VILLAGE OF PRAIRIE DU SAC
SAUK COUNTY
STATE OF WISCONSIN

ORDINANCE NO. 2, SERIES 2018

AMENDMENTS TO TITLE 10, CHAPTER 1 (ZONING CODE) RELATED TO COMPLYING WITH RECENT STATE LAW CHANGES; CREATING A MICROBEVERAGE PRODUCTION FACILITIES LAND USE TYPE; AMENDING STANDARDS FOR PERSONAL STORAGE FACILITIES, TOURIST ROOMING HOUSES, ACCESS AND VISIBILITY (DRIVEWAYS), AND SIGNAGE; AMENDING THE OFFICIAL OVERLAY ZONING MAP; AND OTHER MISCELLANEOUS PROVISIONS

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 address the several issues listed in the title to this ordinance; and

WHEREAS, the Village Plan Commission and Prairie du Sac Extraterritorial Zoning Committee have held two joint public hearings 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 Title 10, Chapter 1 (Zoning) of the Code of Ordinances are hereby adopted, with the amendments to Title 10, Chapter 1 applicable both within the Village and extraterritorial zoning area except where otherwise indicated.

The Village Board of the Village of Prairie du Sac, Sauk County, Wisconsin, does ordain as follows:

Section 1: Add or amend the definitions in Section 10-1-0104: Definitions as follows:

Brewpub: A use that produces less than 5,000 U.S. barrels of beer per year or equivalent, is permitted under Wis. Stat. § 125.295, where beer is primarily produced for on-site consumption, and that also meets the definition of a restaurant in this Section.

Microbeverage Production Facility (land use): See Section 10-1-0310(d)(20).

Signable wall: ~~-~~A front wall, a street side wall, ~~or~~ an interior or rear side wall with a customer building entrance facing a customer parking lot, or a wall adjacent to and visible from the Great Sauk State Trail. No individual wall shall count as more than one signable wall for purposes of determining the allowable number and area of business signs.

Substandard Lot: A legally created lot that met any applicable lot dimensional requirement when it was created, but does not meet the minimum dimensional requirements applicable to the zoning district that are listed in this chapter. ~~A lot of record which lawfully existed prior to this Chapter, which would not conform~~

~~to the applicable regulations if the lot were to be created under the current provisions of this Chapter.~~ See Section 10-1-1201.

Wine Bar: A use that primarily serves wine by the glass or bottle for on-site consumption, sometimes with food.

Section 2: Amend Figure 10-1-0309: Allowable Uses in Business, Office, Manufacturing, Institutional, and Airport Zoning Districts as follows:

FIGURE 10-1-0309: ALLOWABLE USES IN BUSINESS, OFFICE, MANUFACTURING, INSTITUTIONAL, AND AIRPORT 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**								
	B-N	**B-C**	**B-H**	**B-R**	**O-R**	**M-L**	**M-G**	**I-1**	**AIR**
Commercial Land Uses (see Section 10-1-0310(d)(#))									
(6) Outdoor Display	N	C	C	~~N~~C	N	N	N	N	N
(20) Microbeverage Production Facility	N	C	P	N	N	P	P	N	N
Industrial Land Uses (see Section 10-1-0310(g)(#))									
(1) Light Industrial	N	N	N	~~C~~N	C	P	P	N	C

Section 3: Amend Section 10-1-0310(d)(6) to read as follows:

(6) Outdoor Display. Outdoor Display land uses include all land uses, except as separately listed and indicated ~~below~~elsewhere, that display merchandise or equipment for sale or rent outside of an enclosed building. Examples of such land uses include outdoor vehicle sales (e.g., auto and truck sales lots), outdoor vehicle rental, manufactured and mobile housing sales, and outdoor monument sales. Such land uses do not include agricultural implement and machinery sales (which instead are classified as an "Agriculture Related Sales, Service, and Supply" use), or the storage or display of inoperative or junk vehicles, inoperative or junk equipment, and other materials typically associated with and kept in a Junkyard or Salvage Yard use. If -an outdoor area less than 15 percent of the total ~~sales area of~~Gross Floor Area of the building(s) on the property is used for display of merchandise or equipment for sale or rent, such use shall instead be considered an accessory use under Outdoor Display Incidental to Indoor Sales accessory use listing. The area of outdoor display shall be calculated as the area which would completely enclose all merchandise or equipment in the most efficient manner.

Section 4: Repeal regulation (i) from Section 10-1-0310(d)(9): Drive-Through and Other In-Vehicle Sales.

Section 5: Amend Section 10-1-0310(d)(11) Indoor Commercial Entertainment to read as follows:

(11) Indoor Commercial Entertainment. Indoor Commercial Entertainment land uses include all uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, brewpubs, wine bars, taverns, theaters, health, fitness, or wellness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, indoor shooting ranges, and pool halls. Sexually-Oriented Land Uses and Microbeverage Production Facilities are not included in this land use, but instead are listed and regulated separately under this Chapter.

Section 6: Amend Section 10-1-0310(d)(18) to read as follows:

(18) Tourist Rooming House. A Tourist Rooming House use is a permanent ~~detached Single-Family Detached structure~~dwelling unit where sleeping accommodations are offered for pay to tourists or transients for periods of time of ~~30~~ 7 days or less. Commercial lodgings consisting of structures with ~~more than one dwelling unit or~~ a rentable room or suite shall instead be regulated as "Commercial Indoor Lodging" use (or if a room in a residence operated by the primary resident, a Bed and Breakfast). Also does not include any "Boarding House," which is described and regulated separately. Any ~~R~~restaurant, arcade~~s~~, fitness center~~s~~, and other on-site facility~~ies~~ available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

Regulations:

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.
b. Must meet all requirements associated with ~~a Single-Family Detached residential use~~the type of dwelling in which it is located.
c. At no time shall the number of occupants exceed eight.
d. The appearance of use of the Tourist Rooming House shall not be altered in a manner that would cause the premises to differ from ~~its residential character~~a typical dwelling unit either by the use of colors, materials, construction, lighting, signs, or excessive noise.
e. No recreational vehicle may be used for living or sleeping purposes as part of a Tourist Rooming House.
~~f. The availability of the Tourist Rooming House to the public shall not be advertised on site.~~
~~g.~~ f. Must be licensed by the State.
~~h.~~ g. Minimum Required Parking: one space per bedroom~~, plus one space for each employee on the largest work shift~~. The number of guest vehicles on site is limited to the number of bedrooms in the Tourist Rooming House. ~~On-street parking is prohibited.~~

Section 7: Create Section 10-1-0310(d)(20) to read as follows:

(20) Microbeverage Production Facility. A type of beer, wine, spirits, or coffee production facility that produces limited amounts of product per year, and often includes a tasting or tap room and on-site purchase of beer and related products, including gifts and food. Includes microbreweries, microdistilleries, microwineries/small wineries, and microroasteries/small batch roasters that meet the following performance standards. In the event such a use exceeds one or more of the following performance standards, either at time of commencement or via growth, it shall instead be considered a "Light Industrial" land use. As defined in Article 1, brewpubs are also regulated separately as an "Indoor Commercial Entertainment" use.

