Outside Storage	NONE (see definitions)
j. Residential Min Floor area	750 Square feet
k. Minimum Distance between driveway and property lines	20 feet
l. Garage Buildings	No more than 10% of the total lot size
m. Accessory Buildings	No more than 5% of the total lot size

685 Also see the design standards for Single family and two-family Dwellings listed in RS-1

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Rural Residential – RR-1		
Lot Standards		
Lot Area (min)	3 acres (Minus ROW)	A
Lot width (min)	300 feet with a ratio no greater than 4 to 1	B
Street Frontage (min)	75 feet	C
Water Frontage (min)	???	--
Building Setback-		
Front Yard (min)	30 feet (50' state Road)	D
Side yard (min)	50 feet (30' from Town Rd, 50' from State Road)	E
Rear Yard (min)	25 feet (25' for accessory Building/garage)	F
Building Standards		
Max Height-	Principal Bldg: 35 feet Accessory Building: 25 feet	
Building Coverage MAX	Primary 30%/ Accessory No more than 10%	G (39,204 SQ Ft)
Residential Floor Area (min)	750 SQ Feet in	--
Floor area of attached garage	3200 SQ Feet	--
Number of detached Accessory Bldgs	No more than 10% of the lot size	J
Number of attached/detached garages	No more than 5% of the lot size	H
Distance between driveway & property line	20 feet	I



6. COMMERCIAL ZONING DISTRICTS

6.1. **Light Commercial District (LC).** Light Commercial areas are those lands that are delineated as existing commercial and are mixed with existing residential uses. The LC District is associated with minor development nodes along a major transportation networks. The primary intent of this areas is to allow future small commercial developments, or mixed-use developments, in areas that can accommodate the associated traffic demands while not creating land use compatibility issues with surrounding uses. The scale and size of buildings and associated parking, and outdoor display areas is expected to be compatible with that of existing uses and smaller than building sizes and associated uses within the Highway Commercial areas. The district boundaries for parcels with 100 feet of frontage on STH 73, shall extend from the respective right-of-way 330 feet in depth or to the rear lot line whichever is less. The LC District boundary may be extended for those parcels that have a depth greater than 330 feet to a depth of 412 feet or to the rear lot line whichever is less.

6.1.1. Permitted Uses in LC District

- a. Small retail stores and shops such as, but not limited to; gift shops, art gallery, variety and household appliance stores.
- 698 b. Small service businesses such as, but not limited to; barbers, beauticians,
- 699 florists.
- 700 c. Offices for business and professional firms
- 701 d. Other retail stores and shops and small businesses catering to local patronage,
- 702 compatible with the intent of the Light Commercial District, and not
- 703 endangering the health, safety, and general welfare to local residents or
- 704 detrimental to the value of any property.
- ~~705~~ ~~e.~~
- 706 f. Some uses are permitted in both the LC and HC Districts; all development in
- 707 the LC District must comply with the intent stated in 6.1 above.
- 708 g. Other similar and compatible uses which are determined by the Plan
- 709 Commission to be in accord with the purpose of this ordinance.
- 710
- 711

6.1.2. **Conditional Uses in LC District.** The Plan Commission, as a conditional use, may consider businesses that do not fully comply with the stated intent in 6.1, with final approval by the Town Board.

- 714 - Residential development as allowed in the underlying Suburban Residential
- 715 District.
- 716 -Greenhouses and nurseries
- 717 -Recreation facilities
- 718 -Storage rental units
- 719 -Commercial and private stables
- 720 -**Crypto-Currency operations**
- 721
- 722

6.2. **Highway Commercial District (HC)** Highway Commercial areas those properties delineated as existing commercial or are likely places of highway commercial expansion (i.e. near existing commercial corridors or near major intersections). The primary intent of these area is to allow for some larger commercial developments near compatible uses that can accommodate the associated traffic demands. The scale and size of buildings and associated parking and outdoor display areas is expected to be similar to that of existing uses and larger than building sizes in Light Commercial areas. By directing future highway dependent development into the HC, new commercial development along other highway corridors designated LC shall be avoided.

6.2.1. Permitted Uses in the Highway Commercial District (HC)

- a. Large-scale stores such as; retail and wholesale department, variety and specialty merchandise stores, grocery and specialty foods establishments, restaurants and supper clubs
- b. Business and professional offices
- c. Personal service establishments (i.e. barbershops, beauty salons, motels etc.
- d. Convenience stores or service stations

- 732 e. Motor vehicle sales and service, recreation vehicle, small engine, and farm
- 733 implement sales and service
- 734 f. Greenhouses and nurseries
- 735 g. Recreation facilities
- ~~736 h. Storage rental units~~
- 737 i. Commercial and private stables
- 738 j. All uses permitted in the LC District are permitted in the HC District
- 739 k. Other similar and compatible uses which are determined by the Plan
- 740 Commission to be in accord with the purpose of this ordinance.

741 **6.2.2. Conditional Uses in HC District** The following uses shall be conditional uses
 742 in the Highway Commercial District. (See Conditional Uses Section 12.4)

- 743 a. Licensed junkyards and/or recycling businesses
- 744 b. Circuses, carnivals, musical or theatrical performances or any other
- 745 similar public functions which customarily are held in temporary
- 746 structures or in the open air, and for which admission is required or a
- 747 collection is taken.
- 748 c. Microwave radio relay structures, television transmission towers and cell
- 749 phone towers
- d. Any Crypto Currency operations
- e. Storage rental units

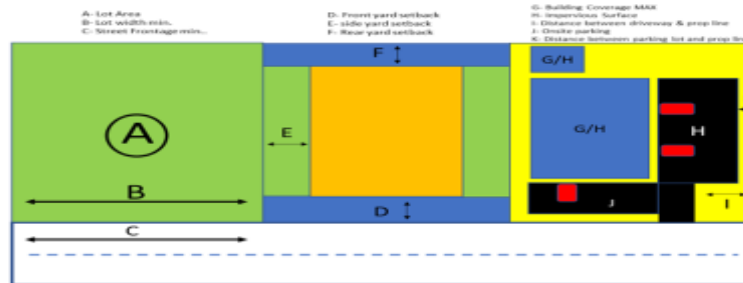
750 **6.2.3. Commercial District Standards**

a. Maximum building height	Light Commercial 35 ft. Highway Commercial 45 ft. Accessory Building 25 ft.
b. Minimum front yard setback	30 ft. adjacent to Town Road, 50 ft. adjacent to County or State Road, 110' from centerline of state highway
c. Minimum side yard setback	
Adjacent to street	15 ft.
Adjacent to commercial property	15 ft.
Adjacent to Residential District	20 ft.
Firewall construction	25 ft.
Non-firewall construction	45 ft.
Accessory Building	15 ft.
d. Minimum rear yard setback	
Principal building	25 ft.
Accessory buildings	12 ft.
Off-Street parking	
e. Principal building	See Section 14 Off-Street Parking
Places of public gathering	See Section 14 Off-Street Parking

Truck unloading area	See Section 14 Off-Street Parking
Lot frontage	100 ft.
Lot size	NONE
Lot Coverage	N/A
Lot Coverage for Garage and accessory Buildings	25% MAX of the total parcel size
Garage Buildings	No more than 10% of total lot size
Accessory Buildings	No more than 5% of lot size
Environmental Requirements	Well tested every 3 years Well and septic drain field identified and plotted.
Other requirements	-Site Plan for review -Lighting Plan for the Property -Stormwater Plan for the Property -Parking and delivery plan for review - Design Standards for review prior to approval -Landscape plan -Garbage and trash removal plan and an enclosed storage area. -Signage concept and Permit -ALL PLANS are reviewed by the Planning Commission and final approval by Town Board

752

LIGHT or HIGHWAY COMMERCIAL– LC/HC		
Lot Standards		
Lot Area (min)	None	A
Lot width (min)	100 feet	B
Street Frontage (min)	75 feet	C
Water Frontage (min)	???	--
Building Setback-		
Front Yard (min)	30 feet (50' state Road) Parcel,	D
Side yard (min)	15 feet (30' from Town Rd, 50' from State Road)	E
Rear Yard (min)	25 feet (9' for accessory Building/garage)	F
Building Standards		
Max Height-	Principal Bldg: 35 foot LC/ 45 feet for HC	--
	Accessory Building: 25 feet	
Lots Coverage MAX	Primary n/a / Accessory Bldgs 15%	G
Business Floor Area (min)	900 SQ Ft per Building	--
Floor area of garage	2500 SQ Ft	--
Number of detached Accessory Bldgs	No more than 10% of Lot size	J
Number of attached/detached garages	No more than 5% of Lot size	H
Parcel Buffer zone	25 foot surrounding 4 sides with landscaping	--
Distance between driveway & property line	5 feet	I



753

Design Standards;

1. Parking and Outdoor Storage/Display

- a. Must be provided in an amount that is reasonably necessary given the nature of the business
- b. Outdoor storage must be incidental to the primary use of the property and maintained in a neat and orderly manner. The site plan must detail the area of storage and the type of items to be stored. ie. A storage unit can have outdoor storage of cars, RVs, trailers. They cannot have outdoor storage of building supplies, dirt/gravel piles, etc...

2. Architectural and Design Standards

- a. Design must be of good quality and present ‘curb appeal’ and avoid the look of a Big Box appearance. This can be done by wall offsets, projections, false features (windows, doors) and multiple roof lines.
- b. Exterior materials must be of good quality industry standard. Street faced must incorporate complimenting materials and include 20% of masonry material such as culture stone, decorative block, stucco or other combination of materials may be considered.
- c. The main entrance must incorporate roof overhangs protecting the public entrance.
- d. All roof systems must include a 12” overhang and incorporate a rain gutter control system.

3. Landscaping and Perimeter Buffer

- a. The streetscape view of the site shall be properly graded and provide a mixture of ground covers, planted trees and shrubs, hardscape features incorporating stone, pavers, and natural materials.

4. Exterior Lighting

- a. All exterior lighting shall balance onsite needs for security and aesthetic effects, allowing minimal intrusion to surrounding and offsite parcels.

- b. All exterior lighting shall be part of the architectural and landscape design concept in color, location and type.
- c. Exterior Lighting shall not be designed to negatively impact neighboring properties.
- d. SEE Saratoga Lighting ordinance. # _____

Manufactured Home (Mobile Home) District (MH). In addition to applicable regulations set forth in this Zoning Ordinance, all manufactured homes (sometimes referred to as mobile homes) located in the Town of Saratoga are regulated as set forth in the Town of Saratoga, **Mobile Home Ordinance 72-1-1** and all amendments thereto.

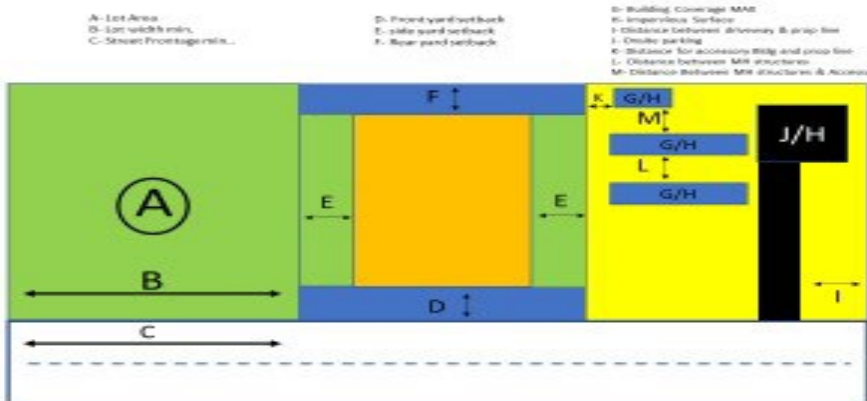
Permitted Uses

- a. Residential use (less than 3 units)
- b. Home occupations with the same limitations as in RS-1 District

Conditional Uses

- a. Business Use (More than 4 Units and a planned community)
- b. Home occupations with the same limitations as in RS-1 District

Manufactured Homes- MH		
Lot Standards		
Lot Area (min)	20 acres (Minus ROW) (5000 SQ Ft per MH parcel)	A
Lot width (min)	300 feet	B
Street Frontage (min)	75 feet	C
Water Frontage (min)	???	--
Building Setback-		
MH Lots	50 feet from all property lines	
Front Yard (min)	30 feet(50' state Road) Parcel, Lots 75 FT from any Road	D
Side yard (min)	9 feet (30' from Town Rd, 50' from State Road), Lots 5 ft	E
Rear Yard (min)	25 feet (9' for accessory Building/garage), Lots 10 Ft	F
Building Standards		
Max Height-	Principal Bldg: 20 feet Accessory Building: 20 feet	
MH Lots Coverage MAX	Primary 1500 SQ Ft/ Accessory Bldg 500 SQ Ft	G
Residential Floor Area (min)	900 SQ Ft per MH Building	--
Floor area of garage	2000 SQ Ft	--
Number of detached Accessory Bldgs	1 per MH Lot	J
Number of attached/detached garages	1 per 4 MH Lots (2000 SF)	H
Parcel Buffer zone	50 foot surrounding 4 sides with landscaping	--
Distance between driveway & property line	15 feet	I



Single family dwelling
Per MH lot

754

6.3. General Industry District (ID)

755

6.3.1. Permitted Uses in ID District

756

- a. All permitted and conditional uses in the Commercial Districts.

