

## CHAPTER 22

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**22.01 Authority.** These regulations are adopted under the authority granted by § 236.45 of the Wisconsin Statutes, and pursuant to §§ 59.69, 281.31 and 281.33 of the Wisconsin Statutes.

**22.02 Purpose and Intent.** The purpose of this ordinance is to promote the public health, safety and general welfare of the County, and to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision for transportation, water, sewerage, energy and communications facilities, surface drainage, schools, parks, playgrounds and

other public requirements; to facilitate the further re-subdivision of larger parcels into smaller parcels of land.

**22.03 Severability.** If any section, provision or portion of this ordinance is adjudged invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

**22.04 Repeal.** All other ordinances or parts of ordinances of Sauk County inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

**22.05 Title.** This ordinance shall be entitled the "*Land Division and Subdivision Regulations, Sauk County, Wisconsin.*"

**22.06 Effective Date.** This ordinance shall be effective upon passage and publication.

**22.07 Definitions.** For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

(1) **AGENCY.** The Sauk County Public and Environmental Health Planning, Zoning and Land Records Committee.

(2) **AGRICULTURAL PRESERVATION PLAN.** Plans developed and adopted by Sauk County and certified by the Wisconsin Land and Water Conservation Board as meeting the standards of Wis. Stat. Chapter 91, to protect agricultural lands through Farmland Preservation Agreements and Exclusive Agriculture zoning, and to enable farmland owners to be eligible for farmland preservation tax credits.

(3) **CERTIFIED SURVEY MAP.** A map of land division, not a subdivision, prepared in accordance with Wis. Stat. § 236.34 Stats., and in full compliance with the applicable provisions of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat.

(4) **CLUSTER DEVELOPMENT.** A PUD that concentrates buildings or lots on a parcel to allow the remaining lands to be preserved as open space for agricultural, recreational, and environmental resource protection and other open space uses. A Cluster Development is further defined as the creation of not more than three (3) lots in a five (5) year period on a parcel, or as provided in an applicable comprehensive plan(s) or the provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive. A Cluster Development is inclusive of a PUD Development Area and a PUD Preservation Area.

(5) **COMMON ELEMENT.** All real property set aside under common ownership for the future use and enjoyment of residents of a

condominium or conservation subdivision, including, but not limited to: buildings, open space, private streets, parking areas, walkways, recreation areas, drainage easements, and utilities that serve more than one unit, such as sewerage and water supply facilities.

(6) **CONDOMINIUM.** Individual ownership of a structure or a unit in multi-unit structure located on a commonly held parcel of land organized under Chapter 703, Wisconsin Statutes, buildings in a condominium shall meet the density and location requirements of the zoning district in which they are located and must follow the review process requirements of §§ 22.23, 22.24, 22.32, and 22.33 of the Sauk County Code of Ordinances.

(7) **COMPREHENSIVE PLAN.** A community plan which has been developed and adopted in accordance with Wis. Stat. §§ 59.69(2) or (3), 60.22(3), 62.23(2) or (3), or 66.1001.

(8) **CONSERVATION SUBDIVISION.** A PUD housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible. A Conservation Subdivision shall be further defined as the creation of four (4) lots or more in a five (5) year period on a parcel or as further defined in the applicable comprehensive plan(s).

(9) **DENSITY CREDIT.** A point system utilized as part of the application of a PUD Cluster Development or Conservation Subdivision derived by assigning a value of one (1) credit to each lot that can be created, as determined by the applicable zoning district's minimum lot size or comprehensive plan(s), whichever is more restrictive, and rounded down to the nearest whole number.

(10) **DENSITY POLICY.** A ratio describing the net acreage required to establish a lot or dwelling unit on a given parcel of land as permitted by the applicable zoning district in which the parcel lies as well as the applicable comprehensive plan(s) or provisions set forth in the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(11) **DEPARTMENT.** Sauk County Department of Planning and Zoning.

~~(4)~~(12) DEVELOPMENT PLAN. A general site analysis for a subdivision or for a Planned Unit Development pursuant to Section 22.71 and its environs identifying and analyzing the natural and cultural features of the area. A development plan is required for Class III subdivisions, and is recommended for all other subdivisions.

(13) DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living sleeping, eating, cooking, and sanitation.

~~(5)~~(14) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within three (3) miles of the city limits of a city of the first, second or third class, if said city has a subdivision ordinance or official map, or within one and one-half (1½) miles of the corporate limits of a city of the fourth class or a village, if said city or village has a subdivision ordinance or official map.

(15) FARMLAND PRESERVATION AGREEMENT. A Farmland Preservation Agreement shall have the same meaning as defined in Wis. Stat. § 91.01(7).

~~(6)~~(16) LAND DIVISION. Any division of a parcel of land where the act of division creates a new lot of less than 40 contiguous acres, excluding one quarter (1/4) of one quarter (1/4) section parcels as defined by the original Public Land Survey System.

~~(7)~~(17) LOT. A parcel of land occupied by or designed to provide space necessary for one main building and its accessory buildings or uses that abuts a publicly dedicated street. A lot shall be created by a subdivision plat, or certified survey map, or a parcel described in a conveyance recorded with the Sauk County Register of Deeds, which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. No land included in any street, highway, or railroad right-of-way shall be included when computing the area for minimum lot sizes. No street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

~~(7a)~~(18) LOT OF RECORD. A land area designated in a subdivision plat, plat of survey, or certified survey map, or described in a conveyance recorded in the Sauk County Register of Deeds office which complied with zoning laws in existence when the property was originally divided and/or recorded but which no longer complies with the current minimum land area within the applicable zoning district. Such land area shall be occupied by or designed to provide space necessary for one main building and its accessory buildings or uses.

~~(8)~~(19) MASTER PLAN. A plan for guiding and shaping the growth or development of Sauk County or of a community or area in Sauk County which has been adopted by a governmental unit of Sauk County, and whose preparation is authorized by the Wisconsin Statutes.

~~(9)~~(20) NAVIGABLE WATERS. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under § 281.31(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under § 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:

(a) Such lands are not adjacent to a natural navigable stream or river.

(b) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and

(c) Such lands are maintained in nonstructural agricultural use.

(d) Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis (*Muench v. Public Service Commission*, 261 Wis. 492 Wis. (1952) and *DeGayner and Co., Inc., v. Department of Natural Resources*, 70 Wis. 2d 936 (1974)). For example, a stream which is navigable by skiff or

canoe during normal spring high water is navigable, in fact, under the laws of this state though it may be dry during other seasons.

~~(10)~~ **(21)** OFFICIAL MAP. A map indicating the location, width, extent of existing and proposed streets, highways, parks and playgrounds adopted by a municipality in Sauk County in accordance with Wis. Stat. § 62.23 Stats.

~~(11)~~ **(22)** PARCEL. A contiguous quantity of land in the possession of an owner, single or common interest. No street, highway, easement, railroad right-of-way, river, stream or water body shall constitute a break in contiguity.

**(23)** PLANNED UNIT DEVELOPMENT (PUD). One or more lots or parcels of land to be developed as a single entity, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination thereof, but which still corresponds to the applicable zoning districts density and use requirements. For the purposes of this ordinance, the terms Planned Unit Development and PUD shall be interchangeable and have the same meaning.

~~(12)~~ **(24)** PLAT. A map of a subdivision.