Regulations:

1. Shall not exceed the following production quantities per year: microbrewery, 5,000 U.S. barrels or equivalent; microdistillery, 5,000 gallons or equivalent; microwinery, 5,000 gallons or equivalent; microroastery, 5,000 pounds or equivalent.
2. A bufferyard meeting the requirements of Section 10-1-0701(c)(4) shall be provided along all property borders abutting residentially zoned property.
3. Shall meet all performance standards in Article 12, including but not limited to odor standards in Section 10-1-0815.
4. Must provide evidence of valid State and/or federal license before commencing operations or at any time upon the request of the Zoning Administrator.
5. If located outside of an industrial district, the following standards apply:
   a. The area used for production may not exceed 10,000 square feet.

b. The operation must present to the Zoning Administrator and maintain a plan to minimize the impact on nearby properties, including noise and odor.

c. No outdoor growing of product used in the operation, except for hops on a decorative trellis. Outdoor storage shall be limited to grain silos designed to be compatible with the principal building materials and colors, and spent grain and waste designated for timely pickup and stored per the standards in Section 10-1-0602(m).

6. Minimum required off-street parking: one space per every three patron seats, or the maximum capacity of the establishment (whichever is greater), plus one space for every employee engaged in production.

Section 8: Amend Section 10-1-0310(e)(3): Personal Storage Facility to read as follows:

(3) Personal Storage Facility. Personal Storage Facility uses include indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses".

Regulations:

a. In addition to the building design standards in Section 10-1-0602, the facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development and any building design standards within the Comprehensive Plan.

b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

c. The Plan Commission or Joint Committee may restrict or limit unit doors facing a public street right-of-way or property not in an industrial zoning district, or may otherwise require that any such doors be screened from view with berms, landscaping, and/or opaque fencing.

d. Facility shall be limited to indoor storage of household items and similar durable goods. No live animals, perishable items, odor producing materials (see Section 10-1-0815), flammable or explosive materials (see Section 10-1-0817), toxic or noxious materials (see Section 10-1-0818), or hazardous materials (see Section 10-1-0820) shall be stored on site.

e. No storage unit may have any other function aside from storage, including but not limited to any retail, wholesale, workshop, hobby shop, manufacturing, residential, lodging, or service use.

f. No outdoor storage of materials shall be permitted on site, with the exception of an outdoor trash or recycling receptacle, if proposed and approved as part of the site plan and screened in accordance with Section 10-1-1307.

g. To prevent unauthorized access, each storage unit shall be outfitted with quality commercial locks and the Plan Commission or Joint Committee may require gated access to the facility and/or security fencing.

h. The Plan Commission or Joint Committee may require that the project be equipped with a digital security camera(s) that records site activity, with footage made available to the Police Department upon suspicion of criminal activity.

i. All storage units shall gain access from the interior of the building or site.

~~h.~~ The Plan Commission or Joint Committee may deny or limit a conditional use permit, where required, if it determines that the location, size, quantity, job or tax base creation, or other applicable characteristics of the proposed facility are incompatible with the economic development goals and objectives of the Village, including those within the Comprehensive Plan and any tax incremental district project plan.

Minimum Required Parking: one space for each employee on the largest work shift.

Section 9: Amend Section 10-1-0310(g)(1) Light Industrial to read as follows:

(1) Light Industrial. Light Industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not ~~potentially~~ associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article 8. A Light Industrial land use may conduct retail sales activity as an accessory use in accordance with the requirements of Subsection (h)(16) of this Section.

Breweries, distilleries, wineries, and coffee roasters that fail to meet one or more performance standards of the "Microbeverage Production Facility" land use are considered "Light Industrial" uses. Indoor aquaculture uses, which include the farming of aquatic organisms (plants and animals) under controlled conditions that are located entirely within an enclosed building and utilize recirculating (closed) system technology (including aquaponics), are considered "Light Industrial" uses. Crematoriums shall be considered "Heavy Industrial" uses, except those that are accessory to a funeral home. Primary food processing activities involving the processing of cabbage, fish, and meat products shall be considered and regulated as "Heavy Industrial" land uses.

Regulations:

a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

~~b. Crematoriums shall not be considered.~~

~~The following classes of primary food processing activities shall instead be considered and regulated as Heavy Industrial land uses, except where meeting the definition of an Agricultural Product Processing Use: cabbage, fish and fish products, meat and meat products.~~

~~c.~~b. Facility shall provide a bufferyard with a minimum opacity of 0.80 (see Section 10-1-0701) along all property borders abutting residentially zoned property.

~~d.~~c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard area.

~~e.~~d. Within the B-R Rural Business zoning district, the applicant for a proposed ~~light~~ Light Iindustrial use shall demonstrate to the satisfaction of the Plan Commission or Joint Committee that the proposed facility will require the use of water that is less than 20 times the single family residential equivalent use level, will employ no more than 10 employees per acre, and will not warrant or necessitate the extension of public sanitary sewer service, public water service, or urban roadways to the property.

~~f.~~e. Minimum Required Parking: One space per each employee on the largest work shift.

Section 10: Amend the purpose statement of Section 10-1-0310(g)(2) Heavy Industrial to read as follows:

~~(1)~~(2) Heavy Industrial. Heavy Industrial land uses are industrial facilities which do not comply with one or more of the following criteria: 1) are conducted entirely within an enclosed building (except for loading / unloading operations); 2) are not ~~potentially~~ associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, Heavy Industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and/or may involve materials which pose a significant safety hazard. Examples of heavy industrial land uses include slaughter houses; tanneries; primary meat processing and fish processing; cabbage processing; ~~alcoholic beverage producers other than breweries and wineries;~~ paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including but not limited to disinfectant, poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; stone, clay or glass product producers; primary metal

producers; heavy machinery producers; electrical distribution equipment producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

Section 11: Amend the purpose statement in Section 10-1-0310(h)(20) Outdoor Display Incidental to Indoor Sales or Service (13+ days) to read as follows:

(20) Outdoor Display Incidental to Indoor Sales or Service (13+ days). Outdoor Display accessory use is as defined in the Outdoor Display principal land use Subsection (d)(6) of this Section, but which does not exceed ~~25~~ 15 percent of the Gross Floor Area of the ~~principal~~ building(s) on~~f~~ the site ~~or 25 percent of the Gross Floor Area of the principal use(s) with which it is associated, whichever is less~~.

