



ORDINANCE NO. 3, SERIES 2023

AMENDMENTS TO TITLE 2, CHAPTER 4 (BOARDS, COMMISSIONS AND COMMITTEES) AND TITLE 10, CHAPTER 8 (SOLAR ACCESS) RELATED TO ROLES, POWERS, AND ORGANIZATION OF THE ZONING BOARD OF APPEALS, PLAN COMMISSION, JOINT EXTRATERRITORIAL COMMITTEE, AND EXTRATERRITORIAL ZONING BOARD OF APPEALS

WHEREAS, roles, powers, and organization of the Zoning Board of Appeals, Plan Commission, and Extraterritorial Zoning Committee (a.k.a., Joint Extraterritorial Committee) are described in Title 2, Chapter 4 (titled Boards, Commissions and Committees), Title 10, Chapter 1 (titled Zoning), and Title 10, Chapter 8 (titled Solar Access) of the Village Code of Ordinances; and

WHEREAS, these chapters contain some redundancies, inconsistencies, and obsolete provisions with reference to each other and to Wisconsin Statutes; and

WHEREAS, the Village has identified the need for amendments to Title 2, Chapter 4 and Title 10, Chapter 8 to address these redundancies, inconsistencies, and obsolete provisions and statutory references.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of Prairie du Sac, Wisconsin, does ordain that the following amendments to the Code of Ordinances are hereby adopted:

Section 1: Amend Section 2-4-3 to read as follows:

SEC 2-4-3 ZONING BOARD OF APPEALS

- (a) ESTABLISHMENT AND COMPOSITION. A Zoning Board of Appeals is hereby established as specified in Section 62.23(7)(e) of the Wisconsin Statutes. The Zoning Board of Appeals shall consist of five (5) members, appointed by the Village President subject to confirmation by the Village Board ~~for terms of three (3) years~~. The members shall be electors of the Village, serve without compensation, ~~and shall~~ be removable by the Village Board for cause upon written charges and upon public hearing. The Village President shall designate one of the members chairperson of the Board. Vacancies shall be filled and alternate members may be appointed as provided for in Section 62.23(7)(e)2. of the Wisconsin Statutes.
- (b) POWERS. The Zoning Board of Appeals shall have the following powers within the Village limits:
 - (1) ~~Subject to the terms of this section, t~~To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination

application or enforcement of ~~the Title 10, Chapter 1 (Zoning) Code or Title 10, Chapter 2 (Floodplain Zoning Code)~~ of this Code of Ordinances. Appeals shall be pursuant to Section 10-1-1311 for a provision of Title 10, Chapter 1 and to Section 10-2-72(b) and 10-2-73 for a provision of Title 10, Chapter 2.

- (2) To hear and decide ~~special exceptions, other than Conditional Uses which are under the exclusive purview of the Plan Commission within the Village limits, to the terms of the Village floodplain zoning district boundary disputes under Section 10-2-72(c) of this Code of Ordinances~~ regulations upon which the Board of Appeals is required to pass by ordinance.
- (3) To authorize, upon appeal in specific cases, such variance from the terms of the ~~Village zoning regulations~~ Title 10, Chapters 1 or 2 as will not be contrary to the public interest, where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ~~zoning code~~ associated chapter shall be observed, public safety and welfare secured, and substantial justice done. Any variance to Title 10, Chapter 1 granted shall also be subject to the provisions of Section 10-1-1309- and any variance to Title 10, Chapter 2 to Section 10-2-72(d) of this Code of Ordinances.
- (4) ~~To permit the erection and use of a building or premises to be used for public utility purposes in any location, subject to appropriate conditions and safeguards in harmony with the general purposes of the zoning code, for such purposes which are reasonably necessary for public convenience and welfare.~~
- (5) ~~To exercise the power and authority granted by Section 62.23(7)(e), Wis. Stats.~~

(c) **QUORUM AND VOTING.** Meeting attendance by a majority of Zoning Board of Appeals members shall constitute a quorum. The concurring vote of ~~four~~ members of the Zoning Board of Appeals the majority of members present shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass, or to effect any ~~variation in variance to~~ the requirements Title 10, Chapters 1 or 2 of the Zoning Code. The grounds of every such determination shall be stated and recorded in the minutes.

