

TOWN OF SARATOGA
Ordinance Imposing Moratorium
on the Issuance of Building Permits Approval of Site Plans or
Construction Inconsistent With Existing Land Use
Pending the Study of Possible Legislative Action

RECITALS

WHEREAS, on August 15, 2007, the Town of Saratoga (“Town”) in Wood County, Wisconsin, adopted Comprehensive Plan 2007-2025 (“Comprehensive Plan”) pursuant to Ordinance No. 8-15-2007A. A copy of the adopting ordinance is attached as Exhibit A and incorporated by reference;

WHEREAS, the Comprehensive Plan’s Action Plan includes a short-term (5 years) directive to the Town Board and Plan Commission to adopt a Town of Saratoga Zoning Ordinance (*see* Comprehensive Plan, page 39);

WHEREAS, following adoption of the Comprehensive Plan, the Plan Commission began working on a Zoning Ordinance;

WHEREAS, a copy of the DRAFT Zoning Ordinance as of April 11, 2012 is attached hereto as Exhibit B and incorporated by reference;

WHEREAS, the Town and its residents have invested a substantial amount of time, money and effort in the land use planning process, and it is in the best interests of the Town and the public health, safety and general welfare of its residents to complete this component of the Comprehensive Plan by the end of 2012 and in accordance with the schedule set forth in the Comprehensive Plan;

WHEREAS, the Town Board finds that a temporary stay or moratorium of site plan review, building permit issuance, construction and related activities that are inconsistent with existing land use is necessary to allow the Town and its residents to complete an adequate study of the April 11, 2012 DRAFT Zoning Ordinance and related legislative action without the ongoing pressure of simultaneously reviewing site plans and/or building permits that may or may not impact existing land uses, the Comprehensive Plan and the DRAFT Zoning Ordinance;

WHEREAS, the Town Board finds that a moratorium is necessary to allow the Town adequate time to complete its study of the possible impacts that adoption of the DRAFT Zoning Ordinance may have on the health, safety, and general welfare of the residents of the Town, including impacts on air quality, water quality, public infrastructure, property values, and the local economy;

WHEREAS, the Town Board finds that a moratorium is necessary to allow Town residents and other members of the public an opportunity to fully participate in this important phase of the Town's land use planning and DRAFT Zoning Ordinance review;

WHEREAS, given the irreparable harm that may be caused by the construction of buildings, removal of trees, and other land disturbing activities of one acre or more that are inconsistent with existing land uses, and the public benefits that may arise from imposing a temporary stay through a moratorium, the Town Board finds that immediate action is warranted; and,

WHEREAS, the Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town to complete this phase of its land use planning, and anticipates that this phase can be completed within six (6) months to one (1) year;

NOW, THEREFORE, in consideration of the above Recitals, which are incorporated herein by reference, the Town Board of the Town of Saratoga ordains as follows:

Section 1 -- TITLE AND PURPOSE:

- 1.1 Title. The title of this Ordinance is the Town of Saratoga **Ordinance To Impose A Moratorium On Issuance Of Building Permits, Approval Of Site Plans Or Construction Inconsistent With Existing Land Use Pending The Study Of Possible Legislative Action ("Moratorium" or "Ordinance")**.
- 1.2 Purpose. The purpose of the Moratorium is to promote meaningful implementation of the Town's land use planning efforts, as initially set forth in the Comprehensive Plan in 2007. A Moratorium is necessary for this phase of the land use planning process for the reasons set forth in the Recitals and consistent with the findings made by the Town Board in the Recitals, each and all of which are incorporated herein by reference.

Section 2 – AUTHORITY:

The Town Board relies on Wis. Stat. § 61.34, the general police powers of a village board, which have been conferred on the Town Board pursuant to Wis. Stat. §§ 60.10 (2)(c) and 60.22(3), and Wis. Stat. §§ 60.23, 60.61, and 60.62.

Section 3 -- MORATORIUM IMPOSED:

- 3.1 For the duration of the Moratorium, the Town Board prohibits the construction of buildings, removal of trees, and other land disturbing

activities of one acre or more that are inconsistent with existing land uses, unless expressly approved by the Town prior to enactment of this Moratorium. For purposes of this Ordinance, "existing land uses" means the land uses as shown in the Comprehensive Plan.

- 3.2 Except as set forth in Section 3.4, the Town Board prohibits Town officials, employees, and/or consultants, from accepting, reviewing or acting upon applications, site plans, building or driveway permits, licenses or other similar requests for approval of activities that are or are likely to result in violation(s) of this Moratorium.
- 3.3 The Town Board withdraws the authority from the Town Building Inspector and other independent contractors to accept, review and/or act upon applications, site plans, building or driveway permits, licenses or other similar requests for approval of activities that are or are likely to result in violation(s) of this Moratorium.
- 3.4 Notwithstanding the foregoing, this Moratorium does not apply to the approval of any subdivision or other division of land by plat or certified survey map that is authorized under Wis. Stat. ch. 236.

Section 4 -- DURATION OF MORATORIUM:

The Moratorium shall be in effect from the date of adoption until December 31, 2012, unless terminated earlier or extended further by an ordinance duly adopted by the Town Board.

Section 5 -- ACTION ANTICIPATED DURING MORATORIUM:

- 5.1 The Plan Commission shall complete an additional review of the DRAFT Zoning Ordinance, analyzing it for consistency with the Comprehensive Plan and adequacy for implementation of the Comprehensive Plan. The Plan Commission shall consider such other legislative options as it deems prudent and necessary to address the Town's current land use and planning needs.
- 5.2 The Plan Commission shall provide opportunities for public participation throughout the process, and consider the public health, safety, and general welfare of Town residents during its review process.
- 5.3 The Plan Commission shall report its findings and recommendations to the Town Board.

5.4 Following consideration of the recommendations from the Plan Commission, and in accordance with applicable statutes and ordinances, the Town Board shall act upon the recommendations from the Plan Commission, Town residents and the Town's consultants.

5.5 The Town Board shall take such action as it deems appropriate to terminate the Moratorium early, extend the Moratorium beyond December 31, 2012 or allow the Moratorium to expire on December 31, 2012.

