

**TOWN OF SARATOGA ZONING ORDINANCE**  
**Town Ordinance No. 04-20-16**

**Public Hearing by Town Plan Commission 04-13-2016**  
**Approved by Town Board 04-20-2016**  
**Approved by Wood County 05-17-2016**  
**Ratified by Town Board 05-18-2016 by Town Ordinance No. 05-18-16**  
**Rescinds and Replaces Ordinance 10-17-12**

**1. TITLE, AUTHORITY, COMPREHENSIVE PLAN, AND PURPOSE**

1.1. **Title:** This ordinance is entitled “Town of Saratoga Ordinance No: 10-17-12, 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, 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.

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

- 83 applicant may request both uses on one site, in which case the more restrictive  
84 requirements would apply to any zoning permit or conditional use permit.
- 85 2.9. **Automobile Repair:** General repair, rebuilding or reconditioning of engines, motor  
86 vehicles or trailers; collision services including body, frame, or fender straightening or  
87 repair, vehicle steam cleaning. Overall painting or a paint shop for motor vehicles  
88 does not fall within the general definition of automobile repair, but rather is a separate  
89 use and is termed an “automobile body shop” in this ordinance. (*See automobile body*  
90 *shop definition in this section.*)
- 91 2.10. **Automobile or Trailer Sales Area:** An open area, other than a street, used for the  
92 display, sale, or rental of new or used motor vehicles or trailers in operable condition  
93 and where no repair work is done.
- 94 2.11. **Automobile Salvage Yard:** Any area of land where two or more inoperative vehicles,  
95 and/or accumulation of parts thereof, are stored in the open and are not being restored  
96 to operation, or any land, building, or structure used for the wrecking or storing of  
97 such motor vehicles and/or accumulation of parts thereof.
- 98 2.12. **Automobile Service Station or Filling Station or Gas Station:** A building or other  
99 structure or a tract of land where gasoline or similar fuel, stored only in underground  
100 tanks, is dispensed directly to users of motor vehicles. The following activities are  
101 permitted as accessory uses to a gas station: the dispensing of oil, greases, antifreeze,  
102 tires, batteries, and automobile accessories directly to users of motor vehicles; tuning  
103 motors, minor servicing and repair to the extent of installation of the items enumerated  
104 above and washing of automobiles. Other activities shall be prohibited, including, but  
105 not limited to: upholstering work, auto glass work, painting, welding, tire recapping,  
106 auto dismantling, and auto sales. (*See also Convenience Store.*)
- 107 2.13. **Basement:** That portion of any structure whose floor line is below ground line and  
108 has more than half of its clear height below the finished ground line.
- 109 2.14. **Board of Appeals:** The Town of Saratoga Zoning Appeals Board. (*See also Town*  
110 *Board, which does not serve as the Board of Appeals.*)
- 111 2.15. **Boarding or Rooming House:** A dwelling or part thereof consisting of a single  
112 housekeeping unit where meals and lodging are provided for three or more persons,  
113 not transients, for compensation by previous arrangement.
- 114 2.16. **Building:** Any structure having a roof supported by columns or walls, used or  
115 intended to be used for the shelter or enclosure of persons, animals, equipment,  
116 materials or machinery. When such a structure is divided into separate parts by one or  
117 more un-pierced walls extending from the ground up, each part is deemed a separate  
118 building, except as regards minimum side yard requirements as hereinafter provided.
- 119 2.16.1. **Building, height of:** The vertical distance from the average contact ground  
120 level at the front wall of the building to the highest point of the coping of a flat  
121 roof or, to the deck line of a mansard roof, or to the mean height level between  
122 eaves and ridge for gable, hip or gambrel roofs.

- 123 2.16.2. **Building setback line:** The line outside the right-of-way of a street beyond  
 124 which no building or part thereof shall project and no accessory structure  
 125 built, except as otherwise provided by this ordinance. Building setback lines  
 126 are measured using the same standards for measurement as those used and set  
 127 forth in the Town Building Code, and such standards are incorporated by  
 128 reference as if set forth fully herein.
- 129 2.16.3. **Building, floor area ratio:** The floor area of the building divided by the area of  
 130 the lot on which it is or will be located. The floor area of the building shall  
 131 include that area of ground covered by the roof of the building. Total floor  
 132 area shall include the sum of the floor areas of all buildings on the lot.
- 133 2.16.4. **Building, completion:** The building shall be considered complete when  
 134 roofing materials, siding materials, window, doors and steps have been affixed  
 135 to the exterior and the interior supplied with electricity, plumbing and heating  
 136 fixtures in operable condition and in conformance with applicable codes.
- 137 2.17. **Buildable Lot Area:** That part of the lot not included within the open areas required  
 138 by this ordinance.
- 139 2.18. **Business:** Any lawful commercial endeavor to engage in the manufacturing, purchase,  
 140 sale, lease, or exchange of goods and/or the provision of services.
- 141 2.19. **Campgrounds:** Any public or private premises, including buildings, established for  
 142 temporary day and overnight habitation by persons using equipment designed for the  
 143 purpose of temporary camping.
- 144 2.20. **Camping Vehicle:** A vehicle eight feet (8') or less in width with a collapsible,  
 145 folding, or rigid structure designed for temporary human habitation and self-propelled,  
 146 or towed by a motor vehicle upon a highway. (*See also Recreation Vehicle.*)
- 147 2.21. **Cemetery:** Land used or intended as use for the burial of the human dead and  
 148 dedicated for cemetery purposes, including columbarium, crematories, mausoleums  
 149 and mortuaries if operated in connection with and within the boundaries of such  
 150 cemetery.
- 151 2.22. **Channel:** A natural or artificial watercourse of perceptible extent, with definite bed  
 152 and banks to confine and conduct continuously or periodically flowing water.
- 153 2.23. **Clinic:** A place used for the care, diagnosis and treatment of sick, ailing, and injured  
 154 persons or animals and those who are in need of medical or surgical attention, but  
 155 where persons are not provided with board or room nor kept overnight on the  
 156 premises. Animals may be kept overnight at veterinary clinics.
- 157 2.24. **Club:** An association of persons who are organized for some non-commercial  
 158 common purpose. Examples of clubs are the Boys and Girls Club, the Local History  
 159 Club, the 4-H Club and the Gardening Club. A group organized solely or primarily to  
 160 render a service customarily provided by a commercial enterprise is not a club.
- 161 2.25. **Comprehensive Plan:** The Town's community development plan entitled "Town of  
 162 Saratoga, Wood County, Wisconsin Comprehensive Plan 2007-2025", as adopted or  
 163 amended under Wisconsin Statute 62.23 and in accordance with Wisconsin Statute

