# CHAPTER 7

# SAUK COUNTY ZONING ORDINANCE


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## SUBCHAPTER I

## GENERAL PROVISIONS

**7.001 Authority.** This ordinance is enacted pursuant to the authority granted by the Wisconsin Statutes, including, but not limited to, Wis. Stat. §§ 59.69, 59.691, 59.693, 59.694, 59.696, 59.697, 59.698, 59.70, 66.1001, and chs. 91, 236, and 823.

**7.002 Jurisdiction.** This ordinance applies to all land located within unincorporated areas of Sauk County in which the town board has adopted this ordinance pursuant to Wis. Stat. § 59.69(5). It shall be unlawful and in violation of this ordinance for any person to establish, construct, reconstruct, alter, or replace any land use or structure, except in compliance with this ordinance.

**7.003 Purpose.** This ordinance is intended to protect the public health, safety, and welfare of Sauk County residents and the public, to plan for the future development of communities, and to further the purposes contained in Wis. Stat. § 59.69(1).

**7.004 Relationship to the *Sauk County Comprehensive Plan.*** The Sauk County Board of Supervisors formally adopted a comprehensive plan pursuant to Wis. Stat. § 66.1001. The *Sauk County Comprehensive Plan* provides an integrated approach to the county's physical development and economic and social potential. It emphasizes moving Sauk County toward economic, social, and environmental sustainability, enhancing education and health systems, improving transportation coordination, supporting economic development, strengthening agriculture, and developing prosperous places to live. This ordinance implements the *Sauk County Comprehensive Plan* through zoning. In accordance with Wis. Stat. § 66.1001(3), this ordinance is consistent with the *Sauk County Comprehensive Plan*.

**7.005 Zoning district boundaries. (1)** ZONING DISTRICTS ESTABLISHED. Areas that are subject to the jurisdiction of this ordinance are hereby divided into zoning districts for the purpose of achieving compatibility of land uses within each zoning district, to implement the *Sauk County Comprehensive Plan*, and to achieve the purpose of this ordinance as described in s. 7.003.

**(2)** OFFICIAL ZONING MAPS. Zoning districts established by this ordinance are shown on the official zoning map of Sauk County, which is made part of this ordinance by reference. Where the official zoning map does not indicate a zoning district for a particular area, the area is either within the corporate limits of a city or village, within extraterritorial zoning jurisdiction by a city or village, under the jurisdiction of town zoning, or is not zoned. The official zoning map of Sauk County is a digital compilation within the county's geographic information system. This map shall be the official map for the purpose of enforcement of this ordinance. Responsibility for the maintenance of this map is vested with the zoning administrator.

**(3)** INTERPRETATION OF ZONING DISTRICT BOUNDARIES. Where the exact location of the zoning district boundary as shown on the official zoning map is uncertain, the boundary location shall be determined by the zoning administrator. The following rules shall be used by the zoning administrator to determine the precise location of any zoning district boundary shown on the official zoning map of Sauk County.

(a) Zoning district boundaries shown as following or approximately following the limits of any city, village, town, extraterritorial zoning, or county boundary shall be construed as following such limits.

(b) Zoning district boundaries shown as following or approximately following roads or railroad rights-of-way shall be construed as following the centerline of such road or railroad line.

(c) Zoning district boundaries shown as following or approximately following platted lot lines or other property lines as shown on the Sauk County tax parcel map shall be construed as following such lines.

(d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other

continuously flowing water courses shall be construed as following the channel centerlines of such watercourses and, in the event of natural change in the location of such streams, rivers, or other water courses, the zoning district boundary shall be construed as moving with the channel centerline.

(e) Where a road is officially vacated or discontinued, the property that was formally in the road will be included within the zoning district boundary of the adjoining property on either side of the centerline of the vacated or discontinued road.

(f) Zoning district boundaries shown as separated from any of the features noted in this subsection shall be construed to be at such distances as shown on the official zoning map.

(g) Any legal description that may have been filed with a petition to rezone property filed with the Sauk County Clerk and that was adopted by the Sauk County Board of Supervisors.

**7.006 Previous ordinance.** The Sauk County Zoning Ordinance existing prior to passage of this comprehensive revision, adopted February 18, 2014, shall remain in effect for one year in any town that was subject to the prior ordinance or until this ordinance is adopted by that town, whichever is sooner.

**7.007 Minimum requirements and compliance with other applicable regulations.** **(1)** MINIMUM REQUIREMENTS. The provisions of this chapter are the minimum requirements deemed necessary to carry out the purpose of this ordinance.

**(2)** OTHER APPLICABLE REGULATIONS. This chapter imposes a requirement that all activity subject to the provisions of this ordinance must comply with applicable federal, state, county, and town statutes, ordinances, or regulations. Sauk County does not have responsibility to enforce federal, state, or town statutes, ordinances, or regulations; but non-compliance with those legal authorities may serve as a basis for the denial or revocation of any permit or authority conferred under this chapter. Stricter regulations may be found in other Sauk County ordinances which may also apply.

**(3)** REGULATION BY OTHERS. Nothing in this chapter shall be construed to limit or prevent any other unit of government from regulating the same or similar subject matter as contained in this chapter.

**7.008 Severability.** It is the intention of the Sauk County Board of Supervisors that the provisions of this chapter are severable as follows:

**(1)** JUDGMENT OF ORDINANCE PROVISIONS. If any court of competent jurisdiction shall adjudge any provision of this chapter to be invalid, the judgment shall not affect any other provision of this chapter not specifically included in the judgment.

**(2)** JUDGMENT OF ORDINANCE APPLICATION. If any court of competent jurisdiction shall adjudge invalid the application of any portion of this chapter to a particular property, building, use, or structure, the judgment shall not affect the application of the provision to any other property, building, use, or structure not specifically included in the judgment.

**(3)** JUDGMENT OF PERMIT. If any court of competent jurisdiction shall adjudge invalid any requirement or limitation contained in a permit given under this chapter, it shall be presumed that the permit would not have been granted without the requirement or limitation, and therefore, the permit shall also be invalid.

## SUBCHAPTER II

## DEFINITIONS

**7.009 Purpose.** The purpose of this subchapter is to define words, terms, and phrases contained in this chapter which are essential to the understanding, administration, and enforcement of this chapter.

**7.010 Word usage.** For the purposes of this chapter, certain words and terms are used as follows:

**(1)** Words used in the present tense include the future.

**(2)** Words in the singular include the plural.

**(3)** Words in the plural include the singular.

**(4)** The word "shall" is mandatory and not permissive.

**7.011 Definitions**. For the purposes of this chapter, certain words and terms are defined as follows:

**(1)** "Accessible element" means an exterior component of a building which complies with the Americans with Disabilities Act and provides an accessible route into a building. An accessible element may include curb ramps, ramps, elevators, or lifts.

**(2)** "Accessory dwelling" means a second dwelling that is located on the same lot and under the same ownership as the principal building, and which may be detached from the principal building. The second dwelling is auxiliary to, and smaller than the principal dwelling. It is intended for use as a complete, temporary, independent living facility in conjunction with a dependency living arrangement or agricultural use.

**(3)** "Accessory structure" means a subordinate or supplemental structure, the use of which is incidental to the permitted use of the main structure on the same lot, or to the main use of the premises on which it is located. An accessory structure may not be used for human habitation.

**(4)** "Accessory use" means:

(a) In all zoning districts, except the exclusive agriculture zoning district, a subordinate use on the same lot that is incidental and customary in connection with the principal or conditional use.

(b) In the exclusive agriculture zoning district only, any of the following land uses on a farm:

1. A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use as that term is defined in Wis. Stat. § 91.01.

2. An activity or business operation that is an integral part of, or incidental to, an agricultural use as that term is defined in Wis. Stat. § 91.01.

3. A farm residence as that term is defined in Wis. Stat. § 91.01.

4. A business, activity, or enterprise, whether or not associated with an agricultural use; that is conducted by the owner or operator of a farm; that requires no buildings, structures, or improvements other than those described in par. 1., or in par. 3., that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

5. Any other use that the Wisconsin Department of Agriculture, Trade, and Consumer Protection by rule identifies as an accessory use.

**(5)** "Active agricultural acres" means acres that have been in agricultural use for any period during the previous 5 years.

**(6)** "Agency" means the conservation, planning, and zoning committee as designated by the Sauk County Board of Supervisors pursuant to Wis. Stat. § 59.69.

**(7)** "Agricultural tourism" means a use that combines the elements and characteristics of agriculture and tourism. Examples of agricultural tourism include: corn mazes; pick-your-own operations; hay rides; sleigh rides; petting farms; on-farm tours; agricultural related museums; winery or brewery, demonstrations of farming practices, techniques, and methods; fee-based fishing and hunting, horseback riding; haunted barns; and similar activities which are related to agriculture.

**(8)** "Agricultural use" means any activity that is consistent with the definition of agriculture and is conducted for the purpose of producing an income or livelihood.

**(9)** "Agriculture" means the art or science of cultivating soil, harvesting crops, and raising livestock.

**(10)** "Agriculture incubator" means a use that builds local food capacity, farming and entrepreneurial skills, cooperative markets, and supports the development of agriculture-related business.

**(11)** "Agriculture-related business" means a business engaged in the sale or rental of farm supplies, services, or equipment to farmers provided that the sale or rental of farm supplies, services, or equipment to farmers comprises at least 50% of the annual gross revenue of the business.

**(12)** "All-weather surface" means any roadway, driveway, or parking lot surface covered with crushed stone, asphalt, grassy pavers, concrete, or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions and minimize the potential for ruts, potholes, and pooling of water.

**(13)** "Animal sanctuary" means a facility where non-livestock animals are brought to live and to be protected and that does not seek to place animals with a person.

**(14)** "Aquaculture" means an agricultural use that utilizes a production system of animals or plants in controlled water environments.

**(15)** "Art gallery" means an establishment engaged in the sale, loan, or display of art books, paintings, sculptures, or other works of art, including those created by the owner or tenant of the establishment.

**(16)** "Art studio" means a facility for any or all of the following:

(a) Staging of art.

(b) Production of art.

(c) Teaching of art.

**(17)** "Auction facility" means a facility that is used more than 2 times in a 365-day period for the public sale of property or items of merchandise typically sold to the highest bidder.

**(18)** "Asphalt plant" means the manufacturing of asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt or various compositions of asphalt or tar with other materials, and the recycling of old asphalt into asphalt-type material. This use also includes the stockpiling of bulk materials required for the process, and storage of the required equipment used in the operation.

**(19)** "Bed and breakfast establishment" means any place of lodging that satisfies all of the following:

(a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.

(b) Is the owner's personal dwelling.

(c) Is occupied by the owner at the time of rental.

(d) Is an accessory use.

**(20)** "Biofuel manufacturing" means a facility that produces fuel whose energy is derived from the biological fixation of carbon.

**(21)** "Building" means a roofed structure entirely separated from any other structure by space or by walls in which there are no common communicating doors, windows, or similar openings. A building has walls or columns for support and does include swimming pools, both above and below ground, permanent hunting blinds with a foundation, balconies, porches, decks, fireplaces, chimneys, and towers, including communication towers. A building does not include poles, towers and posts for lines carrying communications or electricity, or recreational structures of open construction and without walls, such as swing sets, slides, yard gyms, climbers, sand boxes and teeter totters.

**(22)** "Building, front of" means the side directly facing the public or private road right-of-way which affords primary means of access to the property.

**(23)** "Building height" means the vertical distance, measured from the lowest point of any exposed wall of the front elevation of the finished grade to the highest point of the roof.

**(24)** "Building line" means the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches, or covered patios meet the ground. For earth-sheltered homes, the building line is a line where the exterior walls of the building, if extended vertically, would be located on the lot.

**(25)** "Building, principal" means a building in which the principal use of the lot on which the building is located is conducted.

**(26)** "Campground" means a parcel or tract of land maintained, intended, or used for the purpose of supplying temporary or overnight living accommodations to the public by providing designated areas for the placement of camping units. A campground may include buildings to provide services to the patrons such as restrooms, bathing, laundry, and commissary facilities.

**(27)** "Camping unit" means a sleeping unit, such as a tent or recreational vehicle or part thereof, which is used to house a person on a temporary basis and shall not be considered a structure as defined in this ordinance.

**(28)** "Child care center" means a place or home which provides care for 4 or more children under the age of 7 years old for less than 24 hours a day and is licensed or is exempt from licensing. A child-care center, 8 or fewer people, must meet the definition of an accessory use.

**(29)** "Circulation area" means space sufficient to allow vehicles in a parking lot to travel in multiple directions safely and efficiently.

**(30)** "Community living arrangement" means any of the following facilities licensed or operated or permitted under the authority of the Wisconsin Department of Health: child welfare agencies under Wis. Stat. § 48.60, group foster homes for children under Wis. Stat. § 48.02(7)(m), and community based residential facilities under Wis. Stat. § 50.01, but does not include child care centers, nursing homes, general hospitals, special hospitals, prisons, and jails.

**(31)** "Composting facility" means a facility where compost or organic matter that is diverted primarily from off-site is processed by composting or processed for commercial purposes, or both. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, and marketing of compost.

**(32)** "Comprehensive plan" means a guide to physical, social, and economic development of a local unit of government as defined in Wis. Stat. § 66.1001(1)(a).

**(33)** "Concrete plant" means the production of concrete that uses a manufacturing process involving the mixing of a number of aggregates, sand, water, cement, or other components. This use also includes the stockpiling of bulk materials required for the process and storage of the required equipment used in the operation.

**(34)** "Conditional use" means a use approved by the agency pursuant to the provisions of this chapter.

**(35)** "Contractor's storage yard" means an area outside of a building utilized for the storage and maintenance of contractor's supplies, materials, and operational equipment.

**(36)** "Department" means Sauk County Department of Conservation, Planning and Zoning.

**(37)** "Dependency living arrangement" means a living situation which allows for a dependent person to live in an accessory dwelling while the owner and owner's family live in the principal dwelling or a dependent person lives in a principal dwelling while a caretaker lives in the accessory dwelling.

**(38)** **"**Dependent" as it pertains to dependency living arrangements, means an individual who requires assistance in the activities of daily living such as eating, dressing, bathing, and ambulation as verified by a physician's statement.

**(39)** "Dwelling" means a single-family dwelling or a multiple family dwelling:

(a) "Single family dwelling" means a building designed for and occupied exclusively as a residence for one family.

(b) "Multiple family dwelling"' means a building designed or intended to be used by 2 or more families living independently of each other.

**(40)** "Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living sleeping, eating, cooking, and sanitation.

**(41)** "Family" means any number of individuals related by blood, adoption, foster care, or marriage, or not to exceed 5 persons not so related, living together on the premises as a single housekeeping unit.

**(42)** "Farm" means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is primarily devoted to agricultural use if a majority of the land is in agricultural use.