Section 6 -- EFFECTIVE DATE AND PUBLICATION:

6.1 Notwithstanding ordinances to the contrary, this Ordinance shall be effective upon adoption by the Town Board.

6.2 The Town Clerk shall properly publish this Ordinance as a Class 1 Notice as required under Wis. Stat. §60.80(2).

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on this 19th day of July, 2012, by a vote of 5 for, 0 against and 0 abstentions.

TOWN OF SARATOGA

Terry Rickaby, Chairman

Douglas Passineau, Supervisor

Patty Heeg, Supervisor

John Frank, Supervisor

Dan Forbes, Supervisor

ATTESTED BY:
TOWN OF SARATOGA

By: _____
Heidi Kawleski, Clerk

Date: July 19, 2012

Ordinance No. 8-15-2007A

AN ORDINANCE TO ADOPT THE COMPREHENSIVE PLAN OF THE TOWN OF SARATOGA, WISCONSIN

The Town Board of the Town of Saratoga, Wisconsin, so ordain as follows:

Section 1. Pursuant to section [59.69(2) and (3)(for counties/62.23(2) and (3)(for cities, and towns exercising City powers under 60.22(3))] of the Wisconsin Statutes, the Town of Saratoga, is authorized to prepare and adopt a comprehensive plan as defined in section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

Section 2. The Town Board of the Town of Saratoga, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.


Section 3. The plan commission of the Town of Saratoga, by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to Town Board the adoption of the document entitled "Town of Saratoga, Wood County, Wisconsin Comprehensive Plan 2007-2025," containing all of the elements specified in section 66.1001(2) of the Wisconsin Statutes.

Section 4. The Town has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

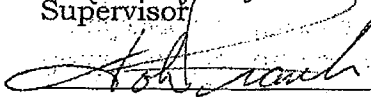
Section 5. The Town Board of the Town of Saratoga, Wisconsin, does, by enactment of this ordinance, formally adopt the document entitled, "Town of Saratoga, Wood County, Wisconsin Comprehensive Plan 2007-2025," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

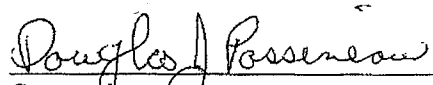
Section 6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the Town Board and [publication/posting] as required by law.

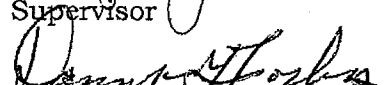
Adopted this 15th day of August, 2007

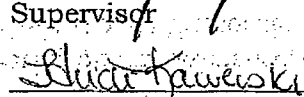

Chairman

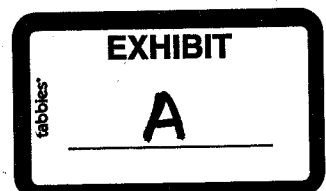

Supervisor


Supervisor


Supervisor


Supervisor


Clerk



TOWN OF SARATOGA

ORDINANCE NO:0000

AN ORDINANCE REGULATING ZONING

1. Introduction, Goal, and Purpose

1.1. Introduction: In August 2007 the Town of Saratoga approved a comprehensive plan in compliance with Wisconsin's "Smart Growth" requirements State Statutes 66.1001. In order to carry out the recommendation of the Town of Saratoga Comprehensive Plan, the Town has prepared a zoning ordinance.

Other Wisconsin cities and villages adopted zoning ordinances in the early 1920's. In 1923, the state legislature authorized the use of zoning by counties for the regulating the location of commercial and industrial enterprises in the unincorporated areas, subject to town approval. In 1929, the Legislature expanded rural zoning authority to allow for the management of all rural land uses.

1.2. Goal: To support and implement the goals, objectives, policies, and actions stated in the Town of Saratoga Comprehensive Plan 2007-2025, and its amendments.

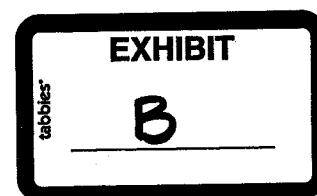
1.3. Purpose: An ordinance to promote the health, safety, and general welfare; regulating the height, and size of buildings and other structures, the size of open spaces, the location and use of buildings, structures and land for residence, trade, industry and other purposes; establishing zoning districts of such number, shape, and area as are deemed best suited to meet the purpose and goals of this ordinance; providing for its administration and enforcement.

2. Definitions: The following words, phrases, and terms wherever they occur in this ordinance, shall be interpreted as defined herein:

2.1. Access, Controlled (road or facility): A controlled access road or facility is defined as a highway or street especially designed for through traffic, and over, from or to which owners or occupants of abutting land or other persons have no right or easement or only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled access facility or for any other reason. Such highways or streets may be freeways open to use by all customary forms of surface transportation.

2.2. Accessory or Auxiliary Use or Structure: A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use. In the case of a house and detached garage on a lot, the accessory building is the garage.