Section 12: Amend footnote (d) in Figure 10-1-0403(b): Residential District Setback and Height Standards to read as follows:

(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.

Section 13: Amend footnote (c) in Figure 10-1-0404(b): Business, Office, Manufacturing, Institutional, and Airport District Setback and Height Standards to read as follows:

(c) 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.

Section 14: Amend Section 10-1-0808(e) in Access and Visibility Standards (Driveways) to read as follows:

(e) **Installation and Maintenance of Off-Street Parking and Traffic Circulation Areas.** All off-street parking and traffic circulation areas shall be completed prior to building occupancy and shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area~~, except as provided for by Section 10-1-0808(3)~~.

Section 15: Amend Section 10-1-0808(j) in Access and Visibility Standards (Driveways) to read as follows:

~~(j)~~ **Width of Driveways.** All access drives shall meet the standards in Figure 10-1-0808(a), except that ~~have a minimum width of 10 feet for Single-Family and Two-Family dwellings, and 18 feet for all other land uses to which this Section is made applicable. All openings for access drives onto any public street or alley shall have a maximum width of 24 feet for all residential uses, and 40 feet for all non-residential, non-agricultural uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet with total width not to exceed 29 feet for residential uses, and 45 feet for all non-residential, non-agricultural uses. Maximum~~ maximum widths in that figure ~~specified above~~ may be exceeded as follows:

(1) With Zoning Administrator approval, upon his or her determination that such driveway (i) would not have an undue negative impact traffic movement, snow storage, and other municipal functions, and (ii) would be compatible in width to other driveways within view.

~~(1)~~ (2) If the Zoning Administrator is unable or elects not to make such a determination, with Plan Commission or Joint Committee site plan approval.

Figure 10-1-0808(a): Driveway Width Standards

Land Use Type	Minimum Width of Each Permitted Driveway (a)	Maximum Width of Each Permitted Driveway (b)	
		For situations described in footnote (c)	For all other situations
Single-Family Detached Dwelling and individual Mobile Home	10 feet	24 feet	24 feet
Two-Family and Townhouse Dwelling	10 feet	24 feet	32 feet
Multi-Family Residence and Mobile Home Community	18 feet	24 feet	32 feet
All non-residential, non-agricultural uses	18 feet	40 feet	40 feet

(a) Lesser widths are permitted for hard-surfaced areas solely used as parking spaces.

(b) Maximum widths in this figure are as measured between the street right-of-way line and the minimum pavement setback per Figure 10-1-0402(b), 10-1-0403(b), or 10-1-0404(b). Access drives may be flared between the street right-of-way line and the public roadway edge a maximum of five additional feet.

(c) Situations where the maximum width of each driveway in this column apply include (i) for corner lots, where not more than one driveway accesses any one public street and (ii) where more than one driveway accesses a single public street.

Section 16: Amend the former "Figure 10-1-0808(a): Vision Clearance Triangle Standards" to Figure 10-1-0808(b): Vision Clearance Triangle Standards".

Section 17: Amend subsections (3), (8), and (11) in Section 10-1-0901(h): Signs Allowed without Permit to read as follows:

(3) Auxiliary signs that ~~are less than~~do not exceed two square feet in area.

(8) Historical markers, commemorative plaques, memorial tablets, or emblems of official historical bodies, not exceeding ~~two~~ 12 square feet, placed flat against a building, monument stone, or other permanent surface.

(11) Regulatory signs, and government information signs that are less than or equal to 32 square feet in area ~~except if a regulatory sign~~.

Section 18: Amend subsections (2) and (3) in Section 10-1-0902(a) Sign Purposes to read as follows:

(2) Auxiliary Sign. An on-premise sign that provides special information such as price, menu items, hours of operation, parking rules, directions or arrows to an entrance or exit, or warnings, as opposed to primarily information about the business or other principal use on the premises. Also includes signs mounted on fueling canopies. The premises shall include all lots that are contiguous, either under unified single ownership and intended to remain under unified single ownership or within a unified business park, and under the jurisdiction of this Chapter.

(3) Business Sign, On-Premise. A sign which primarily directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. The premises shall include all lots that are contiguous, under unified single ownership, intended to remain under unified single ownership, and under the jurisdiction of this Chapter.

Section 19: Amend subsection (8) in Section 10-1-0902(b): Sign Configurations to read as follows:

(8) On-Building Sign. A type of sign permanently affixed to an outside wall of a building. Does not include signs mounted on fuel canopies.

Section 20: Amend subsections (8) and (13) in Section 10-1-0903(a): Sign Prohibitions and Limitations to read as follows:

(8) No sign shall be permitted within or extend into a public right-of-way, except as follows:

a. Governmental, public regulatory, community entryway, ~~and public~~ directional and wayfinding, interpretative, and similar signs erected by or on behalf of a public agency.

b. Projecting, awning, marquee, and sandwich board/pedestal signs in the B-C Central Business District or as may be specifically authorized in a Specific Implementation Plan in a PUD or TND zoning district, meeting all of the applicable requirements of this Article.

c. A temporary sign under the provisions in Section if specifically approved by the Zoning Administrator prior to installation, and subject to all conditions and timeframes of such approval.

(13) No off-premise advertising signs shall be permitted, except for the following:

a. Governmental, community entryway, and ~~public~~ directional and wayfinding signs erected by a public agency, including temporary, changeable, and variable messages on such signs, ~~and~~ the ~~small~~ blue highway information signs authorized by the State of Wisconsin, and government-erected signs on public lands directing users of the Great Sauk State Trail to businesses and other uses within the DO Downtown Overlay district.

b. Temporary off-premise advertising signs, where each such sign is specifically approved by the Zoning Administrator if 32 square feet or fewer or by Site Plan approval if greater than 32 square feet, subject to the provisions in Section 10-1-0907 and all conditions of either such approval.