**(43)** "Farm operator" means the owner or other persons engaged in the management of a farm.

**(44)** "Floor area" means the area, measured in square feet, within the outer lines of the exterior walls of a building at the top of the foundation or basement wall; provided that the floor area of a dwelling shall not include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways or unheated porches, or terraces. Floor area includes all area regardless of ability to stand upon; or whether the surface is covered or contains a floor.

**(45)** "Floor area, gross" means the area measured in square feet, within the outer lines of the exterior walls of a building at the top of the foundation or basement wall; provided that the floor area of a dwelling shall include space not usable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways or unheated porches or terraces. Gross floor area includes all area regardless of ability to stand upon; or whether the surface is covered or contains a floor.

**(46)** "Floor space" means the floor area inside an establishment that is accessible to patrons.

**(47)** "Full-time equivalent" means a unit equal to 40 hours in any given 7-day week.

**(48)** "Hazardous substance" means any material defined and regulated as a hazardous substance by the U.S. environmental protection agency, the U.S. occupational safety and health administration, the U.S. department of transportation, and the U.S. nuclear regulatory commission.

**(49)** "Home-based business" means any nonagricultural occupation or use that is conducted within a dwelling or an accessory structure, and meets the definition of an accessory use.

**(50)** "Hotel" means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith, and is not a bed and breakfast establishment or lodging house.

**(51)** "Human habitation" means the act of occupying a structure as a dwelling, living, or sleeping place; whether infrequently, intermittently, or as a principal residence.

**(52)** "Junk" means garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, any inoperable machinery, and any scrap material, such as metal, paper, rags, cans or bottles. Junk shall not apply to operational farm machinery owned by the farm operator of an operating farm.

**(53)** "Junkyard" means:

(a) Any outside place which stores licensed or unlicensed vehicles that are no longer intended or in condition for legal use on public highways, or used parts of vehicles which have been part of, or are intended to be part of, any vehicle, the sum of which parts or materials shall be equal in bulk to more than 3 vehicles.

(b) Any outside place which stores licensed or unlicensed tractors, trailers, boats, all-terrain vehicles, or similar inoperable machinery, or equipment that is inoperable, or used parts or materials from such equipment, the sum of which parts or materials shall equal in bulk more than 3 of the specific machinery or equipment from which the parts or materials came.

(c) Any outside place where used, secondhand, waste, junk, or scrap materials, including metals, paper, rags, tires, bottles, scrap iron, machines, or 4 or more automobiles, are bought, sold, handled, stored, or disassembled;.

(d) Any outside place that stores 4 or more unlicensed vehicles.

(e) Any outside place that stores 100 or more pallets or any outside place that stores less than 100 pallets that are visible from the road or right of way.

**(54)** "Kennel" means either of the following:

(a) A facility or facilities used for the purpose of commercial boarding or sale of domestic animals or pets such as dogs and cats, and any other customarily incidental treatment of animals such as grooming and cleaning.

(b) A person who owns or engages in the business, service, or hobby of boarding, breeding, buying, selling, letting for hire, or trading more than 12 adult dogs per year.

**(55)** "Landfill, clean" means any of the following:

(a) Facilities where only clean soil, brick, building stone, concrete or reinforced concrete not painted with lead-based paint, broken pavement, and wood not treated or painted with preservatives or lead-based paint are disposed.

(b) Facilities for the exclusive disposal of spoils from sand, gravel or stone and crushed stone quarry operations, and similar nonmetallic earth materials.

(c) Facilities for the disposal of wood residue from a saw mill, debarker, or equivalent industry which produces less than 5,000 board feet of lumber per year or equivalent and the total disposal facility volume is less than 500 cubic yards of wood residue.

**(56)** "Landfill, sanitary" means a solid waste land disposal site or facility, not classified as a land spreading facility or a surface impoundment facility, where solid waste is disposed on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at such intervals as may be necessary.

**(57)** "Landscaping center" means a business engaged in the provision of landscaping services or wholesale or retail sales of landscaping products, or both, including sod, trees, shrubs, flowers, timbers, and earth covering materials.

**(58)** "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites and farm-raised fish.

**(59)** "Livestock harvest facility" means any building or premises used for the killing or dressing of livestock; and the storage, freezing, and curing of meat and preparation of meat products.

**(60)** "Loading area" means an off-road space in the same parking lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**(61)** "Lodging house" means all lodging places, tourist cabins, cottages, and houses, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients for less than 30 continuous days.
A lodging house does not need to meet minimum square foot requirements. Lodging house also means to advertise a property that meets this definition. A lodging house shall meet the definition of an accessory use in the exclusive agriculture zoning district.

**(62)** "Lot" means land occupied by or designed to provide space necessary for one principal building and its accessory structures or uses, which abuts a publicly dedicated road. A lot is 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. A lot shall comply with the minimum area 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 road, highway, or railroad right-of-way shall be included when computing the area for minimum lot area. No road, highway, easement, railroad right-of-way, river, stream, or water body shall constitute a break in contiguity.

**(63)** "Lot line, front" means:

(a) On an interior lot, the line separating the lot from the street or right-of-way.

(b) On a corner or through lot, the line separating the lot from both streets or rights-of-way.

**(64)** "Lot line, rear" means that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line shall be considered to be the rear lot line for the purpose of determining depth of rear yard. In cases where none of these definitions is applicable, the zoning administrator shall designate the rear lot line.

**(65)** "Lot of record" means a land area designated in a subdivision plat, plat of survey, or certified survey map, or described in a conveyance recorded with the Sauk County Register of Deeds which complied with zoning laws in existence when the property was originally divided or recorded, or both, but which no longer complies with the minimum land area requirement 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 structures or uses.

**(66)** "Lot width" means the distance between the side lot lines measured along a line that is parallel to the front lot line at the required building setback line. On triangular or gore lots, the lot width shall be measured along a line that is parallel to the chord of the arc of the front lot line at the required building setback line.

**(67)** "Maintenance" means repairs necessary to keep a structure in a safe and

habitable condition including exterior and interior painting, replacing damaged or broken window panes, replacing damaged shingles, repairing or replacing floor covering and cabinets, repairing plumbing systems, electrical systems, heating or air conditioning systems, and repairing wells or private on-site wastewater treatment systems, but does not include the repair of structural components.

**(68)** "Mini-warehousing, self-storage facility" means a storage building comprised of separate compartments that are intended for separate rental, each of which has its own separate access.

**(69)** "Mobile home" means either of the following:

(a) A manufactured home as defined in 42 USC § 5402(6) and that is certified by the federal department of housing and urban development as complying with the standards established under 42 USC §§ 5401 to 5425.

(b) A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle, and equipped and used or intended to be used primarily for human habitation, with walls of rigid non-collapsible construction, which has an overall length in excess of 45 feet.

**(70)** "Mobile home park" means an area which provides the required space necessary for mobile homes, together with the necessary accessory structures, driveways, walks, screening, and other required adjuncts.

**(71)** "Motel" means an establishment that provides lodging and parking for overnight guests where the lodging rooms are usually accessible from the outdoor parking area, and which establishment is identified as a "motel" rather than a "hotel" by the operator.

**(72)** "Nonmetallic mining" means:

(a) Operations or activities for the extraction from the earth, for sale or use by the operator, of mineral aggregates or nonmetallic minerals such as stone, sand, gravel, asbestos, beryl, clay, feldspar, peat, talc, and topsoil, including such operations or activities as excavation, grading, and dredging.

(b) On-site processes that are related to the extraction of mineral aggregates or nonmetallic minerals, such as stockpiling of materials, blending mineral aggregates or nonmetallic minerals, crushing, screening, scalping, and dewatering.

**(73)** "Nonmetallic mining site" means any of the following:

(a) The location where nonmetallic mining is proposed or conducted.

(b) Storage and processing areas that are in or contiguous to areas excavated for nonmetallic mining.

(c) Areas where nonmetallic mining refuse is deposited.

(d) Areas disturbed by activities such as construction or improvement of private roads or haulage ways for nonmetallic mining.

(e) Areas where grading or regrading is necessary to conduct nonmetallic mining or to achieve a land use specified in an approved nonmetallic mining reclamation site.

(f) For purposes of this ordinance, non-metallic mining does not include excavations for building construction, public infrastructure projects on public land, or government sponsored, financed, or supervised conservation projects.

**(74)** "Ordinary high water mark" means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics and as further defined in Wis. Admin. Code § NR 115.03(6) and Wis. Admin. Code ch. NR 115.

**(75)** "Parcel" means a contiguous quantity of land in the possession of an owner, single or common interest. No road, highway, easement, railroad right-of-way, river, stream, or water body shall constitute a break in contiguity.

**(76)** "Person" means a human being or an entity, such as a corporation, that is recognized by law as having the rights and duties of a human being and shall include the plural.

**(77)** "Planned rural development (PRD)" means one or more lots or parcels of land to be developed as a single entity, which is a combination of a PRD development area and a PRD preservation area, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination

thereof, but which meets the applicable zoning district's density and use requirements. For the purposes of this chapter, the terms Planned Rural Development and PRD shall have the same meaning.

**(78)** "Pond" means any naturally occurring or artificially created structure of 200 square feet or more which impounds surface water all or part of the year.

**(79)** "PRD development area" means all land encompassed within the lot created by certified survey map as part of a PRD. This area may contain a dwelling and be otherwise developed as long as the use is permitted within the district and the density requirements are met.

**(80)** "PRD preservation area" means undeveloped lands as part of a PRD identified as the balance of lands remaining once PRD development areas are designated, the area of which meets the density policy, and the area of land is placed under a PRD preservation area easement.

**(81)** "PRD preservation area easement" means 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 chapter, the easement shall apply to PRD preservation areas as part of a PRD.

**(82)** "PRD principal conservation area" means areas identified as part of a PRD 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 of class I or class II that either currently does, or could, contain an agriculture use 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 Sauk Co. Code ch. 8.

(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 Sauk Co. Code ch. 9.

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

**(83)** "PRD secondary conservation area" means the following areas:

(a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin, with a land capability of Class III or greater.

(b) Steep slopes in excess of 20%.

(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 plans.

**(84)** "Principal use" means a main or primary use of land as distinguished from a conditional or accessory use and permitted by the regulations of the district in which it is located.

**(85)** "Reconstruct" means the process of reproducing by new construction the exact form or detail of a vanished structure or part thereof as it appeared during a specific point in time.

**(86)** "Recreation facility, indoor" means an enclosed facility that provides for activities such as sports and leisure, other than activities associated with agricultural or arts uses.

**(87)** "Recreation facility, outdoor" means land or associated structures that provide sports and leisure activities open to the public, defined groups, or members of a club or association, including archery ranges, race tracks, go-cart tracks, athletic fields, batting cages, and fish ponds, but excluding agricultural or arts uses.

**(88)** "Recreational vehicle" means a vehicle that is designed to be driven or towed upon a highway by a motor vehicle that is equipped and used, or intended to be used, primarily for temporary or recreational human habitation, that has walls of rigid construction,

and that does not exceed 45 feet in length or any of the following:

(a) "Camping trailer" means a vehicle with a collapsible or folding structure designed for human habitation and towed upon a highway by a motor vehicle.

(b) "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

(c) "Pickup coach" means a structure designed to be mounted on a truck chassis for use as a dwelling.

(d) "Travel trailer" means a vehicular, portable structure built on a chassis and on wheels that is between 10 and 36 feet long, including the hitch, and 8 feet or less in width; and designated to be used as a dwelling and towed by a motor vehicle.

**(89)** "Recycling center" means any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled.

**(90)** "Rendering plant facility" means a facility for the reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.

**(91)** "Resort" means an establishment of a building or group of buildings where living accommodations are furnished to the public for recreational or educational purposes. Minimum square footage requirements as set forth in Subchapter VII shall not be applied to each structure individually, rather a cumulative building total for the resort of 1,250 square feet shall be required.

**(92)** "Retail establishment" means any business offering goods, services, or products for sale to the public, which may include incidental repair of such goods and products, that operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or use during business hours and accessory storage in enclosed, accessory structures.

**(93)** "Road" means a public or private thoroughfare that affords a vehicular access to abutting property but does not include an access easement.

**(94)** "Roadside stand" means a direct marketing operation that utilizes a temporary structure or temporarily utilizes part of a permanent structure which is not fully enclosed and is to be used seasonally to feature the sale of agricultural products or handcrafted items.

**(95)** "Sawmill" means a facility for the processing of timber logs into forestry products such as milled timber, cants, posts, firewood; and wood by-products such as slab wood, wood chips, bark chips and sawdust; and which may include planning and sizing facilities, kilns, storage yards, and accessory maintenance facilities incidental to sawmill operations.

**(96)** "Setback" means the minimum distance by which any building or structure must be separated from a road right-of-way, lot line, or otherwise established distance by this chapter.

**(97)** "Setback line" means a line within a lot parallel to a corresponding lot line which is the boundary of any specified front, side, or rear yard, or the boundary of any public right-of-way, or a line otherwise established to govern the location of buildings, structures or uses.

**(98)** "Shorelands" means lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**(99)** "Special exception" means a use approved by the board of adjustment pursuant to the provisions of this chapter.

**(100)** "Sport shooting range" means an area designed and operated for the practice of weapons used in hunting, skeet shooting and similar sport shooting and is the principal use of the property.

**(101)** "Storage yard" means the outdoor storage of various materials or equipment, or both, as the principal use of the site and includes contractor's storage yards, but does not include retail sales. A storage yard includes areas where nonmetallic minerals are stockpiled.

**(102)** "Structure" means any man-made object with form, shape, and utility, the use of which requires a more or less permanent location on the ground, or attachment of something having a permanent location on the ground. This includes the mounding and excavation of earth.

**(103)** "Structural alterations" means any change in the supporting members of a structure such as bearing walls, columns, beams or girders, footings and piles.

**(104)** "Structure setback line" means a line that is parallel to the front or public right-of-way line and is located at a distance from either the centerline of the adjacent public right-of-way, or the front line as otherwise determined by the zoning administrator when a lot does not front a public right-of-way. For triangular or gored lots, the building setback line shall be the line that is parallel to the front lot line.

**(105)** "Tannery" means a facility or building where skins or hides are processed, not a rendering plant facility.

**(106)** "Topsoil" means the surface layer of soil which is generally more fertile than the underlying soil layers, which is the natural medium for plant growth, and which can provide the plant growth, soil stability, and other attributes necessary to meet the success standards approved in a nonmetallic mining reclamation plan.

**(107)** "Total participating acres" means the sum total of acres in a planned rural development (PRD).

**(108)** "Tourist" or "Transient" means a person who travels from place to place away from his or her permanent residence for vacation, pleasure, recreation, culture, business or employment.

**(109)** "Truck terminal" means buildings or land used for the storage or distribution of freight or goods by a common carrier.