- 164 66.1001, to guide and coordinate development in the Town of Saratoga, in accordance  
 165 with existing and future needs, promoting public health, safety and general welfare,  
 166 protecting the natural resources and planning for efficiency and economy in the  
 167 process of development.
- 168 2.26. **Conditional Use:** *See* Use, Conditional.
- 169 2.27. **Convenience Store:** A small store or shop which may also be associated with the sale  
 170 of motor vehicle fuel, and stocking a range of everyday items such as groceries,  
 171 toiletries, bakery goods, beverages, food items, limited household items and  
 172 automotive supplies. Convenience stores may also have automobile washing facilities.  
 173 Convenience stores may not provide automobile repair or painting services.
- 174 2.28. **Court:** An open unoccupied and unobstructed space, other than a yard, on the same  
 175 lot with a building or group of buildings, which is enclosed on three or more sides.
- 176 2.29. **District:** A portion of the Town where certain uniform regulations and/or  
 177 requirements or combinations of both apply according to the provisions of this  
 178 ordinance and as may be specified on the Town's Official Zoning Map as adopted by  
 179 the Town Board of Supervisors.
- 180 2.30. **Density:** The ratio of living units per acres allowable under a schedule of district  
 181 regulations.
- 182 2.31. **Dwelling:** Any building or portion thereof designed or used exclusively as the  
 183 residence or sleeping place of one or more persons, but not including a tent, camping  
 184 trailer, trailer, or trailer coach, hotel or motel.
- 185 2.31.1. Dwelling, single family: A building designed for or used exclusively for  
 186 residence purposes by one family or housekeeping unit.
- 187 2.31.2. Dwelling, two family: A building designed for or used exclusively by two  
 188 families or housekeeping units.
- 189 2.31.3. Dwelling, multi-family: A building or portion thereof designed for or used by  
 190 three or more families or housekeeping units.
- 191 2.31.4. Dwelling group: A group of two or more detached dwellings located on a  
 192 parcel of land in one ownership and having any yard or court in common.
- 193 2.31.5. Dwelling unit: One room, or a suite or two or more rooms designed for or  
 194 used by one family for living and sleeping purposes and having kitchen and  
 195 toilet facilities.
- 196 2.32. **Easement:** Authorization by a property owner for the use by another, and for a  
 197 specified purpose, of a designated part of his or her property.
- 198 2.33. **Factory-Built Home:** Any structure built in a factory and designed for long-term  
 199 residential use including:
- 200 2.33.1. **Manufactured Homes:** Homes built entirely in the factory in compliance with  
 201 The Federal Manufactured Home Construction and Safety Standards of June  
 202 15, 1976, as defined in Wisconsin Statutes 101.91(2), (am). (*The term*  
 203 *"mobile home" is often used to describe any manufactured home regardless*  
 204 *of when it was built.*)