2.3. Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities



- 2.4. Airport: Any runway, landing area, airport or other facility designed, used or intended to be used either publicly or privately by any persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers or other necessary buildings and open spaces
- 2.5. Alley or Lane: A public or private way not more than 30 feet wide affording generally secondary means of access to abutting property and not intended for general traffic circulation.
- 2.6. Apartment: (*See also Dwelling*) One or more rooms in a dwelling designed and intended for occupancy as a separate dwelling unit
- a) Apartment, Efficiency: A dwelling unit in a multi-family building consisting of not more than one habitable room, together with kitchen or kitchenette and toilet facilities.
 - b) Apartment, Hotel: An apartment house which furnishes services for the use of its tenants which are ordinarily furnished by hotels
- 2.7. Automobile Repair: General repair, rebuilding or reconditioning of engines, motor vehicles or trailers, collision services including body, frame, or fender straightening or repair, overall painting or paint shop, vehicle steam cleaning
- 2.8. Automobile or Trailer Sales Area: An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done
- 2.9. Automobile Salvage Yard: Any area of land where two or more inoperative vehicles, and/or accumulation of parts thereof, are stored in the open and are not being restored to operation, or any land, building, or structure used for the wrecking or storing of such motor vehicles and/or accumulation of parts thereof.
- 2.10. Automobile Service Station or Filling Station: A building or other structure or a tract of land where gasoline or similar fuel, stored only in underground tanks, is dispensed directly to users of motor vehicles. The following activities are permitted as accessory uses to a gasoline station: The dispensing of oil, greases, antifreeze, tires, batteries, and automobile accessories directly to users of motor vehicles; tuning motors, minor servicing and repair to the extent of installation of the items enumerated above and washing of automobiles. Other activities shall be prohibited, including, but not limited to: upholstering work, auto glass work, painting, welding, tire recapping, auto dismantling, and auto sales. (*See also Convenience Store*)
- 2.11. Basement: That portion of any structure whose floor line is below ground line and has more than half of its clear height below the adjoining finished ground line..
- 2.12. Board of Appeals: The Town of Saratoga Zoning Appeals Board; also see Town Board.
- 2.13. Boarding or Rooming House: A dwelling or part thereof consisting of a single housekeeping unit where meals and lodging are provided for three or more persons, not transients, for compensation by previous arrangement.
- 2.14. Boathouse: Any structure designed for the purpose of protecting or storing boats for non-commercial purposes. Boathouses shall not be used for human habitation.
- 2.15. Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, equipment, materials or machinery. When such a structure is divided into separate parts by one or more unpierced walls

extending from the ground up, each part is deemed a separate building, except as regards minimum side yard requirements as hereinafter provided.

- a) Building, height of: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or, to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roofs.
 - b) Building or setback line: The line outside the right-of-way of a street beyond which no building or part thereof shall project, except as otherwise provided by this ordinance.
 - c) Building, floor area ratio: the floor area of the building divided by the area of the lot on which it is or will be located. The floor area of the building shall include that area of ground covered by the roof of the building. Total floor area shall include the sum of the floor areas of all buildings on the lot.
 - d) Building, completion: The building shall be considered complete when roofing materials, siding materials, window, doors and steps have been affixed to the exterior and the interior supplied with electricity, plumbing and heating fixtures in operable condition and in conformance with applicable codes.
- 2.16. Buildable lot area: that part of the lot not included within the open areas required by this ordinance.
- 2.17. Business: Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease, or exchange of goods and/or the provision of services.
- 2.18. Campgrounds: Any public or private premises, including buildings, established for temporary day and overnight habitation by persons using equipment designed for the purpose of temporary camping.
- 2.19. Camping Vehicle: A vehicle eight feet (8') or less in width with a collapsible, folding, or rigid structure designed for temporary human habitation and self-propelled, or towed by a motor vehicle upon a highway. *See 2.69 Recreation Vehicle*
- 2.20. Carrying Capacity Analysis: An assessment of the ability of a natural system to sustain population growth as well as other physical development without a irreversible change in the quality of air, water, land or plant and animal communities or the impairment of the quality of human life, health, welfare, safety or community character within an area.
- 2.21. Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbarium, crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.
- 2.22. Channel: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.
- 2.23. Clinic: A place used for the care, diagnosis and treatment of sick, ailing, and injured persons or animals and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises, except veterinarian clinics.
- 2.24. Club: A non-profit association of persons who are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

- 2.25. Comprehensive Plan: The Town's community development plan entitled "Town of Saratoga, Wood County, Wisconsin Comprehensive Plan 2007-2025", as adopted or amended under Wisconsin Statute 62.23 and in accordance with Wisconsin Statute 66.1001, to guide and coordinate development in the Town of Saratoga, in accordance with existing and future needs, promoting public health, safety and general welfare, protecting the natural resources and planning for efficiency and economy in the process of development.
- 2.26. Conditional Use: See Use, Conditional.
- 2.27. Convenience Store: A small store or shop which may also be associated with the sale of motor vehicle fuel, and stocking a range of everyday items such as groceries, toiletries, bakery goods, beverages, food items, limited household items and automotive supplies. Automobile washing facilities are permitted. Repair or painting of motor vehicles is not permitted.
- 2.28. Court: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings, which is enclosed on three or more sides.
- 2.29. District: A portion of the Town where certain uniform regulations and/or requirements or combinations of both apply according to the provisions of this Ordinance and as specified on the Official Zoning Map as adopted by the Town Board of Supervisors.
- 2.30. Density: The ratio of living units per acres allowable under a schedule of district regulations.
- 2.31. Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, camping trailer, trailer, or trailer coach, hotel or motel.
- a) Dwelling, single family: A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
 - b) Dwelling, two family: A building designed for or used exclusively by two families or housekeeping units
 - c) Dwelling, multi-family: A building portion thereof designed for or used by three or more families or housekeeping units.
 - d) Dwelling group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
 - e) Dwelling unit: One room, or a suite or two or more rooms designed for or used by one family for living and sleeping purposes and having kitchen and toilet facilities.
- 2.32. Easement: Authorization by a property owner for the use by another, and for a specified purpose, of a designated part of his or her property
- 2.33. Factory-Built Home: Any structure built in a factory and designed for long-term residential use including;
- a) Manufactured Homes: These are homes built entirely in the factory in compliance with The Federal Manufactured Home Construction and Safety Standards of June 15, 1976, as defined in WI Statutes 101.91(2), (am). (*The term "mobile home" is commonly used to describe any manufactured home regardless of when it was built*)
 - b) Modular Homes: Factory-built homes are built to the state, local or regional code where the home will be located. Modules are transported to the site and installed.