**(25)** PRESERVATION AREA EASEMENT. A legal agreement recorded with the Sauk County Register of Deeds which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this ordinance said easement shall apply to PUD Preservation Areas as part of a PUD.

**(26)** PRINCIPAL CONSERVATION AREA. Areas identified as part of a PUD that contain productive agricultural or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance or State and Federal use restrictions, these areas shall be protected from residential development and shall include the following:

(a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin with a land capability class I that either currently is or could be used for

cropland in a contiguous quantity of 5 acres or more, regardless of ownership.

(b) Wetlands identified by the Wisconsin Wetland Inventory Map in accordance with Wis. Stat. § 23.32 and Section 8.10.

(c) Lakes, rivers, perennial and intermittent rivers or streams as identified on a USGS Map.

(d) Floodplains as identified by referring to the maps and studies identified within Section 9.03(2).

(e) Any historical or archaeological site listed on the Wisconsin Archaeological and Historic Resource Database (WisAHRD) by the Wisconsin Historical Society.

**(27)** PUD DEVELOPMENT AREA. Developed lands as part of a PUD application identified as the area to be improved so as to accommodate structural development and which includes roads and utilities, public or private, the area and number of lots permitted therein being calculated by the net acreage required for said improved area as expressed by the application of a density policy.

**(28)** PUD PRESERVATION AREA. Undeveloped lands as part of a PUD identified as the balance of lands remaining once PUD Development Areas are designated, the area of which is expressly calculated as the difference of lands remaining after the application of a density policy and further, that such lands are placed under a Preservation Area Easement.

**(29)** SECONDARY CONSERVATION AREA. Areas identified as part of a PUD that contain productive agriculture or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance, these areas shall be substantially protected from residential development, and shall include the following:

(a) Economically productive farmland as determined by the 1977 Sauk County Soil Survey with land capability classes II and III that either currently is or could be used for cropland in a contiguous quantity of 5 acres or more, regardless of ownership.

(b) Steep slopes in excess of 20 percent.

(c) Large contiguous blocks of forestry in excess of 40 acres.

(d) Other natural or cultural elements of the site identified for preservation or protection by the Sauk County Agricultural Preservation Plan, the Wisconsin Department of Natural Resources Natural Heritage Inventory and applicable comprehensive plan(s).

~~(13)~~ **(30)** SHORELAND AREA.

All lands lying within one thousand (1,000) feet of the normal, high water elevation of navigable lakes, ponds, or flowages, or within one thousand (1,000) feet of the high water mark of glacial potholes; all lands lying within three hundred (300) feet of the normal, high water mark of navigable streams, or within the flood plain thereof, whichever distance is greater. For the purposes of this ordinance, the term "navigable waters" applies to all nonintermittent streams and bodies of water indicated on the 7.5 minute series of the United States Geological Survey Quadrangles, and any other rivers, streams, lakes, ponds or flowages designated as navigable by the Wisconsin Department of Natural Resources.

~~(14)~~ **(31)** STREET. A public way or right-of-way for vehicular or pedestrian and vehicular traffic.

(a) Interstate Highways. U.S. Interstate Highway 90/94.

(b) Arterial Streets and Highways. Streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances between activity areas. Includes all Federal highways other than the interstate highway, all state and county highways, and designated township roads.

(c) Collector Streets. Streets which provide for moderate speed movement within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.

(d) Local Streets. Streets designed for low speeds and volumes which provide access from low traffic generating areas to collector and arterial streets.

(e) Marginal Access Streets. Streets which are parallel and adjacent to arterial streets and which provide access to abutting properties.

(f) Alleys. Streets which provide secondary means of access for vehicular services to the back or side of property otherwise abutting a street.

(g) Cul-de-sac Streets. Streets closed at one (1) end with turnarounds.

(h) Dead End Streets. Streets closed at one (1) end without turnarounds.

~~(15)~~ **(32)** SUBDIVIDER. A person, firm, corporation and/or their designated agent initiating the creation of a land division, ~~or subdivision or condominium plat.~~

~~(16)~~ **(33)** SUBDIVISION. The division of a lot, parcel, tract or one-quarter (1/4) of one-quarter (1/4) section by the owner thereof or their agent, for the purpose of transfer of ownership or building development, where the act of division creates four (4) or more lots, or where the act of division creates four (4) or more lots by successive division within a five (5) year period.

(a) Class I Subdivision. A subdivision which consists of fewer than ten (10) lots and includes all contiguous lands under one ownership.

(b) Class II Subdivision. A subdivision which consists of fewer than twenty-five (25) lots.

(c) Class III Subdivision. A subdivision which consists of twenty-five (25) or more lots.

**(34)** USE CONSISTENT WITH AGRICULTURAL USE. An activity that meets all of the following conditions: (a) The activity will not convert land that has been devoted primarily to agricultural use, (b) The activity will not limit the surrounding land's potential for agricultural use, (c) The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement, and (d) The activity will not conflict with agricultural operations on other properties.

~~(17)~~ **(35)** ZONING ADMINISTRATOR. ~~The Sauk County Planning and Zoning Administrator or any other staff members designated by the Administrator or Agency.~~ A public official charged with the administration, enforcement and interpretation of

the Sauk County Zoning Ordinance and the Land Division and Subdivision Regulations Ordinance. For the purposes of this ordinance, the terms Zoning Administrator and Building Inspector shall be interchangeable and have the same meaning.

## **GENERAL PROVISIONS**

**22.11 Jurisdiction in Unincorporated Areas.** The provisions of this ordinance shall apply in all unincorporated areas of Sauk County.

**22.12 Jurisdiction in Incorporated Areas.** The provisions of this ordinance shall apply in all incorporated areas which have, under Section 66.30 of the Wisconsin Statutes, entered into agreement with Sauk County for the cooperative exercise of the authority to approve plats of subdivisions.

**22.13 Compliance With Ordinances, Statutes, Regulations and Plans.** Any person, firm or corporation dividing land which results in a subdivision or a land division shall prepare a subdivision plat or a certified survey map in accordance with the requirements of this ordinance and;

(1) The provisions of Chapter 236, and Section 80.08, Wisconsin Statutes.

(2) The rules of the Department of ~~Industry, Labor and Human Relations~~ Commerce contained in ~~D.L.H.R.~~ COMM. 83, Wisconsin Administrative Code for subdivisions not served by public sewer.

(3) The rules of the Division of Highways, Wisconsin State Department of Transportation contained in Hwy. 33, Wisconsin Administrative Code for subdivisions which abut a state trunk highway or connecting street.

(4) The rules of the Wisconsin Department of Natural Resources contained in Chapter N.R.116, Wisconsin Administrative Code for Flood Plain Management Programs.

(5) County ordinances and regulations.

(6) Master plan or master plan component.

(7) The official map of any municipality or governmental unit having jurisdiction.

(8) The rules and by-laws of the State of Wisconsin Department of Regulation and Licensing.

**22.14 Access.** No lot, land division or parcel shall be created or sold unless it is accessible to a street. Every lot within a subdivision shall front on a publicly dedicated and improved street for a distance of at least forty (40) feet, provided that the lot width at the building setback line complies with the county zoning regulations. Every lot, parcel or tract not located within a subdivision shall front on a publicly dedicated street for at least forty (40) feet, unless a lesser frontage is approved in writing by the Agency. Lot frontage of less than forty (40) feet may be approved only where existing and potential ownership patterns make a larger frontage impractical or unnecessary.