- 205 2.33.2. Modular Homes: Factory-built homes built to the state, local or regional code  
 206 where the home will be located. Modules are transported to the site and  
 207 installed.
- 208 2.33.3. Panelized Homes: Factory-built homes in which panels (a whole wall with  
 209 windows, doors, wiring and outside siding) are transported to the building site  
 210 and assembled. These homes must meet state or local building codes.
- 211 2.33.4. Pre-Cut Homes: Factory-built homes in which building materials are factory-  
 212 cut to design specifications, transported to the building site and assembled.  
 213 Pre-cut homes include kit, log and dome homes. These homes must meet  
 214 local and state building codes.
- 215 2.33.5. Mobile Homes: Applies to manufactured homes produced prior to June 15,  
 216 1976. (The term “mobile home” is often used to describe any manufactured  
 217 home regardless of when it was built.)
- 218 2.34. **Family:** A group of persons living together in one (1) dwelling unit as a single  
 219 housekeeping entity.
- 220 2.35. **Flood:** See Wood County Shoreland Zoning Ordinance for definitions of floodplain,  
 221 flood profile, flood proofing, flood stage and floodway.
- 222 2.36. **Forestry:** The science, art, and craft of creating, managing, using, and conserving  
 223 forests and associated resources in a sustainable manner to meet desired goals, needs,  
 224 and values for human benefit. Modern forestry generally embraces a broad range of  
 225 uses, including timber as raw material for wood products, Christmas trees, wildlife  
 226 habitat, natural water quality management, recreation, landscape and community  
 227 protection, employment, aesthetically appealing landscapes, biodiversity management,  
 228 watershed management, erosion control, and preserving forests as 'sinks' for  
 229 atmospheric carbon dioxide. Forestry includes silviculture, a science that involves the  
 230 growing and tending of trees and forests. (*See definition of “Agriculture” in this*  
 231 *section.*)
- 232 2.37. **Frontage:** That boundary of a lot, which is along an existing or dedicated public  
 233 right-of-way such as a street, or, where no public street exists, is along another public  
 234 way.
- 235 2.37.1. Where a lot abuts more than one street, the Plan Commission shall determine  
 236 the frontage for purposes of this ordinance.
- 237 2.37.2. Frontage where measured: For construction purposes, minimum frontage  
 238 requirements set forth in Section Five (5) of this ordinance shall be met at the  
 239 front building line.
- 240 2.38. **Garage:** A building or structure, or part thereof, used or designed to be used for the  
 241 parking and storage of vehicles, trailers and/or equipment.
- 242 2.38.1. Garage apartment: A structure being part of a private garage in which  
 243 provision is made for one dwelling unit.
- 244 2.38.2. Garage private: A detached accessory building or a portion of the principal  
 245 building used or intended for use by the occupants of the premises for the  
 246 storage of vehicles or trailers, but not commercial vehicles or trailers.

- 247 2.38.3. **Garage public:** A building or portion thereof, other than a private or storage  
 248 garage, designed or used for equipping, servicing, repairing, hiring, selling,  
 249 storing, or parking motor driven vehicles. The term repairing shall not include  
 250 an automotive body repair shop nor the rebuilding, dismantling or storage of  
 251 wrecked or junked vehicles.
- 252 2.39. **Grade:** The average level of the finished surface of the ground adjacent to the exterior  
 253 walls of a building.
- 254 2.39.1. **Grade, existing:** The vertical elevation of the ground surface prior to  
 255 excavating or filling.
- 256 2.39.2. **Grade, finished:** The final grade of the site that conforms to the approved plan  
 257 as required by this ordinance.
- 258 2.39.3. **Grade, natural:** The existing grade of elevation of the ground surface that  
 259 exists or existed prior to man-made alterations.
- 260 2.39.4. **Grade, percentage of:** The rise or fall of a slope in feet and tenths of a foot for  
 261 each 100 feet of horizontal distance. (Twelve feet of change in elevation in  
 262 100 feet horizontal distance is a 12% grade.)
- 263 2.40. **Hardship:** The term “hardship” has a particular legal meaning when used in this  
 264 ordinance. It is used here when determining whether the requisite hardship exists to  
 265 support granting a “variance”<sup>1</sup> to provisions of this ordinance. The meaning of the  
 266 term “hardship” will depend on future definition, interpretation and application by the  
 267 Wisconsin legislature and courts. (*See the Appendix for additional information on*  
 268 *current interpretations of hardship and variances.*)
- 269 2.41. **High Water Line; Ordinary High Water Mark:** *See* Wood County Shoreland  
 270 Zoning Ordinance.
- 271 2.42. **Home Occupation:** An occupation carried on in a dwelling unit by the resident  
 272 thereof; provided that the use is limited in extent and incidental and secondary to the  
 273 use of the dwelling unit for residential purposes and does not change the character of  
 274 the dwelling unit.
- 275 2.43. **Hotel:** Any building or portion thereof, except hospitals and jails, used as a temporary  
 276 abiding place for remuneration, with or without meals, containing guest rooms or  
 277 suites where no provision for cooking is made in any individual guest room or suite.
- 278 2.44. **Household Unit:** A group of persons who live together in one dwelling unit as a single  
 279 housekeeping unit to the exclusion of all others.
- 280 2.45. **Industrial:** A business use or activity at a scale greater than home occupation  
 281 involving manufacturing, fabrication, assembly warehousing, and/or storage.
- 282 2.46. **Industry:** The manufacture, fabrication, processing, preparation or treatment of any  
 283 article, substance, or commodity including indoor or outdoor storage of materials, truck  
 284 storage yards, warehouses, wholesale storage, and other similar types of enterprise. For