(d) **MEETING AND RULES.** All meetings of the Zoning Board of Appeals shall be held at the call of ~~the its~~ chairman person and at such other times as the Zoning Board may determine. All hearings conducted by the said Zoning Board shall be open to the public except as otherwise required by law. The Zoning Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Zoning Administrator and shall be public record. The Zoning Board of Appeals shall adopt its own rules of procedure not

Statutes.

- (e) OFFICES. The Village Board shall provide suitable offices to the Zoning Board of Appeals for ~~holding for~~ hearings and the presentation/preservation of records, documents, and accounts.
- (f) APPROPRIATIONS. The Village Board may appropriate funds to carry out the duties of the Zoning Board of Appeals and ~~the Zoning such~~ Board shall then have the authority to expend, under regular procedure, all sums appropriated to it for the purpose and activities authorized herein.
- (g) CHALLENGES TO BOARD ACTIONS. Any person, or any department, committee, or board of the Village aggrieved by any decision of the Zoning Board of Appeals may commence action pursuant to Section 62.23(7)e.10, Wis. Stats. DE NOVO REVIEW. The Zoning Board may conduct a de-novo review of all matters appealed to it pursuant to the zoning ordinances of the Village.
- ~~(h) NO AUTHORITY OVER CONDITIONAL USE PERMITS. The Zoning Board shall have no authority to hear any appeal from a decision of the Plan Commission or Joint Extraterritorial Committee on whether or not to issue or not issue a Conditional Use Permit or to the terms and provisions thereof.~~

State Law Reference: Section 62.23(7)(e), Wis. Stats.

Section 2: Amend Subsections 2-4-4(a) though (d)(1) to read as follows:

- (a) COMPOSITION. The Village Plan Commission shall consist of the Village President, two (2) Trustees, ~~the Administrator, the Superintendent of Public Works~~ and four (4) citizen members who are not Village elected officialss.
- (b) APPOINTMENT.
 - (1) Trustee Members. The two (2) Trustee members shall be annually appointed by the Village President at the organizational meeting of the Village Board during the month of April of each year, subject to confirmation by the Village Board.
 - (2) Citizen Members. The four (4) regular citizen members of the Commission shall be electors of the Village, appointed by the Village President, subject to confirmation by the Village Board. ~~The original citizen members shall be appointed upon creation of the commission and shall hold office for a period of one and two years, respectively, from the succeeding first day of May and thereafter annually~~ Each such member shall be appointed during the month of April such member shall be appointed for a term of two (2) years.
- (c) RECORD AND VOTING. The Plan Commission shall keep a written record of its proceedings to include all actions taken, a copy of which shall be filed with the Village Administrator. Four members shall constitute a quorum. Except as may otherwise be prescribed by Wisconsin Statute, the concurring vote of a majority of members present shall be necessary to effectuate any action ~~but all actions shall~~

(d) DUTIES.

(1) ~~The Master Plan~~ Planning, Zoning, and Land Division

- a. ~~The Plan Commission shall recommend Village Board adoption, amendment, and update of a comprehensive plan pursuant to Section 66.1001, Wis. Stats. make, adopt and, as necessary, amend, extend or add to the master plan, subject to Village Board confirmation, for the physical development of the Village including areas outside of its boundaries which, in the Plan Commission's judgment, bear relation to the development of the Village. The master plan, with the accompanying maps, plats and descriptive and explanatory matter, shall show the Commission's recommendations for such physical development, and may include, among other things without limitation because of enumeration, the general location, character and extent of streets, highways, freeways, street grades, roadways, walks, parking areas, public places and areas, parks, parkways, playgrounds, sites for public buildings and structures, and the general location and extent of sewers, water conduits and other public utilities whether privately or publicly owned, the acceptance, widening, narrowing, extension, relocation, removal, vacation, abandonment or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, routes or terminals, the general location, character and extent of community centers and neighborhood units, and a comprehensive zoning plan.~~
- b. ~~The Commission shall complete such zoning and land division actions and recommendations as prescribed in Title 10 of this Code of Ordinances and applicable Wisconsin Statutes. may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time by resolution adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment or addition, shall be by resolution carried by the affirmative votes of not less than a majority of all the members of the Plan Commission, subject to confirmation by the Village Board. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the Commission to form the whole or any part of the plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the Commission, and a copy of the plan or part thereof shall be certified to the Village Board. The purpose and effect of the adoption and certifying of the master plan or part thereof shall be solely to aid the Plan Commission and the Village Board in the performance of their duties.~~