**22.15 Dedication of Lands for Streets and Public Ways.** Whenever a parcel of land to be divided or sold as a subdivision or as a land division contains all or in part, a street, drainageway, or other public way, which has been designated in a master plan defined in this ordinance, or an official map adopted under ~~Wis. Stat. § Section 62.23 of the Wisconsin Statutes,~~ **Wis. Stat. §** said street or public way may be required to be platted and dedicated in the location and width indicated unless otherwise provided herein. Any street created for the purposes of this Section or Section 22.14 shall be made a part of a plat or certified survey, and dedicated to the public for street purposes. However, the dedication of street right-of-way shall not create a commitment on the part of any public agency to construct, improve or maintain any roadbed placed upon said right-of-way. Acceptance of any street, road or highway for maintenance purposes shall require compliance with the design and construction standards of this ordinance and those of the applicable highway maintenance authority. The width of any dedicated street shall be sixty-six (66) feet, unless a wider right-of-way is requested by the appropriate highway authority, in which case, the wider right-of-way shall be dedicated. Rights-of-way less than sixty-six (66) feet wide are prohibited, except as approved in writing by the

Agency and the town upon their finding that a wider right-of-way is unnecessary or impractical to achieve.

**22.16 Dedication of Lands for Parks, Playgrounds, Open Space Natural Areas and/or Other Facilities.** ~~Whenever a lot is to be created a dedication of lands for park, playground or natural area purposes shall be made, or at the Agency's option a payment in lieu of dedication shall be made. Dedications and payments in lieu of dedication shall be made according to the following procedure:~~

For lots created under the provisions of this ordinance, a dedication of lands for parks, playgrounds, open space or other facilities shall be made, or at the Agency's option, a payment in lieu of dedication shall be made. Dedications and payments in lieu of dedication shall be made according to the following procedure:

~~(1) Dedications. The subdivider shall dedicate an area equal to five percent (5%) of the area shown on any new preliminary plat, final plat or certified survey map for park, playground or natural area purposes, provided that said dedication is acceptable to the Agency. Ownership of lands to be dedicated shall be transferred to Sauk County, or the township or incorporated municipality in which the subdivision is located at the time of approval of the first, final plat of the subdivision by means of a warranty deed free and clear of all encumbrances and restrictions. The unit of government to receive title shall be designated by the Agency.~~

(1) Dedications.

(a) The subdivider shall dedicate an area equal to five percent (5%) of the total area shown on any plat or certified survey map; or an area as specified by a Conservation Subdivision under Section 22.71 for park, playground or open space purposes. This dedication shall not include required improvements or streets, provided that such dedication is acceptable to the Agency.

(b) Ownership of lands to be dedicated. The following methods may be used, either singly or in combination, for ownership of parks, playgrounds, open space, or other common facilities which have been dedicated at the time of approval of a final plat or certified survey map.

These dedications shall not be transferred to another entity except in compliance with this subsection. Documentation of the proposed ownership arrangement for the dedicated lands shall accompany the plat or certified survey map, including any draft contracts, articles of incorporation, by-laws, etc. The following forms of ownership are acceptable:

1. Homeowners Association. Parks, playgrounds, open space, and other facilities shall be held in common ownership and governed by the association. This ownership shall be comprised of an undivided fractional interest by each residential landowner with an easement granted to the association. The association shall be responsible for the maintenance and insurance of all parks, playgrounds, open space, and common facilities and the costs thereof.

2. Condominium Agreements. Parks, playgrounds, open space, and facilities shall be held in common ownership by property owners of the development through the use of condominium agreements. The requirements of such agreements shall be reviewed for conformance with Wis. Stat. Chapter 703. All parks, playgrounds, open space and other facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. An association of unit owners shall be formed to govern the affairs of the condominium and membership shall be mandatory. The applicant shall provide all documents necessary to establish a condominium association and all documents governing maintenance requirements and use restrictions for common facilities and open spaces to the Agency for review and approval.

3. Ownership retained by original landowner. Parks, playgrounds, open space, and other facilities resulting from a plat or Conservation Subdivision may be retained by the original landowner. Any resident access limitation can include retaining ownership and exclusive use of the PUD Preservation Area for agriculture or other open space purposes by the original landowner. Ownership may be transferred to another person or entity in compliance with this subsection and the Preservation Area Easement.

4. Fee simple conveyance to a public entity. Fee simple conveyance free and clear of all

encumbrances and restrictions to the County, town or other public agency or utility deemed to be acceptable by the Agency through a warranty deed or other acceptable method as determined by the Sauk County Corporation Counsel. There shall be no cost of acquisition to the County, town or other agency or utility.

5. Fee simple conveyance to a private organization. Fee simple conveyance to a private organization deemed to be acceptable by the Agency through a warranty deed or other acceptable method as determined by the Sauk County Corporation Counsel. This method of conveyance must contain appropriate provisions for proper reversion or retransfer of said lands or facilities to one of the other entities outlined within this subsection in the event that the organization becomes unwilling or unable to continue ownership.

(c) Conveyance of a Preservation Area Easement to the County and town as part of a PUD under Section 22.71. Land preserved as a PUD Preservation Area under Section 22.71 shall be accomplished through the conveyance of a Preservation Area Easement. There shall be no cost of acquisition to the County and town for said easement. As further defined in Section 22.71, the Preservation Area Easement benefits and binds all occupants, lessees, owners, heirs and assigns of the PUD Preservation Area.

(d) Management Plan. To ensure adequate operation and maintenance of parks, playgrounds, open space, and other facilities, including stormwater management facilities, a management plan shall be prepared and submitted at the time of application for approval of a Certified Survey Map or Plat by the Agency. The management plan shall:

1. Define ownership.
2. Define the use.
3. Establish necessary operation and maintenance responsibilities.
4. Estimate service contract needs, insurance requirements, and other associated costs and define the means for funding.

5. Include a stormwater management plan.

6. Include a section specifically focusing on the long-term management of the PUD Preservation Area.

7. Include provisions for cutting of trees, grading, removal of topsoil, or alterations to watercourses and waterbodies.

(e) At the Agency's discretion, the applicant may be required to provide a performance bond, letter of credit or escrow sufficient funds for the maintenance and operation costs of parks, playgrounds, open space and common facilities for a period of one year.

(f) Modification of the management plan after final plat approval may be allowed with approval of the Agency.

(g) Management plans and subsequent modifications shall be recorded with the Sauk County Register of Deeds.

(2) Payment in lieu of dedication. Where the Agency determines that a dedication of land is inappropriate, a payment in lieu of dedication shall be made at the time of approval of all final plats and certified survey maps. Payment in lieu of dedication shall not be utilized as part of a PUD defined by this ordinance. The dedication fee shall be established by resolution of the County Board. Said payments are in addition to any other fees collected, and shall be deposited into a non-lapsing account to be used only for the purposes of land acquisition or improvements to parks, playgrounds or natural areas in Sauk County.

(3) Waiver of dedication and payments in lieu of dedication. The Agency may waive the aforementioned dedication and payment requirements for lots created solely for purposes of transfer of ownership where a residence or farmstead exists at the time the lot is created, the lot is certified as unbuildable on the plat or certified survey map and is to be used only for agricultural or other open space purposes, or the property is to be developed for public transportation or utility purposes.