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

- 285 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  
 291 such uses are conducted entirely within a completely enclosed building and not  
 292 including pawn shops and establishments for the sale, purchase or storage of used  
 293 furniture and household equipment, used cars in working condition, or salvaged  
 294 materials incidental and necessary to manufacturing operations.
- 295 2.48. **Kennel:** A kennels is any premise, or portion thereof, where dogs, cats or other  
 296 household pets are maintained, boarded, bred or cared for, in return for remuneration,  
 297 or are kept for the purposes of sale.
- 298 2.49. **Laundromat:** A business that provides washing, drying and/or ironing machines for  
 299 hire 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  
 301 contiguous to a group of buildings for the temporary parking of a commercial vehicle  
 302 while loading or unloading merchandise or materials, and which abuts upon a street,  
 303 alley or other 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  
 311 upon two parts of the same street, such streets or parts of the same street  
 312 forming an interior angle of less the 135 degrees. The point of intersection of  
 313 the street lines in the “corner.”
- 314 2.51.3. Lot, depth: The mean horizontal distance between the front and the rear lot  
 315 lines.
- 316 2.51.4. Lot, interior: A lot other than a corner lot.
- 317 2.51.5. Lot, line: A property boundary line of any lot held in single or separate  
 318 ownership; except that where any portion of the lot extends into the abutting  
 319 street or alley, the lot line shall be deemed to be the street or alley right-of-  
 320 way line.
- 321 2.51.6. Lot of record: A lot which is part of a subdivision, the map of which has been  
 322 approved by the Wood County Planning and Zoning Commission, as of the  
 323 effective date of this ordinance, shall have the same status as if the said  
 324 subdivision plat was officially recorded in the office of the Register of Deeds;  
 325 however, no building permit shall be issued for any lots in such subdivision  
 326 until a final plat which includes such lots, has been officially recorded in the  
 327 office of the Register of Deeds.



- 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 2.63. **Parking Area or Lot, Public:** An open area, other than a street or other public way,  
 404 used for the parking of automobiles and available to the public whether for a fee, free or  
 405 as an accommodation for clients or customers.
- 406 2.64. **Parking Space:** A surfaced area of not less than one hundred eighty (180) square feet,  
 407 having a minimum width of nine (9) feet and a minimum length of eighteen (18) feet,  
 408 either within a structure or in the open, exclusive of driveways or access drives, for the  
 409 parking of motor vehicles.
- 410 2.65. **Person:** Any individual, firm, trust, partnership, public or private association or  
 411 corporation; or an individual, partnership, firm, company, corporation, municipality,

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

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<sup>2</sup> For 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,  
 447 cattle, 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.  
 451 Although some statutes and cases use the term “special exception” to mean a  
 452 conditional use, for the purposes of this ordinance, a “special exception” is not a  
 453 conditional use. A conditional use is defined in this “Definitions” section and issued in  
 454 accordance with the “Permits and Inspections” section of this ordinance.
- 455 2.81. **Stable, Commercial:** A stable for horses, donkeys, mules, or ponies, which are let,  
 456 hired, 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  
 459 sale.
- 460 2.83. **Story:** That portion of a building included between the surface of any floor and the  
 461 surface of the floor next above it, or if there is no floor above it, then the space between  
 462 the floor and the ceiling above it.
- 463 2.84. **Street:** A public right-of-way which provides a public means of access to abutting  
 464 property. The term street shall include avenue, drive, circle, road, trail, parkway,  
 465 boulevard, lane, place, highway, thoroughfare or any similar term.
- 466 2.84.1. **Arterial Street:** A public street or highway intended primarily for fast or  
 467 heavy through traffic use. Arterial streets and highways shall include  
 468 freeways and expressways as well as arterial streets, highways and parkways.
- 469 2.84.2. **Collector Street:** A public street intended to serve and provide access to  
 470 neighborhoods or sub-neighborhoods.
- 471 2.85. **Structure:** Anything constructed or erected, the use of which requires a foundation or  
 472 a location on or in the ground. It includes but is not limited to objects such as  
 473 buildings, decks, and pools etc.
- 474 2.85.1. **Permanent:** A structure, which is built, of such materials and in such a way  
 475 that it would commonly be expected to last and remain useful for a substantial  
 476 period of time.
- 477 2.85.2. **Temporary:** A structure which is built of such materials and in such a way  
 478 that it would commonly be expected to have a relatively short useful life, or is  
 479 built for a purpose that would commonly be expected to be relatively short  
 480 term.
- 481 2.85.3. **Structure alteration:** Any change in the component members of a building,  
 482 such as walls, columns, beams or girders.
- 483 2.86. **Subdivision:** See Wood County Land Subdivision Ordinance.
- 484 2.87. **Town Board:** The Board of Supervisors of the Town of Saratoga.