- 757 b. Manufacturing, processing or assembly of component parts
 758 c. Outdoor storage of industrial products, machinery, equipment or other
 759 materials
 760 d. A dwelling unit provided for a caretaker or superintendent for an industrial use
 761 which requires constant supervision

762 6.3.2. Conditional Uses in ID District

- 763 a. Facilities for the production, processing or storage of concrete, blacktop,
 764 asphalt or other paving or road surfacing materials
 765 b. Industrial or commercial activities, which tend to create a nuisance, hazard, or
 766 other undesirable conditions such as but not limited to noise, dust, vibrations,
 767 excessive traffic, and may require special safeguards to reduce or shield the
 768 public from such conditions.
 769 c. Manufacturing and industrial activities such as those described above, but
 770 which require relatively large installations, facilities or land area.
 771 d. Non-metallic mining operations

772 6.3.3. Nonmetallic Mining Conditional Use Permit Requirements

- 773 a. Definitions. In addition to the definitions in Section 2, which are incorporated by
 774 reference, the following definitions apply to this Section.
- 775 1) "Blasting" means any method of loosening, moving or shattering masses of
 776 matter by use of an explosive.
 - 777 2) "Fugitive Dust" or "Dust" means any particles lifted into the ambient air
 778 caused by man- made activities such as the movement of soil, vehicles,
 779 equipment, or blasting. Fugitive Dust also shall include particles lifted into
 780 the ambient air caused by wind over excavated areas that has had its
 781 natural vegetative ground cover removed by the nonmetallic mining.
 - 782 3) "Heavy Vehicle" means a vehicle over 48,000 pounds.
 - 783 4) "Operator" or "Applicant" means any person engaged in, or who has
 784 applied for a Conditional Use Permit (CUP) to engage in nonmetallic
 785 mining or processing, whether individually, jointly or through
 786 subsidiaries, agents, employees, contractors, or subcontractors.
 - 787 5) "Processing facility" or "processing site" means a location off the mine site
 788 on which any facilities, structures, equipment, private roads or haulage
 789 ways associated with nonmetallic storage facilities, stockpiles, washing,
 790 drying, processing, separation, blending or screening operations are
 791 conducted. NOTE: Such processing facilities and operations conducted on
 792 the mining site are considered part of the mine site.
 - 793 6) "Retained expert" means professional consultants including but not
 794 limited to engineers, attorneys, planners, environmental specialists, and
 795 other consultants with skills relevant to reviewing, processing and acting
 796 upon applications for a Nonmetallic Mining CUP or Mining Agreement or
 797 to issues associated with the inspection, monitoring and enforcing of
 798 approvals arising under this section.

799 b. Application Requirements

- 800 1) Preliminary Cost Reimbursement Agreement. At the time a CUP
 801 application is filed with the Town, the applicant shall execute, for the
 802 benefit of the Town, an agreement agreeing to pay and providing adequate
 803 security guaranteeing payment for the cost of the investigation, review
 804 and processing of the application, including any Retained Expert and staff
 805 administrative costs. The agreement and the security shall be in form and

- 806 substance acceptable to the Town. The Town shall not begin processing
 807 the application until the preliminary cost reimbursement agreement is
 808 approved and signed and until the required security is provided to the
 809 Town. The Town may accept an initial deposit to begin processing the
 810 application and provide the applicant with an estimate of anticipated
 811 costs, but it shall not incur processing costs beyond that for which a
 812 deposit or other security has been approved.
- 813 c. General Information. In addition to the general information required in 12.4.1,
 814 the applicant shall provide the following information;
- 815 1) The name, address, phone number(s), and e-mail address of the
 816 landowner(s), and operator, if different from the landowner.
 - 817 2) If the operator does not own the proposed mine site or processing facility
 818 a copy of a fully executed lease and/or agreement between the landowner
 819 and Operator.
 - 820 3) The name, position title, address and phone number of the individual who
 821 is responsible for the daily operation and maintenance of the site, and who
 822 will serve as the primary contact person for the Town.
 - 823 4) Proof that all property taxes on the proposed mine site or processing
 824 facility are current.
- 825 d. Site Information and Maps
- 826 1) A topographic map and aerial photo of the mine site or processing facility
 827 extending one-half (½) mile beyond the site boundaries at contour
 828 intervals no wider than one (1) foot showing the boundaries of the site;
 829 total acreage of the site, and the location and name of all roads within one
 830 mile of the site.
 - 831 2) A separate drawing showing proposed locations and use of all buildings
 832 and all other structures, erosion control measures, monitoring wells,
 833 equipment, tanks, stockpiles, settling ponds, wash areas, identified storage
 834 including chemical and fuel storage, and parking areas. If the application is
 835 for an existing mine site, show the boundaries of the existing excavation,
 836 stockpiles, and wash or settling ponds.
 - 837 3) Identify by parcel number the locations of off site residential, agricultural
 838 and municipal wells within one (1) mile of the boundaries of the
 839 nonmetallic mining site.
 - 840 4) The location of existing and proposed wells, on the site including well
 841 depth, depth of casing, depth to water, and pumping capacity for each well.
 - 842 5) The location and name of all surface waters, including lakes, private or
 843 public ponds, streams (including intermittent streams and headwaters),
 844 drainage ditches, wetlands, drainage patterns and other water features on
 845 the site and within one (1) mile of the site.
 - 846 6) The dimensions of the proposed excavation and the elevation(s) of
 847 observed or estimated water table(s), as determined by test borings on
 848 the site and within one-half (½) mile of the site. The applicant shall hire
 849 the services of a Wisconsin licensed hydrologist or geologist to acquire
 850 this information.
 - 851 7) A letter from the Wisconsin Department of Natural Resources concerning
 852 any threatened or endangered species at the mine site.
- 853 e. Operation Plan: An operation plan, which shall include a written description of
 854 the proposed nonmetallic mining operation and methods and procedures to be
 855 used in mining the site. The operation plan shall also include the following:
- 856 1) Dates of commencement and cessation of the nonmetallic mining.

- 857 2) Proposed parking areas, signs, and fencing
 858 3) A description of hours of operation, for the nonmetallic mine site, and
 859 processing facility, including all times when vehicles will enter or leave the
 860 site or facility.
 861 4) An estimate of the number of truck entering and leaving the site within a
 862 24-hour period and the weight limits of each.
 863 5) A description of the mining methods and, if any, processing methods to be
 864 used including a sequence of operations.
 865 6) Estimated total volume of all material to be extracted through the life of
 866 the site.
 867 7) Location of road access points and copies of approved access permit(s).
 868 8) Identification of all proposed off-site trucking routes, together with the
 869 frequency of traffic and the common schedule of travel to be used for
 870 transporting extracted nonmetallic minerals or products to or from the
 871 site.
 872 9) A water budget, including the amount of daily water use, water sources,
 873 and methods for disposing of water including methods used for
 874 infiltration and control of runoff.
 875 10) Measures to be taken to screen the nonmetallic mining from public view
 876 f. Compliance with Standards. The Operator shall provide such additional
 877 information, as the Town deems necessary, to determine that the proposed
 878 nonmetallic mining, processing, or proposed Planned Mining Operation complies
 879 with the minimum standards set forth below.
 880

881 6.3.4. Minimum Standards of Operation

- 882 a. General Standards
- 883 1) The Operator shall stake or otherwise mark the borders of the entire site
 884 and shall secure the site by appropriate measures which may include
 885 chain link fencing or other alternative measures consistent with mine
 886 safety and security.
 887 2) The Operator shall demonstrate that all other applicable Federal, State,
 888 County and Town permits and/or approvals for nonmetallic mining have
 889 been obtained prior to commencement of the nonmetallic mining.
 890 3) The Operator shall provide notice to the Town within 15 days of receiving
 891 any notices of violations, citations, or other enforcement actions taken by
 892 any governmental body against the operator in relation to nonmetallic
 893 mining within the Town.
- 894 b. Buffer Areas
- 895 1) Except as noted below, the Operator shall provide a buffer area of fifty
 896 (50) feet from the nonmetallic mine site or processing facility along
 897 bordering property lines and Town roadways.
 898 2) If a berm is placed within the buffer area and it lies along a public
 899 roadway, the bottom edge of the berm shall be a minimum of ten (10) feet
 900 from the edge of any road right-of-way and shall be stabilized to minimize
 901 erosion entering the ditch.
 902 3) The Operator shall provide a buffer of 1320 feet from any navigable
 903 waters and any trout streams.
 904 4) The Operator shall screen the mining operations from public view to the
 905 maximum extent practicable. Screening may be achieved through the use
 906 of berms, additional setbacks or other measures deemed adequate by the

907 Town Board.

908 c. Hours of Operation

- 909 1) The Operator shall limit normal hours of operations at the nonmetallic
 910 mine site or processing facility to fourteen (14) hours a day Monday
 911 through Friday, not earlier than 5:00 a.m. and not later than 11:00 p.m.,
 912 and on Saturday not earlier than 5:00 a.m. and not later than noon, to
 913 avoid substantial or undue impacts on neighboring properties and town
 914 residents. Operations on-site shall not occur on Sundays or named
 915 holidays.
- 916 2) Operation of Heavy Vehicles leaving the nonmetallic mine site or
 917 processing facility shall be limited to fourteen (14) hours a day Monday
 918 through Friday not earlier than 6:00 a.m. and not later than 8:00 p.m. and
 919 on Saturday not earlier than 6:00 a.m. and not later than noon. There shall
 920 be no operation of Heavy Vehicles leaving the nonmetallic mine site or
 921 processing facility on Sunday or named holidays.
- 922 3) The Operator shall schedule Heavy Vehicles to and from the mining site in
 923 a manner to avoid interfering with the safety of children going to or
 924 returning from school, the safety of slow-moving farm vehicle traffic, or
 925 the safety of residents and commuters at times when traffic volume from
 926 commuters going to and from work is highest.

927 d. Control of Light and Noise

- 928 1) The Operator shall limit night lighting on-site or at a processing facility, to
 929 that which is minimally necessary for security and worker safety. Every
 930 effort consistent with the legal requirements for safety shall be made to
 931 minimize illumination of the night sky and neighboring properties.
- 932 2) The Operator shall control off-site noise levels to the maximum extent
 933 practicable to avoid adverse impacts to neighboring landowners. The
 934 noise levels at the boundaries of the mining or processing site shall not
 935 exceed 60dB.
- 936 3) The use and regulation of compression release engine brakes, commonly
 937 known as jake-brakes, is prohibited except for emergencies.