Section 21: Amend subsections (1), (2), and (3) in Section 10-1-0903(c): Variable Message Signs (VMS) to read as follows:

(1) Allowable Districts and Land Uses. Except for governmental, community entryway, and directional and wayfinding signs erected by a public agency by conditional use permit, ~~N~~no VMS shall be allowed within any agricultural zoning district, any residential district, the CON Conservancy District, the B-N Neighborhood Business District, or the B-C Central Business District, or for any residential or any "institutional residential" use regardless of zoning district.

(2) Length of Cycle. Messages and non-text images shall not change appearance more than once every 10 seconds ~~and transitions between messages shall be via instantaneous change~~. Use of variable message signs for images, text, or lighting that change appearance in a manner not permitted above shall be considered prohibited flashing or animated signs. No scrolling messages are permitted.

(3) Brightness Adjustment. All VMS shall be equipped with and shall utilize photosensitive equipment which automatically adjusts the brightness and contrast of the sign in direct relation to the ambient outdoor illumination. Light output shall not exceed that allowed under Section 10-1-0811.

Section 22: Amend subsection (5) in Section 10-1-0903(d): Window Signs to read as follows:

(1) Area and Number~~Calculations~~. The area ~~or~~ of permanent window signs shall be calculated in the same manner as other on-building signs, and such signs shall count against the maximum number and area ~~for~~of on-building business signs as specified in Section 10-1-0906(f).

Section 23: Amend Section 10-1-0906(a): Auxiliary Signs to read as follows:

(a) **Auxiliary Signs.**

(1) Permitted Sign Type: Wall Sign, ~~or~~ Freestanding Sign, sign mounted on fuel canopy.

(2) Maximum Permitted Number per Lot: As specified in an approved Site Plan, but where not so specified, ~~O~~one per each vehicular entrance/exit, or two in the B-C Central Business District~~more per an approved Site Plan~~.

(3) Maximum Permitted Area per Sign: Combined area of all auxiliary signs on any lot shall not exceed 50 percent of the permitted freestanding or on-building business sign area for the lot, whichever is greater.

(4) Minimum Setback: For freestanding auxiliary sign, same as for other freestanding signs in district.

(5) On-Premise Group Directional Signs. Within Group Developments as defined in Section 10-1-0302(o) or in large business or institutional developments in which two or more separate establishments, agencies, and/or use areas occupy different buildings or occupy the same building but are accessed from a different driveways, parking areas and/or sides of a building; on-premise directional signage may be combined on ~~a monument~~ single sign in accordance with Subsections a. through e. below. Examples of eligible uses include business and institutional uses in the area zoned DO Downtown Overlay, multi-agency institutional buildings with separate building entrances and parking areas, hospitals with separate entrances or vehicle accommodation areas for distinctive functions (emergency rooms, visitor parking, clinics, etc.) or campuses with multiple buildings, sites or business parks with multiple~~,~~ individual businesses, and large business or manufacturing principal structures with separate use area entrances (e.g., customer, employees, and/or shipping).

a. Permitted Sign Type: Wall, monument, ~~or~~ arm/post, or mounted on a fuel canopy.
b. Maximum Number per Lot: One, or as otherwise specified on an approved Site Plan.
c. Maximum Permitted Sign Area: 5 square feet per establishment/agency/entrance. ~~Area allowance shall not be combined and allotted in a manner that allows the directional sign for a specific destination to exceed 5 square feet in area.~~ Maximum total area per ~~freestanding~~ group directional sign shall be 50 square feet.
d. Maximum Height: 8 feet, for freestanding signs (does not include fuel canopy mounted signs).
e. Minimum Setback from Property Lines: The greater of actual sign height or 3 feet, for freestanding signs.

Section 24: Amend Section 10-1-0906(d)(3): On-Premise Business Signs for the B-C Central Business District to read as follows:

(3) For B-C Central Business District. In order to maintain the historic character of Prairie du Sac's downtown, unique sign standards addressing size, color, material, and illumination for the B-C Central Business District are as follows:

a. Permitted Sign Type: On-Building (Wall, Awning, Marquee or Projecting) Sign.

1. Maximum Permitted Sign Area Per Signable Wall: On front exterior wall, 2 square feet of on-building business sign area per linear foot of exterior length of that wall, up to a maximum of 100 square feet per business. On each other signable wall, except for a signable wall adjacent to and visible from the Great Sauk State Trail, 1 square foot of on-building business sign area for every one linear foot of length of that wall, up to a maximum of 50 square feet per business. On a signable wall adjacent to and visible from the Great Sauk State Trail, a maximum of 16 square feet per business. The maximum allowable ~~number~~ area of on-building business signs per ~~exterior~~signable wall ~~shall~~ is not ~~be~~ transferable to another

signable wall. In multitenant buildings, the building owner(s) shall be responsible for allocation of the signable wall area for wall signs for the different businesses.

2. Maximum number of on-building signs per Business: Up to 2 on-building signs per business establishment on a front wall, plus a total of one on-building sign per business establishment on any other signable wall.

3. Maximum Number of Projecting Signs or Marquee Signs per Building: 1 projecting or marquee sign per signable wall, regardless of the number of business establishments in the building. This limitation does not apply to awnings. There shall be no projecting or marquee signs on any signable wall adjacent to and visible from the Great Sauk State Trail.

4. Projecting, marquee, awning, and permanent window signs shall be included in calculations of maximum allowable on-building sign area and number per signable wall.

5. Permitted Location: On any signable wall visible from a public street or the Great Sauk State Trail, except signable walls which are adjacent to a residentially zoned property. -On-building mounted signs shall not be located on any portion of upper stories. The location of signs shall be integrated with, and not cover, architectural elements and details.

b. Permitted Sign Type: Freestanding (Monument or Arm/Post) Sign. As follows, except for public parks:

1. Maximum Permitted Number per Lot: One per lot regardless of number of businesses establishments on the lot.

2. Maximum Permitted Area Per Sign: 42 square feet for all combined sign faces seen from a single vantage point, but not more than 6 square feet if in a rear yard.