**(110)** "Variance" means a departure from the terms of this ordinance as applied to a specific building, structure or parcel of land, which the Sauk County Board of Adjustment may permit, contrary to the regulations of this ordinance for the district in which such building structure or parcel of land is located, when the board finds that literal application of such regulation will effect a limitation on the use of the property which does not generally apply to other properties in the same district, and for which there is no compensating gain to the public health, safety or welfare.

**(111)** "Vision clearance triangle" means an unoccupied triangular space at the road corner of a corner lot. The triangle is formed by connecting the point where each right-of-way line intersects and two points located at a distance equal to the right-of-way setback distance along each right-of-way line.

**(112)** "Waste transfer station" means a fixed facility where solid waste from collection vehicles is consolidated and temporarily stored for subsequent transport to a permanent disposal site.

**(113)** "Water extraction and removal facility" means a facility where water is taken off site for the purpose of sale and distribution.

**(114)** "Water treatment" means any conditioning of the water by filtering, UV exposure, chemical additives, reverse osmosis, or similar modifications.

**(115)** "Yard" means an open space on a zoning lot that is unoccupied or unobstructed from its lowest level to the sky, except as otherwise provided herein. For the purpose of this ordinance, a yard extends along a lot line to a depth or width specified in the yard regulations for the zoning district in which the zoning lot is located.

**(116)** "Yard, front" means a yard paralleling along the full length of the front lot line between the side lot lines.

**(117)** "Yard, rear" means a yard paralleling along the full length of the rear lot line between the side lot lines.

**(118)** "Yard, side" means a yard paralleling along a side lot line from the front yard to the rear yard.

**(119)** "Zoning administrator" means a public official charged with the administration, enforcement, and interpretation of the Sauk County Zoning Ordinance.

## SUBCHAPTER III

## ZONING DISTRICTS

**7.012 Purpose.** The purpose of this subchapter is to outline the land management goals and general land uses allowed in each zoning district.

**7.013 Agriculture zoning district (AG).** The agriculture (AG) zoning district provides for a mix of residential housing and farm operations.

**7.014 Exclusive agriculture zoning district (EA).** The exclusive agriculture (EA) zoning district provides for the conservation of natural resources while maintaining and enhancing a diverse, economically viable, commercial agricultural base. This district provides for land uses that are integral to the continuance of agriculture and that may be agriculturally related or compatible with nearby farm operations. This district is certified under Wis. Stat. Ch. 91.

**7.015 Resource conservancy zoning district (RC).** The resource conservancy (RC) zoning district provides for the protection, maintenance, and enhancement of open space and rural character as significant community resources. This district provides for land uses that are integral to conserving natural resources and sustaining a high-quality natural environment.

**7.016 Commercial zoning district (COM).** The commercial (COM) zoning district provides for a broad range of commercial uses to promote economic viability.

**7.017 Industrial zoning district (IND).** The industrial (IND) zoning district is intended to accommodate high-impact manufacturing, industrial, or other use, which may not be compatible with residential or mixed development uses.

**7.018 Recreation commercial zoning district (RCOM).** The recreation commercial (RCOM) zoning district provides for a broad range of recreational uses and is intended to accommodate retail and service establishments in order to promote economic vitality.

**7.019 Rural community zoning district (RUC)**. The rural community (RUC) zoning district is intended to accommodate predominantly residential uses with a center of mixed commercial and community services. The rural community typically has a recognizable center, discrete physical boundaries, and a pedestrian scale and orientation. These centers incorporate local economic and social functions integrated with housing. This district intends to maintain and rebuild existing unincorporated villages, or may be applied to new mixed-use developments. The rural community district also provides opportunities for the expansion of mixed-use centers and contiguous residential areas.

**7.020 Multiple family residential zoning district (MFR).** The multiple family residential (MFR) zoning district is intended to accommodate 2 or more dwellings on single or multiple lots. This district is applied in areas where the land use pattern is predominantly multiple family residential, including residential units as part of resorts or mobile home parks, and where such land use patterns are desired in the future.

**7.021 Single family residential zoning district (SFR).** The single-family residential (SFR) zoning district is intended to accommodate single-family dwellings on individual lots. This district should be applied in areas where the land use pattern is predominantly single family residential or where such land use pattern is desired in the future.

## SUBCHAPTER IV

## PERMITTED, CONDITIONAL, AND SPECIAL EXCEPTION USES

**7.022 Purpose.** The purpose of this subchapter is to indicate which land uses may locate in each zoning district and under what standards. Upon compliance with the provisions of this chapter, all applicable standards, and applicable secondary standards as listed in this subchapter, new structures or uses, and new or changing uses, may be permitted in a given zoning district while others may require a conditional use or special exception prior to issuing a land use permit.

**7.023 Land use categories and principal uses.** Permitted uses are grouped by category in the use table. Use categories are not zoning districts. Use categories classify land uses and activities based on common functional or physical characteristics. Characteristics include the type and amount of activity, likely impact on

surrounding properties, and site conditions. Use categories provide a systematic basis for assigning principal uses to appropriate zoning districts.

**7.024 Uses not specifically listed and comparable uses.** Uses not specifically listed in this subchapter are prohibited unless the zoning administrator determines that the use is comparable to a listed use. When a use is determined to be comparable, the proposed use shall be subject to the standards of that use. The following criteria shall be used by the zoning administrator to assess whether a use is comparable:

**(1)** CHARACTERISTICS. The actual or projected characteristics of the proposed activity in relationship to the stated characteristics of the actual use permitted in the zoning district.

**(2)** AREA. The relative amount of site area, floor space, and equipment devoted to the activity.

**(3)** SALES. Relative amount of sales from each activity.

**(4)** HOURS. Hours of operation.

**(5)** LAYOUT. Building and site arrangement.

**(6)** VEHICLE TYPE. Types of vehicles used and their parking arrangements.

**(7)** VEHICLE NUMBER. The relative number of vehicle trips generated.

**(8)** IMPACT. The likely overall impact on surrounding properties.

**7.025 Uses not permitted or comparable.** Where an unlisted use is found by the zoning administrator to be incomparable to any listed use, the use is not permitted.

**7.026 Use table key.** The Use Table lists 15 principal land use categories: agricultural uses, art uses, community uses, education uses, food business uses, home business uses, industrial uses, power generation uses, recreational uses, recreational living uses, residential uses, resource uses, retail sales and service uses, storage and fabrication uses, and waste uses. Uses are listed within each principal land use category. The table shows within what zoning district the land use is permitted and the applicable permitting process. Each use must also comply with applicable regulations in this chapter including the issuance of a land use permit by the zoning administrator when applicable, and any secondary standards in this subchapter as referenced in the use table key.

**(1)** PERMITTED (P). The use is permitted in the respective zoning district following the issuance of a land use permit by the zoning administrator, except as otherwise provided for in this chapter, and is subject to all applicable requirements in this chapter.

**(2)** CONDITIONAL USE (C). The use may be permitted in the respective zoning district only after approval by the agency in accordance with the standards of this chapter, and following the issuance of a land use permit by the zoning administrator.

**(3)** BLANK CELL. The use is not permitted in the respective zoning district.

**(4)** SPECIAL EXCEPTION (S). The use may be permitted in the respective zoning district only after approval by the board of adjustment in accordance with the standards of this chapter, and following the issuance of a land use permit by the zoning administrator.

**(5)** PRIMARY STANDARDS. All uses must meet applicable primary standards. Primary standards include those provisions in subchs. I to III and subchs. VI to XI.

**(6)** SECONDARY STANDARDS. All uses must meet applicable secondary standards. Secondary standards are those provisions in subch. V.

**P=Permitted. Blank Cell= Not Permitted. C= Conditional Use. S = Special Exception. P/C=Permitted or Conditional. P/S=Permitted or Special Exception. SFR = Single Family Residential. MFR = Multiple Family Residential. RUC = Rural Community. COM = Commercial. RCOM = Recreation Commercial. IND = Industrial. EA = Exclusive Agriculture. RC = Resource Conservancy. AG = Agriculture.**

All uses must meet applicable primary and secondary standards.

| Principal Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.027 Agricultural uses.** | | | | | | | | | | |
| **(1) Agriculture incubator.** | | | P | P | P | | P | P | P | |
| **(2) Agriculture-related business.** | | | C | P | | P | C | C | C | |
| **(3) Agricultural tourism.** | | | C | C | C | | C | C | C | s. 7.044 |
| **(4) Aquaculture facility.** | | | | P | | | P | P | P | s. 7.045 |
| **(5) Food processing facility.** | | | | | | P | P | P | P | s. 7.084 |
| **(6) Agriculture.** | | | | | | | P | P | P | s. 7.046 |
| **(7) Landscaping center.** | | | C | P | P | | | C | C | |
| **(8) Poultry and egg production, beekeeping residential.** | P | P | P | | | | | | | s. 7.047 |
| **(9) Roadside stand and farmer's market.** | | | P | P | P | | P | P | P | s. 7.076 |
| **(10) Sawmill.** | | | | C | C | C | C | C | C | s. 7.048 |
| **(11) Livestock harvest facility.** | | | | C | C | C | C | C | C | s. 7.049 |
| **(12) Stable and equestrian facility.** | | | | | | | C | C | C | |
| **7.028 Art uses.** | | | | | | | | | | |
| **(1) Art gallery.** | P | P | P | P | P | | P | P | P | s. 7.050<br>s. 7.052 in EA district only |
| **(2) Art studio.** | P | P | P | P | P | | P | P | P | s. 7.050<br>s. 7.052 in EA district only |
| **7.029 Community uses.** | | | | | | | | | | |
| **(1) Cemetery, mausoleum.** | C | C | C | | | | C | C | C | s. 7.074 (1) |
| **(2) Child care center, 8 or fewer people.** | P | P | P | | | | P | P | P | s. 7.051 |
| **(3) Child care center, 9 or more people.** | | | | C | C | | | | | s. 7.051 |

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All uses must meet applicable primary and secondary standards.

| Principal Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.029 Community uses, continued** | | | | | | | | | | |
| **(4) Government facilities, buildings and uses.** | P | P | P | P | P | P | C | P | P | s. 7.074 (1) s. 7.080 |
| **(5) Health care facilities.** | | | | P | | | | | | |
| **(6) Places of worship.** | C | C | C | P | P | | C | C | C | s. 7.074 (1) |
| **7.030 Education uses.** | | | | | | | | | | |
| **(1) Library, museum.** | C | C | C | P | P | | C | C | C | s. 7.074 (1) |
| **(2) Public/private elementary and secondary schools, colleges, universities, technical institutes, and related facilities.** | C | C | C | P | P | | C | C | C | s. 7.074(1) |
| **7.031 Food business uses.** | | | | | | | | | | |
| **(1) Eating establishment without alcohol, liquor, or malt beverages.** | | | P | P | P | | | | | |
| **(2) Eating establishment with alcohol, liquor, or malt beverages.** | | | C | C | C | | | | | |
| **(3) Grocery store, confectionary, bakery, deli, and meat market.** | | | P | P | P | | P | P | P | s. 7.084 |
| **7.032 General uses.** | | | | | | | | | | |
| **(1) Accessory structure, detached.** | P | P | P | P | P | P | P | P | P | s.7.075 |
| **(2) Accessible elements.** | P | P | P | P | P | P | P | P | P | s. 7.081 |
| **(3) Ponds.** | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | P/S | s. 7.063 |
| **7.033 Home business uses.** | | | | | | | | | | |
| **(1) Home-based business** | P/C | P/C | P/C | P/C | P/C | | P/C | P/C | P/C | s. 7.052 |

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All uses must meet applicable primary and secondary standards.

| Principal Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.034 Industrial uses.** | | | | | | | | | | |
| **(1) Biofuel manufacturing.** | | | | | | C | | | | |
| **(2) Fabrication and assembly of parts.** | | | | P | P | P | | | | |
| **(3) Lab or research facilities.** | | | | P | P | P | | | | |
| **(4) Manufacturing and production of hazardous materials.** | | | | | | C | | | | |
| **(5) Outside product or equipment testing, truck terminals, refining, distribution center.** | | | | C | C | C | | | | |
| **7.035 Recreational uses.** | | | | | | | | | | |
| **(1) Animal sanctuary.** | | | | | | | | | C | |
| **(2) Recreation facility, indoor.** | | | P | P | P | | | | | |
| **(3) Recreation facility, outdoor.** | | | C | C | C | | | | | s. 7.053 |
| **(4) Sport shooting range.** | | | | C | C | | | C | C | s. 7.054 |
| **7.036 Recreational living uses.** | | | | | | | | | | |
| **(1) Bed and breakfast establishment.** | C | C | C | | C | | C | C | C | s. 7.083 |
| **(2) Campground.** | | | | | C | | | | | s. 7.086 |
| **(3) Camping.** | | | | | P | | P | P | P | s. 7.055 |
| **(4) Hotel, motel.** | | | C | P | P | | | | | |
| **(5) Lodging house.** | S | S | S | | S | | S | S | S | s. 7.083 |
| **(6) Resort.** | | | | | C | | | C | C | s. 7.087 |

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All uses must meet applicable primary and secondary standards.

| Principal Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.037 Residential uses.** | | | | | | | | | | |
| **(1) Community living arrangements.** | P/C | P/C | P/C | | P/C | | | P/C | P/C | s. 7.056 |
| **(2) Dwelling used temporarily during construction.** | P | P | P | P | P | | P | P | P | s. 7.057 |
| **(3) Mobile home park and mobile homes.** | | C | | | | | | | | s. 7.058 |
| **(4) Multiple family dwelling, 2 units.** | | P | P | C | C | | C | C | C | |
| **(5) Multiple family dwelling, 3 or more units.** | | P | C | | | | | | | s. 7.075 |
| **(6) Single family dwelling.** | P | P | P | P/C | P/C | | P/C | P | P | s. 7.075<br>s. 7.074(3)<br>Subch. IX |
| **(7) Temporary secondary dwelling for dependency living arrangements or agricultural use.** | | C | C | C | C | | C | C | C | s. 7.059 |
| **7.038 Resource uses.** | | | | | | | | | | |
| **(1) Nonmetallic mining site, one acre or greater.** | | | | | | | | | S | s. 7.060<br>s. 7.074 (2) |
| **(2) Solar energy system.** | P | P | P | P | P | P | P | P | P | s. 7.078 |
| **(3) Wind energy system.** | P | P | P | P | P | P | P | P | P | s.7.078 |
| **(4) Gasification energy system.** | | | | | | P | P | P | P | s.7.078 |
| **(5) Nonmetallic mining site, less than one acre, not exceeding 24 months.** | | | | | | | S | P | P | s. 7.061<br>s. 7.074 (2) |
| **(6) Nonmetallic mining site, between one acre and 15 acres, not exceeding 24 months.** | | | | | | | S | S | S | s. 7.062<br>s. 7.074 (2) |
| **(7) Transportation, communications, pipeline, electric transmission, utility, or drainage uses.** | P | P | P | P | P | C | C | P | P | s. 7.074(1) |
| **(8) Water extraction and removal.** | | | | C | | C | | | | s. 7.0625 |
| **(9) Mobile tower siting.** | C | C | C | C | C | C | C | C | C | Subch. XI |
| **(10) Aircraft landing fields, bases and hangers.** | | | | | | | | C | C | |

