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ORDINANCE NO. 7, SERIES 2023

AMENDMENTS TO TITLE 10, CHAPTER 1 (ZONING) OF THE CODE OF  
ORDINANCES RELATED TO SAUK PRAIRIE COMPREHENSIVE PLAN  
IMPLEMENTATION FOCUSING ON HOUSING AND NEIGHBORHOOD  
DEVELOPMENT STANDARDS

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WHEREAS, on August 18, 2011, Title 10, Chapter 1 of the Village’s Municipal Code (the Zoning Code), covering both lands within the Village limits and the extraterritorial zoning area in the Town of Prairie du Sac, was completely updated following a two year public process; and

WHEREAS, the Village has identified the need for amendments to the Zoning Code to implement recommendations of the recently amended Sauk Prairie Comprehensive Plan, particularly related to housing and neighborhood development, and to address other related matters; and

WHEREAS, the Village Plan Commission and Prairie du Sac Extraterritorial Zoning Committee have held a joint public hearing on the proposed Zoning Code amendments included in this Ordinance, and have favorably recommended Village Board adoption of the same; and

WHEREAS, the Village Board finds that the proposed amendments to the Zoning Code in this Ordinance are consistent with the Sauk Prairie Comprehensive Plan.

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

**Section 1:** Add, repeal, or amend certain definitions in Section 10-1-0104 as follows:

**Accessory Dwelling Unit (land use):** See Section 10-1-0310(h)(24).

~~**Accessory Residential Use or Dwelling Unit:** For purposes of this Chapter, a dwelling unit that is accessory to one or more principal land uses. Includes “In-family Suites,” “Accessory Dwelling Units,” “Caretaker’s Residence” and similar uses. See Section 10-10310(h).~~

**Building Administrator/Inspector:** The employee or contractor of the Village officially designated to administer the Building Code.

**Caretaker's Residence (land use):** ~~A dwelling unit which is used exclusively by the owner, manager, or operator of a principal permitted use and which is located on the same lot as the principal use.~~ See Section 10-1-0310(h)(3).

**Conservation Neighborhood Development:** A neighborhood development form in which the preservation of natural resources is central to the overall design, with development typically focused on residential uses clustered in portions of the site that do not exhibit exceptional resource elements.

**Mixed Use:** Some combination of residential, commercial, industrial, office, institutional, or other land uses within a district or development, with the mix of uses consistent with those uses allowed within the associated zoning district.

**Traditional Neighborhood Development ~~(TND):~~** A neighborhood development form that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, modest setbacks, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens. ~~See Section 10-1-0204(t) and Article 11.~~

**Section 2:** In all locations in Title 10, Chapters 1 and 3 where they appear, the zoning district titled “TND” or “TND Traditional Neighborhood Development District” shall be amended to “ND” or “ND Neighborhood Development District.”

**Section 3:** Amend Section 10-1-0204(e)(1) to read as follows:

- (1) Description and Purpose. The R-R Rural Residential District is intended to permit low density Single-Family residential-detached homes and uses accessory to and compatible with Single-Family homes on private well and septic systems, generally in locations identified under the “Rural Single-Family” future land use category in the Comprehensive Plan. Uses-Developed parcels within the R-R district that are annexed into the Village shall be required to connect to public sanitary sewer and water services when such services are adjacent to the parcel.

**Section 4:** Amend Section 10-1-0204(f)(1) to read as follows:

- (1) Description and Purpose. The R-1-A Single-Family Residential “A” District is intended to provide for Single-Family detached homes at densities of one-fifth of an acre per dwelling unit or less and uses accessory to and compatible with Single-Family homes to a density and in a manner that protects the residential character of the district, generally in certain locations identified under the “Village Single-Family Lower Density Residential” and “Neighborhood” future land use categories in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 5:** Amend Section 10-1-0204(g)(1) to read as follows:

- (1) Description and Purpose. The R-1-B Single-Family Residential “B” District is intended to provide for Single-Family detached homes at densities of one-sixth of an acre per dwelling unit or less and uses accessory to and compatible with Single-Family homes at a density and in a manner that protects the residential character of the district, generally in certain

locations identified under the “~~Village Single Family~~Lower Density Residential” and “Neighborhood” future land use ~~category~~categories in the Comprehensive Plan. ~~The~~ R-1-B district shall ~~primarily~~ be used for existing Single-Family residential lots that do not comply with the minimum area and/or width requirements of the R-1-A district, ~~and may be applied to~~plus new single family residential developments in which the Village deems lot dimensions allowed under the R-1-B district appropriate. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 6:** Amend Section 10-1-0204(h)(1) to read as follows:

- (1) Description and Purpose. The R-2 Two-Family Residential District is intended to primarily allow Two-Family residences (duplex, twin-househome), Single-Family homes, and uses accessory to and compatible with residential uses in a manner that protects the residential character of the district, generally in locations identified under the “~~Two-Family Residential~~Lower Density Residential,” “Higher Density Residential,” or portions of the “Neighborhood” future land use ~~category~~iesy in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 7:** Amend Section 10-1-0204(i)(1) to read as follows:

- (1) Description and Purpose. The R-M Multi-Family Residential District is primarily intended to allow for a range of housing types and uses accessory to and compatible with residential uses in a manner that protects the residential character of the district, generally in locations identified under the “~~Mixed-Higher Density Residential~~” or portions of the “Neighborhood” future land use ~~category~~iesy in the Comprehensive Plan. Multi-Family residential structures (townhouses, apartments, or multiplex) consisting of three or more attached dwelling units, Two-Family homes (duplexes, twin houses), and Single-Family detached homes are allowable principal uses. Mobile Home Parks are allowable conditional uses. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 8:** Amend Section 10-1-0204(j)(1) to read as follows:

- (1) Description and Purpose. The B-N Neighborhood Business District is intended to permit small-scale commercial uses and accessory residential uses which are compatible with adjacent residential uses and neighborhood character. District regulations are intended to protect neighborhood character through the restriction of building size, architectural requirements, landscaping requirements, and limitations the range of allowable uses. The B-N district is generally intended for locations identified under the “Neighborhood Business” future land use category and may be appropriate at certain business-intended locations within areas identified under the “~~Traditional~~-Neighborhood” future land use category in the Comprehensive Plan. In order to minimize disruption to residences, uses within this district shall be adjacent to and where practical take access from collector or arterial streets. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 9:** Amend Section 10-1-0204(l)(1) to read as follows:

- (1) Description and Purpose. The B-H Highway Business District is intended to permit a wide range of large and small scale office, retail, service, and lodging uses, compatible with desired community character, and subject to architectural, site layout, and landscaping standards. The B-H district is generally intended for locations identified under the “[Planned Highway Business](#)” future land use category in the Comprehensive Plan. Generally, land included in the B-H district should abut arterial or major collector streets. Access requirements are intended to minimize any negative traffic impacts on adjacent residential land uses and arterial roadways while ensuring safe and efficient access. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 10:** Amend Section 10-1-0204(m)(1) to read as follows:

- (1) Description and Purpose. The B-R Rural Business District is intended to provide opportunities for agricultural-related businesses in the Extraterritorial Zoning Jurisdiction, beyond those allowed in the A-P district. B-R district requirements are intended to ensure that allowable uses maintain compatibility and do not interfere with surrounding agricultural lands; protect surrounding community character; do not require public sanitary sewer and water services; and do not compete with other business, [office, or manufacturing](#) districts. The B-R district is generally intended for locations identified under the “[General Rural Business](#)” future land use category in the Comprehensive Plan.

**Section 11:** Amend Section 10-1-0204(n)(1) to read as follows:

- (1) Description and Purpose. The O-R Office and Research District is intended to provide for administrative offices, research and development activities, and testing laboratories, all of which are integrated in a planned development. Also, other business and professional offices, support uses typically found in an office park setting, and very limited industrial uses are allowed. To maintain an attractive setting for uses within the district, extensive landscaped areas and high quality development design are required. The O-R district is intended to be located primarily on or near collector and arterial roads, generally in locations identified under the “[Planned Office/Research](#)” or “[Business Park](#)” future land use categories in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 12:** Amend Section 10-1-0204(o)(1) to read as follows:

- (1) Description and Purpose. The M-L Limited Manufacturing District is intended to allow primarily indoor industrial, storage, office, and other associated business and support uses. Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances. Outdoor uses are [generally](#) limited to those that are accessory to indoor principal uses. Architectural, site design, landscaping, and other requirements are intended to ensure compatibility with nearby residential, institutional, and conservancy uses. The M-L district is generally intended for areas identified within the “[Planned Industrial](#)” or “[General Industrial Business Park](#)” future land use categories in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 13:** Amend Section 10-1-0204(p)(1) to read as follows:

- (1) Description and Purpose. The M-G General Manufacturing District is intended to allow industrial, office, storage, and other supporting uses including those land uses that may require more extensive outdoor storage, freight handling, repair, ~~and maintenance activities, and off-site impacts~~ than allowed in the M-L district. ~~Allowable uses are geared toward activities which are not associated with high levels of noise, odor, particulate emissions, and other potential nuisances that cannot be adequately fully mitigated on-site.~~ Architectural, site design, landscaping, and other requirements are intended to minimize impacts and potential nuisances to other land uses. The M-G district is generally intended for areas identified under the “~~General~~ Industrial” future land use category in the Comprehensive Plan, but may also be applicable to areas identified as “~~Planned Industrial Business Park~~” if a specific development proposal adequately addresses Village design and performance standard concerns. All uses in this district shall be provided with public sanitary sewer and water services.

**Section 14:** Amend Section 10-1-0204(q)(1) to read as follows:

- (1) Description and Purpose. The I-1 Institutional District is intended to allow by right and conditional use permit a range of institutional uses, whether for public, non-profit, or for-profit entities. The I-1 district is generally intended for areas identified under the “Institutional/~~Transportation~~” ~~and related~~ future land categories in the Comprehensive Plan, but application of this zoning district may be warranted for properties in other related future land use categories. I-1 district regulations are intended to ensure compatibility between the specific intended institutional use and existing or planned surrounding zoning districts. Except where mapped outside the Village, all uses in this district shall be provided with public sanitary sewer and water services.

**Section 15:** Amend Section 10-1-0204(r)(1) to read as follows:

- (1) Description and Purpose. The AIR Airport District is intended to provide for land uses essential to and compatible with a small, “Basic Utility-B” airport (classified by the Wisconsin State Airport Plan 2020 and the State of Wisconsin Connections 2030 State-wide Long Range Transportation Plan), serving predominantly small piston-engine aircraft with a gross weight under 12,500 pounds. The AIR district is intended ~~for specifically~~ for a unique area northeast of the intersection of Highways 12 and PF identified ~~as in the~~ “Institutional/~~Transportation~~” future land use category in the Comprehensive Plan ~~and~~ associated with ~~or adjacent to~~ the existing airport.

**Section 16:** Amend Section 10-1-0204(t)(1) to read as follows:

- (1) Description and Purpose. The ~~TND Traditional~~ Neighborhood Development District is intended to allow desirable and innovative variations in the mix and relationship of uses, structures, and open spaces in neighborhood developments that are conceived and implemented as cohesive, unified projects. The ~~TND~~ district is intended for certain areas identified under the “~~Traditional~~ Neighborhood” future land use category in the Comprehensive Plan. All uses in this district shall be provided with public sanitary sewer and water services. This district is intended to promote the development of land consistent

with the ~~following~~ traditional or conservation neighborhood design principles listed in Section 10-1-1100(a) and as defined in Section 10-1-0104.;

- ~~a. Creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;~~
- ~~b. Compact and reflects the character of historic development patterns in the Village;~~
- ~~c. Designed for the human scale and for walkability;~~
- ~~d. Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another, along with a vertical mixing of uses in multi-story buildings;~~
- ~~e. Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;~~
- ~~f. Incorporates a system interconnected streets with sidewalks and paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;~~
- ~~g. Retains, to the extent reasonably practical, existing buildings with historical or architectural features that enhance the visual character of the community;~~
- ~~h. Incorporates significant environmental features into the design; and~~
- ~~i. Consistent with the Comprehensive Plan.~~

**Section 17:** Amend Section 10-1-0302(m) to read as follows:

(m)**Number of Principal Buildings Per Lot.** In the R-R, R-1-A, R-1-B, and R-2 Districts, only one principal building shall be permitted on any one lot except by Conditional Use Permit. In all other zoning districts, more than one principal building may be permitted on any one lot with Site Plan approval under Section 10-1-1307, if consistent with the associated approval criteria in Section 10-1-1307(e).