- 485 2.88. **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:<sup>3</sup> A use listed in the zoning ordinance that may be allowed  
 489 but only if found compatible following examination of a specified location,  
 490 neighboring uses, limitations of the site, impact on natural resources, the  
 491 health, safety and general welfare of Town residents, and the purposes of the  
 492 zoning ordinance. Authorization of a conditional use is discretionary and  
 493 must be determined on a case-by-case basis. Conditions may also be attached  
 494 upon any approval, including regular review for compliance and impacts,  
 495 expiration dates and renewal requirements, and limitations as to time and  
 496 manner of operation.
- 497 2.88.2. Use, incompatible: A use or service that is incapable of direct association  
 498 with certain other uses because it is contradictory, incongruous, or discordant.
- 499 2.88.3. Use, nonconforming: See Nonconforming use.
- 500 2.88.4. Use, permitted (permitted as of right): A use listed in the zoning ordinance  
 501 that is allowed ‘by right’ at all locations in a zoning district, provided that the  
 502 project or use complies with the general standards for the zoning district, any  
 503 overlay district or design standards, and related building or construction codes.  
 504 Authorization of a permitted use is non-discretionary and may be authorized  
 505 with a zoning permit or confirmed with a zoning certificate of compliance.
- 506 2.88.5. Use, prohibited or unlisted: A use that is not allowed in a zoning district  
 507 because it is not expressly listed or is specifically prohibited by the zoning  
 508 ordinance.
- 509 2.89. **Variance:** A zoning variance authorizes a landowner to establish or maintain a use that  
 510 is prohibited in the zoning ordinance. Zoning variances represent a departure from the  
 511 terms of this ordinance where it is shown that unique physical circumstances applying  
 512 to a land parcel causes a hardship to the owner and that the condition permitted by the  
 513 departure still will be in fundamental harmony with surrounding uses.
- 514 2.90. **Vision Clearance Triangle:** An unoccupied triangular space at the corner of a corner  
 515 lot which is bounded by the street lines and a setback line connections points  
 516 determined by measurement from the corner of each street line.
- 517 2.91. **Wind Energy System:** Equipment that converts and then stores or transfers energy  
 518 from the wind into usable forms of energy.
- 519 2.92. **Yard:** A required open space other than a court, or a lot, unoccupied and unobstructed  
 520 from the ground upward except as otherwise provided in this ordinance.

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<sup>3</sup> Note: 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  
522 which is the minimum horizontal distance between the front lot line and a line  
523 parallel 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  
525 from the right-of-way line of the existing street on which the lot fronts (the  
526 front Lot Line); provided, however, that if the proposed location of the right-  
527 of-way of such street as established on the Official Thoroughfare Plan or  
528 Major Street Plan differs from that of the existing street, then the required  
529 front yard depth shall be measured from the right-of-way line of such street as  
530 designated on the said 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  
532 which is the minimum distance between the rear lot line and a line parallel  
533 thereto on 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  
538 the nearest side lot line and, in case the nearest side lot line is a side street lot  
539 line, from the right-of-way line of the existing street; provided, however, that  
540 if the proposed location of the right-of-way line of such street as established in  
541 the Thoroughfare Plan differs from that of the existing street, then the required  
542 side 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  
548 excess 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**<sup>4</sup>

577 **5.1. Suburban Residential District (RS-1)**

578 **5.1.1. Permitted Uses in RS-1 District.**

579 a. One dwelling per lot, whether single family or duplex

580 b. One private garage for each residential parcel

581 c. Accessory buildings

582 d. Home occupations with same limitations as in RR-1 District

583 e. Uses customarily incident of any of the above uses; provided that no such use  
 584 generates traffic or noise that creates a public or private nuisance.

585 **5.1.2. Conditional Uses in RS-1 District**

586 a. Home occupations with same limitations as in RR-1 District.

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<sup>4</sup>Note: 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 <sup>5</sup>
	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. Off-street parking	
One and two family residence	See Section 14
Place of public gathering	See Section 14
g. Maximum Lot Coverage	Accessory Building 5%

597 5.1.4. **Home Occupations**

- 598 a. **Permitted Uses:** A home occupation shall be a permitted use in the RS-1
- 599 district, with no conditional use permit required, if all of the following are true:
- 600 1) There may be only one unrelated person engaged in the home
- 601 occupation other than the family members residing on the premises

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



- 602 2) There are no visible indications other than a business sign, that a home  
603 occupation is being conducted on the premises  
604 3) Any sign advertising the home occupation is no larger than 6 square  
605 feet. (See Sign Ordinance 06-18-2014)  
606 4) No outside storage results from the home occupation  
607 5) No more than 25% of the gross area (including all floor levels) of the  
608 dwelling and no more than 25% of the combined floor area of all  
609 attached or detached garages or accessory buildings is used for the home  
610 occupation.  
611 6) The home occupation creates no offensive noise, vibration, sound,  
612 smoke, dust, odors, heat, glare, x-rays or electrical disturbance to radio,  
613 television or wireless communications.  
614 7) The home occupation does not result in any nuisance to the public, such  
615 as, generation of substantial volume of vehicular or pedestrian traffic, or  
616 parking demand.
- 617 b. **As Conditional Uses:** A home occupation may be allowed as a conditional  
618 use in the RS-1 district, and shall require a conditional use permit, if any of the  
619 following apply:  
620 1) The home occupation does not comply with the requirements for a  
621 permitted use set forth in this subsection above.  
622 2) The home occupation includes parking of a semi-trailer (with or without  
623 a tractor).
- 624 c. **Not Permitted:** The following activities are not considered home occupations  
625 and shall not be permitted in the RS-1 district:  
626 1) Any activity, which includes explosives, fireworks, or repair of motor  
627 vehicles  
628 2) Barbershops or beauty shops with more than one unrelated operator;  
629 mechanical repair or welding shops; antique shops; restaurants; dance  
630 studios, and uses listed as conditional uses in a Commercial District.  
631 3) Any activity which, even with conditions and limitations, is not  
632 consistent with the purpose of the RS-1 district and has a high likelihood  
633 of creating conflicts within the district