**P=Permitted. Blank Cell= Not Permitted. C= Conditional Use. S = Special Exception. P/C=Permitted or Conditional. P/S=Permitted or Special Exception. SFR = Single Family Residential. MFR = Multiple Family Residential. RUC = Rural Community. COM = Commercial. RCOM = Recreation Commercial. IND = Industrial. EA = Exclusive Agriculture. RC = Resource Conservancy. AG = Agriculture.**

All uses must meet applicable primary and secondary standards.

| Principle Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.039 Retail sales and service uses.** | | | | | | | | | | |
| **(1) Animal grooming, veterinary clinic.** | | | P | P | P | | C | C | C | s. 7.085 |
| **(2) Auction facility, flea market facilities.** | | | C | P | P | | | | | |
| **(3) Building material sales, indoor storage only.** | | | P | P | P | P | | | | |
| **(4) Building material sales, outdoor storage.** | | | C | C | C | P | | | | |
| **(5) Kennel.** | | | | C | C | C | | C | C | s. 7.064 |
| **(6) Retail establishment, indoor.** | | | P | P | P | P | | | | |
| **(7) Retail establishment, outdoor.** | | | C | C | C | C | | C | | |
| **(8) Tannery.** | | | | C | | C | | | | |
| **(9) Auto body, vehicle repair and maintenance.** | | | C | C | C | C | | | C | s. 7.065 |
| **7.040 Storage and fabrication uses.** | | | | | | | | | | |
| **(1) Bulk storage in excess of 50,000 gal.** | | | | | | C | | | | |
| **(2) Storage yard.** | | | C | C | | P | | C | C | s. 7.066 |
| **(3) Metal and wood fabrication.** | | | | C | | P | | | C | s. 7.079 |
| **(4) Warehousing, self-storage facility, or mini-warehousing.** | | | | C | C | C | | | | s. 7.067 |
| **(5) Wholesale, distribution facility.** | | | | C | | C | | | | s. 7.068 |

**P=Permitted. Blank Cell= Not Permitted. C= Conditional Use. S = Special Exception. P/C=Permitted or Conditional. P/S=Permitted or Special Exception. SFR = Single Family Residential. MFR = Multiple Family Residential. RUC = Rural Community. COM = Commercial. RCOM = Recreation Commercial. IND = Industrial. EA = Exclusive Agriculture. RC = Resource Conservancy. AG = Agriculture.**

All uses must meet applicable primary and secondary standards.

| Principle Use | (a) SFR | (b) MFR | (c) RUC | (d) COM | (e) RCOM | (f) IND | (g) EA | (h) RC | (i) AG | Secondary standards |
|---|---|---|---|---|---|---|---|---|---|---|
| **7.040 Storage and fabrication uses, continued** | | | | | | | | | | |
| **(6) Seasonal storage of recreational equipment and motor vehicles.** | | | | | | | P | P | P | s. 7.082 |
| **(7) Water distribution, wholesale, processing, and treatment.** | | | | C | | C | | | | s. 7.0681 |
| **(8) Concrete and asphalt plants.** | | | | | | | | | | s. 7.0682 |
| **7.041 Waste uses.** | | | | | | | | | | |
| **(1) Composting facility, recycling center, waste transfer station.** | | | | | | C | | | | s. 7.069 |
| **(2) Junkyard.** | | | | | | C | | | C | s. 7.070 |
| **(3) Landfill, clean.** | | | | C | | | | C | C | s. 7.071 |
| **(4) Landfill, sanitary.** | | | | | | C | | | C | s. 7.072 |
| **(5) Rendering plant facility.** | | | | | | C | | | C | s. 7.073 |

SUBCHAPTER V

SECONDARY STANDARDS

**7.042 Vegetative buffer.** When a use requires a vegetative buffer, the requirements of this section shall be met. A vegetative buffer plan shall be submitted at the time of permit application, and no permit shall be issued until an acceptable vegetative buffer plan has been approved. The plan shall provide for a minimum of 30 feet in depth parallel to any area used for vehicles or buildings. The vegetative buffer may not be used for any purpose other than screening, except at designated points of ingress and egress delineated in the plan. Vegetative buffers that are within 1,000 feet of the ordinary high water mark of a lake, pond or flowage, or 300 feet of the ordinary high water mark of a navigable river or stream, must comply with applicable portions pursuant to Sauk Co. Code ch. 8. **(1)** Within the buffer area, vegetation shall consist of:

(a) A minimum of one tree every 20 feet. Vegetative buffer densities along the front of the property adjacent to the road right-of-way may be reduced to not less than one tree every 30 feet.

(b) Not less than 75% of the trees shall be evergreens.

(c) A minimum of 2 different species of evergreens shall be utilized.

(d) Non-native species which have the potential to be invasive may not be utilized as part of the buffer.

(e) Deciduous trees shall be either single stem or multi-stem trees, with the smallest trunk measured at a minimum of a one-inch diameter at the time of planting. The trunk shall be measured 6 inches above the ground.

(f) Evergreen trees shall be a minimum of 4 feet tall at the time of planting.

(g) There shall be a ground cover of either native grasses and flowers, or lawn grasses.

**(2)** Vegetative buffers shall not interfere with applicable vision triangle requirements.

**(3)** Within the buffer area, vegetation shall be maintained in viable growing conditions. Maintenance of the ground cover shall be completed in a manner that maintains the shape and appearance of trees within the buffer area.

**7.043 Vegetative screening.** When a use requires a vegetative screening, the requirements of this section shall apply. A vegetative screening plan shall be submitted at the time of permit application, and no permit shall be issued until an acceptable vegetative screening plan has been approved. The plan shall provide for a minimum of 30 feet in depth, parallel to any area used for vehicles or buildings. The vegetative screening area shall not be used for any purpose other than screening, except at designated points of ingress and egress delineated in the plan. Vegetative screens that are within 1,000 feet of the ordinary high water mark of a lake, pond or flowage, or 300 feet of the ordinary high water mark of a navigable river or stream, must comply with applicable portions pursuant to Sauk Co. Code ch. 8. **(1)** Within the screening area, vegetation shall consist of:

(a) A minimum of 2 parallel rows of trees, with all rows planted 10 feet apart.

(b) Within any given row, there shall be a minimum of one tree every 12 feet.

(c) Vegetative screening densities along the front of the property adjacent to the road right-of-way may be reduced to not less than one tree every 20 feet.

(d) Not less than 75% of the trees shall be evergreens.

(e) A minimum of 2 different species of evergreens shall be utilized.

(f) Non-native species that have the potential to be invasive shall not be utilized as part of the screening.

(g) Deciduous trees shall be either single stem or multi-stem trees, with the smallest trunk measured at a minimum of a one-inch diameter at the time of planting. The trunk shall be measured 6 inches above the ground.

(h) Evergreen trees shall be a minimum of 4 feet tall at the time of planting.

(i) There shall be a ground cover of either native grasses and flowers, or lawn grasses.

**(2)** Vegetative screens shall not interfere with applicable vision triangle requirements.

**(3)** Within the screening area, vegetation shall be maintained in viable growing conditions. Maintenance of the ground cover shall be completed in a manner that maintains the shape or appearance of trees within the buffer area.

**7.044 Agricultural tourism: secondary standards. (1)** SALES. The sale of goods may only consist of those goods produced, raised, assembled, or provided on the premises. Sales of goods not produced on the premises are limited to 25% of floor space. Services must be directly related to the principal use of the property.

**(2)** OVERNIGHT ACCOMMODATIONS. Overnight and extended stay accommodations may be permitted as part of a conditional use provided that the accommodations are directly related to the principal use of the property.

**7.045 Aquaculture facility: secondary standards. (1)** WASTE MANAGEMENT. All wastewater and sludge shall follow a disposal plan approved by the department.

**(2)** ESCAPE. Aquaculture operations shall be designed and operated as closed systems that permit no escape of plant and animal organisms outside of the closed system.

**7.046 Agriculture: secondary standards**. Land uses associated with general agricultural use including crop or livestock production, grazing, and forest management shall not require

the issuance of a land use permit by the zoning administrator. Structures may require a land use permit.

**7.047 Poultry and egg production, beekeeping residential: secondary standards.** These standards apply to poultry and egg production in SFR, MFR, and RUC zoning districts and on lots zoned EA and AG that have an occupied dwelling on the same lot only, and do not affect poultry and egg production as an agricultural use. **(1)** NUMBER. If less than 2 acres, the number of poultry kept shall not exceed 6 per lot on the same lot as the dwelling. If 2 acres or more, the number of poultry kept shall not exceed 12 per lot on the same lot as the dwelling.

**(2)** DESCRIPTION. A description of the poultry coop shall be provided with the land use permit application. Coops may be part of an accessory structure, but may not be a part of a dwelling.

**(3)** NOISE. Roosters and crowing cockerels shall not be kept.

**(4)** TRESPASS. Poultry shall be kept in fenced areas to prevent poultry from trespassing onto neighboring properties.

**(5)** SETBACKS. (a) Poultry related structures shall be located no less than 25 feet from any side or rear yard. The setback from the road right-of-way shall be as specified in s. 7.098.

(b) Beekeeping related structures shall be located no less than 100 feet from any side or rear yard. The setback from the road right-of-way shall be as specified in s. 7.098.

**(6)** Land uses associated with poultry and egg production in the SFR, MFR, and RUC and which are less than or equal to 120 square feet shall not require the issuance of a land use permit by the zoning administrator provided the standards of this chapter are met.

**7.048 Sawmill: secondary standards. (1)** TIMEFRAME. This standard applies to sawmills when located on the premises for more than 10 days in a 365-day period.

**(2)** ON-SITE SALES. There shall be no retail sales other than products produced on the premises.

**(3)** WASTE DISPOSAL. Deleterious materials such as accumulated slabs, decayed wood, sawdust, sawmill refuse, planing mill shavings, or waste material of any kind shall be handled according to a management plan submitted to the zoning administrator and approved by the agency. Operators must demonstrate that the material will be used or disposed of in a manner that does not endanger human health or environmental resources.

**(4)** EMISSIONS. No sawmill operation shall burn substances by open burning.

**(5)** MATERIAL STORAGE. No storage of logs, lumber, deleterious substances, or equipment of any kind shall be permitted within any building setback area, as specified by the applicable zoning district.

**(6)** OPERATIONAL HOURS. Hours of operation and days shall be specified as a condition of the conditional use by the agency.

**(7)** VEGETATIVE BUFFER. Sawmills located on the premises for more than a 365-day period shall meet the vegetative buffer requirements of s. 7.042.

**7.049 Livestock harvest facility: secondary standards. (1)** ANIMAL CONTROL. Harvest of animals shall take place in a confined area. Fencing shall be adequate to contain animals securely on the owner's property at all times.

**(2)** WASTE DISPOSAL. Deleterious materials such as sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, bones, and waste material of any kind shall be handled according to a management plan submitted to the zoning administrator and approved by the agency as part of the permitting process. Operators must demonstrate that the material will be used, or disposed of, in a manner that does not endanger human health or environmental resources.

**(3)** LOCATION. Livestock harvest facilities may not be located less than 1,500 feet from any residential building and 300 feet from any lot line other than that of the owner of the premises or employees.

**(4)** SCALE. Livestock harvest facilities gross annual income may not exceed $100,000 except those facilities located in the industrial zoning district.

**7.050 Art gallery and art studio: secondary standards. (1)** SALES. Sales of products and

goods shall be of products and goods produced on the premises. The sale of products and goods not produced on the premises are permitted provided these sales are incidental to, or part of, the art gallery or art studio use.

**(2)** ACCESSORY USE IN AN EXCLUSIVE AGRICULTURE (EA) ZONING DISTRICT. An art gallery and art studio in EA shall comply with the definition of accessory use as defined by s. (7.011)(4)(b).

**7.051 Child care center: secondary standards. (1)** OUTDOOR PLAY AREAS. Play area boundaries shall be defined by the placement of a fence.

**(2)** INCIDENTAL TO RESIDENTIAL USE. Daycare centers, 8 or fewer people, shall be incidental to a residential use.

**7.052 Home-based business: secondary standards. (1)** PURPOSE. To establish the standards and criteria for the operation of home based businesses while protecting the reasonable enjoyment of nearby properties by their owners and occupants of neighboring dwellings.

**(2)** STANDARDS. The standards for home based businesses are intended to allow reasonable home based business uses. Any use that meets the standards of a home based business does not need to comply with the zoning requirement specific to that use but shall meet the primary and secondary standards of that use pursuant to s. 7.026(5) and (6).

**(3)** HOME BASED BUSINESSES; LAND USE PERMIT. Home-based businesses may be permitted as an accessory use to an existing residential use on the same lot or parcel in the SFR, MFR, RUC, EA, AG, and RC zoning districts provided they comply with the following standards and after a land use permit has been issued by the zoning administrator.

(a) There shall be no more than one full-time equivalent employee that is not an occupant of the residential dwelling on the same lot or parcel of the home-based business.

(b) The home-based business shall not utilize a floor area exceeding 30% of the combined gross floor area of a dwelling unit and any accessory building. In no case shall the floor area utilized exceed 600 square feet.

(c) Any structural addition to the home for the purposes of operating a home-based business shall be designed, and appear residential in character, so that the addition can readily be repurposed for residential uses at such time that the home-based business is no longer operating.

(d) Retail sales or services shall be of goods grown, produced, assembled, or for services rendered on the premises. Sales of products not produced on the premises are permitted only when these sales are incidental to, and part of, the principal function of the home-based business.

(e) There shall be no outdoor storage or display of equipment, materials, or stock.

(f) The home-based business shall not cause any odor, dust, smoke, vibration, light, or noise that can be detected beyond the property line.

(g) All mechanical equipment used in conjunction with the home-based business shall be operated within a structure.

(h) The home based business shall not utilize a business related vehicle as part of the operation of the business with a rated gross vehicle weight rate capacity in excess of 10,000 pounds, according to the manufacturer's classification.

(i) The home based business shall not require any business related vehicle visits by delivery trucks or vehicles with a rated gross vehicle rate capacity in excess of 20,000 pounds, according to the manufacturer's classification. The business shall not have more than 6 business related vehicle deliveries per week.