**Section 18:** Repeal Section 10-1-0302(n), reassign subsequent subsections of Section 10-1-0302 accordingly, and amend all references to those subsequent subsections elsewhere in Title 10, Chapter 1 accordingly.

**Section 19:** Within Figure 10-1-0307, amend the listing for “Family Day Care (4-8 Children)” to read as “Family Day Care Home (4-8 Children)”.

**Section 20:** Amend Figure 10-1-0308 to read as follows:

FIGURE 10-1-0308: ALLOWABLE USES IN RESIDENTIAL ZONING DISTRICTS					
P=Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305					
Land Use	Zoning District				
	R-R	R-1-A	R-1-B	R-2	R-M
<b>Residential Land Uses (see Section 10-1-0310(a)(#))</b>					
(1) Single-Family Detached	P	P	P	P	P

<b>FIGURE 10-1-0308: ALLOWABLE USES IN RESIDENTIAL ZONING DISTRICTS</b>					
<b>P=Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305</b>					
Land Use	Zoning District				
	R-R	R-1-A	R-1-B	R-2	R-M
(2) Two-Family (Duplex)	N	<del>N</del> C	C	P	P
(3) Townhouse	N	N	N	<del>N</del> C	P
(4) Multi-Family Residence ( <del>3-8 unit</del> )	N	N	N	N	P
<del>(4) Multi-Family Residence (9-16 unit)</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>N</del>	<del>C</del>
(5) Mobile Home (part of mobile home community)	N	N	N	N	C
(6) Mobile Home Community	N	N	N	N	C
<b>Agricultural and Related Land Uses (see Section 10-1-0310(b)(#))</b>					
<del>(5)</del> Raising of Grains, Grass, Vegetables, Seed Crops, Nuts, Berries and Fruit by One Operator	P	C	C	C	C
(11) Stable	C	N	N	N	N
(13) Community Garden	C	C	C	C	C
<b>Institutional Land Uses (see Section 10-1-0310(c)(#))</b>					
(1) Passive Outdoor Public Recreation	P	P	P	P	P
(2) Active Outdoor Public Recreation	P	P	P	P	P
(3) Indoor Institutional (Small-scale)	C	C	C	C	P
(3) Indoor Institutional (Large-scale)	N	N	N	N	C
(7) Community Living Arrangement (1-8 Residents)	P	P	P	P	P
(7) Community Living Arrangement (9-15 Residents)	C	C	C	C	P
(7) Community Living Arrangement (16+ Residents)	C	C	C	C	<del>C</del> P
<b>Commercial Land Uses (see Section 10-1-0310(d)(#))</b>					
(5) Indoor Sales or Service	C	C	N	N	C
(14) Bed and Breakfast	C	C	C	C	C
(18) Tourist Rooming House	C	N	N	N	N
<b>Industrial Land Uses (see Section 10-1-0310(g)(#))</b>					
(4) Communications Tower	C	C	C	C	C
<b>Accessory and Miscellaneous Land Uses (see Section 10-1-0310(h)(#))</b>					
(2) Accessory Residential Structure (Detached)	P	P	P	P	P
(6) Exterior Communication Device – Small	P	P	P	P	P
(7) Exterior Communication Device – Large	C	C	C	C	C
(8) Family Day Care <a href="#">Home</a> (4-8 Children)	P	P	P	P	P
(10) Geothermal Energy System (GES)	P	P	P	P	P
(11) Historic Structure Modification	C	C	C	C	C
(12) Home Occupation, Minor	P	P	P	P	P
(13) Home Occupation, Major	C	C	C	C	C
(14) In-Family Suite	P	P	P	P	N
(16) <del>Indoor</del> Intermediate Day Care Home (9-15 Children)	C	C	C	<del>C</del> P	P

<b>FIGURE 10-1-0308: ALLOWABLE USES IN RESIDENTIAL ZONING DISTRICTS</b>					
<b>P=Permitted Use; C=Requires a Conditional Use Permit; N= Not Permitted; T=Allowed only as a Temporary Use by Permit per Section 10-1-1305</b>					
Land Use	Zoning District				
	R-R	R-1-A	R-1-B	R-2	R-M
(18) On-Site Accessory Parking Lot	P	P	P	P	P
(21) Outdoor Solid Fuel Furnace	N	N	N	N	N
(22) Accessory Farm or Forestry Structure	C	N	N	N	N
(23) Small Solar or Wind Energy System	P	P	P	P	P
<u>(24) Accessory Dwelling Unit</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
Group Development, per Section 10-1-0302( <del>en</del> )	N	N	N	P	P
<b>Temporary Land Uses (see Section 10-1-0310(i)(#))</b>					
(2) Outdoor Assembly	T	T	T	T	T
(3) Contractor's Project Office	T	T	T	T	T
(4) Contractor's On-Site Equipment Storage Facility	T	T	T	T	T
(6) On-Site Real Estate Sales Office	T	T	T	T	T
(8) Temporary Portable Storage Container	T	T	T	T	T

**Section 21:** Amend Figure 10-1-0309 to reclassify “Group Day Care Center” from a conditional use to a permitted use in the B-N and O-R zoning districts.

**Section 22:** Amend Sections 10-1-0310(a)(1) through (a)(4) to read as follows:

- (1) Single-Family Detached. A Single-Family Detached dwelling unit is designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached Single-Family residence which is located on an individual lot. The dwelling unit must be a ~~site-built structure~~ built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home that has received a Federal Manufactured Housing Certificate label.

Regulations:

- a. The minimum Gross Floor Area shall be 700 square feet, per the definition in Section 10-1-0104 but exclusive of an attached garage.
- b. The dwelling must be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
- c. The dwelling unit roof shall have a pitch of at least 3 feet in rise for every 12 feet in run, except by Conditional Use Permit or where approved as part of a ND Neighborhood Development.
- d. This dwelling unit type may not be split into two or more dwelling units, except for In-Family Suites and Accessory Dwelling Units meeting the requirements of this Article.
- e. Minimum Required Parking: 2 spaces.



- (2) Two-Family (Duplex). This dwelling unit type consists of a single structure with two separate residences, each having a private individual access, ~~and~~ no shared internal access within the building, and not meeting the definition of an Accessory Dwelling Unit. Duplexes can A two-family building may be constructed as attached side-by-side units each with a ground floor and roof, or as a two-story structure with one unit above the other. Where side-by-side, each ~~duplex~~ dwelling unit may share the same lot or be located on a separate lot per the applicable standards that follow.

