

CITY OF VERONA, WI

ZONING & SIGN ORDINANCE

May 2021

DRAFT FOR REVIEW ONLY

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Article One – General Provisions

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1-1 - Title

This Chapter shall be known, cited and referred to as the City of Verona Zoning Ordinance except as referred to herein, where it shall be known as "this Chapter".

1-2 - Authority

This Chapter is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all-inclusive and shall in no manner be construed to limit the application or interpretation of this Chapter.

1-3 - Legislative Intent

In enacting this Chapter, special attention has been given to ensuring a direct relationship of these regulations to the City of Verona's Comprehensive Master Plan. The general intent of this Chapter is to implement certain goals and objectives of the Comprehensive Master Plan which are best addressed through zoning approaches, as enabled by State of Wisconsin Statutes.

1-4 - Rationale and Appearance of Ordinance Text

- (a) **Rationale.** Throughout this Chapter, paragraphs labeled Rationale are included to ensure a complete understanding of the purpose and reasoning of the City in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section is not intended to be exhaustive, and other nonexplicit rationale may also be applicable. These paragraphs have been legislatively adopted together with the more formal text of this Chapter and shall be treated in the same manner as other aspects of legislative history.
- (b) **Appearance of Ordinance Text.** The underlined, boldfaced, italicized, alternative point-sized, and/or capitalized typefaces used in this Chapter are inserted only for convenience, and are in no way to be construed as part of the provisions of this Chapter or as a limitation on the scope of the particular sections or subsections to which they refer.

1-5 - Purpose

- (a) **General Purpose.** The overall purpose of this Chapter is to implement the City of Verona Comprehensive Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes.
- (b) **Public Purposes.** This Chapter is designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in Sec. 157.70(1), Wis. Stats. Specifically, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Master Plan. Additional purposes of this Chapter are specified throughout this Chapter.
- (c) **Rationale.** In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Official Zoning Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plan, and related long-range planning policies and programs.

1-6 - Separability and Nonliability

It is hereby declared to be the intention of the Common Council that the several provisions of this Chapter are separable in accordance with the following:

- (a) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgement shall not affect any other provisions of this Chapter not specifically included in said judgement.
- (b) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, other structure, such judgement shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgement.
- (c) If any requirement or limitation which is attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
- (d) The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Common Council, its agencies, or employees for any flood damages, sanitation problems, or structural damages,.

1-7 - Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

1-8 - Application

- (a) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Verona.
- (b) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive, or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (c) No structure shall be constructed, erected, modified, converted, enlarged, reconstructed, altered, placed or maintained, and no land shall be used, modified, or maintained for any purpose nor in any manner which is not in conformity with the provisions of this Chapter.
- (d) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 8-14), Nonconforming Developments (Section 8-15), Substandard Lots (Section 4-1), and Nonconforming Structures and Buildings (Section 8-15), no building, structure, development or premises shall be used or occupied and no applicable permit granted that does not conform to the requirements of this Chapter.
- (e) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used, unless otherwise provided for in this Chapter.
- (f) No yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot, except for outlots authorized under the City's Land Division Regulations to contain permanently protected green space area.

1-9 - Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the City of Verona.

1-10 - Re-Enactment and Repeal

- (a) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Code", Title 13, Chapter 1 of the Code of Ordinances for the City of Verona, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued in accordance with those provisions are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (b) All provisions of Title 13, Chapter 1 of the City of Verona Code of Ordinances which are not re-enacted in this Chapter are repealed as a result of the adoption of this Chapter.
- (c) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Ordinance was in effect.
- (d) The adoption of this Chapter shall not be construed to repeal any existing and valid planned development ordinance governing a property within the Legacy Planned Development District or Planned Development Overlay District as provided for in Article 3.

1-11 - Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one (1) year after the effective date of this Chapter. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map, which was [Insert Adoption Date Here].

1-11 - Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one (1) year after the effective date of this Chapter. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map, which was [Insert Adoption Date Here].