### **22.17 Reservation of Lands for Parks, Playgrounds, School Sites or Public Sites.**

Whenever a lot is to be created which contains all or in part a site for a park, playground, school or other public use designated in an adopted public plan, and the area designated is in excess of the amount of land required to be dedicated in s. 22.16, the excess amount of land shall be reserved for public acquisition for a period of three



(3) years from the date of approval of the final plat, unless extended by mutual agreement between the Agency and the subdivider.

**22.18 Land Suitability.** No land shall be divided or subdivided for a use which is held unsuitable by the Agency for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or to the residents of Sauk County.

(1) Except as provided herein, the Agency shall determine land suitability at the time the preliminary plat, or first required submission, is considered for approval. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat or first required submission, the subdivider shall be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:

(a) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer, which accurately locates the proposed development with respect to flood plain zoning district limits if present, channel or stream fill limits and elevations, and flood proofing measures taken or proposed to be taken.

(b) Two (2) copies of a typical valley cross-section showing the channel of the stream, the flood plain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information.

(c) Two (2) copies of a profile showing the slope of the bottom of the channel or flow line of the stream.

(d) Such other data as may be required.

(2) When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Agency shall transmit to the Division of Water Regulation and Zoning, Wisconsin Department of Natural

Resources, one (1) set of the information required and shall request that agency to provide technical assistance in determining whether the land is suitable or unsuitable for the use and development proposed, or whether certain modifications, limitations, improvements, or other conditions of the development can overcome the land unsuitability.

(3) In applying the provisions of this section, the Agency shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for the intended use or development and afford the subdivider an opportunity to present evidence and the means of overcoming such unsuitability, if he so desires. Thereafter, the Agency may affirm, modify or withdraw its determination of unsuitability.

(4) Where a proposed subdivision is located wholly or partly in an area where flooding or potential flooding may be a hazard, the Agency shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.

(a) The development shall be in accordance with flood plain management standards of the Division of Water Regulation and Zoning, Wisconsin Department of Natural Resources.

(b) Building sites must be filled to a height and area sufficient to provide protection from the regional flood as defined by and according to the standards of said Division of Water Regulation and Zoning.

(c) Development shall be carried out or assured so as to not have an adverse effect on flood flows or storage capacity standards of said Division of Water Regulation and Zoning.

(5) Unless specifically exempted from this requirement elsewhere in this ordinance, all subdivision proposals where private water and/or sewage disposal systems are to be used shall be accompanied by certifications and/or reports:

(a) Describing the probable depth, cost and yield of private wells. This report shall be based on competent scientific investigation and shall include the sources of all data used in the preparation of the report.

(b) Describing the soil conditions existing on the site as applicable to on-site waste disposal. A soils report shall accompany all subdivision proposals.

(6) The subdivider may, as a part of the pre-application procedures, request a determination of land suitability, providing that he shall provide all necessary maps, data and information for such a determination to be made.

**22.19 Exceptions.** The provisions of this ordinance shall not apply to transfer of interests in land by will or pursuant to court order; leases for a term not to exceed ten (10) years, mortgages or easements; or the sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the county zoning ordinance or other applicable laws or ordinances.

### PROCEDURE

**22.20 Pre-Application Procedure.** Prior to filing submitting an application for approval of a certified survey or, subdivision plat, or PUD, the subdivider and/or his agent shall consult with the staff of the Agency for advice and assistance for the purpose of reviewing the procedures and requirements of this ordinance and other ordinances, and any plans or data which may affect the proposed development.

**22.21 Condominium Plat Procedure. (1)**  
Review Procedure.

(a) A development plan shall be prepared in accordance with data submission requirements noted under Section 22.31 (1) through (5) and Section 22.71.

(a)(b) The review is to be completed within 10 working days after submission of the condominium instrument and provides that, if the review is not completed within this period, the condominium instrument is approved for recording.

(b)(c) Provides that a A condominium instrument may be rejected if it fails to comply with the applicable requirements of Wis. Stat. §§ 703.095, 703.11(2)(a), (c)(d) and (3), 703.275(5) and 703.28(1m) or if the surveyor's certificate under § 703.11(4) is not attached to or included in the condominium plat.

~~(c) If the person performing the review approves the condominium instrument requires the person to certify approval in writing, accompanied by his or her signature and title.~~

(d) Upon approval of the condominium instrument by staff of the Agency, the Department shall certify approval in writing, accompanied by his or her signature and title.

(2) Fee Procedure. The ~~Sauk County Department of Planning and Zoning~~ is hereby authorized to charge a fee that reflects the actual cost of performing this review.

**22.22 Development Plan Procedure. (1)**

A development plan is to be used for the purpose of generating information and to allow analysis of major developmental proposals. The general physical and cultural characteristics of the land on which development is proposed should be ascertained by the subdivider and the Agency before major resource commitments are made.

(2) A development plan shall be required of all Class II and III subdivisions, condominium plats and any PUD and is recommended for all Class I ~~and Class II~~ subdivisions.

(3) A required development plan shall be submitted at least thirty (30) days prior to the submission of a preliminary or final plat. Within the first ten (10) days after submission of the development plan, the Zoning Administrator may request additional relevant information or clarification of the submitted information. The aforementioned thirty (30) day period may, at the Zoning Administrator's option, be extended from the date of receipt of the requested supplemental information. A reproducible developmental plan, together with three (3) copies, shall be submitted to the ~~Sauk County Planning and Zoning Office~~ Department. A development plan review fee, as established by the Sauk County Board of Supervisors, shall also be submitted at the time of submission of the development plan. At a minimum, the review and comment procedure shall consist of:

(a) Preparation of a written report by the Zoning Administrator addressing any issues relevant to the development proposal and including any recommendations deemed appropriate. Copies

of the Administrator's report shall be forwarded to the subdivider, the Agency, and the town(s), village(s) and/or city(ies) directly affected by the proposed subdivision.

(b) All parties notified and any other interested parties may review and comment, in writing, or orally, on any development plan submitted and/or the Zoning Administrator's report. All written comments shall be forwarded to the Agency, and all parties who received the Zoning Administrator's report and any other parties commenting on said report shall be notified in writing of any public meeting at which the Agency will consider or discuss the proposed development plan.

(c) The Agency shall consider any development plan submitted to it at a minimum of one (1) public meeting. The Agency, after reviewing the development proposal and the resulting reports and comments, shall report their findings concerning the suitability and appropriateness of the development proposal to the subdivider, the affected town(s), village(s) and/or city(ies); and include a summary of the report in the minutes of the first regular meeting of the Agency following completion of the report. The Agency report shall not constitute approval or denial of a subdivision plat, nor shall it preclude submission of preliminary or final plats by the subdivider. However, the Agency shall consider the development plan and the comments generated when acting on any subsequent preliminary or final plat.

**22.23 Preliminary Plat Procedure. (1)**

A preliminary plat shall be required for all Class II and Class III subdivisions, and is recommended for all Class I subdivisions. No final plat shall be approved prior to the approval of required preliminary plat. The application for approval of a preliminary plat shall include all data required by this ordinance accompanied by one (1) reproducible and five (5) copies of the proposed preliminary plat.

(2) The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider unless a development plan has been filed, in which case, only that portion of the area

designated for development in the development plan need be included.

(3) The Agency shall forward copies of each preliminary plat submitted to all units of general purpose local government within one thousand (1,000) feet of the area shown in the preliminary plat; and within sixty (60) days from the date submitted, approve, approve conditionally or reject, the preliminary plat, based on its determination of conformance with the provisions of this ordinance.