938 e. Control of Air Pollution

- 939 1) The Operator shall cover all trucks hauling sand with secured tarps, and
 940 utilize all relevant dust control measures specified in Wis. Admin. Code §
 941 NR 415.075 and any approved Fugitive Dust Control Plan. Additionally,
 942 the Operator shall have an established protocol for additional dust control
 943 measures when the National Weather Service has issued a high wind
 944 warning for the area.
- 945 2) Air monitors. The Operator shall install air monitors at all nonmetallic
 946 mining operations including the mine site and any processing facility in
 947 accordance with ambient air monitors required by the DNR.
- 948 3) In addition to ambient monitoring required by the DNR, the Operator shall
 949 be required to monitor the ambient level of Total Suspended Particulates
 950 (TSP) as measured by the method described in Appendix B of 40 C.F.R. part
 951 50 (2013) or a method approved in writing by the Town. The Operator may
 952 monitor for PM₁₀ as a surrogate for monitoring for TSP if approved in
 953 writing by the Town. If PM₁₀ is used as a surrogate, it shall be measured by
 954 the method described in Appendix L of 40 C.F.R. part 50 (2013).
- 955 4) The Operator shall completely enclose any dry processing facilities and
 956 shall enclose to the extent practicable any loading or unloading facilities.
 957

- 958 f. Control of Waste Materials
- 959 1) The amount of waste material (non-marketable fines) returned to a mine
- 960 site as part of the reclamation process shall not exceed the site-specific
- 961 ratio of waste to target material of the extracted raw material as
- 962 determined prior to the processing of the raw material. A processing
- 963 facility shall keep records of the tonnage of raw material drawn from each
- 964 raw material source. The tonnage of waste byproduct that is returned to
- 965 each mine reclamation site shall not exceed the tonnage of waste
- 966 contained in the raw material received at the processing facility from that
- 967 site.
- 968 g. Groundwater Standards
- 969 1) The nonmetallic mine site or processing facility shall have at least one
- 970 sentinel well at the boundary of the nonmetallic mine site or processing
- 971 facility that is down gradient of the groundwater flow. The Operator shall
- 972 take quarterly samples of the sentinel well for lead, arsenic, turbidity, total
- 973 suspended solids, chlorides, nitrates, specific conductivity and any
- 974 chemical or residual of the chemical used as a flocculent and any other
- 975 toxic substance that may reasonably be believed to be present in the area
- 976 or in the type of deposit from which the extraction will be made during the
- 977 first two (2) years of operation and twice a year in subsequent years.
- 978 2) The mining company shall sample private wells within one (1) mile of the
- 979 nonmetallic mine site or processing facility down gradient of the
- 980 groundwater flow prior to commencement of operation and every two (2)
- 981 years and private wells on the perimeter of other sides of the mine site
- 982 every three (3) years. Monitoring shall continue six (6) years after the
- 983 closure of the mine.
- 984 3) Mining operations shall not exceed groundwater quality standards in Wis.
- 985 Admin. Code NR 140.
- 986 4) Independent laboratory shall analyze all groundwater samples.
- 987 5) Wash plant settling ponds shall be lined with at least five (5) feet of clay
- 988 meeting the technical standards contained in Wis. Admin. Code §NR
- 989 504.06(2) for clay liners.
- 990 6) At least sixty (60) days prior to commencement of nonmetallic mining
- 991 operations, the Operator shall place sufficient test wells to verify the
- 992 groundwater elevations on the nonmetallic mine site or processing
- 993 facility. Test wells located in the down-gradient direction of groundwater
- 994 flow shall be located so they serve as permanent sentinel monitoring wells
- 995 during the course of operations.
- 996 7) Mining operations shall not extract materials at a depth below the point
- 997 that is five (5) feet above the maximum established groundwater table.
- 998 8) Mining operations shall not cause a significant reduction in the quantity of
- 999 groundwater available for reasonable use by current users within one (1)
- 1000 miles of the nonmetallic mine site or processing facility. A significant
- 1001 reduction includes a drop in the water table that results in a substantial
- 1002 adverse impact on a private well including but not limited to the inability
- 1003 of a well to provide water on a continuous basis.
- 1004 9) Impacts to Surface Water Base Flow: Mining operations shall not cause a
- 1005 lowering of the groundwater that results in adverse effects on surface
- 1006 waters which serve as a critical source of water for agricultural,
- 1007 recreational or municipal functions such as fire protection within one (1)
- 1008 mile of the nonmetallic mine site or processing facility. Adverse effects
- 1009 include but are not limited to a reduction of water in streams and

- 1010 tributaries below base flows established prior to the beginning of mining
 1011 operation.
- 1012 10) Impacts to Surface Water Use. The Operator shall undertake all measures
 1013 necessary for the control of surface water runoff from nonmetallic mining
 1014 operations in order to prevent pollution and erosion of sediment onto
 1015 neighboring properties, surface water and groundwater, and shall also
 1016 comply with the standards for erosion control under Wis. Admin. Code NR
 1017 216 and NR 151, as applicable
- 1018 h. Hazardous Materials
- 1019 1) All hazardous chemicals and their containers, shall be stored, used and
 1020 disposed of in accordance with applicable state and federal law.
- 1021 2) The Operator shall have a written plan for responding to spills of any
 1022 hazardous materials on the site or while in transport either to or from the
 1023 site.
- 1024 3) The Operator shall not dispose of any chemicals or waste materials
 1025 containing chemicals declared to be hazardous by a government agency,
 1026 on the site or processing facility.
- 1027 4) The Operator shall not use as landfill material or dispose of onsite, any
 1028 waste material that contains a toxic amount of a hazardous chemical or a
 1029 toxic residual.
- 1030 6.3.5. **Financial Assurance:** Financial assurance, in a form agreed to by the Town Board,
 1031 shall be provided to the Town as a condition of permit approval in the amount
 1032 necessary for the following:

- 1033 a. Road Repair: An amount necessary for the repair and maintenance of Town
 1034 Roads used for truck traffic transporting materials to or from the nonmetallic
 1035 mine site or processing facility.
 1036 b. Water Supply: An amount necessary to provide an alternative water supply to
 1037 potentially affected residences or agricultural operations within one (1) mile of
 1038 the mine site or such other area impacted by the operations.
 1039 c. Escrow Account: The Town of Saratoga shall establish an escrow account for each
 1040 nonmetallic mining application. This account shall be used to pay the costs of any
 1041 expert scientific, accounting, legal or other consulting needs by the Town to
 1042 administer this Section during the duration of any nonmetallic mining,
 1043 processing and reclamation.

1044 **6.3.6. Reporting Obligations**

- 1045 a. On-going Reporting Requirements
- 1046 1) The Operator shall provide notice to the Town of any notices of violations,
 1047 citations, or other enforcement actions taken by any other governmental
 1048 authority against the mining operation. The Operator shall provide notice
 1049 to the Town of such actions within 15 days after receiving such notice
 1050 from the governmental authority.
- 1051 2) All monitoring data, sampling results and any other test results required
 1052 by this Section shall be undertaken at the Operator's expense and
 1053 provided to the Town Clerk. Unless otherwise specified in this Section, all
 1054 monitoring data sampling results and any other test results shall be
 1055 provided to the Town Clerk within 30 days of receipt of the results by the
 1056 Operator.
- 1057 b. Annual Report
- 1058 1) No later than August 31 of each calendar year, the Operator shall submit
 1059 an annual report to the Town Board for all active and intermittent mining
 1060 sites and processing facilities for which the Operator has a permit in the
 1061 Town of Saratoga. The reporting period shall be from the issue date of the
 1062 first Operator's permit to August 31, and thereafter from September 1 to
 1063 August 31.
- 1064 2) The annual report shall include the following information:
- 1065 I Identification of the Operator and location of the nonmetallic mine
 1066 site or processing facility.
- 1067 II A map or drawing accurately showing the area of excavation, the
 1068 unclaimed area and any the reclaimed area including a calculation of
 1069 the number of acres for each type.
- 1070 III A description of activities and operations on the nonmetallic mine site
 1071 or processing facility for the previous calendar year
- 1072 IV A description of activities and operations on the nonmetallic mine site
 1073 or processing facility anticipated for the following calendar year
- 1074 V A written report demonstrating Operator compliance with this
 1075 Section and any permit terms and conditions. The report shall include
 1076 all groundwater, surface water and other monitoring results, as well
 1077 as a copy of all annual reports submitted to other agencies

1078 VI A summary of all areas of non-compliance, and a plan for bringing
1079 non-compliant areas into compliance

1080 6.3.7. **Inspection Authority.** The Town Board or other authorized representative of the
1081 Town, may make inspections to determine the condition of a nonmetallic mine site or
1082 processing facility in the Town of Saratoga in order to safeguard the health and safety
1083 of the public and determine compliance with the minimum standards under this
1084 Section upon showing proper identification, and upon reasonable notice.

1085 6.3.8. **Planned Mining Operation Approval**

1086 a. Purpose. The purpose of this sub-section is to provide a voluntary procedure for
1087 authorizing nonmetallic mining using legislatively developed regulations and
1088 standards that are unique to a particular proposed nonmetallic mining or
1089 processing operation

1090 b. Intent: This sub-section provides an alternative to the otherwise applicable
1091 regulations set forth in this Section provided that the Town Board determines
1092 that the intent of this Section can be achieved through the use of alternative
1093 measures, and that the public health, safety and welfare will not be adversely
1094 affected thereby. In exchange for greater flexibility in developing regulations and
1095 standards that are unique to a proposed mining operation, a Planned Mining
1096 Operation approval may require additional or different standards, requirements,
1097 levels of review, monitoring and compliance mechanisms, and measures to
1098 mitigate or compensate for impacts, as determined in the sole discretion of the
1099 Town Board.

1100 c. Application for a Planned Mining Operation

1101 1) The application shall include all of the information and other materials
1102 required for a CUP

1103 2) The application shall describe all ways in which the proposed Planned
1104 Mining Operation will deviate from the otherwise applicable regulations
1105 in this Section.

1106 3) The application shall provide a written justification for any proposed
1107 deviations from the otherwise applicable regulations in this Section which
1108 may include provisions to minimize, mitigate or compensate for potential
1109 impacts to public health, safety and welfare including impacts to property
1110 value.

1111 6.3.9. **ID General Industry District Requirements**

a. Maximum building height	45 ft
b. Maximum building area	None
c. Minimum front yard setback	50 ft (if parking is permitted in the front the minimum setback is 75 ft)
d. Minimum rear yard setback	50 ft
e. Minimum side yard setback	20 ft
f. Minimum average lot width	100 ft
g. Minimum parking provided	See Section 14 On-Site Parking
h. Truck unloading area	Sufficient space without blocking any street or alleys, and with no loading or unloading on

	county or state highways.
--	---------------------------

1112 **7. RURAL PRESERVATION DISTRICT (RP).** The Rural Preservation District promotes the health,
 1113 safety and welfare of Town residents by protecting the surface and ground water resources, air quality
 1114 and open space in the town. The intent is also to maintain the existing rural character of the Town while
 1115 allowing development consistent with the Town of Saratoga Comprehensive Plan.

1116 **7.1. Permitted Uses in the RP District**

1117 7.1.1. Forestry and the management of forests; silviculture

1118 7.1.2. Harvesting of wild crops

1119 7.1.3. Wildlife preserves

1120 7.1.4. Wildlife and fish management and non-residential buildings used solely in
 1121 conjunction with such activities.

1122 7.1.5. Hunting, fishing, and trapping.

1123 7.1.6. Public and private recreational areas picnic areas and similar uses.

1124 7.1.7. Preservation of areas of scenic, historic, or scientific value.

1125 7.1.8. All uses permitted in the Rural Residential District.

1126 7.1.9. Uses customarily incident to any of the above uses except for agricultural uses as
 1127 defined in this ordinance, provided that no such customarily incident use generates
 1128 traffic or noise that would create a public or private nuisance. (*See definition of*
 1129 *“agricultural use” in Definitions Section 2.*)

1130 **7.2. Conditional Uses in the RP District**

1131 7.2.1. Rural residential dwelling (single family or two family) and accessory buildings

1132 7.2.2. Dams, flowages, and ponds

1133 7.2.3. All activities regulated by the Wood County Shoreland Zoning Ordinance and the
 1134 Wood County Floodplain Ordinance.

1135 7.2.4. Removal of topsoil or peat

1136 7.2.5. Cranberry bogs

1137 7.2.6. Camping grounds

1138 7.2.7. Conservation Subdivision (*See “overlay districts” in this ordinance*)

1139 7.2.8. Kennels as defined in this ordinance

1140 7.2.9. Commercial Stables

1141 **7.3. Rural Preservation District Standards.** There are no setback, ~~lot-size~~, or other
 1142 dimensional standards applicable in the RP District. Appropriate standards will be
 1143 determined, as necessary and on a case-by-case basis, for any conditional uses. **The Only**
 1144 **condition is that the minimum Lot size for RP zoning is 5 acre minimum.**

1145 **8. FARMLAND PRESERVATION DISTRICT (FP)**

1146 8.1. **Permitted uses.** The uses permitted in the FP district are those permitted in Wis. Stat.
 1147 91.44 (2012) and are hereby incorporated by reference.

1148 8.2. **Conditional uses.** Conditional uses permitted in the FP district are those permitted in
 1149 Wis. Stat. 91.46 (2012) and are hereby incorporated by reference.

1150 8.3. **Definitions.** For purposes of and application to the Farmland Preservation District only,
 1151 the definitions in Wis. Stat. Ch. 91 are hereby incorporated by reference.