- c) Panelized Homes: Factory-built homes in which panels (a whole wall with windows, doors, wiring and outside siding) are transported to the building site and assembled. These homes must meet state or local building codes.
 - d) Pre-Cut Homes: Factory-built homes in which building materials are factory-cut to design specifications, transported to the building site and assembled. Pre-cut homes include kit, log and dome homes. These homes must meet local and state building codes.
 - e) Mobile Homes: Applies to manufactured homes produced prior to June 15, 1976.
- 2.34. Family: A group of persons living together in one (1) dwelling unit as a single housekeeping entity.
- 2.35. Farm: An area which is used for the growing of the usual farm products such as vegetables, fruit trees and grain, and their storage on the area, as well as for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.
- 2.36. Farm Produce Processing Facility: Any facility that processes any farm produce that is not produced on the owner's property
- 2.37. Flood: See Wood County Shoreland Zoning Ordinance for definitions of floodplain, flood profile, flood-proofing, flood stage and floodway
- 2.38. Frontage: That boundary of a lot which is along an existing or dedicated public street or, where no public street exists, is along a public way. Where a lot abuts more than one street, the Planning Commission shall determine the frontage for purposes of this ordinance.
- a) Frontage where measured: For construction purposes, minimum frontage requirements set forth in Section X of this ordinance shall be met at the front building line.
- 2.39. Fur Farm: A tract of land or buildings devoted in whole or part to the raising of fur-bearing animals.
- 2.40. Garage: A building or structure, or part thereof, used or designed to be used for the parking and storage of vehicles or trailers.
- a) Garage Apartment: A structure being part of a private garage in which provision is made for one dwelling unit
 - b) Garage private: A detached accessory building or a portion of the principal building used or intended for use by the occupants of the premises for the storage of vehicles or trailers, but not commercial vehicles or trailers
 - c) Garage public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling or storage of wrecked or junked vehicles.
 - d) Garage storage: Any building or premises, used for parking vehicles, trailers or storing any personal property pursuant to previous arrangements, and at which automobile fuels, and oils are not sold, and vehicles or trailers are not equipped, repaired, hired or sold.

- 2.41. Grade: The average level of the finished surface of the ground adjacent to the exterior walls of a building.
- a) Grade, existing: The vertical elevation of the ground surface prior to excavating or filling.
 - b) Grade, finished: The final grade of the site that conforms to the approved plan as required by this ordinance.
 - c) Grade, natural: The existing grade of elevation of the ground surface that exists or existed prior to man-made alterations.
 - d) Grade, percentage of: The rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance. (Twelve feet of change in elevation in 100 feet horizontal distance is a 12% grade.)
- 2.42. High Water Line: See Wood County Shoreland Zoning Ordinance
- 2.43. Home Occupation: An occupation carried on in a dwelling unit by the resident thereof; provided that the use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character of the dwelling unit.
- 2.44. Hotel: Any building or portion thereof, except hospitals and jails, used as a temporary abiding place for remuneration, with or without meals, containing guest rooms or suites where no provision for cooking is made in any individual guest room or suite
- 2.45. Household Unit: A group of persons who live together in one dwelling unit as a single housekeeping unit.
- 2.46. Industrial: A business use or activity at a scale greater than home occupation involving manufacturing, fabrication, assembly warehousing, and/or storage.
- 2.47. Industry: The manufacture, fabrication, processing preparation or treatment of any article, substance, or commodity including indoor or outdoor storage of materials, truck storage yards, warehouses, wholesale storage, and other similar types of enterprise
- a) Industry, light: A use engaged in the manufacture, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odors, and noise.
 - b) Industry, medium: Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor and noise.
 - c) Industry, heavy: A use engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of or manufacturing process using flammable or explosive materials, or storage or manufacturing process that potentially involve hazardous or commonly recognized offensive conditions.
- 2.48. Junkyard: A place where waste, and discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking activities,

- building wrecking activities, used lumber places and places for storage of salvaged equipment, materials, and parts, but not including places where such uses are conducted entirely within a completely enclosed building and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in working condition, or salvaged materials incidental and necessary to manufacturing operations
- 2.49. Kennel: Any structure or premises on which twelve (12) or more dogs over five months of age are kept.
- 2.50. Laundromat: A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.
- 2.51. Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.
- 2.52. Lot: A parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on an officially approved street or place.
- a) Lot area: The area of contiguous land bounded by lot lines, exclusive of land provided for public thoroughfares.
 - b) Lot, corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees. The point of intersection of the street lines in the "corner."
 - c) Lot, depth: The mean horizontal distance between the front and the rear lot lines
 - d) Lot, interior: A lot other than a corner lot.
 - e) Lot, line: A property boundary line of any lot held in single or separate ownership; except that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley right-of-way line.
 - f) Lot of record: A lot which is part of a subdivision, the map of which has been approved by the Wood County Planning and Zoning Commission, as of the effective date of this ordinance, shall have the same status as if the said subdivision plat was officially recorded in the office of the Register of Deeds; however, no building permit shall be issued for any lots in such subdivision until a final plat which includes such lots, has been officially recorded in the office of the Register of Deeds.
 - g) Lot, through: A lot having frontage on two parallel or approximately parallel streets.
 - h) Lot width: The mean width of the lot measured at right angles to its depth.
- 2.53. Minor Structure: Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, and arbors, including walls and fences under four feet (4') in height.
- 2.54. Mobile Home: See Factory-Built Homes 2.33 & 2.33.5.
- a) Manufactured Home, length/width: The distance from the exterior of the front wall (nearest to the drawbar and coupling mechanism) to the exterior of the rear wall (at opposite end of the home) where such walls enclose living or other interior space and such