Regulations:

- a. The structure must be in complete compliance with the State of Wisconsin Uniform Dwelling Code (UDC).
  - b. A building code required fire rated wall must separate the two dwelling units from the lowest level to flush against the underside of the roof.
  - c. Individual sanitary sewer and public water laterals and utility meters are required for each dwelling unit.
  - d. For duplexes proposed to be built as or converted to zero-lot line structures:
    1. The common wall between the units shall meet UDC requirements from the basement floor to the top of the roof. Compliance shall be confirmed by the building inspector.
    2. The developer shall provide, with the Zoning Permit or Building Permit application, a signed agreement or covenant specifying maintenance standards for the common wall, maintenance and replacement standards for exterior surfaces of the building to maintain a neat and harmonious appearance over time, maintenance standards for any common sewer lateral and any other common features, and restrictions against construction of detached single family residences on any of the affected lots in the event either or all sides of the zero lot line construction dwelling are destroyed. Such agreement or covenant shall also provide that it may not be terminated, amended or otherwise altered without the approval of the Village Board. Such agreement shall be subject to Zoning Administrator approval, and then recorded by the developer against all affected properties and continually maintained by the property owners.
    3. See also Figures 10-1-0403(a), (b), (c), and ~~10-1-403~~(d).
  - e. Minimum Required Parking: 2 spaces per dwelling unit.
- (3) Townhouse. A Townhouse consists of three to eight attached Single-Family residences, with each dwelling unit having a private, individual access to the outdoors. Each dwelling unit shares at least one common wall with an adjacent dwelling unit. Building shall have no common hallways, except within any approved underbuilding parking area. Each townhouse unit may share the same lot or be located on a separate lot per the standards that follow.

Regulations:

- a. Any Townhouse structure shall meet the design standards for Multi-Family Residences as established in Section 10-1-0602, and are subject to Site Plan Review as established in Section 10-1-1307.

b. Only one townhouse structure is permitted per zoned lot unless approved as part of a Group Development in accordance with Section 10-1-0604, a Planned Unit Development in accordance with Article 10, or a Traditional Neighborhood Development in accordance with Article 11.

~~e. In the R M District or I-1 District, no more than 8 and no less than 3 townhouse dwelling units may be attached per structure, except by Conditional Use Permit.~~

~~d.c.~~ For each T townhouse proposed to be built as or converted to a zero-lot line structures, see applicable standards under the “Two-Family (Duplex)” section above.

~~e.d.~~ See also Figures 10-1-0403(a), (b), and (c).

~~f.e.~~ Minimum Required Parking: 2 spaces per dwelling unit.

- (4) Multi-Family Residence. A Multi-Family Residence consists of a single structure with 3 ~~or more to~~ 8 individual attached dwelling units which each take access from a shared entrance or hallway, or any residential structure with 9 or more attached dwelling units. Institutional Residential Uses, as defined in this Chapter, are regulated in Section 10-1-0310(c)(6).

Regulations:

a. Any Multi-Family residence shall meet the design standards for Multi-Family Residences established in Section 10-1-0602 and is subject to Site Plan Review as established in Section 10-1-1307.

b. Minimum Required Parking: 1 space per efficiency or one-bedroom dwelling unit; 2 spaces per two-bedroom dwelling unit; and 2.5 spaces per three-or-more bedroom dwelling unit.

**Section 23:** Amend Section 10-1-0310(d)(4) to read as follows:

- (4) Group Day Care Center. A Group Day Care Center is a land use in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers, preschools, and nursery schools. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, primary school, business, or civic organization. In such instances, Group Day Care Centers are not considered accessory uses and therefore require review as a separate land use.

Regulations:

~~a. Group Day Care Centers shall not be located within a residential building.~~

~~b.a.~~ Facility shall provide a bufferyard with a minimum opacity of 0.60 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

~~e.b.~~ Minimum Required Parking: one space per five students, plus one space for each employee on the largest work shift.

**Section 24:** Amend Section 10-1-0310(h)(2)c. to read as follows:

- c. The ~~maximum Gross Floor Area of any~~ the combined Gross Floor Area of all detached Accessory Residential Structures and “Accessory Dwelling Units” on the lot single detached Accessory Residential Structure shall be as established in Figure 10-1-0403(a).

**Section 25:** Amend Section 10-1-0310(h)(3) to read as follows:

- (3) Caretaker's Residence. Includes any residential dwelling unit, attached or detached, which provides permanent housing only for a caretaker exclusively for the owner, manager, or operator of the same property in either an attached or detached configuration, on which a commercial, industrial, or institutional use being watched over is located.

Regulations:

- a. A minimum of one parking space shall be provided for a Caretaker's Residence, in addition to the required parking for other uses on the property.

**Section 26:** Amend Section 10-1-0310(h)(14) to read as follows:

- (14) In-Family Suite. An In-Family Suite is an area within a Single-Family Detached dwelling unit that may contain separate kitchen, dining, bathroom, laundry, living, sleeping, and recreation areas. Unlike an "Accessory Dwelling Unit," A permanent interior, non-locking access way between the habitable area of the principal dwelling and the In-Family Suite is required. A separate outdoor access to a shared garage may be provided. External stairs serving as the primary access to the In-Family Suite are prohibited.

Regulations:

- a. In-Family Suites shall be considered a part of the principal Single-Family Detached dwelling unit for purposes of regulation under this Title.
- b. The principal dwelling unit and the In-Family Suite shall together appear from the outside as a single Single-Family Detached dwelling.
- c. A separate address for the In-Family Suite is not permitted.
- d. A separate utility connection or meters are not permitted.
- e. An all-weather interior access between the main habitable area of the principal dwelling and the In-Family Suite shall be maintained at all times. Connections through attics, basements, garages, porches, or non-living areas shall not be sufficient to meet the requirement for connected interior access. A connecting door may be used to separate the In-Family Suite from the rest of the dwelling provided that it is a non-locking door. Doors to bedrooms and bathrooms are exempt from the non-locking requirement.
- f. A separate driveway, garage, or walled garage area shall not be permitted. A separate connecting door between the In-Family Suite and the garage may be provided.
- g. Direct incidental access to the In-Family Suite from the building exterior may be provided via exterior porches, patios, and decks, but external stairs providing principal access to a second story In-Family Suite shall be prohibited.
- h. The In-Family Suite may not be occupied by a non-family member.
- i. When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an In-Family Suite, the building plan shall be marked as "Not a separate dwelling unit, accessory dwelling unit, duplex unit, or ~~not~~ apartment unit," and a signed letter from the applicant stating agreement with this condition shall be filed with the Zoning Administrator.