## 634 5.2. Rural Residential District (RR-1)

### 635 5.2.1. Permitted Uses in the RR-1 District

- 636 a. One dwelling per lot, whether single family or duplex  
637 b. Two private garages for each residential parcel, one of which may be attached  
638 to the principal residence  
639 c. Accessory buildings  
640 d. Uses customarily incident to any of the above uses except for agricultural use  
641 as defined in this ordinance, provided that no such customarily incident use  
642 generates traffic or noise that would create a public or private nuisance. (*See*  
643 *definition of "agricultural use" in Definitions Section 2.*)  
644 e. Home occupations meeting the criteria set forth in Section 5.1.4 (see above)  
645 f. Private Stables

- 646 5.2.2. **Conditional Uses in the RR-1 Rural Residential District**  
 647 a. Home occupations meeting the criteria set forth in Section 5.1.4 (see above)  
 648 b. Libraries, museums, and art galleries  
 649 c. Hospitals, clinics and nursing homes  
 650 d. Colleges and vocational schools  
 651 e. Telephone buildings, excepting service garages and storage yards  
 652 f. Microwave radio relay structures, television transmission towers, and cell  
 653 phone towers  
 654 g. Funeral homes  
 655 h. Manufactured homes (mobile homes), provided that such use also conforms to  
 656 all other applicable ordinances of the Town, County and State  
 657 i. Graded Schools  
 658 j. Churches and their affiliated uses  
 659 k. Cemeteries of one acre or less, located adjacent to a church  
 660 l. Public buildings, except sewage plants, garbage incinerators, warehouses,  
 661 garages, shops and storage yards  
 662 m. Kennels as defined in this ordinance  
 663 n. Commercial stables  
 664 o. Forestry uses  
 665 p. Conservation Subdivision Development  
 666 q. Planned Unit Development  
 667 r. Other similar and compatible uses in accord with the purpose of this district as  
 668 determined by the Plan Commission to be in accord with the purpose of this  
 669 ordinance.

670 5.2.3. **RR-1 Rural Residential District Standards**

a.	Maximum building height	
	Principal building	35 ft.
	Accessory building	20 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.
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	Same as principal building
e.	Minimum lot area	1 acre (43,560 sq. ft) minus road right of way

f.	Off-street parking	
	One and two family residence	See Section 14
	Place of public gathering	See Section 14
g.	Maximum lot coverage	
	Principal building	None; comply with setback standards (b)(c)(d)
	Accessory buildings	2000 sq. ft. per Town Building Ordinance
h.	Outside storage	On any parcel on which a garage or other accessory use or building has been established and the principal use has not yet been established, no outside storage of any kind is allowed.

671 5.3. **Manufactured Home (Mobile Home) District (MH).** In addition to applicable  
 672 regulations set forth in this Zoning Ordinance, all manufactured homes (sometimes  
 673 referred to as mobile homes) located in the Town of Saratoga are regulated as set forth  
 674 in the Town of Saratoga, Mobile Home Ordinance 72-1-1 and all amendments thereto.

675 5.3.1. **Permitted Uses**

- 676 a. Residential use
- 677 b. Home occupations with the same limitations as in RS-1 District

678 5.3.2. **Conditional Uses**

- 679 a. Business Use
- 680 b. Home occupations with the same limitations as in RS-1 District

681 **6. COMMERCIAL ZONING DISTRICTS**

682 6.1. **Light Commercial District (LC).** Light Commercial areas are those lands that are  
 683 delineated as existing commercial and are mixed with existing residential uses. The LC  
 684 District is associated with minor development nodes along a major transportation  
 685 networks. The primary intent of this areas is to allow future small commercial  
 686 developments, or mixed-use developments, in areas that can accommodate the  
 687 associated traffic demands while not creating land use compatibility issues with  
 688 surrounding uses. The scale and size of buildings and associated parking, and outdoor  
 689 display areas is expected to be compatible with that of existing uses and smaller than  
 690 building sizes and associated uses within the Highway Commercial areas. The district  
 691 boundaries for parcels with 100 feet of frontage on STH 73, shall extend from the  
 692 respective right-of-way 330 feet in depth or to the rear lot line whichever is less. The  
 693 LC District boundary may be extended for those parcels that have a depth greater than  
 694 330 feet to a depth of 412 fee or to the rear lot line whichever is less.

695 6.1.1. **Permitted Uses in L District**

- 696 a. Small retail stores and shops such as, but not limited to; gift shops, art gallery,  
 697 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. Residential development as allowed in the underlying Suburban Residential  
 706 District.  
 707 f. Some uses are permitted in both the LC and HC Districts; all development in  
 708 the LC District must comply with the intent stated in 6.1 above.  
 709 g. Other similar and compatible uses which are determined by the Plan  
 710 Commission to be in accord with the purpose of this ordinance.

711 6.1.2. **Conditional Uses in LC District.** The Plan Commission, as a conditional use,  
 712 may consider businesses that do not fully comply with the stated intent in 6.1,  
 713 with final approval by the Town Board.

714 6.2. **Highway Commercial District (HC)** Highway Commercial areas are those  
 715 properties delineated as existing commercial or are likely places of highway  
 716 commercial expansion (i.e. near existing commercial corridors or near major  
 717 intersections). The primary intent of these areas is to allow for some larger  
 718 commercial developments near compatible uses that can accommodate the  
 719 associated traffic demands. The scale and size of buildings and associated parking  
 720 and outdoor display areas is expected to be similar to that of existing uses and larger  
 721 than building sizes in Light Commercial areas. By directing future highway  
 722 dependent development into the HC, new commercial development along other  
 723 highway corridors designated LC shall be avoided.