**22.24 Final Plat Procedure.** Provided that all preliminary procedures have been completed, the subdivider may submit one (1) reproducible and ten (10) copies of the final plat. If the final plat meets the requirements of this ordinance, and other applicable statutes and ordinances, the Agency shall approve the final plat of the subdivision within forty (40) days from the date submitted. Town agency approval shall be required prior to final county approval, where applicable.

**22.25 Certified Survey Map Procedure.**

(1) No person, firm or corporation shall divide any land located within unincorporated Sauk County which shall result in a Cluster Development as defined under Section 22.07(4) or land division, as defined under § Section 22.07(16) of this ordinance without first filing for approval by the Agency and subsequently recording with the Sauk County Register of Deeds a certified survey map which complies fully with Wis. Stat. § 236.34, and with all applicable requirements contained within this ordinance.

(2) A certified survey map shall include all lots, parcels or building sites created by the a Cluster Development as defined under Section 22.07(4) or land division, as specified under § Section 22.07(16) of this ordinance and all remnants of the original parcel that meet the applicable zoning requirements and that are ten (10) acres or less in size.

(3) The Agency shall, within forty-five (45) calendar days, approve, approve conditionally, or reject the certified survey map, based on a determination of conformance with the provisions of this ordinance. Authority to approve

certified survey maps is hereby delegated by the Agency to the Zoning Administrator or appointee thereof. The decision of the Zoning Administrator or appointee thereof may be appealed to the Agency, in which case, the forty-five (45) calendar day approval period shall be extended. The Zoning Administrator shall ensure that any town board having jurisdiction over the land involved has had a copy of the certified survey map for at least forty (40) days. Said copy shall be forwarded to the Town Chairperson and Town Plan Commission where applicable. The Zoning Administrator shall review all comments made by the town agency within said forty-five (45) day period, failure of the town to comment shall be construed to indicate town approval. Within said forty (40) day period, the town should approve, conditionally approve or reject the certified survey map. Failure to submit written notification of town action or request one additional twenty (20) day review period to the Zoning Administrator within said forty (40) day period shall indicate town approval and may result in approval of the certified survey map by the Zoning Administrator or appointee thereof, provided the certified survey map meets all applicable county ordinances. The forty-five (45) calendar day approval period for the Agency may also be extended if the town submits a request for the one additional twenty (20) day review period and if the Agency's forty-five (45) day period would expire before the town has the opportunity to approve, conditionally approve, or reject the certified survey map. This extension will last as long as necessary to receive, review, and act upon the town's recommendation.

(4) The certified survey map shall be prepared by a registered land surveyor at a scale of not more than four hundred (400) feet to one (1) inch. The certified survey map shall include:

(a) The name and address of the individual dividing the lands.

(b) The date of the survey.

(c) A metes and bounds description referenced to a line and a corner of the U.S. Public Land Survey, or referenced to an adjoining recorded plat.

(d) The locations, rights-of-way widths and names of existing or proposed streets, alleys or other public ways; easements, and

railroad and utility rights-of-way included within or adjacent to the proposed land division.

(e) The area(s) of the parcel(s) being created in square feet and acres.

(f) The locations of existing property lines, buildings, drives, streams and water courses, lakes, marshes, and other significant features within the parcel(s) being created shall be shown.

(g) Utility easements and access restrictions, where applicable.

(h) The location of an existing on-site sewage disposal system.

(i) The statement on the face of the certified survey map that the parcel(s) created are considered unbuildable until a soil evaluation report as required by the Department of Commerce is filed in the ~~Planning and Zoning Office~~ Department. If the parcel has access to a public sanitary sewage system, the surveyor shall note on the face of the certified survey map that the parcel(s) are unbuildable unless a hookup is made to the public sanitary sewer.

(j) If lots were created as part of a Cluster Development, a statement on the face of the certified survey map that shall read as follows, "Lots so noted on this document cannot be further divided unless approved in writing by the Sauk County Planning, Zoning and Land Records Committee." The approval provided herein shall be pursuant to the procedures provided in Section 22.71 and 7.12 for a PUD.

(k) Reference to the corresponding PUD Preservation Area easement document number.

(l) When dedication of lands is required, an owner's certification of dedication prepared in accordance with Wis. Stat. § 236.34 and a governmental jurisdiction certificate of acceptance of the dedication, approved by the full governing body of the accepting jurisdiction.

(m) Proof of compliance with Trans 233 Wis. Adm. Code where applicable.

(n) Separate certificates of approval for recording in accordance with Town Board and Agency action.

## DATA SUBMISSION REQUIREMENTS

**22.31 Development Plan.** A development plan, when required, shall address the broader issues of development and land use in and around any proposed subdivision or PUD pursuant to Section 22.71. The data used to prepare the development plan may be obtained from readily available sources (i.e., U.S.G.S., S.C.S. N.R.C.S., D.A.T.C.P., DNR, Sauk County Planning and Zoning Office Department, etc.), rather than from detailed field investigations. However, the developer is expected to prepare a comprehensive presentation of the information required. At a minimum, the area to be included in a development plan shall include all contiguous lands owned, leased, optioned or otherwise under the control of the developer, plus those adjacent areas specified in this section. The following data shall be presented and analyzed in a development plan:

(1) **Geographical information:** Boundaries of the developer's property, and boundaries of the proposed subdivision, if different; ownership and location of all adjacent properties (excluding public rights-of-ways and streams less than three hundred (300) feet wide); location and name of all public rights-of-way and publicly owned lands within one thousand (1,000) feet of any property boundary; location, size and ownership of all public utilities within three hundred (300) feet of the property.

(2) **Natural features:** Soil conditions, including wet areas and rock outcrops; general topography and delineation of all areas with slopes over twelve percent (12%); geology, including approximate depth to bedrock, and ground water resources (depth, quality and quantity); location and names of all streams, lakes and flood plains within one thousand (1,000) feet of the property; vegetative cover on the property and all contiguous properties.

(3) **Cultural features:** Existing zoning of the property and all contiguous properties; all existing easements on the property; the boundary of any unit of government within one thousand (1,000) feet of the property; location of any airport, solid waste disposal site, sewage treatment facility, water treatment plant, school, cemetery, or other significant cultural feature within one thousand (1,000) feet of the property.

(4) **Development proposal:** Approximate density and type of development; proposed land use(s); approximate lot sizes (minimum, maximum and average); approximate location and size of all streets, public dedications and utilities proposed; proposed filling, grading, lagooning, dredging and/or flood proofing; anticipated timing of the development; where appropriate, the developer may wish to obtain and attach the comments of affected agencies, groups and/or individuals.

(5) **Additional requirements for a PUD.** To aid the Agency in determining whether the applicant has accomplished the design objectives for a PUD as described in Section 22.71, the development plan shall also include:

(a) **Vegetation of the site by general land cover type.**

(b) **Visual resources, showing viewsheds onto the site from surrounding roads and public areas. Photographs can be used to demonstrate viewsheds.**

(c) **Principal and secondary conservation areas.**

(d) **Potential development areas. Areas of the site which protect the principal preservation areas and substantially protect the visual and physical impacts of development on the secondary preservation areas.**

(5) (6) **Form of presentation:** The methods used by the developer to prepare and present the development plan shall be governed by the Agency's need for a clear, concise description of the proposed development.