9. PLANNED UNIT DEVELOPMENT DISTRICTS-RESIDENTIAL (PUD)

- 1152 9.1. **Purpose:** A Planned Unit Development (PUD) is a technique for establishing guidelines
 1153 for development, typically on large parcels of land, with the intent of permitting
 1154 development under unified control and is planned and developed as a whole in a single
 1155 development operation or programmed series of stages. Within a PUD, variations of
 1156 densities, lot size, setbacks, street widths, and other requirements are allowed. The
 1157 variety of development that is possible using PUDs creates opportunities for creativity
 1158 and innovation within the development, while incorporating open space within the
 1159 design.
- 1160 9.2. **Permitted Uses:** Same as RS-1 and RR-1 Districts.
- 1161 9.3. **Conditional Uses:** Same as RS-1 and RR-1 Districts.
- 1162 9.4. **District Boundaries and Standards:** A PUD District shall be located within the RR-1
 1163 or RS-1 Districts, but shall have no definite and measurable boundaries until a specific
 1164 planned unit development is presented, recommended by the Plan Commission, and
 1165 approved by the Town Board.
- 1166 9.4.1. Size of Planned Unit Development. Size of planned unit development. Each
 1167 separate planned unit development shall consist of an area of not less than five (5)
 1168 acres, and following approval by the Town Board may not be further subdivided
- 1169 9.4.2. Parcel density. The density shall not exceed the density of the underlying zoning
 1170 district. Notwithstanding Wood County Subdivision Ordinance 701, the
 1171 maximum permitted number of units in a PUD shall be determined by dividing
 1172 the total area of the development parcel, including the right-of-way, by the
 1173 minimum lot size specified in the Town of Saratoga Building Ordinance.
- 1174 9.4.3. Conditional uses. All uses in the Planned Unit Development District shall be
 1175 conditional uses.
- 1176 9.5. **Application Procedures:** Plans for the proposed development shall be submitted to the
 1177 Plan Commission and shall include the following:
- 1178 9.5.1. A scaled drawing or a drawing with dimensions showing the property location,
 1179 adjacent properties, roads, wooded areas, open areas, streams, rivers, ponds, and
 1180 any public utilities adjacent to or crossing the property.
- 1181 9.5.2. Location, width and length of all proposed roads and cul-de-sacs.
- 1182 9.5.3. Location, size and proposed use of all structures.
- 1183 9.5.4. Location and size of all common open areas or natural features being preserved.
- 1184 9.5.5. Location and size of all wells, individual and common.
- 1185 9.5.6. Location and size of septic fields, individual and common.
- 1186 9.5.7. Application fee
- 1187 9.6. **Plan Review:** Each planned unit development shall be subject to review and
 1188 consideration by the Plan Commission with regard to its acceptability under this section.
 1189 The following criteria shall be applied to every proposed planned unit development for
 1190 determining its consistency with this ordinance:
- 1191 9.6.1. Its compatibility with the site, with particular emphasis on the preservation of
 1192 natural features and the use of open space

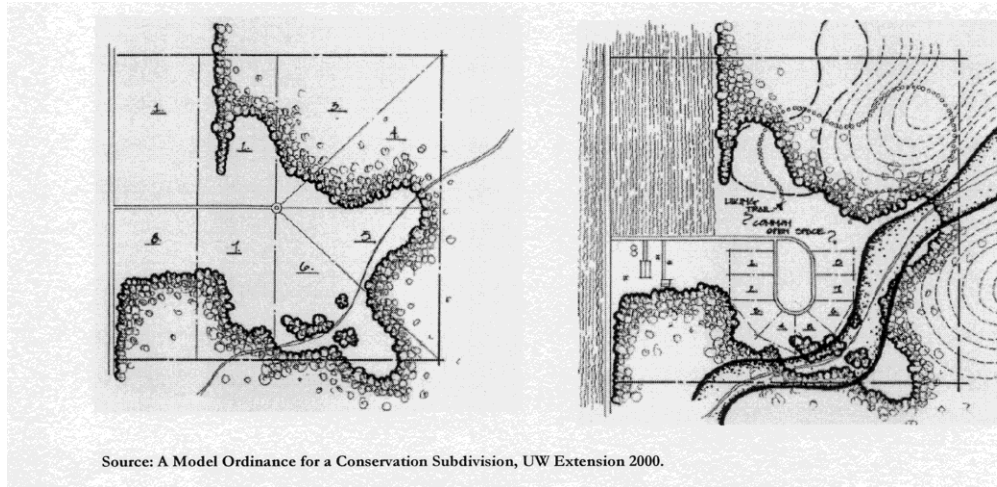
- 1193 9.6.2. Its overall compatibility with existing land uses in the vicinity and the probable
1194 future land uses in the vicinity
- 1195 9.6.3. The internal compatibility of the various land uses proposed to be included within
1196 the development
- 1197 9.6.4. Its compatibility with existing and probable future transportation facilities in the
1198 vicinity, and its tendency to increase the demand upon those facilities
- 1199 9.6.5. The provision of adequate internal circulation facilities including streets,
1200 sidewalks, trails, and parking facilities within the development
- 1201 9.6.6. Its compatibility with existing and future provisions of public utility services such
1202 as sewer and water facilities and its tendency to increase the demand upon those
1203 facilities
- 1204 9.6.7. Its compatibility with existing and future public services, such as schools, police
1205 protection, fire protection, street maintenance, etc, and its tendency to increase the
1206 demand upon those services
- 1207 9.6.8. The provision of adequate open space, the provision of public access to streams
1208 and bodies of water, the preservation of environmental and aesthetic values and
1209 the provision of adequate and appropriate arrangements for the continuing
1210 preservation of the aforesaid features, including legal restrictions and other legal
1211 devices and the provision of adequate and appropriate institutional arrangements
1212 for continued maintenance.
- 1213 9.6.9. The long-term economic stability of the proposed development and its economic
1214 impact on other properties in the vicinity
- 1215 9.6.10. The presentation of an adequate and practical implementation schedule for
1216 completion of the development, whether by stages or all in one period, in order to
1217 insure that the adverse results of failure to complete the development may be
1218 effectively avoided.
- 1219 **10. SPECIAL PURPOSE OVERLAY DISTRICTS.** To achieve certain specific objectives, the Town's
1220 zoning ordinance includes overlay zones that apply restrictions to certain areas. These will be
1221 identified through amendments to this zoning ordinance and zoning map, and will then apply in
1222 addition to the restrictions in the underlying base zoning districts.
- 1223 10.1. Conservation Subdivision Overlay District. (CS-O)
- 1224 10.1.1. Purpose. The purpose of a Conservation Subdivision Overlay District is to permit
1225 residential development resulting in environmentally sensitive and cost efficient
1226 single-family development. The provisions set forth encourage innovative
1227 housing environments within residential districts through both permanent
1228 dedication of open space and a planned reduction of individual lot area
1229 requirements. The overall density remains the same as the underlying district.
- 1230 10.1.2. Objectives. The following objectives shall be considered as part of the review of
1231 an application for a Conservation Subdivision:
- 1232 a. To provide a more environmentally sensitive residential environment by
1233 preserving the natural character of open fields, stands of trees, ponds, streams,
1234 hills and similar natural features
- 1235 b. To preserve the rural landscape and protect environmentally sensitive lands
1236 from the disruptive effects of traditional subdivision developments

- 1237 c. To provide a more efficient and aesthetic use of open space by allowing
 1238 developers to reduce lot sizes while maintaining the residential density
 1239 required in the underlying district
- 1240 d. To allow a more flexible and economical residential layout and street design
- 1241 e. To assure the permanent preservation of open space, rural lands and natural
 1242 resources
- 1243 10.1.3. District Boundaries. A Conservation Subdivision shall be located within the
 1244 RR-1, RS-1 or RP Districts, but shall have no definite and measurable
 1245 boundaries until a specific conservation subdivision project is presented,
 1246 recommended by the Plan Commission, and approved by the Town Board.
- 1247 10.1.4. Permitted Uses. Same as RS-1 and RR-1 Districts
- 1248 10.1.5. Conditional Uses. Same as RS-1 and RR-1 Districts
- 1249 10.1.6. Conditions for Development. The following conditions for development shall
 1250 be utilized when evaluating the proposed location of any conservation
 1251 subdivision:
- 1252 a. Protection of Natural Resources: The purpose of a conservation subdivision is
 1253 the protection of the natural and cultural features of the area. All conservation
 1254 subdivisions shall be designed to protect significant wildlife habitats, sensitive
 1255 environmental lands and scenic vistas.
- 1256 b. Single Ownership Control: The proposed development shall be under a single
 1257 ownership and control, such that one person or entity has proprietary
 1258 responsibility for the completion of the development. The applicant shall
 1259 provide documentation of ownership or control in the form of agreements,
 1260 contracts, covenants and/or deed restrictions which indicate the development
 1261 will be completed as proposed.
- 1262 10.1.7. Open Space. All open space as shown on the approved plat shall be
 1263 permanently set aside as common open space as dedicated by any of the
 1264 following:
- 1265 a. A recorded deed restriction
- 1266 b. Covenants that run perpetually with the land
- 1267 c. A conservation easement
- 1268 10.1.8. Buffering
- 1269 a. Buffer zones of no less than 100 feet shall be required between residential and
 1270 nonresidential areas and shall be planted with native shrubs and trees to create
 1271 an effective barrier separating residential space from nonresidential areas.
- 1272 b. Landscaped or natural vegetation cover shall provide a buffer between
 1273 developments and neighboring properties.
- 1274 10.1.9. Conservation Subdivision Review. When reviewing a Conservation
 1275 Subdivision application the Plan Committee shall base their decision on the
 1276 following:
- 1277 a. The application procedures listed in the Planned Unit Development (PUD)
 1278 section of this ordinance.
- 1279 b. The overall design, land use and open space shall be consistent with the
 1280 objectives stated within for a Conservation Subdivision.

- 1281 c. The proposed use of the open space if for other than conservation of the natural
- 1282 resources within the subdivision boundary

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Figure 1: Traditional vs. Conservation Subdivision



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1287 **10.2. Historic District Overlay (H-O)**

1288 10.2.1. Purpose. The purpose of the Historic District Overlay is the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archaeological or historic interest or value in the Town of Saratoga.

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1291 10.2.2. Permitted uses. All uses meeting the requirements of the underlying district and this overlay.

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1293 10.2.3. Conditional uses. All uses other than those permitted in the underlying district are conditional.

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1295 10.2.4. District Requirements.

1296 a. Development in the Historic District Overlay may follow the alternative standards outlined in the State historic building code in Wisconsin Statutes sec. 101.121.

1297 b. Notwithstanding Wisconsin Statutes sec. 101.121, all parking lots and restroom facilities shall be ADA compliant/accessible.

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1302 **10.3. Natural Resources Preservation Overlay (NRP-O)**

1303 10.3.1. **Wood County Ordinances Adopted.** The Wood County Floodplain Ordinance 703 and the Wood County Shoreland Zoning Ordinance 704, and all amendments thereto, are adopted and incorporated by reference and shall apply to all dwellings, buildings, structures, development and land use within the scope of this ordinance.

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1307 10.3.2. **District Standards.** All the standards regarding density, building size, setback, lot width, maximum lot coverage of the underlying district shall apply unless otherwise regulated or prohibited by Wood County Ordinance 703 and/or 704.

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- 1312 10.4. **Development Constraints Overlay District (DC-O)**
 1313 10.4.1. **Purpose:** The purpose of the Development Constraints Overlay is identifying
 1314 those lands with soils of moderate to severe limitations for residential
 1315 development. This area is prone to surface water flooding with major
 1316 flooding and raised ground water elevations approximately every ten years.
 1317 10.4.2. **Permitted Uses:** All uses permitted in the underlying districts. All dwellings
 1318 must comply with UDC Code and local building codes.
 1319 10.4.3. **Conditional Uses:** All uses listed as conditional in the underlying districts are
 1320 conditional uses in this district overlay.