**Section 27:** Amend Section 10-1-0310(h)(24) to read as follows:

(24) Accessory Dwelling Unit. An Accessory Dwelling Unit is a secondary dwelling unit on a lot or in a building that has another principal use allowed in the associated zoning district; often referred to as an accessory apartment or granny flat. An Accessory Dwelling Unit is different from an “In-Home Suite” in that one or more of the regulations for an “In-Home Suite” is not met, such as an interior physical connection between separate habitable areas.~~Accessory Dwelling Units are dwelling units which are located either above the ground floor of a building used for an office, commercial, or institutional land uses (as listed within the respective land use categories above) or on the ground floor of a building used for an office, commercial, or institutional land use, but not be within the first 24 feet of the ground floor measured from the front of the building.~~

Regulations:

- a. Where the Accessory Dwelling Unit is part of a mixed use building in which all uses in that building are allowed in the associated zoning district, the Accessory Dwelling Unit:
  1. Must be located above the building’s ground floor or not be within the first 24 feet of the ground floor measured from the front of the building, except by Conditional Use Permit.
  2. Shall, to the extent practical, meet the design standards for Multi-Family Residences established in Section 10-1-0602.
  3. Shall, combined with the remainder of the building, meet all requirements applicable to lots and principal buildings in Figures 10-1-0404(a) and (b).
- b. Where on the same lot as a “Single-Family Detached” dwelling unit principal use, the Accessory Dwelling Unit shall:
  1. Be part of the same building as the “Single-Family Detached” dwelling unit where all principal building requirements in Figure 10-1-0403(b) are met, or in a detached building where all accessory building requirements in said figure are met.
  2. Not have a Gross Floor Area that exceeds 50 percent of the principal “Single-Family Detached” dwelling’s Gross Floor Area.
  3. Be attached to a finished, permanent foundation, such as a poured concrete slab or basement meeting UDC requirements.
  4. Where part of the same building as the principal “Single-Family Detached” dwelling unit, not alter the appearance and character of the building, so it more closely resembles a Two-Family dwelling.
  5. Not exceed the Gross Floor Area for all detached accessory structures per Figure 10-1-0403(a), when combined with any other detached accessory structures on the lot.
  6. Be occupied by not more than two unrelated individuals, or by two or more persons, each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit.
  7. Not be sold separately from the “Single-Family Detached” dwelling unit.

c. Minimum Required Parking: 1 space per efficiency or one-bedroom Accessory Dwelling Unit; 2 spaces per two-bedroom Accessory Dwelling Unit; and 2.5 spaces per three or more bedroom Accessory Dwelling Unit. Minimum parking standards may be reduced if residential uses are institutional in nature.

**Section 28:** Amend Figure 10-1-0403(a) to read as follows:

**Figure 10-1-0403(a): Residential District Lot Dimension and Intensity Standards**

Zoning District	Minimum Lot Area (MLA) (sf)	Minimum Lot Width (ft) (a) (b)	Maximum Total Building Coverage	Total Maximum Accessory Structure Floor Area (sf) (e)	Minimum Landscape Surface Ratio (LSR)
R-R Single-Family Residential	21,780	80	30%	1,500	50%
R-1-A Single-Family Residential (d)	9,000	<del>80</del> 70	30%	1,000	50%
R-1-B Single-Family Residential (d)	<del>7,200</del> 6,600	60	40%	1,000	40%
R-2 Two-Family Residential (c)					
For Duplex (over/under)	<del>8</del> 5,000/du	60 (a)	40%	1,000	40%
For Duplex or Townhouse (side-by-side)	5,000/du	80 (b)	40%	1,000	40%
R-M Multi-Family Residential (d)	2,000/du + 500 /bedroom	<del>100</del> 80	40%	10% of Lot Area	40%

(a) For corner lots, minimum lot width is 10 feet wider than normal minimum lot width in district.

(b) For “Zero lot line structure” situations, each lot containing a separate dwelling unit must be at least 40 feet in width, except by Conditional Use Permit.

(c) Single-Family homes within the R-2 District shall comply with the R-1-B District requirements.

(d) Single-Family homes within the R-M District shall comply with the R-1-B District requirements. Two-Family homes within the R-1-A, R-1-B, and R-M Districts shall comply with applicable R-2 District Requirements.

(e) Total maximum accessory structure floor areas applies to the combined Gross Floor Area of all accessory structures on the same lot.

**Section 29:** Amend Figure 10-1-0403(b) to read as follows:

**Figure 10-1-0403(b): Residential District Setback and Height Standards**

Zoning District	Minimum Setbacks (ft) (b)(g)										Minimum Principal Structure Separation (ft)	Maximum Building Height			
	Principal Residential Structure or Attached Garage				Detached Accessory Structure			Pavement (d)				Residential Structure		Accessory Building	
	Front (a)	Corner Lot Street Side (a)	Interior Side	Rear	Front (a) (h)	Side (c)	Rear (i)	Interior Side or Rear	Front or Street (a)	Feet		Floors	Feet	Floors	
R-R	30	15	12	30	30	8	8	3	10	20	30	2.5	15	1.5	
R-1-A	<del>30</del> 25	15	<del>10</del> 8	30	<del>30</del> 25	4	4	3	10	20	30	2.5	15	1.5	
R-1-B	<del>30</del> 25	15	<del>8</del> 6	20	<del>30</del> 25	4	4	3	10	20	30	2.5	15	1.5	
R-2 (e)	25	15	10	25	25	4	4	3	10	20	30	2.5	15	1.5	
R-M (f)	25	15	12	25	25	4	4	3	10	20	<del>35</del> 45	<del>3</del> 4	15	1.5	