- distance includes expandable rooms, excluding bay windows, porches, drawbars, couplings, hitches, wall and roof extensions, or other attachments. Width means the distance from the exterior of one side wall to the exterior of the opposite side wall where such walls enclose living or other interior space and such distance includes expandable rooms, excluding bay windows, porches, wall and roof extensions, or other attachments.
- b) **Manufactured Home Lot:** A parcel of land designed for the placement of a single manufactured home.
 - c) **Manufactured Home Park:** A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more manufactured homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the park or its facilities.
- 2.55. **Motor Home:** A motorized vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the internal characteristics and equipment similar to a manufactured home.
- 2.56. **Motor Vehicle:** Any self-propelled vehicle capable of transporting persons or goods.
- a) **Motor Vehicle, inoperable:** Any motorized vehicle incapable of immediately being driven and not properly licensed in accordance with state law.
 - b) **Motor Vehicle, junk:** Any motor vehicle, trailer, or semitrailer that is inoperable and which, by virtue of its condition cannot be economically restored to operable condition; provided that such vehicle, trailer or semitrailer shall be presumed to be a junk vehicle if no license plates are displayed or if the license plates displayed have been invalid for more than 60 days.
- 2.57. **National Register of Historic Places:** The listing maintained by the U.S. National Park Service of areas that have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.
- 2.58. **Nonconforming lot.** A lot which had legal dimensions or square footage prior to the adoption, amendment or comprehensive revision of a zoning ordinance, but which not fails to conform to the requirements of its zoning district.
- 2.59. **Nonconforming structure:** A structure which was legal prior to the adoption, amendment or comprehensive revision of a zoning ordinance, but which now violates the size, location or dimensional limits of its zoning district.
- 2.60. **Nonconforming Use:** A use which existed lawfully prior to the adoption, amendment or comprehensive revision of a zoning ordinance, which does not comply with present zoning provision.
- 2.61. **Nursing Home:** A home for the aged, chronically ill or incurable persons in which three or more persons not of the immediate family are received, kept and provided with shelter and care for compensation, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.
- 2.62. **Parking Area or Lot, Public:** An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

- 2.63. **Parking Space:** A surfaced area of not less than one hundred eighty (180) square feet, having a minimum width of ten (10) feet and a minimum length of eighteen (18) feet, either within a structure or in the open, exclusive of driveways or access drives, for the parking of motor vehicles.
- 2.64. **Person:** Any individual, firm, trust, partnership, public or private association or corporation; or an individual, partnership, firm, company, corporation, municipality, county, town, state or federal agency, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.
- 2.65. **Planned Unit Development (PUD):** A land area which;
- a) Has both individual building sites and common property, and
 - b) Is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property. The ownership of the common property may be either public or private.
- 2.66. **Principal Building:** The building of primary importance on a parcel of land, in contrast to those which are accessory or of secondary importance. In the case of a house and attached garage, the entire structure, including the house and garage, shall be considered the principal building.
- 2.67. **Quarrying:** The removal of rock, slate, gravel, sand, topsoil or other natural material from the land by excavating, stripping, leveling or any other such process which results in creation of a pit or pond. Removal of excess materials from the land, such as in excavating for a foundation, shall not be considered quarrying if it does not result in a pit or a pond. Drainage ditching shall not be considered quarrying.
- 2.68. **Recreational Area:** A park, playground, ball field, ski hill, sport field, swimming, pool, riding stables or riding academies or other facilities and areas constructed for recreational activities and open for use by the public or a private organization.
- 2.69. **Recreation Vehicle (RV):** *see 2.19 Camping Vehicle.*
- 2.70. **Resort:** An area containing one or more permanent buildings utilized principally for the accommodation of the public for recreation purposes.
- 2.71. **Riding Stables or Riding Academies:** Includes buildings or premises used for the rent or lease of horses or animals for riding.
- 2.72. **Right-of-Way:** A public or private area that allows for the passage of people or goods, Right-of-way includes passageways such as freeways, streets, bike paths, alleys, and walkways. A public right-of-way is a right-of-way that is dedicated or deeded to the public for public use and under the control of a public agency.
- 2.73. **Roadside Stand:** A temporary structure designed and constructed that the structure is easily portable and can be readily moved.
- 2.74. **Sanitary Landfill:** has the meaning as defined in Chapter 289.01 (20),(35) Wisconsin State Statutes
- 2.75. **Service Building:** A structure housing toilet, washing and bathing facilities and such other facilities as may be required by this ordinance.
- 2.76. **Solar energy:** Direct radiant energy received from the sun.
- 2.77. **Solar energy system:** Equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy

- 2.78. Slaughterhouse: Any building or premises used for the killing or dressing of fowl, cattle, sheep, swine, goats or horses, and the storage, freezing and curing of meat and preparation of meat products.
- 2.79. Stable, Commercial: A stable for horses, donkeys, mules, or ponies which are let, hired, used or boarded on a commercial basis and for compensation.
- 2.80. Stable, Private: An accessory building for the keeping of horses, donkeys, mules or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.
- 2.81. Story: That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling above it.
- 2.82. Street: A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, trail, parkway, boulevard, lane, place, highway, thoroughfare or any similar term.
- a) Arterial Street: A public street or highway intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways as well as arterial streets, highways and parkways.
 - b) Collector Street: A public street intended to serve and provide access to neighborhoods or sub-neighborhoods.
- 2.83. Structure: anything constructed or erected, the use of which requires a location on or in the ground. It includes but is not limited to objects such as buildings, factories, sheds and cabins.
- a) Permanent: A structure which is built of such materials and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.
 - b) Temporary: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short term.
 - c) Structure alteration: Any change in the component members of a building, such as walls, columns, beams or girders.
- 2.84. Subdivision: See Wood County Land Subdivision Ordinance
- 2.85. Town Board: the Board of Supervisors of the Town of Saratoga
- 2.86. Use: The purpose for which land or a building or structure is arranged, designed or intended, or for which either land or a building or structure is, or may be occupied or maintained.
- a) Use, Conditional: A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.
 - b) Use, Incompatible: A use or service that is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.
 - c) Use, Nonconforming: See Nonconforming use
 - d) Use, Principal (permitted as of right): A use which is permitted outright in a district for which a Land Use Permit may be issued by the Town Board in accordance with this ordinance.

- 2.87. Variance: A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses.
- 2.88. Vision Clearance Triangle: An unoccupied triangular space at the corner of a corner lot which is bounded by the street lines and a setback line connections points determined by measurement from the corner of each street line.
- 2.89. Wind energy system: Equipment that converts and then stores or transfers energy from the wind into usable forms of energy
- 2.90. Yard: A required open space other than a court, or a lot, unoccupied and unobstructed from the ground upward except as otherwise provided in this ordinance.
- a) Front Yard: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto on the lot as required in the district where located
 - b) Front Yard, how measured: Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front Lot Line); provided, however, that if the proposed location of the right-of-way of such street as established on the Official Thoroughfare Plan or Major Street Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the said Thoroughfare Plan or Major Street Plan.
 - c) Rear Yard: A yard extending across the full width of the lot, the depth of which is the minimum distance between the rear lot line and a line parallel thereto on the lot as required in the district where located.
 - d) Side Yard: A yard extending from the front yard to the rear yard, the width of which is the minimum horizontal distance between the side lot line and a line parallel thereto on the lot as required in the district where located.
 - e) Side Yard, least width, how measured: Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established in the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Thoroughfare Plan.
- 2.91. Water Storage Facility: A water tower, tank or similar vessel which is part of a high capacity well.
- 2.92. Well, High Capacity: A well or other water supply or water system whose operating capacity singly or in the aggregate with that of other wells on a property will be in excess of 70 gallons per minute, as defined in Wis. Admin. Code NR 812.07 (53).