3. Maximum Permitted Sign Height: 8 feet.

4. Minimum Permitted Sign Setback from All Property Lines: 1 foot, except~~-~~ 3 feet ~~from rear lot line when~~ adjacent to the Great Sauk State Trail right-of-way. No such sign shall be permitted between the Great Sauk State Trail and the Wisconsin River, except for governmental signs or otherwise by conditional use permit.

c. Permitted Sign Colors. Color combination schemes shall be limited to no more than four different colors. Varying shades, tints or intensities of a color shall not count as a different color for this purpose. Color schemes and lettering styles shall be used consistently on all signage throughout the property. Fluorescent, "day glow," "neon," and other similarly intense colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.

d. Permitted Sign Materials. Permitted sign materials include wood, brass, metal leaf, metal plates, canvas or related fabric, etched glass, stone or concrete; high-quality, textured, low reflectant plastic may be allowed, but internally illuminated plastic signs are not permitted; and high gloss paints, lacquers, varnishes or other "shiny" non-glazing surfaces, including smooth plastics and related materials shall not be used.

e. Permitted Sign Illumination. Illumination of exterior signage shall be limited to direct illumination from a shielded exterior light source or internally illuminated signs that illuminate individual letters but not other sign surfaces. The lighting element of all such fixtures shall not be visible from public rights-of-way or adjoining properties. Other internally illuminated signs, including illuminated awnings with or without messages, are not permitted in the B-C District, including neon and related illumination systems. No on-premise business sign adjacent to and visible from the Great Sauk State Trail shall be illuminated.

Section 25: Amend Section 10-1-0906(d)(6)b.: On-Premise Business Signs for the B-H Highway Business, M-L Light Manufacturing District, and M-G General Manufacturing Zoning Districts to read as follows:

b. Permitted Sign Type: Freestanding (Monument or Pylon) Sign.

1. Maximum Permitted Area per Sign: 64 square feet for all combined sign faces seen at one time (96 square feet where adjacent to U.S. Highway 12).
2. Maximum Permitted Number per Lot: 1 per public street frontage per zoning lot. A second freestanding sign is allowed for lots with more than 1 street frontage of at least 200 feet per all such streets.
3. Maximum Permitted Sign Height: ~~10 feet for Monument;~~ 20 feet ~~for Pylon.~~
4. Minimum Permitted Sign Setback from All Property Lines: Equal to Sign Height.

Section 26: Amend Section 10-1-0906(d)(6)c.1: On-Premise Business Signs for the B-H Highway Business, M-L Light Manufacturing District, and M-G General Manufacturing Zoning Districts to read as follows:

c. Permitted Sign Type: Freestanding Group Development Sign ~~> 64 square feet~~.

1. Group Development Signs exceeding 64 square feet in area (96 square feet where adjacent to U.S. Highway 12) shall only be allowed in Group Developments with a combined total Gross Floor Area greater than 20,000 square feet and meeting the definitions in 10-1-0302(o), subject to the other requirements of this Subsection.

Section 27: Amend Figure 10-1-0906: Summary of Maximum Dimensions and Number of On-Premise Business Signs (Non-Residential Districts and Uses) to read as follows:

Figure 10-1-0906: Summary of Maximum Dimensions and Number of On-Premise Business Signs (Non-Residential Districts and Uses)

Zoning District	Maximum Sign Area and Height		Maximum Number of Signs
	On-Building	Freestanding	
A-P A-H A-T CON	Wall Only: 48 sf, or 1 sf of sign area per 1 foot of exterior wall length on that wall to a max. of 100 ft, whichever is greater	Monument or Arm/Post Only: Maximum Area: 32 sf, except by CUP Max Height: 8 ft, except by CUP	1 on-building sign and 1 freestanding sign
I-1 (and institutional uses in Non Residential Districts)	For "Passive Outdoor Public Recreation", "Active Outdoor Public Recreation", "Institutional Residential" and "Community Living Arrangement" uses, comply with the signage requirements for group residential developments of Section 10-1-0904. For all other institutional uses: Each institutional use with a combined total Gross Floor Area of less than 20,000 sf shall comply with Section 10-1-0906(a)-(e) and the B-N District sign requirements. Each institutional use with a combined total Gross Floor Area of 20,000 sf or more shall comply with Section 10-1-0905(c)(1)-(4) and the O-R District signage requirements.		
B-C	Wall, Awning, Marquee, or Projecting Front wall: 2 sf per linear foot of exterior wall on that wall, m~~M~~aximum: 100 sf per business Other signable wall: 1 sf per linear foot of exterior wall on that wall, maximum 50 sf per business (16 sf adjacent to Great Sauk State ~~t~~Trail)	Monument or Arm/Post Type Only: Maximum Area: 42 sf Max Height: 8 ft	2 on-building signs per business on front wall, 1 on each other signable wall; 1 projecting or marquee sign per signable wall; 1 freestanding sign per lot

Figure 10-1-0906: Summary of Maximum Dimensions and Number of On-Premise Business Signs (Non-Residential Districts and Uses)

Zoning District	Maximum Sign Area and Height: On-Building	Maximum Sign Area and Height: Freestanding	Maximum Number of Signs
B-N	Wall, Awning, or Projecting 1 sf of sign area per linear foot of wall length on that wall, maximum 50 sf per business per signable wall.	Monument or Arm/Post Only: Maximum Area: 50 sf Max Height: 8 ft	1 on-building wall sign per signable wall per business; 1 monument or arm/post sign per lot
O-R B-R AIR	Wall, Awning, or Projecting 1 sf of sign area per 1 linear foot of wall length on that wall, maximum 150 square feet per signable wall.	Monument or Arm/Post only: Maximum Area 64 sf Max Height: 10 ft	1 on-building per signable wall sign per business; 1 monument or arm/post sign per lot except as provided in Section 10-1-0906(f)(5)b
B-H M-L M-G	Wall, Marquee, or Awning, 1 sf of sign area per linear foot of wall length on that wall, maximum 300 sf. per signable wall.	Monument or Pylon: Maximum Area: 64 sf (96 sf adjacent to Hwy 12) Max Height: ~~10 ft Monument;~~ 20 ft ~~Pylon~~	1 on-building sign per signable wall per business~~;~~; 1 pylon or monument sign per lot; except as provided in Section 10-1-0906(f)(6)b
NOTE: This table is only a summary of the sign regulations applicable to nonresidential districts and uses. Section 10-1-0906 contains more detailed and specific requirements, including allowances for other signs in these districts under certain circumstances. In the event of any conflict, Section 10-1-0906 controls.			

Section 28: Amend Section 10-1-0908(g): Structural Requirements to read as follows:

(g) No ~~sign attached to buildings which is permitted to project away from the building wall~~projecting sign shall be designed and constructed in which the attachment to such wall extends above a point of bearing with the roof rafters.

Section 29: Amend subsections (a), (b), (d), and (e) of Section 10-1-1003 to read as follows:

Section 10-1-1003: Procedural Requirements for the Planned Unit Development District

(a) **Pre-application Conference.** Prior to the official submission of a petition for the approval of a PUD District, the owner or the owner's agent shall meet with the ~~Village~~ Zoning Administrator to discuss the scope and proposed nature of the contemplated development, who may, at his or her discretion, refer the matter to the Plan Commission or Joint Committee for its input.