1321 11. ADMINISTRATION OF ZONING ORDINANCE

- 1322 11.1. **Town Zoning Official:** A Town Zoning Official shall assist with administration
 1323 of this ordinance. The Town Zoning Official shall have the authority to issue zoning
 1324 permits or certificates of zoning compliance, **OR TO** refer requests for same to the Plan
 1325 Commission for further review pursuant to Section 11.2. The Town Zoning Official
 1326 shall also investigate all complaints, give notice of violations, enforce the provisions of
 1327 this ordinance and take such other actions to implement this ordinance as may be
 1328 determined from time to time by the Town Board or Plan Commission. The Town
 1329 Zoning Official, or his or her duly authorized deputy or assistant, shall have the right
 1330 to enter premises affected by this ordinance at reasonable hours for the purpose of
 1331 inspection. The Town Chairperson shall designate the Town Zoning Official, subject
 1332 to approval of the terms of appointment by the Town Board, and may designate an
 1333 authorized deputy or assistant where prudent or necessary.
- 1334 11.2. **Plan Commission.** The Plan Commission is an appointed body with the primary
 1335 duty of developing a land use plan and implementation measures for the Town. The
 1336 Plan Commission makes recommendations to the Town Board, and the Town Board
 1337 retains approval authority with respect to the Plan Commission's recommendations.
- 1338 11.2.1. **Authority.** The Plan Commission is created by ordinance adopted by the
 1339 Town Board, pursuant to the authority in Wisconsin Statutes sections 60.62(4)
 1340 and 62.23(1). The Plan Commission shall have such authority, duties and
 1341 powers as provided by the Wisconsin Statutes, as set forth in this ordinance,
 1342 and as directed from time to time by the Town Board.
- 1343 11.2.2. **Members and Alternate.** The Plan Commission shall consist of five voting
 1344 members plus one alternate member. All members (including the alternate)
 1345 shall be town residents. The alternate shall attend meetings, and shall have the
 1346 right to vote but only when one of the five voting members is absent.
- 1347 11.2.3. **Appointments and Removal.** Members shall be appointed for three-year
 1348 terms. Appointments shall be made by the Town Chairperson, subject to
 1349 confirmation by the Town Board. The Town Chairperson may appoint town
 1350 board members to the Commission and may appoint other town elected or
 1351 appointed officials to the Commission, except that the Commission shall
 1352 always have at least one citizen member who is not a town official. The terms
 1353 of the members and alternate expire on April 30 of the designated year, and
 1354 new appointments begin on May 1. Members of the Plan Commission who

- 1355 fail to attend three or more meetings may be removed from the Plan
 1356 Commission by the Town Chairperson.
- 1357 11.2.4. **Vacancies.** Vacancies during a term shall be filled promptly by the Town
 1358 Chairperson, subject to confirmation by the Town Board. Such appointments
 1359 shall be for the remainder of the term.
- 1360 11.2.5. **Per Diems.** Per diems shall be paid to the five voting members as determined
 1361 by resolution of the Town Board. The alternate, when attending as a voting
 1362 member, shall be paid the same compensation as is provided to other voting
 1363 members.
- 1364 11.2.6. **Commission Presiding Officer.** The Town Board Chairperson shall select
 1365 the presiding officer for the Plan Commission. The Presiding Officer shall be
 1366 the Chairperson of the Plan Commission. The Plan Commission may elect a
 1367 Vice Chairperson, who shall serve as the presiding officer in the Chairperson's
 1368 absence.
- 1369 11.2.7. **Commission Secretary.** The Plan Commission shall appoint a commission
 1370 secretary to serve as a permanent or temporary secretary. The secretary,
 1371 following consultation with the Plan Commission Chairperson, shall: prepare,
 1372 post and distribute agendas; record meeting minutes, which shall show the
 1373 vote of each member on each question presented for vote; and, perform such
 1374 other duties as set forth in this ordinance and as directed from time to time by
 1375 the Plan Commission. Records of the Plan Commission shall be maintained in
 1376 the Town Office.
- 1377 11.2.8. **Public Hearings.** The Plan Commission shall conduct the public hearings
 1378 required by this ordinance and Wisconsin Statutes.
- 1379 11.2.9. **Meetings.** All meetings of the Plan Commission are subject to Wisconsin's
 1380 Open Meetings Law. The Plan Commission may adopt such rules and
 1381 procedures, as it deems necessary for the effective conduct of its business.
 1382 The Plan Commission Chairperson shall call meetings at such time as he or
 1383 she deems appropriate, provided that all meetings shall be held in compliance
 1384 with Wisconsin's Open Meetings Law. Plan Commission meetings may also
 1385 be called by written notice of a majority of the voting members of the Plan
 1386 Commission or the Town Board. The Plan Commission shall keep minutes of
 1387 its proceedings, and the commission secretary shall forward same to the Town
 1388 Clerk in a timely manner. The Town Clerk, Plan Commission Chairperson or
 1389 the Town Supervisor who serves on the Plan Commission shall report the
 1390 minutes and recommendations of the Plan Commission to the Town Board
 1391 promptly and in a manner that allows the Town Board to remain informed and
 1392 take appropriate action on the recommendations.
- 1393 11.2.10. **Further Review.** If, in the best professional judgment of the Town Zoning
 1394 Official, a zoning permit or other request made of the Town Zoning Official
 1395 requires additional review due to the complexity of the proposal, impact to
 1396 surrounding properties or existing land uses in the Town, or other factors
 1397 warranting review by the Plan Commission, the Town Zoning Official shall
 1398 refer the zoning permit to the Plan Commission for review and final decision
 1399 on issuance or denial of the zoning permit.

- 1400 11.3. **Zoning Board of Adjustment:** The primary role of the Zoning Board of Adjustment
 1401 (“Zoning Board”) is to hear and decide cases where there is an alleged error in the zoning
 1402 decision or where a relaxation of the zoning ordinance is sought
- 1403 11.3.1. **Authority.** As required by Wisconsin Statutes section 60.65, the Town Board
 1404 hereby provides for the creation of a Zoning Board. The Zoning Board may,
 1405 in appropriate cases and subject to appropriate conditions and safeguards,
 1406 provide for variances⁶ to the terms of the zoning ordinance in harmony with
 1407 its general purpose and intent and in accordance with general or specific rules
 1408 therein contained. Nothing in this section of the ordinance entitled “Zoning
 1409 Board of Adjustment” shall preclude the granting of variances by the Plan
 1410 Commission or Town Board in accordance with this zoning ordinance
- 1411 11.3.2. **Jurisdiction.** The Zoning Board is authorized to serve as an administrative
 1412 appeal body and, in appropriate cases and subject to appropriate conditions
 1413 and safeguards, may grant variances to the terms of the ordinance in harmony
 1414 with its general purpose and intent and in accordance with general or specific
 1415 rules herein contained. The Zoning Board conducts an administrative appeal
 1416 when an appropriate party legally contests an order or decision of the Town
 1417 Zoning Official. The Zoning Board makes a decision to grant or deny a
 1418 variance when a landowner requests a relaxation of a dimensional or use
 1419 standard specified in the zoning ordinance.
- 1420 11.3.3. **Subject Matter Jurisdiction.** As specified in Wisconsin Statutes, the subject
 1421 matter jurisdiction of the Zoning Board includes general zoning, construction
 1422 site erosion control at sites where the construction activities do not include the
 1423 construction of a building (such that other regulatory provisions take
 1424 precedence), storm water management zoning, and public utility permits. The
 1425 Zoning Board shall also hear appeals of decisions regarding the interpretation
 1426 and application of the Town Building Code, as permitted by law, and in
 1427 accordance with the procedures set forth herein, as modified for review of the
 1428 Town Building Code.
- 1429 11.3.4. **Members; Appointments and Removal.** The Zoning Board shall consist of
 1430 3 members appointed by the Town Chairperson, subject to confirmation of the
 1431 Town Board. Not more than one town board supervisor may be a member of
 1432 the Zoning Board. Plan Commission members shall not be a member of the
 1433 Zoning Board. The initial terms of the members of the Zoning Board are one,
 1434 2 and 3 years, respectively, starting from the first day of the month next
 1435 following the appointment. Successors shall be appointed at the expiration of
 1436 each term and their term of office shall be 3 years and until their successors
 1437 are appointed. Members of the Zoning Board shall reside within the Town.
 1438 The Zoning Board shall elect a chairperson to preside over meetings.
 1439 Members of the Zoning Board shall be removable by the Town Chairperson
 1440 for cause upon written charges and after public hearing.

⁶ The phrase “make special exceptions,” as used in the Wisconsin Statutes in this context, refers to what is defined as “variances” in this ordinance.

- 1441 11.3.5. **Per Diems.** Per diems shall be paid to the three voting members as
 1442 determined by resolution of the Town Board. An alternate, when attending as
 1443 a voting member, shall be paid the same compensation as is provided to other
 1444 voting members.
- 1445 11.3.6. **Zoning Board Secretary.** The Zoning Board may employ a secretary and
 1446 other employees, in accordance with a budget set by the Town Board.
- 1447 11.3.7. **Vacancies.** Vacancies shall be promptly filled by the Town Board in the same
 1448 manner as initial appointments, except that the term of appointment shall be
 1449 for the unexpired terms of members whose terms become vacant.
- 1450 11.3.8. **Alternates.** The Town Chairperson shall appoint, for staggered terms of 3
 1451 years, 2 alternate members of the Zoning Board, in addition to the 3 members
 1452 above provided for. Appointments shall be subject to confirmation by the
 1453 Town Board. Annually, the Town Chairperson shall designate one of the
 1454 alternate members as 1st alternate and the other as 2nd alternate. The 1st
 1455 alternate shall act, with full power, only when a member of the board refuses
 1456 to vote because of interest or when a member is absent. The 2nd alternate shall
 1457 so act only when the 1st alternate so refuses or is absent or when more than
 1458 one member of the board so refuses or is absent. The above provisions, with
 1459 regard to removal and the filling of vacancies, shall apply to such alternates.
- 1460 11.3.9. **Rules of Procedure.** The Zoning Board shall adopt rules in accordance with
 1461 the provisions of this zoning ordinance. Meetings of the Zoning Board shall
 1462 be held at the call of the Zoning Board Chairperson and at such other times as
 1463 the Zoning Board may determine. The Zoning Board Chairperson, or in the
 1464 Zoning Board Chairperson's absence, the acting Zoning Board Chairperson,
 1465 may administer oaths and compel the attendance of witnesses. All meetings of
 1466 the Zoning Board shall be open to the public. The Zoning Board shall keep
 1467 minutes of its proceedings, showing the vote of each member upon each
 1468 question, or, if absent or failing to vote, indicating such fact, and shall keep
 1469 records of its examinations and other official actions, all of which shall be
 1470 immediately filed in the Town Office and shall be a public record.
- 1471 11.3.10. **Quorum.** If a quorum is present, the Zoning Board may take action under this
 1472 subsection by a majority vote of the members present.
- 1473 11.3.11. **Appeal to Zoning Board.** Appeals to the Zoning Board may be taken by any
 1474 person aggrieved or by any officer, department, board or department of the
 1475 Town affected by any decision of the Town Zoning Official. Such appeal shall
 1476 be taken within thirty (30) days of the action giving rise to the appeal, or the
 1477 right to appeal the action shall be deemed waived and the action shall stand.
- 1478 a. **Powers of the Zoning Board.** The Zoning Board shall have the following
 1479 powers: To hear and decide appeals where it is alleged there is error in any
 1480 order, requirement, decision or determination made by an administrative
 1481 official in the enforcement of this section or of any ordinance adopted pursuant
 1482 thereto; to hear and decide special exception to the terms of the ordinance upon
 1483 which such board is required to pass under such ordinance; to authorize upon
 1484 appeal in specific cases such variance from the terms of the ordinance as will
 1485 not be contrary to the public interest, where, owing to special conditions, a