3. Title, Authority, and Adoption

- 3.1. Title: This ordinance shall be known as "Town of Saratoga Ordinance No:0000, An Ordinance Regulating Zoning.
- 3.2. Statutory Authority: The Town Board of the Town of Saratoga, Wisconsin, has developed this ordinance pursuant to ss 60.61, 60.62, 61.35, and 62.23 Wisconsin Statutes.
- 3.3. Interpretation: The provisions of this ordinance shall be held as the minimum requirements, adopted promoting the health, safety, aesthetics, comfort, prosperity and prudent use of natural resources, for the general welfare of the residents of the Town of Saratoga. This ordinance shall not repeal, abrogate, annul, impair or interfere with existing easements, covenants or agreements between parties or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that after adoption by the Town Board, where this ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall apply.
- 3.4. Compliance Except as may be otherwise specifically provided, the use, size, height, and location of buildings now existing or hereafter erected, converted, enlarged or structurally altered, the provisions of open spaces and the use of land, shall be in compliance with the regulations established herein for the district in which such land or building is located
- 3.5. Severability: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

4. General Provisions

- 4.1. Duties of the zoning Administrator: The Zoning Administrator, at the direction of the Planning Commission, shall investigate all complaints, give notice of violations and enforce the provisions of this ordinance. The zoning administrator and/or duly appointed deputies may enter at any reasonable time onto any public or private lands or waters to make a zoning inspection.
- 4.2. Permits: The purpose of issuing permits is to provide the owner, and future owners, proof of compliance with this ordinance and all applicable building codes in force at the time the permit was issued.
- 4.3. Building Permit: A building permit shall be required for any structure built, enlarged, altered or demolished within the Town, or moved into or within the Town.
 - a) Building Permit Application Procedures
 1. Contact Building Inspector to determine if a permit is necessary.
- 4.4. Conditional Use Permit: When the use being applied for is listed as a conditional use, the Town Board shall issue a Conditional Use Permit. This permit shall be issued only after recommendation by the Planning Commission, after a public hearing by the Town Board, and after compliance with the conditional use section of this ordinance. The commission may

recommend and the board may attach certain conditions which shall be met as a condition of approving the permit.

- a) Conditional Use Permit Application Procedure: Applications for Conditional Use Permits shall be accompanied by scale maps or drawings prepared to the best of the applicant's ability, showing legibly and accurately the location, size and shape of the lot(s) involved, and of any proposed structures, including the relation of abutting streets and any abutting lakes or streams, and the existing and proposed use of each structure and lot, including the number of families to be accommodated, or the number of persons that would normally occupy the building or structure.
- b) Expiration: Six months after the date of issue the Conditional Use Permit shall expire if work has not commenced. The Town Board may grant an extension of the permit for a valid cause. The extension period shall not exceed six months. Two years shall be the maximum time for completing a dwelling as defined in Sec xxx of this ordinance.

4.5. Exemptions

- a) The following uses are exempted by this ordinance and permitted in any zoning district: poles, wires, cables, conduits, vaults, laterals, pipe mains, valves or any other similar distributing equipment for telephone, cable TV or other communications, electric power, gas water and sewer lines.
- b) The provisions regarding filling, grading and work in respect to waterways shall not apply to the construction and repair of public roads, flood control structures, or conservation practices such as terracing, installation of diversions, grass waterways, subsurface drainage, non-navigable drainage ditches, stream stabilization by rip-rapping or vegetative cover, ponds used for agriculture purposes or non-floating docks accessory to private dwellings.

4.6. Use Regulations

- a) Uses Restricted: In any zone no building or land shall be used and no building shall be hereafter erected, structurally altered or relocated except for one or more of the uses as hereinafter stated for that zone and in compliance with the regulations hereinafter established for that zone
- b) Accessory Uses: In any zone accessory buildings and uses customarily incident to the permitted uses in that zone shall be permitted subject to such requirements as may be hereinafter designated for that zone in which they are located.
- c) Temporary Uses: Uses such as shelter for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board.
- d) . Unclassified Uses: In case of question as to the classification of a use, the question shall be submitted to the Planning Commission for determination.

4.7. Visual Clearance

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

- b) The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications resulting from curving streets or roads.
- c) The term "centerline" in this section shall be interpreted as follows.
- d) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- e) Where there is a divided pavement within a right-of-way the centerline shall be the centerline of the median strip between the pavements, except as specified in 7.3.3.
- f) Where there is a divided pavement within a right-of-way and the distance between the centerlines of the pavements, measured along the centerline of the intersecting street or road is 60 feet or greater, the centerlines of the pavements shall be used separately to designate the clear vision triangles.
- g) The distance specified from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the following table.

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

- h) Within the clear vision triangle, no object shall be allowed above a height of 2½ feet above average elevation of the streets at the aforesaid points on their respective centerlines, if it substantially obstructs the view across the triangle.
- i) In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object, such as a motor vehicle, clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to the posts and wires of wire fences, provided that they do not obstruct visibility across the clear vision triangle. Agricultural crops are also exempt from this provision.