(b) **Petition for Rezoning Approval.** Following the pre-application conference, the owner or the owner's agent may file a petition with the Zoning Administrator for approval of a zoning change to the PUD District. Such petition shall be accompanied by payment of a PUD review fee as established from time to time by action of the Village Board. The procedure for rezoning to a PUD District shall be as required for any other zoning district change as set forth under Section 10-1-1312 of this Chapter, except that, in addition thereto, ~~12 copies~~a digital copy of a General Development Plan (GDP), plus any paper copies required by the Zoning Administrator, shall be filed ~~by the applicant with the Zoning Administrator~~ with the petition for rezoning, together with the following information:

(d) **Village Board Authorization.** Upon receipt of the recommendation of the Plan Commission or Joint Committee, the Village Board may take such action thereon as it deems reasonable and appropriate. If the petition and General Development Plan are approved, said plan shall establish the basic right for use of the lands in conformity with the plan as approved; but such plan and the associated rezoning to the PUD district shall be conditioned upon approval of a Specific Implementation Plan and shall not make permissible any of the uses as proposed until a Specific Implementation Plan is submitted and approved for all or a portion of the General Development Plan. Said rezoning shall take effect only upon the approval and recording of a Specific Implementation Plan, and only for the land area covered by such Specific Implementation Plan.

(e) **Recording.** Upon final approval of the application and adoption of a zoning change to the PUD District by the Village Board, the General Development Plan, as approved, shall be recorded by the developer within 90 days following such approval, in the Sauk County Register of Deeds' office. Within 30 days of its recording, the applicant shall provide the Village with ~~three~~ a digital cop~~ies~~y of the recorded General Development Plan, along with proof of its recording. Detailed construction and engineering plans need not ~~necessarily~~ be completed at the time the rezoning is approved, but the approval and recording of such General Development Plan shall be conditioned upon the subsequent submittal, approval and recording of more specific and detailed plans as part of the Specific Implementation Plan.

Section 30: Amend Section 10-1-1005(a): Required Contents of SIP to read as follows:

Section 10-1-1005: Specific Implementation Plan (SIP) Approval

(a) **Required Contents of SIP.** After approval and recording of the General Development Plan and the zoning change to the PUD District, the applicant shall file ~~12~~ digital copies of a Specific Implementation Plan (SIP) with the ~~Village~~ Zoning Administrator, along with any paper copies that the Administrator may require. Unless and until a Specific Implementation Plan has been approved by the Village Board and recorded, no building permit shall be issued for any construction within the PUD District. Further, construction shall be limited to only those parts of the PUD that have an approved SIP. Specific Implementation Plan(s) shall include the following information:

Section 31: Amend Sections 10-1-1005(b) Recommendation on SIP and (c) Recording to read as follows

(b) **~~Recommendation~~ Action on SIP.** Upon submission of the Specific Implementation Plan, the Plan Commission (or Joint Committee if in the ETZ Area) shall review the same to determine if the plan is in compliance with the approved General Development Plan, applicable provisions of this Article, and any other provisions of this Chapter that are applicable to the proposed development. The Plan Commission or Joint Committee may, in its sole discretion, hold a public hearing thereon if it so elects. The Plan Commission (or Joint Committee if in the ETZ Area) shall thereafter take action on the Specific Implementation Plan as:

(1) Approved as submitted,

(2) Approved with modification and/or conditions, or

~~(3) Referred for further consideration, or~~

~~(4)~~ (3) Disapproved.

(c) **Recording.** If the Specific Implementation Plan is approved, it shall be recorded at the Sauk County Register of Deeds office within ~~30~~ 60 days thereafter by the developer and before the Village will issue a building permit thereunder. Within 30 days of its recording, the applicant shall provide the Village with ~~three~~ a digital cop~~ies~~y of the recorded Specific Implementation Plan, along with proof of its recording.

Section 32: Amend Section 10-1-1009: Delayed Effective Dates, Construction Required to read as follows:

Section 10-1-1009: Delayed Effective Dates, Construction Required

(a) **Timeframe for Specific Implementation Plan following General Development Plan.** Rezoning of any land to PUD shall take effect only upon the approval and recording of a Specific Implementation Plan. In the event that a Specific Implementation Plan is not approved by the Village ~~Board~~ within ~~12 full calendar months~~five years following the date of the Village Board's approval of the General Development Plan, except where a phasing plan allowing for an extended timeframe is prescribed within the General Development Plan, then ~~in such event, no~~ the PUD District shall not be effective therefore and the prior zoning district for the subject property shall continue in effect.

(b) **Timeframe for Construction following Specific Implementation Plan.** Specific Implementation Plan approval shall lapse and be null and void:

(1) Within ~~18 months~~five years following Village ~~Board~~ approval of the Specific Implementation Plan, or an amendment thereto, ~~the basic right of use for the areas included within that particular Specific Implementation Plan area, when in conformity with such approved plan, shall lapse and be null and void~~ unless the project, as approved, is commenced by the issuance of a building permit.

~~(1)~~ (2) If said building permit once issued, expires in accordance with the provisions of ~~this Chapter~~Title 10, Chapter 4 of the Municipal Code~~, with no completed construction having occurred, then a new petition and approval process shall be required to obtain a Specific Implementation Plan approval~~.

Section 33: Amend Section 10-1-1201: Nonconforming and Substandard Lots to read as follows:

Section 10-1-1201: Nonconforming and Substandard Lots

(a) Upon and after August 18, 2011, no lot shall be created which does not meet the lot dimensional (density, intensity, and bulk) requirements of ~~each~~ the associated zoning district, per Article 4.

(b) A lot of record existing on August 18, 2011, but not meeting the lot dimensional (density, intensity, and bulk) requirements of the associated zoning district per Article 4, may be utilized as a building site for a permitted use (but not for a conditional use) in the associated zoning district, if all of the following apply:

(1) Such lot has never been developed with one or more of its structures placed partly on an adjacent lot or parcel.