- 1486 literal enforcement of the provisions of the ordinance will result in practical
 1487 difficulty or unnecessary hardship, so that the spirit of the ordinance shall be
 1488 observed, public safety and welfare secured, and substantial justice done. In
 1489 exercising the above mentioned powers such board may, in conformity with
 1490 the provisions of such section, reverse or affirm, wholly or partly, or may
 1491 modify the order, requirement, decision or determination appealed from, and
 1492 may make such order, requirement, decision or determination as ought to be
 1493 made, and to that end shall have all the powers of the officer from whom the
 1494 appeal is taken, and may issue or direct the issue of a permit.
- 1495 **b. Initiation of Appeal.** The appeal shall be commenced as described in the
 1496 Rules and Procedures of the Zoning Board, if any, or by filing with the Town
 1497 Clerk and the Zoning Board a notice of appeal specifying the grounds thereof.
 1498 The person receiving the notice shall forthwith transmit to the Zoning Board all
 1499 the papers constituting the record upon which the action appealed from was
 1500 taken.
- 1501 **c. Stay During Appeal to Zoning Board.** An appeal shall stay all legal
 1502 proceedings in furtherance of the action appealed from, unless the officer from
 1503 whom the appeal is taken certifies to the Zoning Board after the notice of
 1504 appeal shall have been filed with the officer, that by reason of facts stated in
 1505 the certificate a stay would, in the officer's opinion, cause imminent peril to life
 1506 or property. In such case proceedings shall not be stayed otherwise than by a
 1507 restraining order which may be granted by the Zoning Board or by a court of
 1508 record on application, on notice to the officer from whom the appeal is taken,
 1509 and on due cause shown.
- 1510 **d. Hearing Process for Zoning Board.** The Zoning Board shall fix a reasonable
 1511 time for the hearing of the appeal or other matter referred to it, and give public
 1512 notice thereof, as well as due notice to the parties in interest, and decide the
 1513 same within a reasonable time. At the hearing, any party may appear in person
 1514 or by agent or by attorney. Notice of the decision shall be provided by U.S.
 1515 mail to the parties who appear at the hearing, using the address provided to the
 1516 Zoning Board at the hearing.
- 1517 **e. Certiorari Review by Court.** Any person or persons, jointly or severally
 1518 aggrieved by any decision of the Zoning Board, or any taxpayer, or any officer,
 1519 department, board or subunit of the Town, may, within 30 days after the filing
 1520 of the decision by the Zoning Board, commence an action seeking the remedy
 1521 available by certiorari. The court shall not stay proceedings upon the decision
 1522 appealed from, but may, on application, on notice to the Zoning Board and on
 1523 due cause shown, grant a restraining order. The Zoning Board shall not be
 1524 required to return the original papers acted upon by it, but it shall be sufficient
 1525 to return certified or sworn copies thereof. If necessary for the proper
 1526 disposition of the matter, the court may take evidence, or appoint a referee to
 1527 take evidence and report findings of fact and conclusions of law as it directs,
 1528 which shall constitute a part of the proceedings upon which the determination
 1529 of the court shall be made. The court may reverse or affirm, wholly or partly,
 1530 or may modify, the decision brought up for review. Costs shall not be allowed

1531 against the Zoning Board unless it shall appear to the court that the board acted
 1532 with gross negligence or in bad faith, or with malice, in making the decision
 1533 appealed from.

1534 12. PERMITS AND INSPECTIONS; VARIANCES

1535 12.1. **Types of Permits:** There are many types of permits related to and required for land use
 1536 and structures. These include, but are not limited to, building permits⁷, County permits⁸,
 1537 State permits⁹, zoning permits, and conditional use permits. Nothing in this zoning
 1538 ordinance precludes the need for a person to obtain other necessary federal, state or local
 1539 permits. The types of permits authorized by this ordinance are zoning permits,
 1540 certificates of zoning compliance and conditional use permits.

1541 12.2. **Permits Required.** No changes in the use of land, other than those stated for that zone
 1542 and in compliance with the regulations of that zone, shall hereafter be permitted until a
 1543 zoning permit, conditional use permit and/or certificate of zoning compliance has been
 1544 issued in accordance with this ordinance, unless otherwise required by law.

1545 12.3. Zoning Permits and Certificates of Compliance

1546 12.3.1. **Purpose of Zoning Permits and Certificates of Compliance.** The primary
 1547 purpose of zoning permits is to insure that land use in the Town is in
 1548 compliance with provisions of this ordinance and the Comprehensive Plan. A
 1549 zoning certificate of compliance is issued to provide confirmation of
 1550 compliance for the owner, as of the date of issuance.

1551 12.3.2. **Zoning Permits Required.** A zoning permit shall be required when a new
 1552 building is erected or an existing building is added to, structurally altered,
 1553 moved or changed in use. No new building shall hereafter be erected, and no
 1554 existing building shall be added to, structurally altered, moved or changed in
 1555 use, nor shall any nonconforming building be repaired or restored, in any
 1556 district, until a zoning permit has been issued in accordance with this
 1557 ordinance, unless otherwise required by law.

1558 12.3.3. **Zoning Permit Application.**¹⁰ To obtain a zoning permit, the applicant shall
 1559 file an application and a development plan with the Town Clerk, who will then
 1560 forward the application to the Town Zoning Official. The zoning permit
 1561 application shall contain the following information: name and address of the
 1562 owner of the property; legal description; size and location of the building to be
 1563 erected or moved on or onto the property; proposed use of the building or
 1564 premises; type of construction; estimated cost and such other information that

⁷ Building permits are regulated under the Town's Building Code Ordinance, not under this Zoning Ordinance.

⁸ For example, septic systems require sanitation permits issued by Wood County.

⁹ For example, certain commercial buildings require State site plan review and permits from the Wisconsin Department of Safety and Professional Services (DSPS).

¹⁰ A zoning permit application is often very similar to a building permit application and it is within the Town Zoning Official's discretion to review the building permit application and then determine what, if any, additional information will be required for the applicant to complete the zoning permit application. Similarly, it is within the Town Zoning Official's discretion to request that the zoning permit application be completed and reviewed first and the building permit application second.

- 1565 the Town Zoning Official may reasonably require. The application shall be
 1566 signed by the owner or his or her duly authorized representative or agent;
 1567 provided, however, that, if a prospective owner desires a prior ruling on a
 1568 proposed construction or use before consummation of purchase, he or she may
 1569 apply for a permit as a prospective owner, and, if a permit be denied, he or she
 1570 may appeal the denial as set forth in this ordinance. If the Town Zoning
 1571 Official cannot determine compliance with the provisions of this ordinance
 1572 from the application and development plan submitted by the applicant and/or
 1573 other information reasonably known by the Town Zoning Official or designee,
 1574 the Town Zoning Official may require additional information. The application
 1575 shall not be considered complete, and no action shall be taken thereon, until
 1576 such additional information has been received.
- 1577 12.3.4. **Issuance of Zoning Permit.**¹¹ It is within the Town Zoning Official's
 1578 discretion to refer complete applications to the Plan Commission for input,
 1579 recommendations and/or a determination prior to issuance or denial of a
 1580 zoning permit. A zoning permit shall be issued if and only if it has been
 1581 satisfactorily determined by the Town Zoning Official and Plan Commission,
 1582 where applicable, that the use of land and buildings set forth in the zoning
 1583 permit application is consistent and in compliance with this ordinance
- 1584 12.3.5. **Display Card Required.** Coincident with issuance of a zoning permit, the
 1585 Town Zoning Official shall prepare a card certifying that a zoning permit has
 1586 been issued. This card shall bear the same number as the zoning permit and
 1587 identify the construction and premises covered by the zoning permit. This card
 1588 shall be posted in a conspicuous place on the premises during the construction,
 1589 and no construction shall begin until this card has been posted. The property
 1590 owner(s) and contractor(s) are responsible for determining location
 1591 compliance prior to commencing construction. For purposes of this ordinance,
 1592 start of construction shall be when any earth disturbing activity takes place
 1593 that will lead to the installation of footings, posts, pilings or foundations. Earth
 1594 disturbing activity for the purpose of soil evaluation or testing shall not be
 1595 considered the start of construction.
- 1596 12.3.6. **Void by Misrepresentation.** Any permit obtained through material
 1597 misrepresentation shall be null and void.
- 1598 12.3.7. **Expiration.** A zoning permit issued pursuant to this ordinance shall expire
 1599 one year from the date of issuance if construction is not started within that
 1600 time and, furthermore, shall expire if construction once started does not
 1601 diligently proceed to completion within two years from the date of issuance.
- 1602 12.3.8. **Stop Work Order.** Whenever the Town Zoning Official finds that any
 1603 construction does not comply with the provisions of this ordinance, the Town
 1604 Zoning Official shall post, in a conspicuous place on the premises, a stop work
 1605 order. In addition to imposing fines for violations of stop work orders, the

¹¹ The Town Zoning Official may elect to place a check-off for a zoning permit on the building permit form currently used by the Town, or develop and use such other form as the Town Zoning Official deems appropriate.

1606 Town may seek injunctive relief as it deems appropriate for enforcing the
1607 provisions of this ordinance.

1608 **12.3.9. Zoning Certificate of Compliance.** Upon completion of a project for which
1609 a zoning permit is required, the owner shall notify the Town Zoning Official
1610 and request an inspection to determine compliance. This inspection must be
1611 made before a zoning certificate of compliance may be issued.

1612 a. If location compliance is necessary, the owner shall stake and/or survey the
1613 property in a manner that allows the Town Zoning Official to verify location
1614 compliance. For construction which is located 10' or more from the required
1615 setback lines, a location survey is not required. If the Town Zoning Official is
1616 unable to accurately verify the location of a building on its lot, no zoning
1617 certificate of compliance shall issue.

1618 b. A zoning certificate of compliance may also be requested following a change
1619 in use of land or a building where the change does not require a conditional use
1620 permit, a zoning amendment or a variance. Applications for a zoning
1621 certificate of compliance following a change in use shall be completed in the
1622 same manner as an application for a zoning permit. Every certificate of
1623 compliance shall state the use and occupancy and the location of the building
1624 or buildings and indicate that the use of land complies with all of the
1625 provisions of this ordinance. The Town Zoning Official shall not issue a
1626 certificate of compliance until any related construction or work is substantially
1627 complete.

1628 **12.4. Conditional Use Permit (CUP):** When the intended or actual use of land or
1629 buildings is listed in this ordinance as a conditional use, a conditional use permit shall
1630 be required prior to engaging in the conditional use. Prior to issuance, but after receipt
1631 of a complete application,¹² the Plan Commission shall conduct a public hearing.
1632 Notice of the public hearing shall be published as a Class 1 notice and mailed by U.S.
1633 mail¹³ to all adjacent landowners.¹⁴ Following consideration of the complete
1634 application and the presentation and comments made at the public hearing, the Plan
1635 Commission may recommend approval, approval with conditions or denial of the
1636 application. The Plan Commission's recommendation shall be conveyed to the Town
1637 Board. The Town Board shall thereafter review the complete application and the
1638 recommendation from the Plan Commission, and determine whether to approve,
1639 approve with conditions or deny the application for a conditional use permit.
1640 Additional requirements for the application process and issuance of conditional use
1641 permits are set forth in this ordinance.

¹² The Town Zoning Official shall make this initial determination as to the completeness of the application. The Plan Commission may require additional information from the applicant prior to issuance of the conditional use permit.

¹³ The mailing shall be sufficient if addressed to the owner specified in the tax roll, and deposited in the U.S. mail postage paid at least ten (10) days prior to the public hearing.

¹⁴ A landowner is considered "adjacent" if the landowner shares a boundary line with the applicant property. The Town may, but is not required to, mail notice to additional persons.