**22.32 Preliminary Plat.** The preliminary plat shall be based upon a survey by a registered land surveyor or engineer and shall be drawn at a scale of one hundred (100) feet to one (1) inch, and shall show correctly on its face:

(1) **Date, graphic scale and north point.**

(2) **Name of the proposed subdivision.**

(3) **Name, address and telephone number of the landowner, subdivider and person to be contacted regarding the plat.**

(4) Location of the proposed subdivision by legal description and indication on township map(s).

(5) A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.

(6) Location and names of adjacent subdivisions, parks and cemeteries.

(7) Location, dimensions and names of all existing easements and rights-of-way within or adjacent to the proposed subdivision.

(8) Location, dimensions and names of all proposed streets, rights-of-way and easements within or adjacent to the proposed subdivision.

(9) Location of existing property lines, buildings, drives, rock outcrops, wooded areas, and other similar significant features within the parcel being subdivided.

(10) Location and approximate high water elevations of all streams and water courses, lakes, marshes and flowages within one thousand (1,000) feet of the proposed subdivision.

(11) Delineation of flood plain and zoning boundaries within and adjacent to the proposed subdivision.

(12) Contours at vertical intervals of not more than two (2) feet for a slope less than five percent (5%) and five (5) feet for a slope of five percent (5%) or more.

(13) On-site sewage disposal suitability, including soil suitability, depth to ground water and bedrock, and slope.

(14) Source and availability of potable water supplies.

(15) Location and approximate dimensions of any sites to be reserved for or dedicated to the public. preserved or dedicated pursuant to Section 22.16 of this ordinance.

(16) Approximate dimensions of all lots, and proposed lot and block numbers.

(17) A draft of any proposed covenants, deed restrictions, and PUD Preservation Area Easements.

(18) A statement on the face of the plat that reads as follows, "Lots so noted on this document cannot be further divided unless

approved in writing by the Sauk County Planning, Zoning and Land Records Committee."

(19) Reference to the corresponding PUD Preservation Area Easement document number.

**22.33 Final Plat.** The final plat of the proposed subdivision shall comply with the requirements of Chapter 236 Wis. Stats., and the provisions of this ordinance.

**22.34 Certified Survey Map.** The certified survey map shall comply with the provisions of Wis. Stat. § 236.34 Wis. Stats. and the provisions of this ordinance.

**22.35 Class I Subdivisions; Additional Information.** Only the final plat is required for submission in the case of Class I subdivisions; the Agency may require the subdivider of a Class I subdivision to submit any additional information deemed appropriate.

## DESIGN STANDARDS

**22.41 Streets.** (1) The arrangement, character, extent, width, grade, location and construction of all streets shall conform to the standards of the unit of government having jurisdiction over said street, and the provisions of this ordinance.

(2) The arrangement of streets in a subdivision shall provide, where possible, for the continuation on appropriate projection of existing or proposed collector and arterial streets.

(3) Local streets shall be laid out so as to discourage their use by through traffic.

(4) Where a subdivision abuts or contains an existing or proposed arterial street, the Agency may require marginal access streets, reverse frontage lots with screen planting contained in a nonaccess reservation along the rear of the property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(5) The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such

intersections shall be not less than one thousand two hundred (1,200) feet.

(6) Where a subdivision borders on or contains a railroad right-of-way, the Agency may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land.

(7) Street jogs with centerline offsets of less than one hundred fifty (150) feet shall be avoided.

(8) Reserve strips controlling access to streets shall be prohibited, except where their control is definitely placed in the Agency, under conditions approved by said Agency.

(9) Cul-de-sacs shall provide a turnaround with a minimum right-of-way radius of sixty (60) feet. The traveled way within the cul-de-sac shall provide a minimum radius of forty (40) feet.

(10) Dead end streets shall not be permitted without a suitable turnaround.

(11) In commercial and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed.

(12) Half streets shall be prohibited, except where necessary for continuity of the street system.

(13) Street names:

(a) The Agency may disapprove of the name of any street shown on the plat which has already been used elsewhere in the county, or which, because of similarity, may cause confusion.

(b) Where a street maintains the same general direction, except for curvilinear changes for short distances, the same name shall continue for the entire length of the street.

(c) A name which is assigned to a street which is not presently a through street due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.

(d) Access roads and highways served by them shall have the same street names and designation.

(e) Approval of street names on a preliminary plat will not reserve street name, nor shall it be mandatory for the Agency to accept it at the time of final platting.

**22.42 Utility Easements.** (1) Easements across lots or along rear or side lot lines shall be provided for utilities where necessary and shall be at least six (6) feet wide on each side of lot lines, and shall be designated as "Utility Easement" on the plat or certified survey map.

(2) Prior to approval of any final plat, the subdivider shall provide the Agency with written statements from the utility companies which will serve the proposed subdivision. The statements shall address the adequacy and location of all utility easements.

**22.43 Drainageway Easements.** Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided an adequate drainageway easement as required by the Agency. The location, width, alignment and grading of such easements shall be of such a width and design to accommodate the anticipated discharge from the property being subdivided and also the anticipated runoff that will occur when property at a higher elevation in the drainage basin is developed.

**22.44 Setbacks.** Where the lots abut navigable waters, building setback lines for all buildings and structures, except piers, marinas, boathouses and similar uses, shall be shown on the plat and shall not be less than seventy-five (75) feet from the normal high water line.

**22.45 Blocks.** (1) The length, width, and shape of blocks shall be suited to the planned use of the land, zoning requirements, needs for convenient access, control and safety of street traffic, and limitations and opportunities of topography. Block lengths in residential areas shall not, as a general rule, be less than six hundred (600) feet in length between street lines, unless dictated by exceptional topography or other limiting factors of good design.

(2) Blocks shall have sufficient widths to provide two (2) tiers of lots of appropriate

depth, except where otherwise required to separate residential development from through traffic.

(3) Pedestrian ways or cross walks may be required, as deemed appropriate by the Agency.

**22.46 Lots.** (1) The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.

(2) Every lot or parcel shall front or abut a public street. A minimum frontage of forty (40) feet shall be maintained for all lots, and the lot width measured at the highway setback line shall conform to the requirements of the Sauk County Zoning Ordinance.

(3) Additional width may be required on corner lots to permit adequate building setbacks from side streets.

(4) The use of long, narrow strips of land to provide access to buildable lot areas shall be avoided.

#### **REQUIRED IMPROVEMENTS**

**22.51 Survey Monuments.** The subdivider shall install survey monuments in accordance with the requirements of Wis. Stat. § ~~Section~~ 236.15, ~~Wisconsin Statutes~~, and the standards of the Sauk County Surveyor.

**22.52 Public Water and Sewage Disposal System.** (1) Public water supplies and sewage disposal systems shall be utilized whenever possible.

(2) Water and sewage disposal facilities shall be installed and financed according to the requirements of the owner of the utility and applicable state regulations.

**22.53 Private Water and Sewage Disposal Facilities.** (1) The subdivider shall assure the suitability and availability of private water and sewage disposal facilities on all lots at the time of subdivision.

(2) Privately shared water and sewage facilities are encouraged whenever practical as part of a PUD.

~~(2)~~ (3) Private water and sewage disposal facilities shall comply with all applicable state statutes and Sauk County ordinances.

**22.54 Grading and Surfacing.** All streets shall be graded and surfaced in accordance with the plans, specifications and requirements of the Sauk County Highway Department and the affected town, village or city.