(j) The home-based business shall not exceed 5 patron related vehicles per day, or a maximum of 25 patron or business related vehicles per week, whichever is greater. Not more than 2 patron vehicles shall be present at one time, and the proprietor will provide adequate off-street parking on the property where the use is located. Parking areas shall not be used in determining gross floor area.

(k) The hours of operation of the business shall be between the hours of 8:00 a.m. and 8:00 p.m.

(l) No hazardous substances shall be used or stored as part of a home-based business except normal use for household purposes.

(m) There shall be no evidence of a home-based business, other than a sign referred to in Subchapter X, which would indicate that a dwelling or accessory building is being utilized in part for any purpose other than a dwelling or accessory building.

**(4)** HOME BASED BUSINESSES; CONDITIONAL USE AND LAND USE PERMIT. Home-based businesses may be permitted as an accessory use to an existing residential use on the same lot or parcel in the EA, RC, and AG zoning districts provided they comply with the following standards and after the approval of a conditional use by the Agency and a land use permit has been issued by the zoning administrator.

(a) There shall be no more than 2 full-time equivalent employees that are not an occupant of the residential dwelling on the same lot or parcel of the home-based business.

(b) The home-based business shall not utilize a floor area exceeding 50% of the combined gross floor area of a dwelling unit and any accessory buildings. In no case shall the floor area utilized exceed 1,200 square feet.

(c) Any structural addition to the home for the purposes of operating a home-based business shall be designed, and appear residential in character, so that the addition can readily be repurposed for residential uses at such time that the home-based business is no longer operating.

(d) Retail sales or services shall be of goods grown, produced, assembled, or for services rendered on the premises. Sales of products not produced on the premises are permitted only when these sales are incidental to, and part of, the principal function of the home-based business.

(e) There shall be no outdoor storage or display of equipment, materials, or stock.

(f) The home-based business shall not cause any odor, dust, smoke, vibration, light, or noise that can be detected beyond the property line.

(g) All mechanical equipment used in conjunction with the home-based business shall be operated within a structure.

(h) The home based business shall not utilize a business related vehicle as part of the operation of the business with a rated gross vehicle weight rate capacity in excess of 20,000 pounds, according to the manufacturer's classification.

(i) The home based business shall not require any business related vehicle visits by delivery trucks or vehicles with a rated gross vehicle rate capacity in excess of 45,000 pounds, according to the manufacturer's classification. The business shall not have more than 6 business related vehicle deliveries per week.

(j) The home-based business shall not exceed 10 patron or business related vehicles per day, or a maximum of 50 patron vehicles per week, whichever is greater. Not more than 10 patron vehicles shall be present at one time, and the proprietor will provide adequate off-street parking on the property where the use is located.

(k) The hours of operation of the business shall be between the hours of 8:00 a.m. and 10:00 p.m.

(l) No hazardous substances shall be used or stored as part of a home-based business except normal use for household purposes.

(m) There shall be no evidence of a home-based business other than a sign referred to in Subchapter X, which will indicate that a dwelling or accessory building is being utilized in part for any purpose other than a dwelling or accessory building.

**7.053 Recreation facility, outdoor: secondary standards. (1)** LIGHTING. Proposed lighting installations shall integrate every reasonable effort to mitigate the effects of light on surrounding properties.

**(2)** OPERATION. Hours of operation, including hours of night lighting, shall be specified as a condition of the conditional use.

**7.054 Sport shooting range: secondary standards. (1)** FENCING AND SIGNAGE. All premises used for sport shooting ranges shall be completely fenced except for one point of entrance not more than 12 feet wide. Each such range shall be posted with warning signs, facing outward away from the range, not more than 100 feet apart, fastened level to the top of such fence, and not more than 6 feet above the ground. Such warning signs shall be at least 2 square feet in area and shall contain the words, "Danger Shooting Range" in red on a white background. The letters of such words shall be not less than 4

inches high and maintained in a legible condition at all times.

**(2)** VEGETATIVE BUFFER All sport shooting ranges shall meet the vegetative buffer requirements of s. 7.042.

**(3)** BARRIER. Ranges where solid projectile ammunition is used shall be arranged in a manner that provides for a sod-faced barrier of earth or sand, impenetrable by any solid projectile fired on such ranges. For sport shooting ranges where all targets are 100 yards or less in distance, such barrier shall be at least 20 feet in height, measured from the base of the targets, and shall not be less than 50 feet in width. For those sport-shooting ranges where targets are greater than 100 yards, such barrier shall not be less than 30 feet in height, measured from the base of the targets, and shall not be less than 100 feet in width. If an eyebrow ricochet catcher or similar device is used, the aforementioned height and width standards may be decreased by 10%. The target area shall be centered on the barrier, and the center of the targets will be placed no greater than 3 feet from ground level. Ranges for skeet and trap shooting are not required to incorporate a barrier.

**(4)** CONDITIONS OF APPROVAL. The following conditions shall be met and maintained so long as the sport shooting range is used:

(a) Ranges for skeet and trap shooting shall be restricted to the use of shot ammunition.

(b) Shooting and the handling of firearms on the premises shall be conducted in a safe and orderly manner so as not to constitute an undue hazard to persons either on, or off the premises.

(c) *Suspension of Use*. If, on inspection, the zoning administrator determines that any requirements of the conditional use are not being met, the zoning administrator shall give notice to the owner or operator of the premises of a temporary suspension of operations for not more than 14 days, specifying in writing the grounds for such suspension. If such grounds for suspension have not been removed at the end of such period of 14 days or less, the zoning administrator may give notice of indefinite suspension, and operations shall not be resumed except as authorized by a new conditional use as if for a new operation.

**(5)** EXISTING SPORT SHOOTING RANGES. All existing sport shooting ranges which meet the requirements of this chapter and continue to meet all of the conditions and standards on the date of passage of this chapter and thereafter, shall not be required to obtain new conditional and land use permits.

**(6)** LAND USE. Shooting shall be the principal land use on a year-round basis.

**7.055 Camping: secondary standards. (1)** PROVISIONS. The following general provisions shall be followed:

(a) Camping is limited to either no more than 6 stays per year, and each stay is limited to 15 consecutive days, or one stay per year which is limited to 45 days. At the completion of each stay, all camping units and equipment shall be removed from the camping parcel or stored within a permitted structure that has both a cover and sides. The property must be free from all camping units and equipment for at least 3 consecutive days prior to commencing another stay.

(b) State approved sanitary provisions, such as metro units, self-contained units, or commercially available portable toilet units, shall be available.

(c) Arrangements shall be made for the proper disposal of trash and garbage. Littering is prohibited.

(d) Sufficient land area shall be available to accommodate all campers.

(e) Land disturbance activities likely to result in significant erosion, destruction of vegetation or alteration of existing topography, insofar as primarily related to any proposed camping, shall be prohibited.

(f) Camping units shall comply with all setback requirements for the zoning district in which they are located.

(g) Occupation of a camping unit by a person having no other regular place of abode at the time the camping unit is so occupied shall be prohibited.

(h) A camping unit shall not be connected to water or electric except when it is in use.

(i) A camping unit must be properly stored when not in use in a fully enclosed structure or next to a single-family residence.

**(2)** PERMITS. A land use camping permit for one or more camping stays during one calendar year may be issued by the zoning administrator under the following conditions:

(a) Camping, when located on a lot or parcel where an existing residential dwelling does not exist, may be permitted in any zoning district except single family residential if it meets the following standards. All of the provisions in s. 7.055(1) shall be met, and:

1. An owner of record of any lands being used for camping either shall be personally present, or have provided written permission to those persons actually camping.

2. No more than 3 camping units shall be allowed on any lot or parcel.

(b) Camping by organizations or groups on any lot or parcel under one ownership outside of licensed campgrounds may be permitted if it meets the following standards:

1. All of the provisions in s. 7.055(1) shall be met.

2. An owner of record of any lands being used for camping either shall be personally present, or have provided written permission to those persons actually camping.

**(3)** CAMPING WITHOUT A LAND USE CAMPING PERMIT. Camping on a lot with an existing residential dwelling shall not require a land use camping permit. All of the provisions in s. 7.055 (1) shall be met.

**7.056 Community living arrangements: secondary standards. (1)** All community living arrangements shall meet the following standards:

(a) No community living arrangement may be placed within 2,500 feet of any other community living arrangement.

(b) The community living arrangement must be licensed, operated, or permitted under the authority of the Wisconsin Department of Human Services or the Wisconsin Department of Children and Families.

**(2)** Community living arrangements with 8 or fewer persons being served by the program shall be permitted in single family residential, multiple family residential, rural community, recreation commercial, resource conservancy, and agriculture zoning districts.

**(3)** Community living arrangements with 9 to 15 persons being served by the program shall be permitted in multiple family residential, rural community, and recreation commercial zoning districts. A conditional use shall be required prior to locating in the single-family residential, resource conservancy, and agriculture zoning districts.

**(4)** Community living arrangements with 16 or more persons being served by the program shall require a conditional use prior to locating in single family residential, multiple family residential, rural community, and recreation commercial, resource conservancy, and agriculture zoning districts.

**7.057 Dwelling used temporarily during construction: secondary standards. (1)** LAND USE PERMIT. Occupancy of a temporary dwelling during the construction of a new dwelling on the same lot or parcel requires the issuance of a land use permit as a principal residence during the construction of a permanent residential dwelling. The land use permit shall be filed with the zoning administrator. The land use permit shall expire within 365 days. The temporary home shall be removed within 30 days of taking occupancy of the permanent residential dwelling.

**(2)** PLACEMENT DURING HOME CONSTRUCTION. A temporary dwelling may be located on the same lot during the construction of a single family or multiple family dwelling provided that the dwelling is only occupied for residential uses, and by the same family who will occupy the permanent residential dwelling.

**(3)** SIZE OF DWELLING. The size of a dwelling used temporarily during construction shall be not less than 200 sq. feet.

**7.058 Mobile home park and mobile homes: secondary standards. (1)** MOBILE HOME SPACE. Mobile home spaces shall be provided at a rate of one space for each mobile home. Spaces shall consist of an all-weather surface. The space shall be provided with 6 tie-down anchors. Each mobile home space shall be not less than 10 feet wide, nor of less length than the length of the mobile home to be placed therein plus 5 feet.

**(2)** DRIVEWAYS. There shall be a system of driveways providing access to each mobile home, and to off-road parking areas within the mobile home park. This system of driveways shall connect to a road.

**(3)** COMMON OPEN SPACE. Each mobile home park shall set aside 5% of the total area for a contiguous, common open space. The common, open space area shall be in addition to yard open spaces. The area may be provided with children's playgrounds, picnic areas, game courts, and gardens, furnished and maintained by the mobile home park owner, or the plots shall be available to park inhabitants for personal garden plots.

**(4)** CONSTRUCTION STANDARDS. All mobile homes shall meet the construction standards of the Mobile Home Manufacturers Association and all federal, state, and local codes.

**(5)** Mobile homes shall only be permitted in mobile home parks except as provided under s. 7.059.

**7.059 Temporary secondary dwelling for dependency living arrangement or agricultural use: secondary standards. (1)** CONDITIONAL USE, LAND USE PERMIT, AND NOTICE OF TEMPORARY PERMIT. The arrangement shall require the issuance of a land use permit in conjunction with the recording of a notice of temporary permit on a form acceptable to the zoning administrator with the Sauk County Register of Deeds. The land use permit shall expire at such time that the secondary temporary dwelling is no longer utilized, and shall coincide with the recording of a document nullifying the notice of temporary permit. At such time that the temporary secondary dwelling is no longer used, the dwelling shall either be removed, or a land use permit shall be issued converting the temporary secondary dwelling to an accessory structure or common walls originally separating the temporary secondary dwelling from the principal residence are removed. The land use permit under this section shall be issued to the owner of the property and is not transferable.

**(2)** CONFIRMATION OF NEED FOR CONDITIONAL USE. An affidavit confirming the need for continuing the temporary secondary dwelling shall be provided to the zoning administrator every 3 years.

**(3)** PROVISIONS. All temporary secondary dwellings must meet the following:

(a) A temporary secondary dwelling shall only be established provided the following conditions are met:

1. Converting existing living area, attic, basement or garage.

2. Adding floor area to the existing dwelling.

3. Constructing a detached temporary secondary dwelling on a site with an existing dwelling.

(b) Private, on-site wastewater treatment system verification to assure that the system can accommodate the addition of a temporary secondary dwelling and, if needed, upgrades to the system shall be required.

(c) The size of the temporary secondary dwelling shall not be less than 400 sq. feet and not greater than 800 sq. feet unless the unit is physically attached to the residential dwelling through a shared wall or ceiling.

(d) The temporary secondary dwelling shall be located only on the same lot as the dwelling of the owner of the lot.

(e) No detached temporary secondary dwelling area shall be permitted on lots one acre or less.

(f) The temporary secondary dwelling shall comply with all setbacks.

(g) The owner of the property must demonstrate to the zoning administrator that the temporary secondary dwelling meets all applicable subdivision covenants.

(h) A temporary secondary dwelling may not be occupied by more than 2 persons except that the dwellings may provide space for a family when used in conjunction with a farming operation. The owner of the principal dwelling must show that this person meets the allowance for either the farm operation or dependency living arrangement.

(i) Mobile homes utilized as a detached temporary secondary dwelling shall be skirted with a durable material that encloses the area between the chassis and the ground. The use of mobile homes shall not be permitted in areas zoned SFR or MFR.

**(4)** REQUIREMENTS FOR FARM OPERATIONS. A secondary dwelling may only be allowed with a farm operation if the gross income of the farm exceeds $6,000 per year or $18,000 in a 3-year period. Up to 2 secondary temporary dwelling areas per farm may be permitted provided that the temporary secondary dwelling is for parents or children of the farm operator or owner, or is for hired persons deriving at least 50% of their income from the farm operation. Evidence of this provision shall be provided to the zoning administrator.

(**5**) REQUIREMENTS FOR DEPENDENCY LIVING ARRANGEMENTS. No more than one temporary dwelling shall be permitted per lot/parcel and provided that the unit is for a person that is dependent for assistance with activities of daily living from those residing in the principal dwelling or the unit is for a caretaker assisting the dependent with his or her activities of daily living and residing in the principal dwelling.

**(6)** CESSATION OF USE. (a) The property owner shall notify the zoning administrator as to the intended use of the temporary secondary dwelling at such time that the unit is no longer used for dependency living arrangements or farm operations. Within 30 days of notification, a land use permit shall be issued by the zoning administrator upon any change in use or the temporary secondary dwelling shall be removed.

**(7)** INSPECTION FEE. An inspection fee shall be established by the agency and shall be payable to the zoning administrator every three years by June 1 of the third year.

**7.060 Nonmetallic mining site, one acre or greater: secondary standards. (1)** APPLICATION**.** This section applies to all nonmetallic mining sites that are any of the following:

(a) Greater than one acre of total affected acreage in the parcel to be mined;

(b) Mined for more than 24 months; or

(c) Involve blasting for aggregate material.