- (a) Measured from existing or Officially Mapped right-of-way line, whichever is furthest from the centerline of the street.
- (b) Additional setback may be required along zoning district boundaries for landscape buffers. See Section 10-1-0701.
- (c) On corner lots, street side yard setbacks must be equal to or greater than the minimum street side setback for the principal structure.
- (d) Includes all gravel, black-top, or other paved surfaces. This setback excludes intrusions required for driveway entrances and permitted or required for cross access driveways and pedestrian ways; shared driveways; and shared parking lots. See Section 10-1-0808(j) for minimum and maximum driveway widths.
- (e) Single-Family homes shall comply with the requirements for the R-1-B District.
- (f) Single-Family homes shall comply with the requirements of the R-1-B District. Two-Family homes shall comply with the requirements for the R-2 District
- (g) Minimum setback from existing or Officially Mapped Federal, State, County Trunk Highway right-of-way line is 40 feet, Minimum setback from US Highway 12 is 175 feet from centerline of highway right-of-way.
- (h) Except within the R-R district or by site plan approval under this Chapter, no part of any Accessory Residential Structure (Detached) or Accessory Dwelling Unit may be located in the front yard between the front lot line and the dwelling.
- (i) Does not apply to the construction, maintenance, repair, replacement, restoration, rebuilding, or remodeling of all or any part of a boathouse that is located entirely above the ordinary high-water mark.

**Section 30:** Amend Section 10-1-0701(c)(1) to read as follows:

- (1) Street Frontages. One large deciduous tree shall be planted for each 50 feet of property line along a public street right-of-way and private streets. Said trees shall be planted in the public terrace, generally equidistant from the curb and the normal sidewalk line, or on the private site within 10 feet of the property line adjoining the public right-of-way when and where the Zoning Administrator or Village Forester advises. Species shall be subject to Forester approval. Tree or shrub planting in any public right-of-way or on any Village-owned public land in the Village shall be further governed by Title 4, Chapter 4 of the Code.

**Section 31:** Amend Section 10-1-0807(f) to read as follows:

- (f) **Inoperable Vehicles and Junk.** The outside storage of inoperable vehicles, appliances, and other junk or trash shall be prohibited ~~in~~ for all residentially-used parcels, regardless of zoning district, unless the residentially-used parcel is associated with a farm under common ownership on or adjacent to the parcel, and in all business, and institutional zoning districts, in accordance with ~~Article~~ Title 9, Chapter 3 of the Village Code of Ordinances and other applicable ordinance requirements. Such restriction shall apply to property within the jurisdiction of this Chapter regardless of when such outdoor storage commenced, or was altered, enlarged, or reduced, and notwithstanding Section 10-1-1204. Junkyard or Salvage Yard land uses approved in accordance with the requirements of this Chapter are exempt from this Subsection.

**Section 32:** Amend Section 10-1-1100(a) to read as follows:

- (a) The ~~Traditional ND~~ Neighborhood Development (~~TND~~) zoning district is intended to allow desirable and innovative ~~development activities and variations~~ in the relationship of uses, structures and open spaces in neighborhood developments conceived and implemented as cohesive, unified projects, including Traditional Neighborhood Developments and Conservation Neighborhood Developments. This zoning district is intended to promote the development of land consistent with the following ~~traditional~~ neighborhood design principles:
  - (1) Creates an environment that promotes human interaction, a healthy civic life, a sense of place, and a high-quality living environment;
  - (2) Characterized by compact development and generally reflects the character of historic development patterns in the Village or in accordance with conservation neighborhood design techniques;
  - (3) Designed for the human scale and for walkability;
  - (4) Provides a mix of uses where possible, often including residential, commercial, civic, recreational, and open space uses in close proximity to one another, along with a vertical mixing of uses in multi-story buildings;
  - (5) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
  - (6) Incorporates a system interconnected streets, ~~with~~ sidewalks, ~~and~~ paths that offer multiple routes for motorists, pedestrians, and bicyclists within and through the neighborhood;

- (7) Retains, to the extent reasonably practical, existing buildings with historical or architectural features that enhance the visual character of the community;
- (8) Incorporates significant environmental stormwater management, and recreational features into the design; and
- (9) Is consistent with the Comprehensive Plan.

**Section 33:** Amend Section 10-1-1102(a) to read as follows:

- (a) Any land use that is permitted by right or as a conditional use, accessory use, or temporary use in any of the other zoning districts in this Chapter, or mix of uses, may be permitted within a ~~TND~~ subject to the criteria listed below. All SIPs shall specify the range of proposed and approved land uses in that particular ~~TND~~, which when approved shall be construed to be and enforced as part of this Chapter. The total Gross Site Area in the ~~TND~~ devoted to commercial and institutional uses shall not exceed 25 percent of the Gross Site Area of the entire ~~TND~~. ~~Each TND shall include a carefully planned and integrated mix of land uses with varied development densities throughout the project, as provided below~~ the following:
  - (1) Residential Use Areas. Each ~~TND~~ shall include at least one area intended for predominately residential use. ~~The overall mix of residential uses within each Large TND shall resemble the mix of existing housing types and tenure within the entire Village. Each TND shall include, and~~ at least two of the following types of residential uses:
    - a. Single-Family detached dwellings, on a mix of lot sizes throughout the neighborhood.
    - b. Duplexes, townhouses, and/or row houses.
    - c. Multi-Family dwellings.
    - d. “Special needs” housing, including community living arrangements and assisted living facilities.
  - (2) ~~At Least One~~ Mixed-Use and/or Recreational Area(s). Mixed-use and/or recreational areas are intended to serve as pedestrian-friendly gathering places and focal points ~~for the project~~. The highest development density within the ~~TND~~ shall occur in and adjacent to the mixed-use and/or recreational area(s). Figure 10-1-1102(a) shows one example of a mixed-use area. ~~At least 90 percent of the dwelling units within the TND shall be within ¼ mile from a mixed-use area within or outside of the project.~~ Each ~~TND~~ shall include at least one mixed-use and/or recreational area, unless the Comprehensive Plan identifies the location of a mixed-use and/or recreational area on a ~~nearby site and the “90 percent” criterion in the previous sentence will be met~~ within ¼ mile of the ND boundary. The mixed-use and/or recreational area shall include an ~~appropriate~~ mix of at least some of the following uses:
    - a. Neighborhood commercial uses, such as ~~those normally allows in the B-N Neighborhood Business districts~~ services, retail, restaurants, and accommodations.
    - b. Attached residential dwellings, including duplexes, townhouses, rowhouses, Multi-Family, second-story residential units, live/work units, ~~and-or~~ special needs housing.
    - c. Civic or institutional uses, such as places of worship; educational or childcare facilities; or usable, developed common open space like a town square.