**22.55 Storm Water Drainage Facilities.** ~~Storm water drainage facilities of a size and design that will adequately accommodate design volumes of flow and that will present no hazard to life or property and shall be installed in accordance with plans and specifications approved by the Agency.~~ Subdividers shall submit to the Agency a storm water management plan that incorporates facilities of a size and design that will assure that the anticipated discharge of stormwater following the development of the land is less than or equal to the discharge preceding the development. Design volumes for flow shall not present a hazard to life or property and shall be installed in accordance with plans and specifications approved by the Agency. The guidelines, standards and specifications contained within "The Wisconsin Stormwater Manual" or successor publications issued by the Wisconsin Department of Natural Resources, will provide a framework for the development, review and implementation of the storm water plan. The provisions for ownership and maintenance of the storm water facilities shall be provided as part of a management plan document as specified under Section 22.16(1)(d) and which shall be recorded with the Sauk County Register of Deeds. Approved storm water facilities shall be installed prior to the commencement of any grading not directly associated with the installation of such facilities.

**22.56 Erosion Control.** The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The Agency may request the subdivider to submit an erosion control plan that specifies measures that will be taken to assure



the minimization of erosion problems. The erosion control plan shall be reviewed by ~~the Soil and Water Conservation District~~ the Department and the Land Conservation Departments to determine the adequacy of the proposed measures. After review and recommendation by the Department, the Agency shall take action to approve or deny the application. The guidelines, standards and specifications contained within ~~"Minimizing Erosion in Urbanizing Areas"~~ by the U.S. Department of Agriculture, Soil Conservation Service, the "Wisconsin Construction Site Best Management Practice Handbook" by the Wisconsin Department of Natural Resources will provide a framework for the development, review and implementation of the erosion control plan. All erosion control structures shall be in place prior to the commencement of any grading not associated with the installation of such structures.

#### **22.57 Installation of Improvements.**

The improvements specified herein shall be installed and approval of the final plat shall be given only after the work has been completed, or one of the following has been filed, with the appropriate governmental jurisdiction:

(1) A duly completed and executed, continuing surety bond in an amount sufficient to complete the work with surety satisfaction to the appropriate governmental jurisdiction or the Agency.

(2) A certified check, in the amount sufficient to complete the work, drawn on an approved bank and available to the appropriate governmental jurisdiction or the Agency. As the work progresses, the governmental jurisdiction or the Agency may permit the exchange of said check for another check of sufficient amount to complete the remaining improvements agreed upon. If the improvements are not completed within the specified time, the governmental jurisdiction or Agency may use the bond or the certified check to complete the remaining specified work.

(3) Other collateral satisfactory to the appropriate governmental jurisdiction or the Agency in an amount sufficient to complete the work.

**22.61 Variances.** (1) Where the Agency finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of these regulations.

(2) Any modifications or variance thus granted shall be entered in the minutes of the Agency, setting forth the reasons which, in the judgment of the Agency, justified the modification or variance.

~~**22.62 Planned Developments.** (1) The requirements and standards of this ordinance may be waived by the Agency for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, and shall not conflict with other laws or requirements or with the purpose or intent of this ordinance, and are approved by the Agency. In addition, continued provision, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the Agency.~~

~~(2) It is the intent of this section to allow consideration of cluster developments, planned unit developments, industrial parks, condominium developments, and other unique projects. Exceptionally sophisticated and detailed project planning is required~~

~~**22.63**~~ **22.61 Fees.** The subdivider shall pay such fees as shall be periodically established by the Sauk County Board of Supervisors.

~~**22.71**~~ **22.63 Violations and Penalties.** Any person, firm or corporation who fails to comply with the provisions of these regulations shall, upon conviction thereof, be subject to penalties and forfeitures as provided in Wis. Stat. §§ 236.30, 236.31, 236.32, 236.335 and 236.35 Wis. Stats.

## **VARIANCES AND FEES**

**22.71 Planned Unit Development (PUD).**

(1) A PUD provides an alternative set of design objectives and standards for residential development in accordance with the provisions of Section 7.12. A PUD shall be planned as a unit, be appropriate to the site and location, shall not conflict with other laws or requirements, or with the intent of this ordinance. The design objectives of a PUD are as follows:

(a) To maintain and protect Sauk County's rural character by preserving the important landscape elements, including but not limited to large contiguous woodlands and agriculture fields, productive agricultural lands, environmental corridors, river and stream corridors, wetlands, scenic vistas, floodplains, shorelands and any other elements specifically identified in the applicable comprehensive plan(s) or the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(b) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of a standard subdivision in order to minimize the disturbance of important landscape elements and the overall aesthetic and scenic value of the landscape.

(c) To increase flexibility and efficiency in the siting of services and infrastructure by clustering homes, reducing street length and width, reducing utility requirements, drainage requirements, paving requirements and sharing water and sewage facilities.

(d) To promote the preservation of farmland by minimizing the parceling and fragmentation of existing agricultural lands through the proper siting of development and effective land use planning.

(e) To connect PUD Preservation Areas in order to preserve large tracts of open space for natural area and wildlife preservation.

(f) To provide for open space uses in those areas best suited for such activities by minimizing conflict with adjoining residential uses.

(2) The density and use requirements of a PUD shall comply with Section 7.12, applicable comprehensive plan(s) and provisions set forth within the Sauk County Agricultural

Preservation Plan. If the provisions of the town comprehensive plan conflict with the Sauk County Agricultural Preservation Plan, the most restrictive provisions shall prevail in addition to the following:

(a) Cluster Development.

1. A Cluster Development may be permitted on lands approved for a Conditional Use Permit for the creation of 1 to 3 lots. This will allow for an adjustment in the location of residential dwelling units on a parcel of land provided that the total number of dwelling units does not exceed the density permitted by the applicable zoning district or as otherwise set forth in the applicable comprehensive plan(s) or the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

2. Density credits shall be utilized to establish a set number and size of lots for residential development purposes pursuant to Section 7.12 or the applicable comprehensive plan(s) and ordinances for towns which have zoning authority under Wis. Stat. § 60.62.

3. A Preservation Area Easement shall be recorded with the Sauk County Register of Deeds in conjunction with town and Agency approval of a Cluster Development and shall include, but not be limited to, the following provisions:

a. The grantor of the Preservation Area Easement for a Cluster Development shall be the current property owner and joint grantees shall be Sauk County and the town in which the property is located.

b. Verification of a Preservation Area Easement being described by a metes and bounds legal description or survey.

c. Verification that the grantor or grantee may continue any use of the property in a conforming manner with all town, county, state and federal regulations with the added provision that no additional dwelling units may be constructed on the PUD Preservation Area.

d. A Certified Survey Map designating clustered lots within the PUD Development Area that references the recorded Preservation Area Easement document number.

e. A Certified Survey Map document that prohibits the future division of lots created as part of a PUD unless the division occurs by means

of obtaining additional credits coupled with the designation of an additional PUD Preservation Area.

f. Verification that the proposed PUD does not conflict or abrogate the terms of any Farmland Preservation Agreement.

g. A statement on the face of the Certified Survey Map that reads as follows: "Through Wis. Stat. § 823.08, the Wisconsin Legislature has adopted a right to farm law. This statute limits the remedies of owners of later established residential property to seek changes to nearby pre-existing agricultural practices. Active agricultural operations are now taking place and are planned to continue on lands in the vicinity of this CSM. These active agricultural operations may produce noises, odors, dust, machinery traffic or other conditions during daytime and evening hours."

h. Any additional information deemed appropriate by Department, Sauk County Corporation Counsel or the town.