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- 12.4.1. **Conditional Use Permit Application Procedure:** The purpose of these procedures is to give the Town Board, Plan Commission and adjacent property owners sufficient information to make an informed decision that is in the interest of public health, safety and welfare. Applications for conditional use permits shall be submitted to the Town Zoning Official and shall be accompanied by scale maps or drawings with dimensions prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, of any proposed structures, including the relation of abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot. If relevant, the application shall describe the number of families to be accommodated, or the number of persons that would normally occupy the building or structure. The application shall contain such other information as deemed prudent and necessary, as determined by the Town Zoning Official and/or the Plan Commission and/or Town Board.
- 12.4.2. **Expiration for Failure to Commence Work:** If the applicant has not substantially commenced work within one (1) year of the date of issuance of the conditional use permit, the conditional use permit shall expire. Upon the applicant's request, and provided that good cause is shown, the Town Board may grant an extension of the permit for an additional six (6) month period
- 12.4.3. **Expiration for Failure to Complete Work:** If the applicant has not substantially completed work within two (2) years of the date of issuance of the conditional use permit, the conditional use permit shall expire and the applicant shall restore the premises as appropriate and only engage in permitted uses. Upon the applicant's request, and provided that good cause is shown, the Town Board may grant an extension of the permit for an additional six (6) month period.
- 12.4.4. **Expiration for Failure to Engage in Conditional Use:** If the applicant finishes the work and uses the property as allowed by the CUP, but later discontinues the allowed use for a period of two (2) or more years, then the CUP shall expire and be of no further force or effect. If the same or another person wishes to engage in the conditional use, a new application for a conditional use permit must be filed.
- 12.4.5. **Stop Work Order.** Whenever the Town Zoning Official finds that any construction does not comply with the provisions of this ordinance, the Town Zoning Official shall post, in a conspicuous place on the premises, a stop work order. In addition to imposing fines for violations of stop work orders, the Town may seek injunctive relief as it deems appropriate for enforcement for the provisions of this ordinance.
- 12.4.6. **Permit Issued to Person(s) and/or Runs with the Land; Conditions to be Specified.** The conditional use permit issued shall specify the terms of approval in writing including requirements and restrictions imposed (such as but not limited to, hours of operation, parking, signage, noise, fencing), review requirements (such as but not limited to, annual review to assure compliance), and whether the CUP is personal to the applicant or runs with the land. For

- 1687 example, a CUP for a home occupation will generally be personal to the
 1688 applicant, but a CUP for a parcel on which a tavern is to be constructed will
 1689 generally run with the land.¹⁵ A CUP that runs with the land remains subject
 1690 to regular inspection/review or inspection/review generated by complaints,
 1691 and may thereafter be subject to the imposition of additional requirements by
 1692 the Town Zoning Official, Plan Commission and/or Town Board.
- 1693 12.4.7. **Denial.** The basis for denial of a CUP shall be specified in writing.
- 1694 12.4.8. **Reapplication for CUP following Denial.** For a period of one (1) year after
 1695 denial of same, the Town shall not consider a new application for the same or
 1696 substantially similar conditional use permit.
- 1697 12.5. **Variances** In recognition of the fact that zoning ordinances cannot be written to
 1698 address every circumstance, zoning ordinances must include procedures for seeking
 1699 relief from strict adherence to the zoning ordinance. This is done by granting to the
 1700 landowner the ability to obtain a “variance” or “zoning variance” which authorizes a
 1701 landowner to maintain a use that is otherwise prohibited by the zoning ordinance. (*See*
 1702 *also definitions and section entitled “Zoning Board of Adjustment.”*)
- 1703 12.5.1. **Appeals.** To obtain a variance, a person must appeal to the Zoning Board of
 1704 Adjustment or Zoning Board. (*See section entitled “Zoning Board of*
 1705 *Adjustment” for details.*)
- 1706 12.5.2. **Variance Criteria:** To qualify for a variance it must be demonstrated that the
 1707 property meets all of the following three requirements:
- 1708 a. Unnecessary Hardship
- 1709 1) For use variance – no reasonable use of the parcel as a whole
- 1710 2) For area variance – non-compliance with standards would unreasonably
 1711 prevent landowner from using property for permitted purpose or be
 1712 unnecessarily burdensome.
- 1713 3) Hardship may not be self-created.
- 1714 4) Economic or financial hardships is not justification.
- 1715 b. Unique Property Limitations
- 1716 1) Limitations such as steep slopes, wetland, shape or size prevent
 1717 compliance with ordinance.
- 1718 2) Limitations common to a number of properties is not justification.
- 1719 3) Circumstances of the individual is not justification
- 1720 c. No Harm to Public Interest
- 1721 1) Variance may not harm public interest: Look to ordinance purpose and
 1722 intent for guidance.
- 1723 2) Short term, long term and cumulative impacts on neighborhood,
 1724 community and general public.
- 1725 12.5.3. **Expiration for Failure to Commence Work:** Where applicable, if the
 1726 applicant has not substantially commenced work for which the variance was

¹⁵Note that obtaining a zoning permit does not alter the applicant’s need to meet other requirements. For example, a tavern owner would still need to obtain the appropriate liquor license and, even if the CUP ran with the land, the liquor license would not. (*See Wisconsin Statutes Ch. 125 and local ordinances for liquor license requirements.*)

- 1727 obtained within one (1) year of the date of issuance of the variance, the
 1728 variance shall expire, unless otherwise provided in the variance.
- 1729 12.5.4. **Expiration for Failure to Complete Work:** Where applicable, if the
 1730 applicant has not substantially completed work for which the variance was
 1731 obtained within two (2) years of the date of issuance of the variance, then,
 1732 unless otherwise provided in the variance, the variance shall expire and the
 1733 applicant shall restore the premises as appropriate and only engage in
 1734 permitted uses.
- 1735 12.5.5. **Variance Runs with the Land; Conditions to be Specified.** Any variance
 1736 approved shall specify terms and conditions of approval in writing including
 1737 requirements and restrictions imposed, and review requirements (if any).
 1738 Variances run with the land, unless otherwise specified.
- 1739 12.5.6. **Denial.** The basis for denial of a variance shall be specified in writing.
- 1740 12.5.7. **Reapplication for Variance following Denial.** For a period of one (1) year
 1741 after denial of same, the Zoning Board shall not consider a new application for
 1742 the same or substantially similar variance.
- 1743 12.6. **Exemptions**
- 1744 12.6.1. The following uses are exempted by this ordinance and permitted in any
 1745 zoning district, subject to other applicable regulations: poles, wires, cables,
 1746 conduits, vaults, laterals, pipe mains, valves or any other similar distributing
 1747 equipment for telephone, cable TV or other communications, electric power,
 1748 gas, water and sewer lines
- 1749 12.6.2. The provisions in this ordinance regarding filling, grading and work in respect
 1750 to waterways shall not apply to the construction and repair of public roads,
 1751 flood control structures, or conservation practices such as terracing,
 1752 installation of diversions, grass waterways, subsurface drainage, non-
 1753 navigable drainage ditches, stream stabilization by rip-rapping or vegetative
 1754 cover, ponds used for agriculture purposes or non-floating docks accessory to
 1755 private dwellings. This exemption does not affect applicable state or federal
 1756 law requirements.
- 1757 12.7. **Use regulations**
- 1758 12.7.1. **Uses Restricted:** In any zone no building or land shall be used and no building
 1759 shall be hereafter erected, structurally altered or relocated except for one or
 1760 more of the uses as hereinafter stated for that zone and in compliance with the
 1761 regulations hereinafter established for that zone. Whenever the Town Zoning
 1762 Official finds that any construction does not comply with the provisions of this
 1763 ordinance, the Town Zoning Official shall post, in a conspicuous place on the
 1764 premises, a stop work order. In addition to imposing fines for violations of
 1765 stop work orders, the Town may seek injunctive relief, as it deems appropriate
 1766 for enforcement for the provisions of this ordinance. *(See also General*
 1767 *Provisions section of this ordinance regarding Violations and Penalties.)*
- 1768 12.7.2. **Accessory Uses:** In any zone accessory buildings and uses customarily
 1769 incident to the permitted uses in that zone shall be permitted subject to such

1770 requirements as may be hereinafter designated for that zone in which they are
1771 located.

1772 12.7.3. Temporary Uses: The Town Board may permit uses such as shelter for
1773 materials and equipment being used in the construction of a permanent
1774 structure.

1775 12.7.4. Unclassified Uses: In case of question as to the classification of a use, the
1776 question shall be submitted to the Plan Commission for determination.

1777 12.7.5. Public Utilities: The Zoning Board may permit, in appropriate cases and
1778 subject to appropriate conditions and safeguards in harmony with the general
1779 purpose and intent of the ordinance, a building or premises to be erected or
1780 used for such public utility purposes in any location which is reasonably
1781 necessary for the public convenience and welfare.

1782 **12.8. Visual clearance**

1783 12.8.1. In each quadrant of every public street or road intersection, there shall be
1784 designated a clear vision triangle, bounded by the street or road centerlines
1785 and a line connecting points on said centerlines at a specified distance from
1786 their point of intersection.

1787 12.8.2. The use of the term "triangle" in this section shall not be construed to preclude
1788 reasonable modifications of a triangular shaped area, including modifications
1789 resulting from curving streets or roads.

1790 12.8.3. The term "centerline" in this section shall be interpreted as follows:

1791 a. Where there is an undivided pavement within a right-of-way, the centerline
1792 shall be the centerline of that pavement, irrespective of whether or not that
1793 coincides with the centerline of the right-of-way.

1794 b. Where there is a divided pavement within a right-of-way the centerline shall be
1795 the centerline of the median strip between the pavements, except as otherwise
1796 specified herein.

1797 c. Where there is a divided pavement within a right-of-way and the distance
1798 between the centerlines of the pavements, measured along the centerline of the
1799 intersecting street or road is 60 feet or greater, the centerlines of the pavements
1800 shall be used separately to designate the clear vision triangles.

1801 d. The distance specified from the point of intersection of the centerlines to the
1802 aforesaid points on the centerlines shall be as specified in the table 1.

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1804

Table 1.1

<i>Type of Road</i>	<i>Triangle Side Distances</i>
State and Federal Highways	300 Feet
County Trunk Highways	200 Feet
Town Roads	150 Feet
Railroad Crossings	300 Feet

1805 12.8.4. Within the clear vision triangle, no object shall be allowed above a height of
1806 2½ feet above average elevation of the streets at the aforesaid points on their
1807 respective centerlines, if it substantially obstructs the view across the triangle.

- 1808 12.8.5. In situations where trees of large diameter, large numbers of trees, or some
 1809 combination of these are present, this provision shall be construed to mean
 1810 that a sufficient number of trees shall be removed so as to render an object,
 1811 such as a motor vehicle, clearly visible across the clear vision triangle from
 1812 one street or road to another, the intent being to provide for the public safety.
 1813 However, it shall not necessarily be construed to mean that every tree in the
 1814 clear vision triangle must be removed. In a like manner, this restriction shall
 1815 not apply to the posts and wires of wire fences, provided that they do not
 1816 obstruct visibility across the clear vision triangle. Agricultural crops are also
 1817 exempt from this provision.
- 1818 **12.9. Setback**
- 1819 12.9.1. Class A (state or federal) highway setback shall be 110 feet from the
 1820 centerline of the highway or 50 feet from the right-of-way line, whichever is
 1821 greater. Class B (county) highway setback shall be 30 feet from the right-of-
 1822 way line. Class C (town) highway setback shall be 30 feet from the right-of-
 1823 way line.
- 1824 12.9.2. For purposes of this section, “Highway” and “Right-of-Way” shall mean any
 1825 existing road, or any road that has been dedicated and accepted by the town, or
 1826 any road right-of-way, planned or constructed, which is designated on the
 1827 town Official Map.
- 1828 12.9.3. Structures Permitted within Setback Lines
- 1829 a. Open fences
- 1830 b. Petroleum and gas transmission lines; telephone, telegraph and power
 1831 transmission towers, poles and lines; and portable equipment both above and
 1832 below ground that are readily removable in their entirety. Additions to and
 1833 replacements of all such structures may be made, provided the owner files with
 1834 the Town Zoning Official of the Town of Saratoga an agreement in writing that
 1835 the owner will move or remove all new construction, additions and
 1836 replacements erected after adoption of this ordinance at the owner’s expense,
 1837 when necessary to the public interest (i.e. highway construction, airport, sewer
 1838 and water lines, etc.)
- 1839 c. Underground structures not capable of being used as foundations for future
 1840 prohibited over ground structures.
- 1841 d. The planting and harvesting of field crops, shrubbery and trees, except that no
 1842 trees, shrubbery or field crops shall be planted so as to constitute a substantial
 1843 obstruction to the view of motorists and pedestrians across the vision clearance
 1844 triangle from one highway or street to another.
- 1845 e. Access or frontage roads constructed by public authorities according to plans
 1846 approved by the County Highway Committee.
- 1847 f. Permitted signs and signs placed by public authorities for the guidance or
 1848 warning of motorists.
- 1849 **12.10. Non-Conforming Uses**
- 1850 12.10.1. Any nonconformity must have included all of the following prior to adoption
 1851 of this ordinance:

