

ORDINANCE NO. 2020.11-23

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF CHAPTER 490 OF MUNICIPAL CODE OF THE VILLAGE OF SALEM LAKES RELATING TO FOUNDATION SURVEY REQUIREMENTS; SOUND LIMITATIONS FOR OUTDOOR RECREATION AND ENTERTAINMENT; SWIMMING POOL PERMITS AND LOCATION; AND RECORDING OF CONDITIONAL USE PERMITS.

The Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin, does hereby ordain as follows:

SECTION 1. Purpose. The purpose of this ordinance is to amend certain provisions of the Municipal Code applicable to:

- A. Foundation survey requirements;
- B. Sound volume limitations for businesses in B-2 and B-3 districts having outdoor live music or speakers;
- C. Seasonal swimming pool installation permits;
- D. Swimming pool setbacks from property lines and structures intended for human habitation;
- E. Required recording of conditional use permits.

SECTION 2. Section 490-3.4 A. Amended. Section 490-3.4 A. of the Salem Lakes Municipal Code is amended to provide as follows:

§ 490-3.4. Foundation survey requirements.

- A. Except as provided for in Subsections B and C, any person erecting, moving, enlarging or reconstructing a structure which, under this chapter, requires a zoning permit shall, upon completion of the construction of footings, concrete slab or other foundations, submit to the Planning and Development Administrator either i) a survey prepared by a professional land surveyor, showing the locations, boundaries, dimensions, elevations and size of the following: the boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines or 2) other map drawn to scale and approved by the Planning and Development Administrator containing such information together with an executed "Waiver of Liability of Foundation Survey" as provided in Subsection C. The Planning and Development Administrator shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. No further construction may commence unless the Planning and Development Administrator shall find, based upon the information submitted on behalf of the permit holder, that the foundation location is consistent with the permit

as issued. Failure to comply with the requirements of this section shall be grounds for the issuance of a citation pursuant to § 490-36.3 of this chapter and attendant penalties.

SECTION 3. Section 490-33.8 B. (122) Amended. Section 490-33.8 B. (122) of the Salem Lakes Municipal Code is amended to provide as follows:

490-33.8 B.

(122) Restaurants, bars and taverns with outdoor dining, recreation and entertainment in the B-2 and B-3 Districts.

- (a) A site plan shall be submitted, showing all proposed outdoor use areas, including parking, landscaping and the location of existing structures.
- (b) Hours of use may be limited to prevent disturbance to abutting property owners.
- (c) Lighting may be limited to prevent disturbance to abutting property owners.
- (d) Any outside music speakers or live music shall comply with applicable Village ordinances, including, but not limited to, § 490-10.8.
- (e) Any approval granted must be in conformance with the restrictions of the liquor license issued for the establishment.

SECTION 4. Section 490-14.3 Amended. Section 490-14.3 of the Salem Lakes Municipal Code is amended to provide as follows:

§ 490-14.3 Permit required.

A. It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private residential swimming pool and accessories thereto within the Village unless permits therefor shall have first been obtained from the Planning and Development Administrator.

B. Any permit issued for the installation of any private residential swimming pool installed on a seasonal basis shall be valid for installation of such a pool in subsequent years, provided such installation strictly complies with all of the provisions of this section as authorized by the original permit.

SECTION 5. Section 490-14.5 Amended. Section 490-14.5 of the Salem Lakes Municipal Code is amended to provide as follows:

§ 490-14.5. Location. Swimming pools and spas shall only be installed in the rear yard of a premises. In the case of a double frontage lot, swimming pools and spas may be installed in the secondary street yard of the premises so long as the required minimum street yard setback is maintained. No portion of a swimming pool or spa outside a building, including a surrounding deck and fence, pumps, filters, and related pool equipment, shall be located at a distance of less than eight feet from any side or rear property line. No swimming pool or spa shall be located at a distance of less than eight feet from an entrance to any structure intended for human habitation. Any swimming pool or spa shall also comply with any and all state or local regulations with respect to the distances from an on-site sewage disposal absorption system and private well.

SECTION 6. Section 490-33.5 J. Amended. Section 490-33.5 J. of the Salem Lakes Municipal Code is amended to provide as follows:

§ 490-33.5. Review and approval.

J. Any conditional use permit granted by the Commission shall not be valid unless recorded by the applicant in the office of the Kenosha County Register of Deeds within thirty (30) days after the issuance of the permit. Any recording fees shall be paid by the applicant. In addition, the Planning and Development Administrator shall keep a record and/or map of all such conditional uses and permits, which shall be open to the public.

SECTION 7. Severability. Each section, subsection, paragraph, sentence, clause, phrase and provision of the foregoing ordinance is and the same is hereby declared to be severable and if any portion or provision thereof is duly determined to be invalid for any reason, such determination shall not invalidate any other portion or provision thereof.

SECTION 8. Effective Date. This ordinance shall take effect and be enforced from and after publication and posting as required by law.

Adopted by the Village Board of the Village of Salem Lakes, Kenosha County, Wisconsin, this 9th day of November, 2020.



Diann Tesar, President

Attest:



Shannon Hahn, Clerk

Voted Aye

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Voted Nay

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Abstain

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Absent

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