(b) Conservation Subdivision.

1. A Conservation Subdivision may be permitted only on lands zoned Single-Family Residential with a Conditional Use Permit as provided in Section 7.12 or as provided in the applicable comprehensive plan(s) and ordinances for towns which have zoning authority under Wis. Stat. § 60.62. Adjustments in the location of residential dwelling units on a parcel may be permitted provided that the total number of dwelling units does not exceed the density permitted in the following subsection.

2. The density for a Conservation Subdivision shall require that forty percent (40%) of the total acreage of the original parcel shall be dedicated as open space pursuant to Section 22.16(1). The remaining sixty percent (60%) may be utilized for the subdivision of lands as a PUD Development Area. The density policy shall not exceed one (1) acre per dwelling unit within the PUD Development Area.

3. A PUD Preservation Area shall be shown on the preliminary and final plat document. The following shall also be included on the plat document or within the subdivision covenants prior to recording:

a. Prohibition of the future division of lots created as part of a PUD or the creation of

lots in the PUD Preservation Area as part of a specified PUD shall be shown on the face of the plat unless the division occurs through the utilization of additional density credits as expressed in the applicable comprehensive plan(s) or the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

b. Prohibition of the construction of any dwelling unit in the PUD Preservation Area shall be included in the subdivision covenants.

c. Location and described use of any proposed or existing common facilities to be utilized by residents or visitors of the PUD shall be included in the subdivision covenants.

(3) The Agency may waive specific requirements and standards located within Chapters 7 and 22 of the Sauk County Code of Ordinances, but shall not waive any requirement of Wis. Stat. ch. 91. Waivers may be granted provided such development is planned as a unit appropriate to the site and location of sufficient size to permit the unified development of the area, not conflict with other laws and requirements or with intent of this ordinance. Provisions for maintenance and use of open space, recreation areas, services, other facilities shall be assured in a manner acceptable to the Agency. Specifically, standards that may be waived include only the following:

- (a) Street right-of-way setback.
- (b) Minimum lot size requirements.
- (c) Side, rear and front yard setbacks.
- (d) Street right-of-way width.
- (e) Street dedication.

(4) The Preservation Area Easement applied to the PUD Preservation Area as part of a Cluster Development shall be subject to the following:

(a) A Preservation Area Easement shall be drafted that will include, at a minimum, the following:

1. The Density Policy of the town as recognized in the applicable comprehensive plan(s) or Table 3.1 *Town Plan Provisions* of the Sauk County Agricultural Preservation Plan, whichever is more restrictive at the time of the PUD.

2. The term of the Preservation Area Easement expressed by this ordinance or the applicable comprehensive plan(s) or Table 3.1

*Town Plan Provisions* of the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

a. The Preservation Area Easement applied to a PUD Preservation Area through the application of a PUD shall be for a minimum period of 20 years or greater as specified in the applicable comprehensive plan(s) unless the property becomes annexed from a transition area as identified within the Sauk County Agricultural Preservation Plan to an incorporated municipality in accordance with Wis. Stat. §§ 66.0217, 66.0219, 66.0221 or 66.0223 or attached by virtue of a boundary agreement pursuant to Wis. Stat. § 66.0307. The Preservation Area Easement shall automatically renew on the anniversary date the easement was originally recorded with the Sauk County Register of Deeds for additional increments of 10 years, in compliance with the provisions of the current density policy in the applicable comprehensive plan or the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

3. A metes and bounds description of the PUD Preservation Area on which the Preservation Area Easement will be placed.

4. Verification that no dwelling unit will be utilized/erected on the PUD Preservation Area.

5. Verification that the lots created as part of a PUD shall not be further divided or the number of dwelling units increased unless the respective number of density credits are utilized.

6. Any additional terms required by the Agency, the town or as required in the applicable comprehensive plan(s) or Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(b) If additional density credits are utilized to establish new lots adjacent to an existing Cluster Development or Conservation Subdivision, the Preservation Area Easement may be altered by agreement to accommodate new lots with the addition of the appropriate amount of land protected as open space under such easement. However, after any such alteration, the specified density and original provisions of the easement document shall be maintained. This action requires the County and town and all heirs, representatives, successors, assigns, and devisees of

the PUD Preservation Area, or portions thereof to agree to and become signatories to a revised Preservation Area Easement, recorded in the Sauk County Register of Deeds.

(c) The County and town, as parties to the Preservation Area Easement, may waive the Preservation Area Easement, or parts thereof, if there is a recognition that such easement no longer meets its original intent to preserve specified lands as expressed in the applicable comprehensive plan(s) or the Sauk County Agricultural Preservation Plan, whichever is more restrictive.

(5) PUD Procedure. The following procedure shall be utilized when seeking approval of a PUD by the Agency.

(a) The landowner or developer of a parcel must first obtain approval of a Conditional Use Permit for a PUD pursuant to Section 7.12 by the Agency.

(b) As a component of the Conditional Use Permit process provided in Section 7.12, a landowner shall identify the PUD Development and PUD Preservation Areas. A metes and bounds legal description shall be submitted which clearly delineates the PUD Preservation Area. On lands in the Exclusive Agricultural District, any proposed use must be consistent with agricultural uses, as defined in Wis Stat. § 91.01(10) and meet any applicable standards of Wis. Stat. § 91.75.

(c) Once a metes and bounds legal description has been provided for a PUD Preservation Area, the Preservation Area Easement shall be finalized for approval by both the town and Agency for a Cluster Development; or the lands shall be dedicated in accordance with Section 22.16 and approved by the town and Agency for a Conservation Subdivision pursuant to Section 22.24.

(d) For lands included within the PUD Development Area, the landowner shall prepare a Certified Survey Map in accordance with the provisions of Section 22.25 for a Cluster Development; or a Plat in accordance with the provisions of Sections 22.23 and 22.24 for a Conservation Subdivision.

(e) Once Agency approval is granted, the landowner shall record all documents deemed appropriate by the Agency with the Sauk County Register of Deeds.

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As adopted on August 21, 1979, and subsequently amended by the Sauk County Board of Supervisors. Ordinance No. 38-88 approved by Sauk County Board of Supervisors on April 19, 1988, effective upon passage pursuant to Section 59.97(5)(e)(6), Stats. Amend Section 22.07, to include the definition of "Navigable Waters". Amend Section 22.07(5), definition of the term "Land Division". Amend Section 22.13(2), reference to Administrative Code. Amend Section 22.18(5), data requirements. Amend Section 22.25 (2nd paragraph), C.S.M. requirements. Amend Section 22.25(8), C.S.M. requirements. Amend Section 22.25(9), C.S.M. requirements. Delete subsection 22.25(9)(a), (b) and (c). Ordinance No. 170-91 approved by Sauk County Board of Supervisors on December 17, 1991, effective upon passage pursuant to Section 59.97(5)(e)(6), Stats. Repeal and recreate Section 22.07(15), definition of the term "subdivision". Amended by the Sauk County Board of Supervisors on February 19, 2002 - Ordinance No. 31-02. Amended by the Sauk County Board of Supervisors on March 19, 2002 - Ordinance No. 55-02. Amended by the Sauk County Board of Supervisors on May 21, 2002 - Ordinance No. 77-02. Amended by the Sauk County Board of Supervisors on July 16, 2002 - Ordinance No. 118-02. Amended by the Sauk County Board of Supervisors on \_\_\_\_\_, 2006 - Ordinance No. \_\_\_\_\_-06.