4.8. Setback

- a) Class A (state or federal) highway setback shall be 110 feet from the centerline of the highway or 50 feet from the right-of-way line, whichever is greater. Class B (county) highway setback shall be 30 feet from the right-of-way line. Class C (town) highway setback shall be 30 feet from the right-of-way line

- b) For purposes of this section, "Highway" and "Right-of-Way" shall mean any existing road, or any road that has been dedicated and accepted by the town, or any road right-of-way, planned or constructed, which is designated on the town Official Map
- c) Structures Permitted within Setback Lines
 - 1. Open fences
 - 2. Petroleum and gas transmission lines; telephone, telegraph and power transmission towers, poles and lines; and portable equipment both above and below ground that are readily removable in their entirety. Additions to and replacements of all such structures may be made, provided the owner files with the zoning administrator of the Town of Saratoga an agreement in writing that the owner will move or remove all new construction, additions and replacements erected after adoption of this ordinance at the owner's expense, when necessary to the public interest (i.e. highway construction, airport, sewer and water lines, etc.)
 - 3. Underground structures not capable of being used as foundations for future prohibited over ground structures.
 - 4. The planting and harvesting of field crops, shrubbery and trees, except that no trees, shrubbery or field crops shall be planted so as to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance triangle from one highway or street to another.
 - 5. Access or frontage roads constructed by public authorities according to plans approved by the County Highway Committee.
 - 6. Permitted signs and signs placed by public authorities for the guidance or warning of motorists.

4.9. Non Conforming

- a) Any nonconformities must have included all of the following prior to adoptions of this ordinance:

Must have existed in some tangible way

Must have been legal before adoption of this ordinance

Could not be created by right today

- 1. Building Repair: Provisions of this ordinance shall not be construed to prevent the customary and necessary maintenance or repairs of buildings, utilities, and property
- 2. Continuation of Nonconformities: any nonconforming lot, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains nonconforming and any such lot, structure or use which shall become nonconforming upon the adoption of this ordinance or of any subsequent amendment thereof may be continued as provided.

- b) Nonconforming Use

- 1. Limitations: No such use shall be expanded or enlarged

2. Discontinuance: If such use is discontinued for 12 consecutive months, any future use of the structure shall conform to the regulation of the zone in which it is located
- c) Nonconforming Structure
1. Limitations: No such structure shall be expanded or enlarged in excess of 50 percent of its appraised value except in conformity with the regulations of this ordinance
 2. Restoration due to damage or destruction: A nonconforming structure may be restored to the size, location, and use it had immediately before the damage or destruction occurred provided the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. A structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements. (See SS 61.35 (5M).
 3. Relocation: Should such structure be moved, it shall thereafter conform to the regulations of the zone to which it is moved
 4. Lot Lines: The size and shape of a lot shall not be altered in any way so as to increase the degree of nonconformity of a building or its use
 5. Replacement: No such structure shall be replaced except when such replacement is approved by the Planning Commission and Town Board
- d) Nonconforming Lot
1. Limitations: No use of a nonconforming lot shall be expanded or enlarged.
 2. Discontinuance: If the use or structure on a nonconforming lot is discontinued for 12 consecutive months, any further use of the lot shall conform to the regulations of the zone in which it is located unless otherwise specifically stated.

5. Organization and Appeals,

5.1. Duties of the Planning Commission

- a) The Saratoga Planning Commission shall consist of five members plus one alternate member who shall be town residents appointed for three-year terms by the town chairman, subject to Town Board confirmation. Terms of members and alternate expire on April 30 of the designated year.
- b) An alternate shall be appointed for a three-year term by the Town Chairman, subject to Town Board confirmation. The alternate shall attend meetings as a voting member whenever one of the members is unable to attend. The alternate, when attending as a voting member, shall be paid the same compensation as provided members.
- c) A Town Supervisor shall be designated by the Town Chairman, subject to Town Board confirmation, as a liaison between the commission and the Town Board. This town supervisor may participate fully in commission meetings except that he/she shall have no vote on the commission.

- d) A chairman shall be elected by the commissioners in May of each year, subject to Town Board confirmation. In the temporary absence of the chairman, the commissioners shall elect a temporary chairman.
- e) The commission secretary shall be appointed by the commission as permanent or temporary secretary. The secretary, upon consultation with the commission chairman, shall prepare and distribute agendas; shall record meeting minutes, which shall show the vote of each member upon each question, and shall perform such other duties as the commission and this ordinance direct.
- f) The commission shall have such duties and powers as provide by Wisconsin Statutes, this ordinance and as directed by the Town Board.
- g) The commission may adopt such rules and procedures as are necessary for the effective conduct of its business. All meetings of the commission shall be open to the public unless specifically allowed to be closed by Wis. Statutes.
- h) The Town Board and other public bodies and officers of the town shall refer to the commission for its consideration, action or recommendations the location and design of public buildings, roads, public utilities and similar items as enumerated by Wis. Statutes and town ordinances as well as planning and zoning matters and adoption of the charges to the Official Map.

5.2. Meetings of the Plan Commission

- a) Meetings of the Plan Commission shall be held at the call of the Chairman and at such other times as the Town Board may determine. All meetings shall be open to the public.
- b) The Plan Commission shall keep minutes of its proceedings. Minutes of each meeting, along with any recommendations for Town Board action shall be forwarded to the Town Clerk in a timely manner so the Town Board can accept the minutes at their next regular meeting and if necessary, take action on recommendations from the Plan Commission.

6. Residential Zoning Districts

6.1. Suburban Residential District (SR-1)

- a) Permitted Uses
 1. One dwelling per lot, whether single family or duplex
 2. One private garage for each residential parcel
 3. Accessory buildings
 4. Uses customarily incident of any of the above uses; provided that no such use generates traffic or noise that creates a public or private nuisance
- b) Conditional Uses
 1. Customary home occupations
 2. Libraries, museums, and art galleries
 3. Hospitals and clinics
 4. Colleges and vocational schools
 5. Telephone buildings, excepting service garages and storage yards
 6. Microwave radio relay structures, television transmission towers, and cell phone towers

- 7. Manufactures homes (mobile homes) are allowed only within a manufactures home subdivision as defined in this ordinance, authorized by the Town of Saratoga, provided that such use shall conform to all ordinances of the Town, County, and State
- 8. Graded schools
- 9. Churches and their affiliated uses
- 10. Cemeteries of one acre or less located adjacent to a church.
- 11. Conservation Subdivision Development.