- (3) ~~At Least One~~ Common Green Space ~~Area(s)~~. At least 15 percent of the Gross Site Area of the TND must remain as permanently protected common green space. ~~At least 90 percent of the dwelling units within the TND shall be within ¼ mile from a protected common green space area.~~ Permanently protected common green space areas include public parks, environmental corridors, decoratively designed yet functional stormwater management areas, trails, protected natural areas, and private parks and recreational areas or facilities that are permanently restricted from non-recreational development, but do not include private yards, ~~stormwater management basins, or stormwater conveyance channels~~. Small ~~neighborhood~~ parks, playgrounds, and squares ~~should~~ shall be integrated into the project, while large outdoor recreation areas ~~shall~~ or just beyond generally be located at the periphery.

**Section 34:** Amend Sections 10-1-1103(a) and (b) to read as follows:

- (a) **Minimum Lot Area and Width.** A variety of lot sizes shall be provided to facilitate housing choice and meet the requirements of people with different housing needs. Minimum lot areas and widths shall be as follows, unless otherwise approved by the Plan Commission within a Specific Implementation Plan:

(1) Single Family Detached Dwellings.

- a. With street (front or side) loaded garages: Minimum lot area shall be 5,000 square feet. Minimum lot width shall be 50 feet with an attached garage and 40 feet with a detached garage.
- b. With alley loaded garages: Minimum lot area shall be 4,000 square feet. Minimum lot width shall be 45 feet with an attached garage and 40 feet with a detached garage.
- c. A Conditional Use Permit will be required if the total building coverage of a new or remodeled Single-Family detached dwelling plus accessory buildings exceeds 75 percent of the area of the lot in which it is located for lots that are 7,000 square feet or greater, and 85 percent of the area of the lot for lots that are less than 7,000 square feet.
- d. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(2) Duplexes and Twin-houses.

- a. Minimum lot area shall be 3,500 square feet per dwelling unit. Minimum lot width shall be 30 feet per dwelling unit.
- b. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(3) Townhouses (3+ Attached Units with private individual entries to the outdoors).

- a. Minimum lot area shall be 2,200 square feet per dwelling unit. Minimum lot width shall be 22 feet per dwelling unit.
- b. Dwellings within condominium development components of the project shall be subject to similar density standards as those described above.

(4) Multi-Family Dwellings (3+ Attached Units with individual entries to indoor common hallways).

- a. Minimum lot area shall be 700 square feet for each efficiency dwelling unit, with an additional 300 square feet of lot area required for each additional bedroom in the dwelling unit.
  - b. Multiple-family dwellings within condominium development components of the project shall be subject to similar density standards.
- (5) Minimum lot areas and widths for all other uses shall be as specified in the submitted FND SIP.

(b) **Building Setbacks and Separation.** The FND should include buildings placed relatively close to the street to promote interaction, enclose space along the street, and direct less attractive site features to less visible yards. Minimum and Maximum front yard setbacks and minimum building separation shall be as provided in the approved Specific Implementation Plan Figure 10-1-1103(a).

Figure 10-1-1103(a): FND District Building Setbacks

Use Area	Maximum Front Yard Setback	Minimum Building Separation
Residential Areas	25 feet	12 feet <sup>†</sup>
Mixed-Use Area	15 feet <sup>†</sup>	12 feet <sup>†</sup>
<sup>†</sup> Minimum building separation standards may substitute for required side and rear lot setbacks.		

**Section 35:** Amend Sections 10-1-1104(a), (a)(2), (a)(4), and (a)(6) to read as follows:

- (a) The circulation system shall allow for different modes of transportation, provide functional and visual links among the residential area(s), mixed-use and/or recreational area(s), and open common green space areas within the FND; connect to existing and proposed developments outside the FND; provide adequate traffic capacity; provide connected pedestrian and bicycle routes including off-street paths or bicycle lanes on streets; control through traffic; limit direct lot access on streets with higher expected traffic volumes; and promote safe and efficient mobility. More specific design standards that shall be met are as follows:
  - (2) Pedestrian Circulation. Convenient and continuous pedestrian circulation systems, including walkways and paths intended to minimize conflicts between pedestrians and motor vehicles shall be provided throughout the FND. ~~Where feasible, a~~Any existing pedestrian routes through the site shall be preserved, enhanced, or relocated if necessary. All streets, except for alleys, shall be bordered by sidewalks ~~on both sides and/or off-street path(s)~~ in accordance with the specifications listed in Figure 10-1-1104(a) ~~and installed by the developer, unless otherwise approved by the Village.~~ Clear and well-lighted walkways shall connect building entrances to the adjacent public sidewalk and to any associated parking areas. Curb bulb-outs, median refuges, and other related techniques should be incorporated along collector streets and at key intersections to shorten the pedestrian crossing distance. Between-lot walkways or paths may be required where necessary to maintain the continuity of the pedestrian circulation system.
  - (4) Motor Vehicle Circulation. Motor vehicle circulation shall be designed to efficiently move motor vehicle traffic via multiple routes and to minimize conflicts with pedestrians and

bicycles. Traffic calming features such as curb extensions, traffic circles, medians, and on-street parking ~~are encouraged~~ shall be deployed to manage slow traffic speeds. Arterial streets should generally not bisect a TND. Minor streets within the TND are intended to be used primarily for access to abutting properties, and are usually not subject to access controls. Collector streets within the TND are intended to carry traffic from minor streets to arterial streets, include the principal entrance street to a residential use area, and may be subject to driveway access controls. Alleys are special public ways affording secondary access to the rear of abutting properties, and may be public or private based on the approved TND. Minimum street design standards for a TND shall be in accordance with Figure 10-1-1104(a), ~~(b), and (c)~~.

- (6) Parking and Loading Requirements. All TNDs shall meet the parking and loading requirements found elsewhere in this Chapter for the associated use or circumstance, except that the Village may allow adjacent on-street parking within a TND to apply toward the minimum parking requirements. For Multi-Family residential buildings and in mixed-use areas, shared use parking lots and structures are encouraged, ~~off-street parking lots may not be adjacent to or opposite from a street intersection~~, and parking lots and structures shall be located to the rear or sides of buildings. ~~The edges of parking lots, landscaped islands, and all other areas not used for parking or vehicular circulation shall be landscaped and curbed per the requirements in Section 10-1-1104(d)~~. Examples of these parking lot placement and landscaping standards are included in Figure 10-1-1104(~~d~~). Reduction of impervious surfaces through the use of pervious pavement, interlocking pavers, and similar techniques is encouraged, particularly for remote parking lots and parking areas for periodic uses.