~~(1)~~ Such lot is developed to comply with this Chapter and other applicable chapters of the Municipal Code. ~~in a residential zoning district, which does not meet the minimum lot dimensional requirements for the zoning district may be utilized for a detached Single-Family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 80 percent of the minimum requirements of the R-1-B District. Said lot shall not be more intensively developed (with Multi-Family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.~~

~~A lot of record existing on August 18, 2011 in the A-P, A-H, or A-T zoning district which is less than 35 acres in area and which has no dwelling units (neither a farm residence or Single-family Detached residence) may be utilized for one detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 80 percent of the minimum requirements of the R-R Rural Residential District, and adequate access to a public right-of-way is provided.~~

Section 34: Amend Section 10-1-1304: Conditional Use Permits to read as follows:

Section 10-1-1304: Conditional Use Permits

(a) **Application for Conditional Use Permit.** No application for a Conditional Use Permit shall be placed on any agenda as an item to be acted upon unless the Zoning Administrator has certified acceptance of a complete application. A proposed Conditional Use Permit may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without a~~n~~ complete application. Prior to publication of the required Notice of Public Hearing, the applicant shall provide the Zoning Administrator one easily reproducible electronic copy of the complete application, and paper copies if required by the Administrator~~ of the complete application~~. Said complete application shall be comprised of all of the following:

(1) A completed Conditional Use Permit application form furnished by the Zoning Administrator, including names and addresses of the applicant, owner of the site, architect, professional engineer, ~~contractor,~~ and ~~all opposite and abutting property owners of record~~other professionals involved with the application.

(2) A map of the subject property showing all lands for which the Conditional Use Permit is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds. ~~Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet.~~ All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided.

~~(3) A map, such as the Future Land Use Map in the Comprehensive Plan, of the generalized location of the subject property in relation to the Village and Extraterritorial Zoning Jurisdiction as a whole.~~

~~(4)~~ (3) A written description of the proposed conditional use describing the type, duration, and density of activities, buildings, and structures proposed for the subject property and their general locations.

~~(5)~~ (4) A site plan of the subject property ~~as~~ if proposed for development. Said site plan shall conform to any applicable requirements of Section 10-1-1307. If the conditional use will make use of existing site improvements, a site plan need only be of sufficient detail to confirm the portion of the site used by the conditional use.

~~(6)~~ (5) If the proposed conditional use is a Large Retail and Commercial Service Development as defined in Section 10-1-0302(p), all additional information required under Section 10-1-0605.

~~(7)~~ (6) Written justification for the proposed conditional use consisting of the reasons why the applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the approval criteria set forth in this Section. The applicant must demonstrate that the application and all applicable requirements of this Chapter will be satisfied.

~~(8)~~ (7) Any other plans and information deemed necessary by the Zoning Administrator, the Plan Commission (or the Joint Committee if within the Extraterritorial Zoning Jurisdiction) to ensure that the ~~intent~~ requirements of this Chapter ~~is~~ are or will be fulfilled.

~~(9)~~ (8) Any required fee as stated in the Schedule of Fees (Section 10-1-1330).

(b) **Review Criteria for Conditional Use Permit.**

(1) If the applicant meets, or agrees to meet, all of the applicable requirements specified in this Chapter and conditions imposed by the Plan Commission (or the Joint Committee if within the Extraterritorial Zoning Jurisdiction), the Commission (or Committee) shall under Section

62.23(7)(de)2.a. of Wisconsin Statutes grant the Conditional Use Permit. The Village may require written agreement from the applicant in a form prescribed by the Village Attorney.

(2) Any decision to grant or deny the Permit must be supported by substantial evidence, as that term is defined in Section 62.23(7)(de)1.b. of Wisconsin Statutes. Any condition or modification must be related to the purpose of this Chapter, reasonable, measurable to the extent practicable, and based on substantial evidence.

~~(1)~~(3) To the extent consisted with Subsections (1) and (2), no Conditional Use Permit shall be granted unless the Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) finds that the use authorized thereby meets the following criteria:~~In addition to reviewing Conditional Use Permit requirements against other requirements enumerated elsewhere in this Chapter, the applicant, Zoning Administrator, and Plan Commission (or Joint Committee if within the Extraterritorial Zoning Jurisdiction) shall evaluate the application to determine whether the requested Conditional Use Permit meet the following criteria:~~

a. ~~Is t~~The proposed conditional use (the use in general, independent of its location) is in harmony with the ~~purposes~~vision, purpose, goals, objectives, policies and standards of the Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the Village~~?~~.

b. ~~Does t~~The proposed conditional use, in its proposed location and as depicted on the required site plan, will not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide development~~?~~.

c. ~~Does t~~The proposed conditional use will maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property~~?~~.

d. ~~Is t~~The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property~~?~~.

e. ~~Do t~~The potential public benefits of the proposed conditional use outweigh potential adverse impacts of the proposed conditional use, after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts~~?~~.

~~(b)~~(c) **Zoning Administrator Review and Recommendation.**

(1) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. The Zoning Administrator shall inform the applicant if the application is incomplete.

(2) If complete, the Zoning Administrator or designee shall prepare a written evaluation of the application based on the criteria for evaluating Conditional Use Permits in Subsection (d) above. The Zoning Administrator shall forward a copy of the application and the Zoning Administrator's evaluation to the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction).

~~(c)~~(d) **Public Hearing.** Following acceptance of a complete application, the Zoning Administrator shall schedule a public hearing before the Plan Commission (or Joint Committee if the subject

property is within the Extraterritorial Zoning Jurisdiction), to be held within 45 days after acceptance of a complete application. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 2 Notice in conformance with the requirements of Sections 62.23(7)(d) and (de) of Wisconsin Statutes. The Zoning Administrator shall also send said notice to the applicant, owners of record of all lands within 300 feet of the boundaries of the subject property, and the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter at least ten days prior to the date of such public hearing. Failure to mail said notice or failure to meet the time requirements herein, provided it is unintentional, shall not invalidate proceedings under this Section. The Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall hold the public hearing on all proposed Conditional Use Permits. At the public hearing, the applicant may appear in person or by agent.

(e) **Review and Action by the Plan Commission or Joint Committee.**

(1) Within 60 days after the public hearing (or within an extension of said period requested in writing by the applicant and granted by the Plan Commission or the Joint Committee if within the Extraterritorial Zoning Jurisdiction), the Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) shall take final action. Any action on the Conditional Use Permit requires a majority vote of Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) members in attendance.

(2) Prior to taking action on a Conditional Use Permit application, the Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may request further information and/or additional reports from the Zoning Administrator, the ~~Applicant~~applicant, outside experts and/or any other source.

(3) The Plan Commission (or the Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) may approve the conditional use as originally proposed, may approve the ~~proposed conditional~~ Conditional ~~use~~ Use Permit with conditions or modifications, or may deny approval of the ~~proposed~~ Ceonditional ~~use~~ Use Permit and include reasons for denial.