**(2)** PERMIT. Nonmetallic mining sites may be permitted under this section by the zoning administrator with the submission of a nonmetallic mining application pursuant to s. 7.154 and issuance of a land use permit pursuant to s. 7.153 and special exception approved by the board of adjustment pursuant to s. 7.152. The board shall determine if the nonmetallic mining site is in the public interest after consideration of the following:

(a) The nonmetallic mining site complies with all provisions of this chapter, Sauk Co. Code ch. 24, and Wis. Admin. Code ch. NR 135.

(b) The establishment, maintenance, or operation of the special exception use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.

(c) That the establishment, maintenance, or operation of the special exception use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long-term future use for the area.

(d) That adequate utilities, access roads, drainage, traffic plans, and other site improvements are or will be provided.

(e) All outdoor lighting shall utilize fully shielded lighting fixtures to minimize artificial sky glow and prevent light trespass or glare beyond the property line.

(f) That the nonmetallic mining use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and wastewater permit discharge requirements.

(g) That the noise, vibration, and dust levels be within the standards as established by the state.

(h) That an undeveloped buffer zone adjacent to extraction operations, commencing not less than 50 feet from a property line, or not less than 600 feet from an established building, or such other distance as the Sauk County Board of Adjustment finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines.

(i) That the reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in the property being in a final condition which is reasonably safe, attractive and, if possible, conducive to productive new uses for the site.

(j) Stormwater runoff leaving the site will be controlled to limit sediment delivery to surface waters. Appropriate stormwater

discharge or construction site erosion permits must be obtained.

(k) *Groundwater Protection*. Nonmetallic mining operations and reclamation shall be conducted in a manner that meets groundwater quality standards pursuant to Wis. Admin. Code ch. NR 140.

(l) Nonmetallic mining operations and reclamation shall be conducted in a manner that does not cause a permanent lowering of the groundwater table that results in adverse effects on surface waters or a significant reduction in the quantity of groundwater available for reasonable use to future users.

**(3)** ADDITIONAL FINDINGS AND CONDITIONS. Where deemed practicable and necessary by the Sauk County Board of Adjustment, the following additional conditions may be added to a special exception:

(a) *Vegetative Screening*. An earth bank, berm, or vegetative screen pursuant to s. 7.043 shall be constructed and maintained to screen the mining operation from view.

(b) *Safety Standards*. The nonmetallic mining site shall be enclosed by at least a 3 strand barbed wire fence, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a nonmetallic mining site. Fencing and signs shall be installed prior to commencement of operations.

(c) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from DNR.

(d) Any noise shall be kept below 70 dbA as measured at the nonmetallic mining site's property line during the mines' operational hours. Back up alarms on vehicles that are required by OSHA shall be exempt from this requirement. Verification of this requirement shall be provided to the zoning administrator upon written request.

(e) Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the special exception.

**(4)** ASSURANCE. The Sauk County Board of Adjustment shall require reasonable assurance that the conditions it may impose will be satisfied. Such assurance shall be achieved through a combination of the following prior to commencement of operation activities:

(a) Performance bonds or substitute guarantees in the form of pledged collateral.

(b) Clear identification of the relationships between landowners, lessees, licensees, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

(c) If there is any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same shall be submitted to arbitration in accordance with Wis. Stats. ch. 788, if the claimant so requests.

**(5)** TIME OF OPERATION. Unless otherwise specified in this chapter, the special exception shall be in effect for not more than 5 years, and may be renewed by application to the Sauk County Board of Adjustment. All permitted operations may be inspected at least once every year by the zoning administrator and may be inspected at the time a request for renewal is submitted to the zoning administrator to determine if the operation is in compliance with all conditions. Renewed permits shall be modified to be in compliance with all state, county, and local law. Permits may be amended on application to the Sauk County Board of Adjustment to allow extensions or alterations in operations under new ownerships or managements.

**(6)** TERMINATION OF NONMETALLIC MINING ACTIVITIES. If nonmetallic mining activities terminate for a period of 5 years or more on a site that is the subject of an approved special exception permit, the land use permit holder is not entitled to a right of renewal at the end of the permit period, despite compliance of former operations with all conditions of the original permit, unless:

(a) The discontinuance was specified as part of the original operations plan.

(b) The operator has Sauk County Board of Adjustment approval of an amendment to the original permit placing the operation on inactive status with conditions as to interim or partial reclamation.

(c) Within 2 years of the cessation of the operation all equipment, stockpiles, rubble

heaps, other debris and temporary structures, except fences, shall be removed or backfilled into the excavation, leaving the premises in a neat and orderly condition.

(d) As a condition of approval, the operator shall accept responsibility for remediation, or the permit may be revoked.

**(7)** STOCKPILING. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay, and topsoil shall not be permitted beyond final reclamation.

**7.061 Nonmetallic mining site, less than one acre, not exceeding 24 months: secondary standards. (1)** PERMIT. Nonmetallic mining sites of one acre or less may be permitted under this subsection by the zoning administrator with the submission of a nonmetallic mining application, pursuant to s. 7.154, and issuance of a land use permit, pursuant to s. 7.153, provided the nonmetallic mining site complies with all provisions of this chapter, Sauk Co. Code ch. 24, and Wis. Admin. Code ch. NR 135. These requirements include the requirement for financial assurance and a reclamation plan under Sauk Co. Code ch. 24.

**(2)** TIME OF OPERATION. Nonmetallic mining sites permitted under this subsection shall not exceed 24 months of operation calculated from the date the land use permit is issued and concluding upon the completion of final reclamation. If a nonmetallic mining site exceeds 24 months of operation, it shall be permitted, and meet the standards under s. 7.060.

**(3)** NUMBER. Multiple locations for extraction may be located on a single parcel provided that the total of all locations combined do not exceed one acre.

**(4)** OCCURRENCE. Nonmetallic mining sites under this subchapter shall not be permitted to occur on a parcel more than once in any 3-year period, calculated on the date that the land use permit was issued by the zoning administrator.

**(5)** LENGTH OF OPERATION. Nonmetallic mining sites under this subchapter cannot be extended in duration.

**(6)** STOCKPILING. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay and topsoil, shall not be permitted beyond final reclamation.

**7.062 Nonmetallic mining site, between one acre and 15 acres, not exceeding 24 months: secondary standards. (1)** PERMIT. Nonmetallic mining sites permitted under this subsection shall meet the provisions of s. 7.060(1)(2) and (3). Nonmetallic mining sites between one acre and 15 acres, may be permitted under this subsection by the zoning administrator with the submission of a nonmetallic mining application pursuant to s. 7.154, and issuance of a land use permit pursuant to s. 7.153, provided the nonmetallic mining site complies with all provisions of this chapter, Sauk Co. Code ch. 24, and Wis. Admin. Code ch. NR 135. These requirements include the requirement for financial assurance and a reclamation plan under Sauk Co. Code ch. 24.

**(2)** TIME OF OPERATION. Nonmetallic mining sites permitted under this subsection shall not exceed 24 months of operation calculated from the date the land use permit is issued and concluding upon the completion of final reclamation. If a nonmetallic mining site exceeds 24 months of operation, it shall be permitted and meet the standards under s. 7.060.

**(3)** NUMBER. Multiple locations for extraction may be located on a single parcel provided that the total of all locations combined do not exceed 15 acres.

**(4)** OCCURRENCE. Nonmetallic mining sites under this subchapter shall not be permitted to occur on a parcel more than once in any 3-year period calculated on the date that the land use permit was issued by the zoning administrator.

**(5)** LENGTH OF OPERATION. Nonmetallic mining sites under this subchapter cannot be extended in duration.

**(6)** STOCKPILING. Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay and topsoil, shall not be permitted beyond final reclamation.

**7.0625 Water extraction and removal facility: secondary standards.** A conditional use permit shall be required for all water extraction and removal facilities. All facilities shall meet the following standards.

**(1)** The hours of trucking operations shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Friday.

**(2)** The establishment, maintenance, or operation of the conditional use shall not endanger the public health, safety, or general welfare, nor impair significant aesthetic, scientific, educational, or agricultural values.

**(3)** That the establishment, maintenance, or operation of the conditional use will not substantially affect the existing use of adjacent properties and will not have a substantial adverse effect on the most suitable long-term future use for the area.

**(4)** That adequate utilities, access roads, drainage, traffic plans, and other site improvements are or will be provided.

**(5)** All outdoor lighting shall utilize fully shielded lighting fixtures to minimize artificial sky glow and prevent light trespass or glare beyond the property line.

**(6)** The use shall conform to all government regulations and standards pertaining to the activity, including air and water quality standards and storm and wastewater permit discharge requirements.

**(7)** Abandonment of the site must be done in accordance with local, state, and federal laws.

**7.063 Ponds: secondary standards**. **(1)** PERMITTING. A land use permit shall be required for ponds in the following cases:

(a) Any pond 200 square feet or greater shall be considered a structure, shall comply with setbacks for structures pursuant to this chapter, and shall require a land use permit issued by the zoning administrator.

(b) Any pond which, through the process of digging, excavating or scraping, creates spoils which are stockpiled on-site or removed from the property, shall be considered a mining operation and must comply with all mining regulations, and obtain appropriate permits pursuant to this chapter, Sauk Co. Code ch. 24, and Wis. Admin. Code ch. NR 135 where applicable.

(c) Any pond 200 square feet or greater, and within 75 feet of a property line or road right-of-way, shall require the approval of a special exception by the board of adjustment.

**(2)** CONSTRUCTION OF PONDS. Pond construction shall include the following:

(a) All spoil material removed from the pond shall be thin spread, less than 12 inches in thickness, on upland portions of the parcel.

(b) All disturbed areas associated with pond construction shall be stabilized.

**(3)** SAFETY. If deemed necessary, the zoning administrator or the board of adjustment shall require safety measures, such as fencing and gates.

**(4)** POND CONSTRUCTION PROPOSAL. All ponds that require a land use permit or special exception shall submit a plan and description. Plans and descriptions shall include: size of pond, location on site, setbacks, other existing or planned water features on the site, spoil spreading location, disturbed land reclamation means, property description, site stability, erosion, and construction timing.

**7.064 Kennel: secondary standards.** **(1)** OVERNIGHT CARE. All overnight care of animals must occur indoors.

**(2)** KENNEL SETBACKS. All kennels, outdoor runs, and exercise areas shall be no closer than 1,000 feet from any residential dwelling other than that of the owner, agent, or employee of such kennel.

**(3)** ESCAPE. All outdoor runs and exercise areas shall be fenced to prevent animals from escaping.

**(4)** VEGETATIVE BUFFER. All kennels shall meet the vegetative buffer requirements of s. 7.042.

**7.065 Auto body, vehicle repair and maintenance: secondary standards.** **(1)** DELETERIOUS IMPACTS. A vehicle repair facility shall not generate excessive noise, smoke, odors, heat, dust, or glare that can be detected from the closest public road or dwelling, other than a dwelling occupied by the vehicle repair facility owner.

**(2)** MATERIAL STORAGE. All materials used in conjunction with the facility shall be stored inside.

**(3)** REPAIR LOCATION. All major repairs, maintenance, service, and other operations, except vehicle storage, shall occur within an enclosed building.

**(4)** VEHICLE STORAGE. All vehicles shall be stored within an enclosed building, except that vehicles may be temporarily parked on the property. Temporarily parked vehicles are those that are not on the property for longer than 7 days.

**(5)** UNREGISTERED VEHICLES. The facility may not include the storage of more than 3 vehicles that do not have a valid state registration or license plate.

**(6)** VEGETATIVE BUFFER. All vehicle repair and maintenance facilities located in an agriculture zone shall meet the vegetative buffer requirements of s. 7.042.

**7.066 Storage yard: secondary standards.** All outdoor storage yards shall meet the vegetative screening requirements of s. 7.043.

**7.067 Warehousing, self-storage facility, or mini-warehousing: secondary standards. (1)** MATERIAL STORAGE. All materials stored at the facility shall be indoors.

**(2)** VEGETATIVE BUFFER. All warehousing, self-storage facilities, or mini-warehousing shall meet the vegetative buffer requirements of s. 7.042.

**7.068 Wholesale distribution facility: secondary standards.** All wholesale distribution facilities shall meet the vegetative screening requirements of s. 7.043.

**7.0681 Water distribution, wholesale, processing, and treatment facility: secondary standards. (1)** VEGETATIVE SCREENING: Facilities shall meet the vegetative screening requirements of s. 7.043.

**(2)** MATERIAL STORAGE. All materials and vehicles at the facility shall be stored indoors.

**(3)** HOURS OF OPERATION. The hours of trucking operations shall be limited to 8:00 a.m. to 8:00 p.m., Monday through Friday.

**(4)** WATER TREATMENT. All treatment shall be done within an enclosed facility.

**7.0682 Concrete and asphalt plants: secondary standards. (1)** SETBACKS. It shall be in violation of this chapter for a person, corporation, or other legal entity to operate, or cause to be operated, an asphalt or concrete plant within 1,500 feet of:

1. A duly organized and recognized place of worship,
2. A public or private elementary or secondary school.
3. A public or private day care facility or kindergarten.
4. A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee, or caretaker of the asphalt or concreate plant.

**(2)** SHORELAND AND WETLANDS. Asphalt and concrete plants shall not be located in mapped floodplains, wetlands, or shorelands as defined in Sauk Co. Code chs. 8 and 9.

**(3)** VEGETATIVE BUFFER. All asphalt or concrete plant operations shall meet the vegetative buffer requirements of s. 7.042

**(4)** INFRASTRUCTURE PROJECTS. All concrete and asphalt plants that are temporary in nature and are utilized in conjunction with a specific highway project are exempt from the provision of this ordinance.

**7.069 Composting facility, recycling center, waste transfer station: secondary standards. (1)** SETBACKS. (a) All composting facilities, recycling centers or waste transfer stations, and storage of any dumpsters, shall be no closer than 1,000 feet from any residential dwelling, other than the owner, agent or employee of such facility.

(b) It shall be in violation of this chapter for a person, corporation, or other legal entity to operate, or cause to be operated, any composting, recycling centers or waste transfer stations within 1,000 feet of:

1. A duly organized and recognized place of worship.
2. A public or private elementary or secondary school.
3. A public or private day care facility or kindergarten.
4. A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee or caretaker.
5. Boundary of a platted area for residential development.
6. A public park.

**(2)** SHORELANDS AND WETLANDS. Composting facilities and waste transfer stations shall not be located in mapped floodplains, wetlands, or shorelands as defined in Sauk Co. Code ch. 8 and Sauk Co. Code ch. 9.

**(3)** VEGETATIVE SCREENING. All composting facilities, recycling centers, and waste transfer stations shall meet the vegetative screening requirements of s. 7.043.