724 6.2.1. **Permitted Uses in the Highway Commercial District (HC)**

- 725 a. Large-scale stores such as; retail and wholesale department, variety and  
 726 specialty merchandise stores, grocery and specialty foods establishments,  
 727 restaurants and supper clubs  
 728 b. Business and professional offices  
 729 c. Personal service establishments (i.e. barbershops, beauty salons, motels  
 730 etc.  
 731 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  
 750

751 6.2.3. **Commercial District Standards**

a. Maximum building height	Light Commercial 35 ft. Highway Commercial 45 ft.
b. Minimum front yard setback	30 ft.
c. Minimum side yard setback	
Adjacent to street	15 ft.
Adjacent to commercial property	15 ft.
Adjacent to Residential District	
Firewall construction	25 ft.
Non-firewall construction	45 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

752

753 6.3. **General Industry District (ID)**

- 754 6.3.1. **Permitted Uses in ID District**  
 755 a. All permitted and conditional uses in the Commercial Districts.  
 756 b. Manufacturing, processing or assembly of component parts  
 757 c. Outdoor storage of industrial products, machinery, equipment or other  
 758 materials  
 759 d. A dwelling unit provided for a caretaker or superintendent for an industrial use  
 760 which requires constant supervision

761 6.3.2. **Conditional Uses in ID District**

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

### 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 ( $\frac{1}{2}$ ) 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 ( $\frac{1}{2}$ ) 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.  
 951 part 50 (2013) or a method approved in writing by the Town. The  
 952 Operator may monitor for PM<sub>10</sub> as a surrogate for monitoring for TSP if  
 953 approved in writing by the Town. If PM<sub>10</sub> is used as a surrogate, it shall be  
 954 measured by the method described in Appendix L of 40 C.F.R. part 50  
 955 (2013).
- 956 4) The Operator shall completely enclose any dry processing facilities and  
 957 shall enclose to the extent practicable any loading or unloading facilities.
- 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.

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- 5) Wash plant settling ponds shall be lined with at least five (5) feet of clay meeting the technical standards contained in Wis. Admin. Code §NR 504.06(2) for clay liners.
  - 6) At least sixty (60) days prior to commencement of nonmetallic mining operations, the Operator shall place sufficient test wells to verify the groundwater elevations on the nonmetallic mine site or processing facility. Test wells located in the down-gradient direction of groundwater flow shall be located so they serve as permanent sentinel monitoring wells during the course of operations.
  - 7) Mining operations shall not extract materials at a depth below the point that is five (5) feet above the maximum established groundwater table.
  - 8) Mining operations shall not cause a significant reduction in the quantity of groundwater available for reasonable use by current users within one (1) miles of the nonmetallic mine site or processing facility. A significant reduction includes a drop in the water table that results in a substantial adverse impact on a private well including but not limited to the inability of a well to provide water on a continuous basis.
  - 9) Impacts to Surface Water Base Flow: Mining operations shall not cause a lowering of the groundwater that results in adverse effects on surface waters which serve as a critical source of water for agricultural, recreational or municipal functions such as fire protection within one (1) mile of the nonmetallic mine site or processing facility. Adverse effects include but are not limited to a reduction of water in streams and tributaries below base flows established prior to the beginning of mining operation.
  - 10) Impacts to Surface Water Use. The Operator shall undertake all measures necessary for the control of surface water runoff from nonmetallic mining operations in order to prevent pollution and erosion of sediment onto neighboring properties, surface water and groundwater, and shall also comply with the standards for erosion control under Wis. Admin. Code NR 216 and NR 151, as applicable
- h. Hazardous Materials
- 1) All hazardous chemicals and their containers, shall be stored, used and disposed of in accordance with applicable state and federal law.
  - 2) The Operator shall have a written plan for responding to spills of any hazardous materials on the site or while in transport either to or from the site.
  - 3) The Operator shall not dispose of any chemicals or waste materials containing chemicals declared to be hazardous by a government agency, on the site or processing facility.
  - 4) The Operator shall not use as landfill material or dispose of onsite, any waste material that contains a toxic amount of a hazardous chemical or a toxic residual.
- 6.3.5. **Financial Assurance:** Financial assurance, in a form agreed to by the Town Board, shall be provided to the Town as a condition of permit approval in the amount 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

- 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  
 1115 while 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.
- 1144 **8. FARMLAND PRESERVATION DISTRICT (FP)**
- 1145 8.1. **Permitted uses.** The uses permitted in the FP district are those permitted in Wis. Stat.  
 1146 91.44 (2012) and are hereby incorporated by reference.
- 1147 8.2. **Conditional uses.** Conditional uses permitted in the FP district are those permitted in  
 1148 Wis. Stat. 91.46 (2012) and are hereby incorporated by reference.
- 1149 8.3. **Definitions.** For purposes of and application to the Farmland Preservation District only,  
 1150 the definitions in Wis. Stat. Ch. 91 are hereby incorporated by reference.
- 1151 **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