~~(4) Any action to approve the proposed conditional use requires a majority vote of Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) members in attendance.~~

~~(d)~~ (f) **Effect of Denial.** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors relative to the review criteria in subsection (d) that are found valid by the Zoning Administrator.

(g) **~~Termination~~ Penalties, Revocation, or Modification of an Approved Conditional Use Permit.**

(1) Any violation of an approved Conditional Use Permit shall be subject to penalties under Section 10-1-1320.

(2) A Conditional Use Permit shall be automatically revoked if:

a. The conditional use authorized thereunder is not established within two years following its granting.

b. Once established, the conditional use has been discontinued for a period exceeding one year.

(3) A Conditional Use Permit may be revoked or modified by the Plan Commission (or the Joint Committee if in the Extraterritorial Zoning Jurisdiction), following the procedures in this Section for original granting of a Conditional Use Permit, where the Commission or Committee determines that the any operation, modification, alteration, or expansion of the use is not in

compliance with the terms of this Chapter or the approved Conditional Use Permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.

~~(e) Upon approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), the applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements. Once a Conditional Use Permit is granted, no Erosion Control Permit, Site Plan approval, Certificate of Occupancy, Zoning Permit, or Building Permit shall be issued for any development which does not comply with all requirements of the Conditional Use Permit or this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter or the approved Conditional Use Permit shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A Conditional Use Permit may be revoked for such a violation by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), following the procedures outlined for original granting of a Conditional Use Permit.**Time Limits on the Development of Conditional Use.** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the Conditional Use Permit. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the applicant may request an extension of this period. Said request shall require formal approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction) and shall be based upon a showing of acceptable justification.~~

~~**Discontinuing an Approved Conditional Use.** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their Conditional Use Permit invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the conditional use was operational during this period.~~

~~(f)~~(h) **Change of Ownership.** Unless the Commission approved a Conditional Use Permit with a transfer limitation, ~~A~~all requirements of the approved Conditional Use Permit shall be continued regardless of ownership or operation of the subject property or use and shall run with the land. ~~Modification, alteration, or expansion of any conditional use in violation as approved per (g) above, without approval by the Plan Commission (or Joint Committee if the subject property is within the Extraterritorial Zoning Jurisdiction), shall be considered in violation of this Chapter and shall be grounds for revocation of said Conditional Use Permit.~~

~~(g)~~(i) **Recording and Notice of Conditional Use ~~Requirements~~Permit or Denial.** Except for Conditional Use Permit approvals for temporary uses, ~~a certified copy of the authorizing resolution~~the Zoning Administrator shall record and provide to the applicant the approved Conditional Use Permit.~~,~~ Said Permit shall contain~~ing~~ an identifiable description of the use and subject property, and any specific requirements or conditions of approval. ~~, shall be recorded by the Village and n~~Notation referencing the Conditional Use Permit may be placed on or attached to the Official Zoning Map. ~~A copy shall also be recorded with the County Register of Deeds office.~~ In the case of denial of a Conditional Use Permit, the Zoning Administrator shall provide written notification to the applicant that the Conditional Use Permit was denied, including the reasons for denial.

~~(h)~~(j) **Uses Now Regulated as Conditional Uses Which Were Approved as Legal Land Uses—Permitted by Right or as Conditional Uses—Prior to the Effective Date of This Chapter.** A use ~~now~~ regulated as a conditional use under this Chapter which was approved as a legal land use—either permitted by right or as a conditional use—prior to August 18, 2011 shall be considered as a legal, conforming land use so long as ~~the~~ any previously approved conditions of use

and site plan are followed. Any expansion or modification of the previously approved conditions of use or site plan shall require application and Village consideration under this Section.

Section 35: Amend Section 10-1-0309(d): Criteria for Grant of a Variance to read as follows:

(d) **Criteria for Grant of a Variance.** The applicant shall demonstrate to the satisfaction of the Zoning Board of Appeals (or Board of Extraterritorial Zoning Appeals if the subject property is within the Extraterritorial Zoning Jurisdiction) that all of the following criteria have been met.

(1) An exceptional or extraordinary circumstance or special factors are present on the subject property, which are not present on most other properties in the same zoning district~~, which apply only to the subject property~~. The applicant shall clearly indicate how the subject property contains factors which are not present on most other properties in the same zoning district. Specifically:

a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original lot; unusual topography or elevation; or because the lot was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;

c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;

d. Violations by, or variances granted to, neighboring properties shall not justify a variance;

e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

(2) The factors identified in Subsection (d)(1) above ~~prohibit~~ would unreasonably prevent the property owner from using the subject property for a permitted purpose, or would render conformity with this Chapter unnecessarily burdensome~~the development of the subject property in a manner similar to that of other properties under the same zoning district~~. The applicant shall clearly indicate how the requested variance ~~is essential to~~ makes the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

(3) The granting of the proposed variance shall not impose a substantial detriment to adjacent properties. The applicant shall clearly indicate how the proposed variance will have no substantial ~~impact~~ detriment on adjacent properties.

(4) The proposed variance would make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

~~(4)~~ (5) The granting of the proposed variance ~~as depicted on the required site plan~~ would not result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and

policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the Village or other governmental agency having jurisdiction to guide growth and development. ~~The applicant shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.~~

~~(5)~~ (6) The factors which present the reason for the proposed variance have not been created by the act of the application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lot configurations, or grading) after August 18, 2011. The applicant shall clearly indicate that such factors existed prior to August 18, 2011 and were not created by action of the applicant, a previous property owner, or their agent.

~~(6)~~ (7) The proposed variance does not involve or result in a land use that is not allowed in the zoning district under Article 3 of this Chapter. The applicant shall clearly indicate that the requested variance does not involve exceptions to the allowable land uses of that Article.

Section 36: Per Sections 10-1-0502 and 10-1-1302, amend the Village's Official Overlay Zoning Map to add the following tax parcels and intervening public rights-of-way to the DO Downtown Overlay District: 172-0010-00000, 172-0011-00000, 172-0012-00000, 17172-0490-00000, 172-0490-10000, 172-0829-00000, 172-0830-00000, 172-0831-00000, 172-0832-00000, and 172-0931-00000.

Section 37: This ordinance shall become effective upon its adoption and publication in the manner provided for by law.

Adopted this 26th day of June, 2018.

Published this 5th day of July, 2018.

Village of Prairie du Sac, WI

Cheryl A. Sherman
Village President

Niki Conway
Village Clerk

CAS, UQ
DISCARDED