Section 3: Amend Section 2-4-8 to read as follows:

SEC. 2-4-8 JOINT EXTRATERRITORIAL ZONING—COMMITTEE; BOARD OF EXTRATERRITORIAL ZONING APPEALS

The Village has enacted extraterritorial zoning with the Town of Prairie du Sac pursuant to Section 62.23(7a), Wis. Stats. The following Committee and Board have responsibilities for certain zoning actions within the extraterritorial zoning area:

- (a) The Joint Extraterritorial Zoning Review Committee, which shall consist of three (3) representatives of the Town of Prairie du Sac and three (3) representatives of the Village of Prairie du Sac. Three (3) citizen members of the Plan Commission shall be the Village's representatives on the Extraterritorial Zoning Committee. Each such member shall be appointed by the Village President during the month of April, subject to confirmation by the Village Board, for a term of two (2) years coinciding with that member's term on the Plan Commission. Such Committee shall have the power and authority prescribed by Section: 62.23(7a)(e) through (g), Wis. Stats., and through Section 10-1-136 and Title 10, Article 2 of this Code of Ordinances.
- (a)(b) The Board of Extraterritorial Zoning Appeals, which shall be constituted and have the power and authority as prescribed in Section 10-1-1317, and where not addressed thereunder, as prescribed in Section 2-4-3.

Section 4: Amend Section 10-8-1(b) to read as follows:

- (b) This chapter is adopted under authority contained in sec. 66.0320403, Wis. Stats., for the purpose of protecting the health, safety, and general welfare of the community by:
- (1) Promoting the use of solar energy systems;
 - (2) Protecting access to sunlight for solar energy systems; and
 - (3) Assuring that potentially conflicting interests of individual property owners are accommodated to the greatest extent possible compatible with ~~the overall goal of this ordinance~~ this statement of findings and purpose.

Section 5: Amend Section 10-8-2(g) to read as follows:

- (g) "OWNER" means at least one owner, as defined under Sec. 66.021(1)(ab), Wis. Stats., of a property or the personal representative of at least one owner.

Section 6: Amend Section 10-8-6 to read as follows:

SEC. 10-8-6 APPEALS.

~~Any person aggrieved by a decision under this chapter may appeal the decision by making a written request to the Village Board within ten (10) days of the decision. The decision shall be reviewed by the Zoning Board of Appeals. Any person aggrieved by a determination by the Village Board under this section may appeal the determination to the circuit court for a review.~~

Section 7: Amend Section 10-8-7(a) to read as follows:

- (a) The Village Board shall specify the property restricted by the permit and shall prepare notice of the granting of the permit. The notice shall include the legal description pursuant to sec. 706.05(2m)(ea), Wis. Stats., for the property upon which the solar collector is or will be located and for any property restricted by the permit, and shall indicate that the property may not be developed and vegetation may not be planted on the property so as to create an impermissible

permit affecting the property is terminated or unless a waiver agreement affecting the property is recorded under Section 10-8-9.

Section 8: Amend Section 10-8-8 to read as follows:

SEC. 10-8-8 RIGHTS OF PERMIT HOLDER.

The holder of a permit granted under this Chapter is entitled to access to sunlight for the solar collector subject to any conditions or exemptions in the permit and may seek damages for any loss caused by an impermissible interference or an injunction to prevent an impermissible interference as provided under sec. 66.0320403(7), Wis. Stats.


Section 9: This ordinance shall become effective upon its adoption and publication in the manner provided for by law.

Adopted this 25th day of April, 2023.

Published this 4th day of May, 2023.



Village of Prairie du Sac, WI


Andrew Strathman
Village President


Niki Conway
Village Clerk