**Section 36:** Amend Figure 10-1-1104(a) to read as follows:

**Figure 10-1-1104(a): Minimum Street Design Requirements in Traditional Neighborhood Development District**

Street Classification	Street Width, curb-face to curb-face (feet)	Curb & Gutter	Street Terrace	Sidewalks	Bicycle Lanes
Collector Street	32 (1-sided parking) 24 (no parking)	Both sides, 1.5 feet wide	Both sides, min. 8.5 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line	Where required, add 5 foot wide lanes (can be measured to curb face if paved lane width = 4 feet )
Minor Street	30 (2-sided parking) 26 (1-sided parking) 22 (no parking)	Both sides, 1.5 feet wide	Both sides, min. <del>7</del> 8.5 feet wide	Both sides, min. 5 feet wide and 1 foot from lot line <del>(except where 1-sided path permitted)</del>	None
Alley	12 (no parking)	1.5 foot flat ribbon	None	None	None

**Section 37:** Amend Section 10-1-1105(b)(1) to read as follows:

- (1) General Design. New buildings shall be of consistently high and lasting quality throughout the project. The bulk and height of each building shall properly relate to and flow from surrounding buildings, and shall be in proper proportion to the size of the lot on which it is to be placed. The style, materials, and design of new buildings ~~may~~ shall be organized around a consistent design theme, which ~~that~~ may draw from a local vernacular architectural style and/or natural building materials common to the region. However, design monotony shall be avoided (see Figure 10-1-1105(a)). Unless otherwise approved by the Village to carry out a particular design theme of exceptional quality, no two single-family residential principal buildings within four lots on either side of the street on which the buildings front shall have a similar front facade. Front facades shall be deemed to be similar where there is:
- a. No substantial difference in roof lines or form; and
  - b. No substantial change in window size, location, or type; and
  - c. No or minimal change in material colors.

**Section 38:** Reletter Sections 10-1-1106(c) and (d) to Sections 10-1-1106(e) and (f) respectively, create new Sections 10-1-1106(c) and (d), and amend the relettered Sections 10-1-1106(e) and (f) as follows:

(c) Natural Resource Protection. Shall be required in accordance with all local, state, and federal laws. Additionally, natural resources shall be integrated into the development design as aesthetic and conservation landscape elements. The development shall identify and provide for the permanent preservation of wetlands, 35 foot setbacks from wetlands, floodplains, slopes of 20 percent or greater, areas of rare or endangered plant or animal species, mature trees and woodlands per Section 10-1-0703 including its mitigation allowances, and historic and archaeological sites to the extent determined practical by the Plan Commission. Permanent preservation of these areas shall be achieved through the implementation of techniques such as conservation easements, restrictive covenants, deed restrictions, dedication to the public or an appropriate non-profit organization, and/or the establishment of buildable or “no build” areas on a plat or certified survey map associated with the project.

(e)(d) Stormwater Management. Stormwater management and erosion control shall be accordance with Title 10, Chapter 9 of the Village’s Municipal Code. Additionally, each ~~F~~ND district shall include stormwater management systems that focus on Best Management Practices (BMPs). BMPs may include overland water transfer, natural landscape planting and restoration to increase infiltration and reduce runoff, bio-infiltration systems, natural stormwater basin design, residential roof runoff directed to yard areas, and rain gardens.

(d)(e) Performance Standards and Signage. In the ~~F~~ND District, the Village shall be guided by the principles set forth in Article 8: Performance Standards, and Article 9: Sign Regulations, but shall have the flexibility to establish specific requirements for the ~~F~~ND District that deviate there from; provided the best interests of the Village are promoted thereby and that said deviations do not violate federal or state requirements. Specific ~~F~~ND requirements so established shall be made a part of the approved and recorded Specific Implementation Plan and shall be, along with the General Development Plan, construed to be and enforced as a part

of this Chapter. In the event that such requirements are not, in the determination of the Village Administrator, adequately specified in an approved Specific Implementation Plan, the [performance standards and sign](#) requirements of this Code in the affected categorical areas shall prevail [as determined by the Zoning Administrator](#).

~~(e)~~(f) **Land Division.** Any land division in a proposed FND District shall comply with Title 10, Chapter 3 of this Municipal Code, [but with permitted waivers and exceptions as provided therein](#).

**Section 39:** Amend Sections 10-1-1308(a) through (d) as follows:

- (a) **Certificates Required.** No building or addition hereafter constructed or structurally altered shall be used for any purpose, and no addition to a previously existing building shall be occupied, and no land (except land used for garden or public recreation purposes and land without buildings or structures) that is vacant shall be used for any purpose, until a Certificate of Occupancy has been issued by the office of the Building ~~Administrator~~[Inspector](#). No change in a use shall be made until a Certificate of Occupancy has been issued by the Building ~~Administrator~~[Inspector](#). Every Certificate of Occupancy shall state that the use of occupancy complies with all of the provisions of this Chapter.
- (b) **Application for Occupancy Permits.** Every application for a building permit shall be deemed to be an application for a Certificate of Occupancy. Every application for a Certificate of Occupancy for a new use or change in use of land or building shall be made directly to the office of the Building ~~Administrator~~[Inspector](#).
- (c) **Issuance of Certificate of Occupancy.** No Certificate of Occupancy for a building or portion thereof hereafter constructed or structurally altered shall be issued until construction has been substantially completed and the premises inspected and certified by the office of the Building ~~Administrator~~[Inspector](#) to be in conformity with the plans and specifications upon which the zoning certificate was based. The office of the Building ~~Inspector~~[Administrator](#), under such rules and regulations established by such office, may issue a temporary Certificate of Occupancy for a part of a building.
- (d) **Termination of a Certificate of Occupancy.** It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to occupy a building in the Village, without having first obtained a Certificate of Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building ~~Administrator~~[Inspector](#), he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

**Section 40:** This Ordinance shall become effective upon its adoption and publication in the manner provided for by law.

Adopted this \_\_\_ day of \_\_\_\_\_, 2023.

Published this \_\_\_ day of \_\_\_\_\_, 2023.

Village of Prairie du Sac, WI

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Andrew Strathman  
Village President

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Niki Conway  
Village Clerk