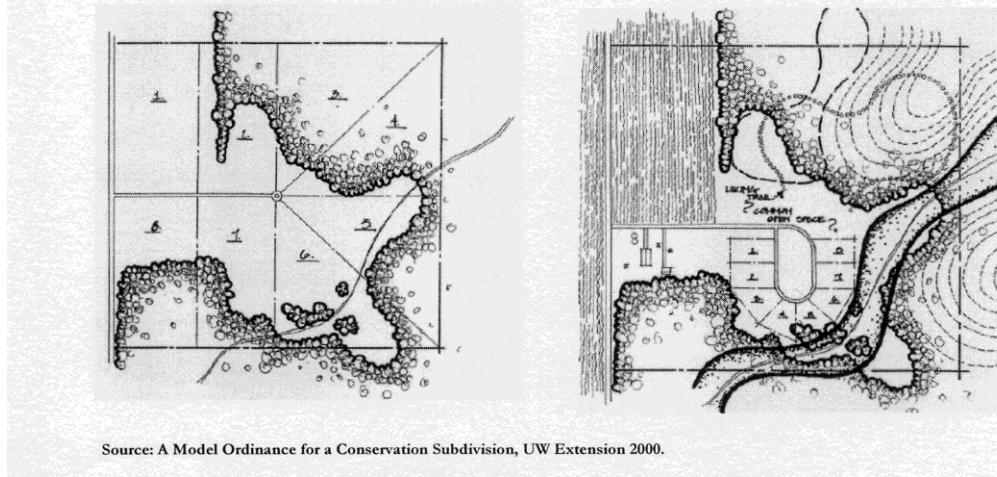


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- c. To provide a more efficient and aesthetic use of open space by allowing developers to reduce lot sizes while maintaining the residential density required in the underlying district
  - d. To allow a more flexible and economical residential layout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

1283  
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Figure 1: Traditional vs. Conservation Subdivision



1285  
1286

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

- 1288 10.2.1. Purpose. The purpose of the Historic District Overlay is the protection,
- 1289 enhancement, perpetuation and use of improvements or sites of special
- 1290 character or special architectural, archaeological or historic interest or value in
- 1291 the Town of Saratoga.
- 1292 10.2.2. Permitted uses. All uses meeting the requirements of the underlying district
- 1293 and this overlay.
- 1294 10.2.3. Conditional uses. All uses other than those permitted in the underlying district
- 1295 are conditional.
- 1296 10.2.4. District Requirements.
- 1297 a. Development in the Historic District Overlay may follow the alternative
- 1298 standards outlined in the State historic building code in Wisconsin Statutes sec.
- 1299 101.121.
- 1300 b. Notwithstanding Wisconsin Statutes sec. 101.121, all parking lots and restroom
- 1301 facilities shall be ADA compliant/accessible.

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

- 1303 10.3.1. **Wood County Ordinances Adopted.** The Wood County Floodplain
- 1304 Ordinance 703 and the Wood County Shoreland Zoning Ordinance 704, and
- 1305 all amendments thereto, are adopted and incorporated by reference and shall
- 1306 apply to all dwellings, buildings, structures, development and land use within
- 1307 the scope of this ordinance.
- 1308 10.3.2. **District Standards.** All the standards regarding density, building size,
- 1309 setback, lot width, maximum lot coverage of the underlying district shall
- 1310 apply unless otherwise regulated or prohibited by Wood County Ordinance
- 1311 703 and/or 704.

- 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  
 1401 Adjustment (“Zoning Board”) is to hear and decide cases where there is an alleged  
 1402 error in the zoning 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 variances<sup>6</sup> 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.

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<sup>6</sup> 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 permits<sup>7</sup>, County permits<sup>8</sup>,  
 1537 State permits<sup>9</sup>, 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.**<sup>10</sup> 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

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

<sup>8</sup> For example, septic systems require sanitation permits issued by Wood County.

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

<sup>10</sup> 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.**<sup>11</sup> 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

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<sup>11</sup> 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,<sup>12</sup> 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 mail<sup>13</sup> to all adjacent landowners.<sup>14</sup> 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.

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<sup>12</sup> 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.

<sup>13</sup> 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.

<sup>14</sup> 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.<sup>15</sup> 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

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<sup>15</sup> Note 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.  
 1803  
 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

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

## 2003 15. GENERAL PROVISIONS

- 2004  
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- 15.1. **Compliance Required:** The use, size, height and location of structures now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces, and the use of land, shall be in compliance with the goals, objectives, policies and programs in the Comprehensive Plan, and with the regulations established by this ordinance for the district in which such land or structure is located.
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- 15.2. **Minimum Requirements:** This Ordinance has been adopted to promote the health, safety, aesthetics, comfort, prosperity and general welfare of the residents of the Town of Saratoga, and to ensure the prudent use of the Town's natural resources. The Town hereby finds the provisions of the Ordinance to be the minimum requirements to advance these public purposes.
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- 15.3. **Abrogation:** This Ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that after adoption by the Town Board, where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall apply.
- 2022
- 15.4. **Severability.**
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- 15.4.1. If any section, clause, provision or portion of this ordinance is declared unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this ordinance shall remain in full force and effect.
- 15.4.2. If any application of this ordinance to a particular parcel of land is declared unconstitutional or invalid by a final order of a court of competent 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.