- 1852 a. Must have existed on the property in some tangible or physical way; and,
 1853 b. Must have been legal before adoption of this ordinance; and,
 1854 c. Could not be created by right today.
- 1855 12.10.2. Building Repair: Provisions of this ordinance shall not be construed to
 1856 prevent the customary and necessary maintenance or repairs of buildings,
 1857 utilities, and property.
- 1858 12.10.3. Continuation of Nonconforming Uses: Any nonconforming lot, structure or
 1859 use which existed lawfully at the time of the adoption of this ordinance and
 1860 which remains nonconforming and any such lot, structure or use which shall
 1861 become nonconforming upon the adoption of this ordinance or of any
 1862 subsequent amendment thereof may be continued subject to the limitations of
 1863 this ordinance. The limitations on nonconforming uses are intentional, and
 1864 have been expressly included in this ordinance to further the public health,
 1865 safety and general welfare of the Town. Therefore, this ordinance shall be
 1866 interpreted and applied in a manner that reflects the Town's underlying
 1867 determination that the land uses set forth in this ordinance are in the public
 1868 interest. Nonconforming uses are discouraged and limited in order to bring
 1869 land use in the Town up to the standards set forth in this ordinance.
- 1870 12.10.4. Nonconforming Use:
- 1871 a. Limitations: No nonconforming use shall be expanded or enlarged. No
 1872 nonconforming use shall include lots or parcels other than the one on which the
 1873 nonconforming use is located, even if other lots or parcels are under common
 1874 ownership.
- 1875 b. Discontinuance: If a nonconforming use is discontinued for 12 consecutive
 1876 months, any future use of the structure shall conform to the regulation of the
 1877 zone in which it is located.
- 1878 12.10.5. Nonconforming Structure:
- 1879 a. Limitations: No such structure shall be expanded or enlarged in excess of 50
 1880 percent of its appraised value except in conformity with the regulations of this
 1881 ordinance.
- 1882 b. Restoration due to damage or destruction: A nonconforming structure may be
 1883 restored to the size, location, and use it had immediately before the damage or
 1884 destruction occurred provided the damage or destruction was caused by violent
 1885 wind, vandalism, fire, flood, ice, snow, mold or infestation. A structure may
 1886 be larger than the size it was immediately before the damage or destruction if
 1887 necessary for the structure to comply with applicable state or federal
 1888 requirements.
- 1889 c. Relocation: Should a nonconforming structure be moved, it shall thereafter
 1890 conform to the regulations of the zone to which it is moved.
- 1891 d. Lot Lines: The size and shape of a lot shall not be altered in any way so as to
 1892 increase the degree of nonconformity of a building or its use.
- 1893 e. Replacement: No nonconforming structure shall be replaced except when the
 1894 Plan Commission and Town Board approve such replacement.
- 1895 12.10.6. Nonconforming Lot:
- 1896 a. Limitations: No use of a nonconforming lot shall be expanded or enlarged.

1897 b. Discontinuance: If the use or structure on a nonconforming lot is discontinued
 1898 for 12 consecutive months, any further use of the lot shall conform to the
 1899 regulations of the zone in which it is located unless.

1900 **13. LIGHTING REGULATIONS:** It is the intent of this section to encourage outdoor lighting practices
 1901 and systems, which will minimize light pollution, glare, and light trespass while maintaining
 1902 nighttime safety, utility, security and productivity in the Town of Saratoga. This section shall
 1903 apply to all zoning districts unless stated otherwise.

1904 13.1. All lighting in the Commercial and Industrial Districts, must be down lit or shielded in a
 1905 manner that light rays emitted by the fixture either directly from the lamp or indirectly
 1906 from the fixture are projected below a horizontal plane running through the lowest
 1907 point on the fixture where the light is emitted. Examples include, but are not limited to,
 1908 spotlights, floodlights and other sources of illumination used to illuminate buildings,
 1909 signs, landscaping, street graphics, parking and loading areas.

1910 13.2. All lighting must be directed away from adjacent properties and public rights-of-way to
 1911 prevent light from trespassing or spilling onto those properties.

1912 13.3. There shall be no flashing, revolving or intermittent lighting, which could be considered
 1913 a nuisance or distraction to vehicular traffic.

1914 13.4. Searchlight, lasers or any similar high-intensity light shall not be permitted, except use
 1915 in emergencies by police and fire personnel or at their direction.

1916 13.5. All outdoor flood light projection above horizontal is prohibited.

1917 13.6. Only streetlight approved by the Town are permitted. For the purpose of this section
 1918 "Streetlights or street lighting" means lighting specifically designed and constructed for
 1919 the purpose of illuminating a public roadway.

1920 13.7. Lighting the American flag, outdoor athletic fields, courts, tracks, ranges, and airports
 1921 are exempt from all lighting requirements of this section.

1922 13.8. Temporary lighting, which does not conform to the provisions of this section, may be
 1923 allowed for a total of not longer than 30 days within a year.

1924 **14. OFF-STREET PARKING AND LOADING**

1925 14.1. **Purpose:** The purpose of this section is to promote public safety and welfare by
 1926 reducing congestion on public streets and roads, by requiring sufficient off-street
 1927 parking, loading, and maneuvering space.

1928 14.2. **General Provisions**

1929 14.2.1. Minimum size regulations: A minimum of 180 square feet is required for each
 1930 non-accessible parking space. Parking spaces shall be not less than nine feet in
 1931 width and eighteen feet in length, plus adequate access and maneuvering area.
 1932 The minimum size requirements of the 2010 Americans with Disabilities Act
 1933 (ADA) Standards for Accessible Design may be used for accessible parking
 1934 spaces rather than the dimensions previously listed.

1935 14.2.2. Reduction and use of parking and loading space: On-site parking facilities
 1936 existing on the effective date of this section shall not be reduced to an amount
 1937 fewer than required herein. If an existing structure or use with fewer than the
 1938 number of parking and loading spaces required under this section is expanded
 1939 by less than fifty percent of its gross area, additional parking shall be required
 1940 only for the addition. If, however, the expansion is greater than fifty percent of
 1941 the original structure or use, the number of parking spaces required shall

- 1942 comply with this section. ADA requirements for accessible parking may apply
 1943 when adding parking spaces.
- 1944 14.2.3. Computing requirements: When computing the number of parking spaces
 1945 required the following shall apply:
- 1946 a. "Floor Space" means the gross floor area of the specific use
 1947 b. For structures containing more than one use, the total number of parking spaces
 1948 shall be calculated by adding the required number of parking spaces for each use.
 1949 c. When parking spaces are calculated according to the number of employees, the
 1950 greatest number of employees present at one time shall be used to calculate the
 1951 number of parking spaces required.
- 1952 14.2.4. Location of parking facilities: Off-street parking facilities shall be located on the
 1953 same parcel as the use they are intended to serve. Combined or joint parking
 1954 facilities may be provided in the Light Commercial (LC), Highway Commercial
 1955 (HC) and Industrial (I) districts, provided the total number of parking spaces
 1956 provided equals the number of required spaces for each use. A parking facility
 1957 shall not be more than 400 feet from the use it is intended to serve.
- 1958 **14.3. Required number of on-site parking spaces:**
- 1959 14.3.1. The required number of parking spaces shall be as listed in the following items
- 1960 a-o. Places of public accommodation must also comply with the 2010 ADA
 1961 Standards for Accessible Design. The Town Zoning Official will determine
 1962 parking space requirements, for uses not specifically mentioned herein, based
 1963 on parking regulations for comparable uses.
- 1964 a. Single-family dwellings, duplexes, mobile/manufactured homes, and multiple-
 1965 family dwellings: two spaces per dwelling unit.
- 1966 b. Hotels, motels, lodging houses: one space per guest room plus one space per
 1967 employee.
- 1968 c. Hospitals, nursing homes, and similar institutions: one space per four beds, plus
 1969 one space per employee.
- 1970 d. Business or professional offices, medical or dental clinics, veterinary offices,
 1971 municipal or governmental buildings, and financial institutions: one space per
 1972 300 square feet of floor area,
- 1973 e. Churches, theaters, and similar places of assembly: one space per five seats or
 1974 one space per 100 square feet of public floor area.
- 1975 f. Nursery school or day care center: one space per ten children, plus one space per
 1976 two employees
- 1977 g. Manufacturing and processing plants, warehouse, wholesale establishments and
 1978 similar uses: one space per two employees, plus one space for every business
 1979 vehicle normally kept on the premises
- 1980 h. Restaurants (except drive-ins), nightclubs, tavern: one space per 50 square feet
 1981 of floor area, plus one space per employee
- 1982 i. Retail stores and service establishments: one space per 200 square feet of floor
 1983 area except for stores specializing in furniture, appliances, flooring, paint,
 1984 cabinets, etc.; one space per 400 square feet of floor area
- 1985 j. Bowling alleys: five spaces per lane
- 1986 k. Funeral homes: twenty spaces per chapel, plus one space per vehicle kept on the
 1987 premises

- 1988 l. Recreation facilities, including golf courses, archery ranges, softball fields and
- 1989 tennis courts: one space per three users (participants and spectators) at
- 1990 maximum capacity, plus one space per two employees
- 1991 m. Automobile service stations: one space per each employee, plus three spaces per
- 1992 service bay
- 1993 n. Drive-in restaurants and fast food establishments: one space per 100 square feet
- 1994 of customer seating area
- 1995 o. Convenience stores with gas sales: one space per 200 square feet of retail area;
- 1996 each parking area adjacent to a pump island or fuel area may count as a parking
- 1997 space.
- 1998 14.3.2. On-site loading requirements: In commercial and industrial districts, adequate
- 1999 loading spaces and areas shall be provided and so located that all vehicles
- 2000 loading, maneuvering or unloading are completely off the public rights-of-way,
- 2001 and have sufficient on-site maneuvering room to avoid vehicles backing, on a
- 2002 roadway, when entering or exiting a property.

2003 **15. GENERAL PROVISIONS**

2004 15.1. **Compliance Required:** The use, size, height and location of structures now

2005 existing or hereafter erected, converted, enlarged or structurally altered, the provisions

2006 of open spaces, and the use of land, shall be in compliance with the goals, objectives,

2007 policies and programs in the Comprehensive Plan, and with the regulations established

2008 by this ordinance for the district in which such land or structure is located.

2009 15.2. **Minimum Requirements:** This Ordinance has been adopted to promote the

2010 health, safety, aesthetics, comfort, prosperity and general welfare of the residents of

2011 the Town of Saratoga, and to ensure the prudent use of the Town’s natural resources.

2012 The Town hereby finds the provisions of the Ordinance to be the minimum

2013 requirements to advance these public purposes.

2014 15.3. **Abrogation:** This Ordinance shall not repeal, abrogate, annul, impair or interfere

2015 with existing easements, covenants or agreements between parties or with any rules,

2016 regulations, or permits previously adopted or issued pursuant to laws; provided,

2017 however, that after adoption by the Town Board, where this ordinance imposes a

2018 greater restriction upon the use of buildings or premises or upon the height of a

2019 building or requires larger open spaces than are required by other rules, regulations or

2020 permits or by easements, covenants or agreements, the provisions of this ordinance

2021 shall apply.

2022 15.4. **Severability.**

2023 15.4.1. If any section, clause, provision or portion of this ordinance is declared

2024 unconstitutional or invalid, unlawful, or unenforceable by a final order of a

2025 court of competent jurisdiction including all applicable appeals, the remainder

2026 of this ordinance shall remain in full force and effect.

2027 15.4.2. If any application of this ordinance to a particular parcel of land is declared

2028 unconstitutional or invalid by a final order of a court of competent

2029 jurisdiction, including all applicable appeals, such judgment shall not be

2030 applicable to any other parcel of land not specifically included in said
 2031 judgment.

2032 15.5. **Fees:** The Town Board may by ordinance or resolution establish reasonable fees
 2033 for the filing of permit applications, the filing of a petition for amendment of the
 2034 zoning ordinance or official map, or for filing an appeal to the board of appeals.

2035 15.6. **Violations and Penalties**

2036 15.6.1. Equitable Relief. In case of any violation of this ordinance, the Town Board, the
 2037 Town Zoning Official, the Plan Commission, or any property owner who would be
 2038 specially damaged by such violation, may cause appropriate action or proceeding to
 2039 be instituted to enjoin the violation or cause an unlawful structure to be vacated or
 2040 removed.

2041 15.6.2. Fines and Forfeitures. The Town Board may, by resolution or ordinance, establish
 2042 fines and forfeitures for violations of this ordinance. In the absence of a specified
 2043 fine or forfeiture, a person found to have violated the provisions of this ordinance
 2044 shall forfeit not less than \$5.00 nor more than \$1000 for each such violation. Each
 2045 day of a continuing violation shall be considered a separate offense.

2046 15.6.3. Costs of Enforcement and Prosecution. In addition to fines and forfeitures, the
 2047 person(s) found to have violated the ordinance shall be responsible for the
 2048 costs of prosecution incurred by the Town for enforcement, including attorney
 2049 fees, inspection fees, survey fees and other reasonable and necessary
 2050 consultant fees.

2051 15.6.4. Remedies Not Exclusive. The remedies and penalties provided in this section
 2052 are not exclusive. Nothing in this ordinance shall be construed to prevent the
 2053 Town or any person from commencing any action, or enforcing any remedy
 2054 authorized by any other law.