

ORDINANCE NO. 2016-\_\_\_\_\_

**AN ORDINANCE TO RETITLE CHAPTER 15 AND TO CREATE SECTION 15.02 OF CHAPTER 15 OF THE MUNICIPAL CODE OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, RELATING TO ESTABLISHING REGULATIONS RELEVANT TO BUILDING SETBACK REQUIREMENTS AND TO PROVIDE PENALTIES FOR VIOLATIONS THEREOF**

WHEREAS, the Village Board of the Village of Bagley deems it to be in the best interest of the Village to protect the public health, safety and general welfare of residents by establishing setback regulations; and

WHEREAS, the Village is authorized under Wis. Stat. sec. 61.34 to establish such an ordinance;

**NOW, THEREFORE, THE VILLAGE BOARD OF THE VILLAGE OF BAGLEY, GRANT COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:**

**Section I:** Chapter 15 of the Municipal Code of the Village of Bagley shall be and hereby is retitled from “Uniform Dwelling Code” to “Uniform Dwelling Code and Building Regulation.”

**Section II:** Section 15.02 of the Municipal Code of the Village of Bagley shall be and hereby is created to read as follows:

“15.02 SETBACK REQUIREMENTS

(1) Definitions.

(a) “Setbacks” refer to the required unoccupied open space between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Required setbacks shall be unobstructed from the ground to the sky except as specified in this section.

(b) “Structure” means anything constructed or made, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground.

(2) Required Setbacks. The setbacks for each lot or parcel of land within the Village shall be as follows:

(a) Front Setback. No structure shall be nearer than ten (10) feet from the road right-of-way.

(b) Side Setback. No structure shall be nearer than three (3) feet of a side property line except in the case of a corner lot where the side yard on the street side shall not be less than the setback required for the front setback.

(c) **Rear Setback.** No structure shall be nearer than five (5) feet from the rear property line.

(3) **Features Allowed Within Setbacks.** The following structures and features may be located within required setbacks:

(a) Trees, shrubbery or other features of natural growth provided that they do not obstruct vehicular sight distances;

(b) Open ornamental fences, hedges or landscape architectural features;

(c) Fences or lattice-work screens or walls not more than six and one-half (6½) feet in height, or hedges or thick growth of shrubs, maintained so as not to exceed such height, in any required side or rear yard, provided they do not extend closer to a street than the buildable area of the lot. Barbed wire and razor edge are not permitted.

(d) Railings not more than three and one-half (3½) feet in height constructed on any balcony, stairway, porch or landing platform;

(e) Driveways and sidewalks;

(f) Bay windows, architectural design embellishments, and cantilevered floor areas of dwellings that do not project more than one (1) foot into the required setback;

(g) Eaves that do not project more than one (1) foot into the required setback;

(h) Utility lines, wires and associated structures, such as power poles;

(i) Retaining walls, provided that they do not obstruct vehicular sight lines;

(j) Access ramps or lifts for people with disabilities.

(4) **Waiver Authority.** The Village Board may grant waivers from the requirements of this ordinance when the Board determines that the following standards are satisfied in the circumstances of each specified case:

(a) Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape or topographical conditions of the parcel of property involved, as distinguished from a mere inconvenience or economic hardship.

(b) The variance/waiver may be granted without detriment to the public safety, health, or general welfare, or damage to other property.

(c) The ordinance requirement at issue is not applicable to the specific situation presented; or, the purpose is applicable but may be served even if a waiver is granted.

(d) The conditions upon which the request for waiver is based are unique to the subject property.

(e) Approval of a waiver will not in any manner result in a violation of any other ordinance, or any other requirement of law.

(f) The conditions providing support for the waiver were not created by the applicant or the applicant's predecessors in title.

(5) Waiver Procedure. A written request for a waiver must be submitted to the Village. Once a request has been received, the Village Board shall set the request to be heard at a regular or special meeting of the Board and shall notify the applicant of the date and time of the same. The Board may, in its discretion, notify adjoining property owners of the date and time of the meeting at which the waiver request will be heard. Applicant need not be present at meeting to have the waiver request considered.

(6) Penalty. Any person, firm, or corporation who violates this section shall be subject to a forfeiture of not less than \$25.00 nor more than \$100.00. The bond amount shall be \$30.00 for a first offense and \$50.00 for the second and each subsequent offense. Each day a violation exists shall constitute a separate offense.

**Section III:** This ordinance shall take effect January 1, 2017.

Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2016.

\_\_\_\_\_  
David Schott, Village President

COUNTERSIGNED:

\_\_\_\_\_  
Amber Martin, Village Clerk

Date adopted: \_\_\_\_\_

Date recorded: \_\_\_\_\_

Date posted: \_\_\_\_\_

Date affidavit filed: \_\_\_\_\_

Effective date: \_\_\_\_\_