c) SR District Standards

- 1. Maximum building height ----- 35 ft
- 2. Maximum front yard setback:
 - Principal Building ----- 30 ft adjacent to town road
 - 50 ft. adjacent to county or state highways
 - Accessory Building ----- Same as principal building
- 3. Minimum rear yard setback:
 - Principal Building ----- 25 ft
 - Accessory Building ----- 9 ft
- 4. Minimum side yard setback:
 - Principal Building ----- 9 ft from adjoining lot or 30 ft from adjacent town road 50 ft from county or state highway
 - Accessory Building ----- Same as principal building
- 5. Minimum Average Lot Width ----- 100 ft
- 6. Minimum lot area ----- 43,560 sq. ft. minus road R.O.W.
- 7. Off-street parking:
 - One and two family residence ----- 1 space per family
 - Place of public gathering ----- 1 space per 5 person capacity
- 8. Maximum lot coverage:
 - Principal building ----- 30%
 - Accessory building ----- 5%

6.2. Rural Residential District (RR-1)

a) Permitted Uses

- 1. One dwelling per lot, whether single family or duplex
- 2. Two private garages for each residential parcel, one of which may be attached to the principal residence.
- 3. Accessory buildings.

- 4. Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create a public or private nuisance..

b) Conditional Uses

- 1. Customary home occupations.
- 2. Libraries, museums, and art galleries.
- 3. Hospitals and clinics
- 4. Colleges and vocational schools.
- 5. Telephone buildings, excepting service garages and storage yards.
- 6. Microwave radio relay structures, television transmission towers, and cell phone towers.
- 7. Funeral homes.
- 8. Manufactures homes (mobile homes) are allowed only within a manufactures home subdivision as defined in this ordinance, authorized by the Town of Saratoga, provided that such use shall conform to all ordinances of the Town, County, and State.
- 9. Graded Schools.
- 10. Churches and their affiliated uses.
- 11. Cemeteries of one acre or less, located adjacent to a church.
- 12. Public buildings, except sewage plants, garbage incinerators, warehouses, garages, shops and storage yards.
- 13. Accessory buildings exceeding 200 sq. ft. in area, constructed as pole buildings, or having exteriors of corrugated steel or aluminum.
- 14. Kennels as defined in this ordinance.
- 15. Conservation Subdivision Development.
- 16. Other similar and compatible uses in accord with the purpose of this district as determined by the Planning Commission to be in accord with the purpose of this ordinance.

c) RR District Standards

- 1. Maximum building height:
 - Principal building ----- 35 ft.
 - Accessory building ----- 20 ft
- 2. Minimum front yard setback
 - Principal Building ----- 30 ft adjacent to town road
50 ft adjacent to county or state highways
 - Accessory Buildings ----- Same as principal building
- 3. Minimum rear yard setback:
 - Principal buildings ----- 25 ft
 - Accessory buildings ----- 9 ft

4. Minimum side yard setback:
 - Principal buildings ----- 9 ft. from adjoining lot or
30 ft from adjacent town road
or 50 ft from county or state
highway.
 - Accessory buildings ----- Same as principal building
5. Minimum average lot width ----- 43,560 sq. ft. minus road
R.O.W.
6. Off-street parking:
 - One and two-family residence ----- 1 space per family
 - Place of public gathering ----- 1 space per 5 person capacity
7. Maximum lot coverage:
 - Principal building ----- 30%
 - Accessory buildings ----- 5%
8. Outside storage: On any parcel on which a garage or other accessory use or building has been established and the principal use has not yet been established, no outside storage of any kind is allowed.

6.3. Planned Unit Development Districts

a)

7. Commercial Zoning Districts

7.1. General Commercial

a) Permitted Uses

1. Department, variety and specialty merchandise stores, (retail and wholesale).
2. General grocery and specialty foods establishments.
3. Restaurants and supper clubs.
4. Business and professional offices and studios.
5. Personal service establishments (i.e. barbershops, beauty salons, etc).
6. Retail laundry and dry cleaning outlets.
7. Hotels and motels.
8. Government buildings (i.e. fire stations, police stations, administrative buildings, etc.).
9. Liquor stores, tavern and bars.
10. Banks and financial institutions.
11. Convenience stores or automobile service stations.
12. Automobile repair shops, including shops for general mechanical repairs, specialty repairs, automobile body repair, and tire repair; excluding tire rebuilding, retreading, recapping, vulcanizing or manufacturing.
13. Carwashes

14. Motor vehicle sales and service, recreation vehicle sales and service, small engine and equipment sales and service, and farm implement sales and service establishments.
 15. Establishments engaged in the retail sale, rental or leasing of utility trailers, truck trailers, mobile homes, or campers.
 16. Establishments for the sale or storage of lumber or other building materials.
 17. Greenhouses and nurseries.
 18. Bowling alleys, skating rinks, golf driving ranges and associated activities.
 19. Storage rental units (indoor storage only).
 20. Other similar and compatible uses which are determined by the Planning Commission to be in accord with the purpose of this ordinance.
- b) Conditional Uses
1. Licensed junkyards
 2. Riding stables
 3. Warehouses.
 4. Circuses, carnivals, musical or theatrical performances or any other similar public functions which customarily are held in temporary structures or in the open air, and for which admission is required or a collection is taken.
 5. Residential buildings.
 6. Microwave radio relay structures, television transmission towers and cell phone towers.
- c) Commercial District Standards
1. Maximum building height 45 ft.
 2. Minimum front yard setback 30 ft
 3. Minimum side yard setback:

Adjacent to street	15 ft
Adjacent to commercial property	15 ft
 4. Minimum rear yard setback:

Principal buildings	25 ft
Accessory buildings	12 ft
 5. Minimum side yard setback adjacent to Residential Districts:

Firewall construction	25 ft
Non-firewall construction	45 ft
 6. Off-Street Parking:

Principal building	1 space per 325 sq. ft. of total floor area.
Places of public gathering	1 space per 5 person capacity.
 7. Truck unloading area sufficient space without blocking any street, alley, or highway; no unloading on any state highway or within the right-of-way thereof.