**7.070 Junkyard: secondary standards. (1)** OPERATION PROPOSAL. The operator of a junkyard shall submit a written description to the zoning administrator of the proposed operation. The description shall include the types and quantities of materials to be stored or salvaged, where materials are to be hauled to and from and over what roads, proposed hours and days of operation, and any special measures that will be used for spill prevention, waste fluid storage, and control and environmental protection, and assurance that the site will be developed and operated in accordance with all approved plans.

**(2)** SITE PLAN. The operator of a junkyard shall submit a site plan, drawn to scale, and including site boundaries, existing roads, driveways, and utilities; existing natural features including lakes, streams, floodplains, wetlands, and shoreland setback areas; location of the proposed storage yard; proposed location and surfacing of roads, driveways, and site access points; proposed fencing of property and gating of access points; proposed location and types of screening berms and landscaping; and existing and proposed temporary and permanent structures.

**(3)** VEGETATIVE SCREENING. All junk yards shall meet the vegetative screening requirements of s. 7.043.

**(4)** REQUIREMENTS. As part of a conditional use, junkyards shall meet the following requirements:

(a) All junkyards shall meet vegetative screening requirements pursuant to 7.043.

(b) It shall be in violation of this chapter for a person, corporation or other legal entity to operate, or cause to be operated, any junkyard within 1,000 feet of:

1. A duly organized and recognized place of worship.

2. A public or private elementary or secondary school.

3. A public or private day care facility or kindergarten.

4. A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee or caretaker.

5. Boundary of a platted area for residential development.

6. A public park.

**(5)** SHORELANDS AND WETLANDS. Junkyards shall not be located in mapped floodplains, wetlands, or shorelands as defined in Sauk Co. Code ch. 8 and Sauk Co. Code ch. 9.

**(6)** OPERATIONS PLAN. The operations plan shall address the following factors:

(a) The hours of operation shall be from 6:00 a.m. to 8:00 p.m., Monday through Saturday. Crushing hours shall be from 8:00 a.m. to 6:00 p.m., Monday through Friday.

(b) A plan for handling and storage of materials and recyclables including oil, grease, antifreeze, Freon, batteries, metals, tires and related by-products of the recycling process.

(c) All runoff shall be detained on-site, and a contaminant control program shall be developed and approved.

(d) A gate shall be installed at the point of ingress and egress to the site, and shall be shut and locked when no one is in attendance.

(e) A written description of the proposed operation including:

1. The types and quantities of materials that would be stored or salvaged.

2. Where materials would be hauled to and from, and over what roads.

3. Assurance that the site will be developed and operated in accordance with all approved plans.

(f) A site plan drawn to scale and including:

1. Site boundaries.

2. Existing roads, driveways, and utilities.

3. Existing natural features including lakes, streams, floodplains, wetlands, and shoreland setback areas.

4. Location of the proposed storage yard.

5. Proposed location and surfacing of roads, driveways, and site access points.

6. Proposed fencing of property and gating of access points.

7. Proposed location and types of screening berms and landscaping.

8. Existing and proposed temporary and permanent structures.

**(7)** CONDITIONAL USE TERM LIMIT. A conditional use shall be in effect for a period not to exceed 5 years. At the time the permit is set to expire, a new conditional use shall be applied for and approved by the agency provided that the junkyard is in compliance with the conditions set forth in the original conditional use.

**(8)** ANNUAL INSPECTION FEE. An annual inspection fee shall be established by the agency and shall be payable to the zoning administrator by June 1 of each year.

**7.071 Landfill, clean: secondary standards.** **(1)** RECORDS. The landowner shall maintain written records regarding the type, amount, and dates that materials are deposited into the landfill, and shall include written documentation of the source of the material claimed to be deposited into the landfill. Such records shall be made available to the zoning administrator on request.

**(2)** CONDITIONAL USE TERM LIMIT. A conditional use shall be in effect for a period not to exceed 5 years. At the time the conditional use is set to expire, it may be renewed for a period of not more than 5 years by the zoning administrator provided that the landfill is in compliance with the conditions set forth in the original conditional use.

**(3)** ANNUAL INSPECTION AND FEE. The zoning administrator shall inspect the landfill annually and review the conditional use to assure continued compliance. An annual inspection fee will be charged and review shall be good for a period of one calendar year, or portion of a year, beginning on January 1 through December 31. The fee is due on January 1, and becomes delinquent on February 1. If the annual inspection fee becomes delinquent, the conditional use shall become null and void.

**7.072 Landfill, sanitary: secondary standards.** **(1)** RECORDS. The landowner shall maintain written records regarding type, amount and dates materials are deposited into the landfill and shall include a written documentation of the source of the material claimed to be deposited into the landfill. Such records shall be made available to the zoning administrator on request

**(2)** VEGETATIVE BUFFER. All sanitary landfills shall meet the vegetative buffer requirements of s. 7.042.

**7.073 Rendering plant facility: secondary standards.** **(1)** REDUCTION ACTIVITIES. Reduction activities shall take place in a confined area.

**(2)** WASTE DISPOSAL. Deleterious materials such as sewage, processed and unprocessed animal parts, manure, entrails, blood, hides, bones or waste material of any kind, shall be handled according to a management plan submitted to the zoning administrator and approved by the agency as part of the permitting process. Operators must demonstrate that the material will be used, or disposed of, in a manner that does not endanger human health or environmental resources.

**(3)** SETBACKS. (a) All rendering plant facilities shall be no closer than 1,000 feet from any residential dwelling, other than the owner, agent or employee of such facility.

(b) It shall be in violation of this chapter for a person, corporation or other legal entity to operate, or cause to be operated, any rendering plant within 1,500 feet of:

1. A duly organized and recognized place of worship.
2. A public or private elementary or secondary school.
3. A public or private day care facility or kindergarten.
4. A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee or caretaker.
5. Boundary of a platted area for residential development.
6. A public park.

**7.074 Exclusive agriculture zoning district: secondary standards.** These standards apply to uses in the exclusive agriculture district. **(1)** These standards apply to the uses stated in ss. 7.029, 7.030, and 7.038(7). The uses may be located in the exclusive agriculture zone if it is determined that all of the following apply:

(a) The use and its location in the exclusive agriculture zoning district are consistent with the purposes of the district.

(b) The use and its location in the exclusive agriculture zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.

(d) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

**(2)** These standards apply to the uses stated in s. 7.038 (1), (5), and (6). The uses may be located in the exclusive agriculture zone if it is determined that all of the following apply:

(a) The operation complies with subch. I of ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stats. 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.

(b) The operation and its location in the exclusive agriculture zoning district are consistent with the purposes of the exclusive agriculture zoning district.

(c) The operation and its location in the exclusive agriculture zoning district are reasonable and appropriate, considering alternative locations outside the exclusive agriculture zoning district, or are specifically approved under state or federal law.

(d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

(e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

(f) The owner shall restore the land to agricultural use, consistent with any required approved reclamation plan, when extraction is completed.

**(3)** The construction of a dwelling in areas zoned exclusive agriculture shall require the issuance of a conditional use permit pursuant to the standards in Wis. Stat. § 91.46(2)(c). Conditional use permits are not required for the following:

(a) A dwelling may be established pursuant to subch. IX; or

(b) Single family dwellings shall be a permitted use on a lot of record as that term is defined in s. 7.011(61).

**7.075 Single family dwelling and accessory structures, detached, secondary standards.** **(1)** ACCESSORY STRUCTURE NUMBER AND FLOOR AREA. Accessory structures in the Single Family Residential District shall comply with all building setback requirements and be limited to one principal accessory structure and one secondary accessory structure per lot. The dimensional standards for the principal accessory structure shall be as follows:

| Lot Area (sq. feet) | Maximum Floor Area (sq. feet) |
|---|---|
| **(a) 0-19,999 sq. ft.** | 600 sq. ft. |
| **(b) 20,000-43,559 sq. ft.** | 900 sq. ft. |
| **(c) 43,560 sq. ft. and greater** | 1,200 sq. ft. |

**(2)** ACCESSORY STRUCTURE FLOOR AREA FOR THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT. The secondary accessory structure shall have a maximum floor area of 120 square feet.

**(3)** SINGLE FAMILY DWELLINGS IN COMMERCIAL AND RECREATION COMMERCIAL. Residential quarters for the owner, proprietor, commercial tenant, employee or caretaker may be located on the same lot as the business, not to exceed one single family dwelling. Residential quarters in excess of one single family dwelling may be approved by the agency as a conditional use.

**(4)** MOBILE HOMES. Mobile homes shall only be permitted in mobile home parks

pursuant to s. 7.037(3), for dwelling used temporarily during construction pursuant to s. 7.037(2), and temporary secondary dwellings for dependency living arrangements or agriculture uses pursuant to s. 7.037(7) of this ordinance.

**7.076 Roadside stand and farmer's market: secondary standards. (1)** LOCATION. All temporary and permanent structures shall be setback 5 feet from the road right-of-way.

**(2)** PARKING. Off-street parking shall meet the requirements of s. 7.092(5)(d) Flex Parking.

**(3)** Sales of products and goods shall be of products and goods produced on the premises.

**7.077 Animal sanctuary: secondary standards. (1)** SETBACKS. All structures associated with animal sanctuaries shall be located no less than 500 feet from any side or rear yard. The setback from the road right of way shall be as specified in s. 7.098.

**(2)** LOT SIZE. Animal sanctuary facilities shall be located on lots containing not less than 10 acres.

**(3)** VEGETATIVE BUFFER. All animal sanctuaries shall meet the vegetative buffer requirements of s. 7.042.

**7.078 Renewable energy structures: secondary standards. (1)** APPLICABILITY. The requirements and provisions for renewable energy structures shall apply to solar energy systems, wind energy systems, and gasification systems erected, relocated, structurally altered, or reconstructed. Renewable energy structures located in the exclusive agriculture zoning district must meet the definition of an accessory use, unless required or authorized to be located in a specific place by state or federal law.

**(2)** LAND USE PERMIT. The issuance of a land use permit is required prior to the erection, relocation, structural alteration, or reconstruction of any renewable energy facility.

**(3)** SOLAR ENERGY SYSTEM. The following secondary standards apply to solar energy systems.

(a) *Height*. Any ground-mounted solar panel shall not exceed 25 feet in height from the average surface of the ground below.

(b) *Setbacks*. Ground mounted solar systems are permitted on front, back, and side lots provided the system meets all required setbacks of this ordinance.

(c) *Photovoltaic Surface*. Ground mounted solar energy systems in areas zoned single family and multifamily residential shall not exceed a greater photovoltaic surface area of 50% of the front, side, or back yard lot area on which they are proposed to be located.

**(4)** WIND ENERGY SYSTEMS. (a) *Application*. This subsection applies to small wind energy systems that have a total installed nameplate capacity of 300 kilowatts or less and that consist of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts. Wind energy systems greater than 300 kilowatts capacity shall comply with Wis. Adm. Code. Ch. PSC 128.

(b) *Setbacks*. Wind energy systems are permitted on front, back, and side lots provided the system meets the following setbacks.

1. Occupied community buildings: 1.0 times the maximum blade tip height.
2. Participating dwellings: None.
3. Nonparticipating dwellings: 1.0 times the maximum blade tip height.
4. Participating property lines: none
5. Nonparticipating property lines: 1.0 times the maximum blade tip height.
6. Public road right−of−way: None.
7. Overhead communication and electric transmission or distribution lines, not including utility service lines to individual dwellings or accessory structures: 1.0 times the maximum blade tip height.
8. Overhead utility service lines to individual dwellings or accessory structures: None.

**(5)** GASIFICATION ENERGY SYSTEMS. The following secondary standards apply to gasification energy systems.

(a) *Regulations*. Manure collection systems shall follow all federal, state and county land conservation guidelines and regulations.

(b) *Setbacks*. Gasification systems shall be set back 1,000 feet from any building except the participating residence and 1,000 feet from any road right-of-way or property line.

(c) *Shoreland*. Gasification systems in shoreland areas pursuant to Sauk Co. Code ch. 8 are prohibited.

(d) Gasification systems may only process primarily agricultural wastes or byproducts.

**7.079 Metal and wood fabrication: secondary standards.** Sales of products and goods shall be of products and goods produced on the premises.

**7.080 Government facilities, buildings and uses: secondary standards.** Government uses shall be those uses conducted by a governmental entity on government owned property.

**7.081 Accessible element: secondary standards.** The addition of an accessible element to any structure may project into the road setback, front, or rear yard setback by up to 10 feet and into the side yard setback by up to 5 feet. There shall be only one accessible element in the setback per lot. Prior to any accessible element projecting into a setback, the applicant must show that the element cannot be built outside of the setback.

**7.082 Seasonal storage of recreational equipment and motor vehicles: secondary standards.** Recreational equipment and motor vehicles may be stored on the premises provided the equipment is owned by private individuals other than those residing on the premises and the storage is located within an existing farm building and completely enclosed therein. The storage of a dealer's inventory or construction of any new buildings for storage shall be a commercial use. In the exclusive agricultural district, the storage must meet the definition of an accessory use.

**7.083 Bed and breakfast establishment, lodging houses: secondary standards**. **(1)** A septic verification or a sanitary permit shall be required from Sauk County for any building that results in any change in use of the structure from the original use that results in an increased volume of wastewater above that for which the system was originally designed. Where cases of doubt exist as to the need of a sanitary permit, Sauk County shall be contacted before the change in use is made, and the zoning administrator shall determine the need for a sanitary permit.

**(2)** The property must obtain all federal, state, and local permits.

**(3)** The permit shall be issued to the owner of the residence and would not be transferable.

**(4)** An annual inspection fee shall be established by the agency and be payable to Sauk County by June 1st of each year.

**7.084 Food processing facility and grocery store, confectionary, bakery, deli, and meat market: secondary standards.** Food processing facilities and grocery stores, confectionaries, bakeries, delis, and meat markets shall only be permitted in the exclusive agriculture, rural community, or agriculture zoning districts if they have an annual gross income of less than $100,000. Food processing facilities and grocery stores, confectionaries, bakeries, delis, and meat markets must meet the definition of an accessory use to be permitted in the exclusive agricultural zoning district. If a food processing facility's annual gross income is greater than said number, it shall only be permitted in the industrial zoning district. If a grocery store, confectionary, bakery, deli, or meat market's gross annual income is greater than said number, it shall only be permitted in rural community, commercial, or recreation commercial districts.

**7.085 Animal grooming, veterinary clinic: secondary standards.** In the exclusive agricultural district, this use is only allowed to care primarily for livestock.

**7.086 Campground. (1)** A camping unit may not be occupied for more than 240 days in a calendar year. The stay does not need to be continuous, and all separate stays shall be combined in determining the 240-day period.

**(2)** All camping units shall comply with applicable setbacks that apply to structures.

**(3)** Only permanent non-habitable structures shall be allowed in the campground. The only structures allowed shall be sheds, gazebos, picnic shelters, porches, decks, or garages.

**(4)** The campground must obtain all federal, state, and local permits.

**(5)** Occupancy of a camping unit on a continuous, year-round basis or utilization of a camping unit as a permanent abode or legal place of residence is prohibited.

**7.087 Resort. (1)** A septic verification or a sanitary permit shall be required from Sauk County for any building that results in any change in use of the structure from the original use that results in an increased volume of wastewater above that for which the system was originally designed. Where cases of doubt exist as to the need of a sanitary permit, Sauk County shall be contacted before the change in use is made and the zoning administrator shall determine the need for a sanitary permit.

**(2)** The permit shall be issued to the owner of the residence and would not be transferable.

**(3)** In areas zoned agriculture and resource conservancy, only two dwelling units shall be allowed in any resort. If more than two dwelling units are desired, the area must be rezoned.

## SUBCHAPTER VI

## PARKING AND LOADING

**7.088 Purpose.** The purpose of this subchapter is to provide vehicle parking, loading, and circulation standards sufficient to prevent congestion of public rights-of-way and provide safe, efficient public access to properties while minimizing the impact of parking areas on nearby properties.

**7.089 Applicability.** This subchapter applies to all zoning districts and uses. The requirements of this subchapter apply when any new structure is erected, any use of a structure or land is enlarged or increased in intensity, or any other use or change of use is established that requires a land use permit.

**7.090 Permit requirements. (1)** SITE PLAN. A site plan drawn to a scale, showing the location of the parking spaces relative to structures, roads, setbacks, other parking spaces, vision clearance areas, and any other dominate land features located within and adjacent to the proposed parking area.

**(2)** PARKING AND LOADING. When multiple uses are located on one property, or parking areas are shared between different lots to meet the requirements of this section, adequate parking and loading areas shall be identified on a land use permit application.

**(3)** ASSURANCE. The zoning administrator may require additional information to assure compliance with this subchapter and all other applicable provisions of this chapter.

**7.091 General standards. (1)** ACCESS. Adequate ingress and egress to parking and loading areas by clearly limited and defined driveways shall be provided. Driveways shall be perpendicular to the public right-of-way wherever possible. Driveways shall be spaced a safe distance from road intersections, and each other, shall not be located within any vision clearance triangle, and may be limited in number and location according to federal, state, and local standards.

**(2)** SURFACING. All driveways and parking, loading, and circulation areas shall be paved with an all-weather surface. Grass surfacing may be used for special events only.

**(3)** DIMENSIONS OF LANES AND PARKING AREAS. Dimensions of parking lanes and spaces shall be in accordance with the following table. Parking for people with disabilities shall be provided as specified by federal and state regulations.

**(4)** CIRCULATION. Minimum width of internal aisles providing traffic access to parking spaces shall be 12 feet for each direction of travel. Directional marking or signage, or both, shall be provided where required to facilitate safe, efficient circulation. Uses with drive-through facilities shall provide sufficient space on-site for all vehicles being served. Vehicles queuing to be served shall not utilize any road.

**(5)** LOADING AREAS. Uses that involve deliveries or removal of goods, materials, supplies, or wastes shall provide adequate space for vehicle circulation and maneuvering.

**(6)** DRAINAGE. Suitable grading and drainage shall be provided to collect and

transmit storm water to appropriate retention or detention basins, drainage ways, ditches, or storm sewers.

**(7)** LIGHTING. Any lighting used to illuminate parking areas shall be directed away from adjacent properties and shall not cast any glare on public rights-of-way. Lighting shall be angled downwards.

(a) All outdoor luminaires subject to this section shall be fully shielded lighting fixtures to minimize artificial sky glow.

(b) All outdoor lighting fixtures shall be placed to prevent light trespass or glare beyond the property line.

(c) All outdoor lighting shall be of a type and placement to prevent any light above the horizontal plane, as measured at the luminaire.

**(8)** SCREENING. Parking lots containing 10 or more parking spaces located adjacent to a residential use shall be screened by a vegetative buffer or a privacy fence of not less than 80% opacity and built and maintained at a minimum height of 6 feet. Screening shall not be located within any public right-of-way or vision clearance triangle.

**(9)** VEGETATIVE BUFFER. All parking areas shall meet the vegetative buffer requirements of s. 7.042.

**(10)** SETBACKS. Parking is allowed in a setback area provided that all parking areas still meet a 10-foot setback and no parking shall be allowed in a vision clearance triangle.

**7.092 Required parking spaces. (1)** VEHICLE STORAGE. The parking requirements are in addition to space for storage of trucks or other vehicles used in connection with any use.

| Dimensions of Lanes and Parking Areas | | | |
|---|---|---|---|
| **Parking Pattern in Degrees** | **1. Lane Width** | **2. Parking Space Width** | **3. Parking Space Length** |
| **a) 0º(Parallel Parking)** | 12 feet | 8 feet | 23 feet |
| **b) 30º to 53º** | 12 feet | 9 feet | 20 feet |
| **c) 54º to 74º** | 15 feet | 9 feet | 20 feet |
| **d) 75º to 90º** | 20 feet | 10 feet | 20 feet |

**(2)** FRACTIONAL SPACES. Where fractional spaces result, the parking spaces required shall be constructed to be the next highest whole number.

**(3)** COMPARABLE REQUIREMENTS. The parking space requirements for a use not specifically listed pursuant to this chapter shall be the same as for a listed use of similar characteristics of parking demand as determined by the zoning administrator, and shall meet the parking requirements specified by flex parking.

**(4)** MIXED USES. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

**(5)** PARKING REQUIREMENTS. Uses are assigned a parking requirement category as follows:

(a) *Intensive Parking*. Space shall be provided to park 9 vehicles per 1,000 feet of floor area or one vehicle per 2 beds or chairs, as applicable, whichever number is more restrictive. Land uses that require intensive parking include, but are not limited to:

1. Health care facilities.
2. Places of worship.
3. Public or private elementary and secondary schools, colleges, universities, technical institutes, and related facilities.
4. Eating establishment, with or without alcohol.
5. Grocery store, bakery, deli, confectionary, and meat market.
6. Hotel, motel.
7. Resort.
8. Community living arrangements.
9. Vehicle repair and maintenance.

(b) *Moderate Parking*. Space shall be provided to park 4.5 vehicles per 1,000 feet of floor area or one vehicle per 4 beds or chairs, as applicable, whichever number is more restrictive. Land uses that require moderate parking include, but are not limited to:

1. Agriculture-related business.
2. Landscaping center.
3. Art gallery.
4. Art studio.

5. Child care center, 9 or more people.
6. Library, museum.
7. Bed and breakfast establishment, lodging houses.
8. Animal grooming, veterinary clinic.

(c) *Low Parking*. Space shall be provided to park 2 vehicles per 1,000 feet of floor area or one vehicle per 4 beds or chairs, as applicable, whichever number is more restrictive. Land uses that require low parking include:

1. Food processing facility.
2. Child care center, 8 or fewer people.
3. Lab or research facilities.
4. Manufacturing and production of hazardous material.

(d) *Flex Parking*. Uses in this category do not have specified regulations provided the applicant demonstrates that sufficient parking space is available to allow vehicles to park safely without obstructing traffic.

(e) These requirements may be modified at any time if the conditions or uses change, or at the discretion of the agency or zoning administrator provided that the purpose of this subchapter is met.

## SUBCHAPTER VII

## LOT AREA, LOT COVERAGE, SETBACKS, FLOOR AREA, DENSITY, BUILDING HEIGHT

**7.093 Purpose.** The purpose of this subchapter is to establish lot area, lot coverage, height, and density requirements.

**7.094 Lot area, lot coverage, setbacks, floor area, and building height.** All lots created shall meet minimum lot area requirements. Except as otherwise provided under Sauk Co. Code chs. 8 and 23 and Subchapter IX, lot area, width, setbacks, and building height shall be in accordance with the following:

| Zoning District | (a) Minimum Lot Area (sq. ft.) | (b) Minimum Lot Width at the Building Setback Line (ft.) | (c) Principal and Accessory Structure Yard Minimum Setbacks (ft.) | (d) Maximum Building Height (ft.) |
|---|---|---|---|---|
| **(1) Single Family Residential.** | Sewered: 8,000 sq. ft.<br>Unsewered: 20,000 sq. ft. | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 35 ft.<br>Accessory: 20 ft. |
| **(2) Multiple family Residential.** | Section 7.095 | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 35 ft.<br>Accessory: 20 ft. |
| **(3) Rural Community.** | Sewered: 8,000 sq. ft.<br>Unsewered: 20,000 sq. ft. | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 35 ft.<br>Accessory: 20 ft. |
| **(4) Commercial.** | Sewered: 8,000 sq. ft.<br>Unsewered: 20,000 feet | 100 ft. | Side: 10 ft.<br>Rear: 10 ft.<br>Front: 10 ft.<br>As per Section 7.096 | Principal and Accessory: 50 ft. |
| **(5) Recreational Commercial.** | Sewered: 8,000 sq. ft.<br>Unsewered: 20,000 sq. ft. | 100 ft. | Side: 10 ft.<br>Rear: 10 ft.<br>Front: 10 ft. | Principal and Accessory: 50 ft. |
| **(6) Industrial.** | Sewered: 8,000 sq. ft.<br>Unsewered: 20,000 sq., ft. | 100 ft. | Side: 10 ft.<br>Rear: 10 ft.<br>Front: 10 ft.<br>As per Section 7.096 | Principal and Accessory: 50 ft. |
| **(7) Exclusive Agriculture.** | 35 acres except one acre as provided under subch. IX | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 45 ft.<br>Accessory: 75 ft. |
| **(8) Resource Conservancy.** | 35 acres except one acre as provided under subch. IX | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 45 ft.<br>Accessory: 75 ft. |
| **(9) Agriculture.** | 1 acre | 100 ft. | Side: 10 ft.<br>Rear: 25 ft.<br>Front: 10 ft. | Principal: 45 ft.<br>Accessory: 75 ft. |

**(10)** Buildings used in whole, or in part, for residential purposes shall have a floor area of not less than 500 square feet per dwelling, calculated pursuant to the definition of floor area in this chapter, unless otherwise specified by this chapter. Mobile homes located within a mobile home park are exempt from this requirement.

**(11)** Dwellings may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

**(12)** Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be erected to a height not exceeding 75 feet, provided the front, side and rear yards required in the district in which the building is to be located are each increased at least one foot for each foot of additional height over the limit otherwise established for the district in which the building is to be located.

**(13)** Structures for agricultural uses may be erected to a height exceeding 75 feet provided the front, side, and rear yards in the district in which the structure is to be located are increased at least 1.5 feet from the minimum setback requirement for each additional one foot of height greater than 75 feet in height of any agriculture structure that exceeds 75 feet in height.

**(14)** For purposes of subch. VII, if a lot was originally created by certified survey map or subdivision plat, lot lines may only be dissolved by a new certified survey map or subdivision plat.

**(15)** Unless otherwise provided in this ordinance, only one dwelling shall be permitted per parcel.

**7.095 Multiple family zoning: lot area.** Multiple family dwellings shall meet lot area and floor area in accordance with the following:

**(1)** SEWERED. Buildings served by public sewer:

| Number of Dwellings | 1. Minimum Floor Area (sq. feet) | 2. Minimum Lot Area (sq. feet) |
|---|---|---|
| **(a) 2** | 500 sq. ft. per dwelling (1,000 sq. ft. total) | 8,000 sq. ft. |
| **(b) 3** | 1,500 sq. ft. | 13,000 sq. ft. |
| **(c) 4** | 1,900 sq. ft. | 15,000 sq. ft. |
| **(d) 5** | 2,300 sq. ft. | 17,000 sq. ft. |
| **(e) 6** | 2,700 sq. ft. | 18,000 sq. ft. |
| **(f) Each addition over 6** | Plus 400 sq. ft. for each additional dwelling | 18,000 sq. ft. plus 1,000 sq. ft. for each additional dwelling |

**(2)** UNSEWERED. Buildings served by a private on-site wastewater treatment system:

| Number of Dwellings | 1. Minimum Floor Area (sq. ft.) | 2. Minimum Lot Area (sq. ft.) |
|---|---|---|
| **(a) 2** | 500 sq. ft. per dwelling (1,000 sq. ft. total) | 20,000 sq. ft. |
| **(b) 3** | 1,500 sq. ft. | 25,000 sq. ft. |
| **(c) 4** | 1,900 sq. ft. | 30,000 sq. ft. |
| **(d) 5** | 2,300 sq. ft. | 35,000 sq. ft. |
| **(e) 6** | 2,700 sq. ft. | 40,000 sq. ft. |
| **(f) Each addition over 6** | Plus 400 sq. ft. for each additional dwelling | 40,000 sq. ft. plus 5,000 for each additional dwelling |

**7.096 Commercial and industrial zoning: setbacks.** The minimum setback for any principal building and accessory structure shall be 10 feet from any side yard and 10 feet from any rear yard. Side and rear yards shall be increased in depth by 1.5 feet from the minimum setback requirement for each additional one foot of height greater than 35 feet in height of any structure that exceeds 35 feet in height.

**7.097 Livestock related and manure storage structure setbacks**. Livestock facilities, livestock structures, manure storage structures, and any additions to such structures, shall maintain the following setbacks pursuant to Wis.

Admin. Code § ATCP 51.12. For purposes of measuring this setback, property line is defined as the outermost boundary of a property under common ownership as described on a deed recorded with the Sauk County Register of Deeds. Setbacks for property lines less than those specified may be permitted provided consent is granted, in writing, by owners of affected neighboring properties.

**(1)** LIVESTOCK STRUCTURE SETBACKS.

(a) Livestock structures with fewer than 1,000 animal units shall be 100 feet from any property line or road right-of-way.

(b) Livestock structures 1,000 animal units or more shall be 150 feet from any public road right-of-way or 200 feet from any property line.

(c) Livestock structures located within the setback area may be expanded provided the area to be expanded meets required setbacks.

**(2)** MANURE STORAGE SETBACKS. (a) Manure storage structures shall be setback 350 feet from any property line or road right-of-way. The setback from the road right-of-way may be reduced to 100 feet provided there is not a structure utilized for human habitation located within 350 feet from the manure storage structure.

(b) Manure storage structures located within the setback area may be expanded provided the area to be expanded meets required setbacks.

**7.098 Road setbacks.** Roads are divided into the following categories for the purpose of determining the distance buildings and other structures shall be set back from roads.

**(1)** STATE AND FEDERAL HIGHWAYS. The setback line for state and federal highways shall be 50 feet from the right-of-way line. The right-of-way shall be as shown on the highway plans.

**(2)** COUNTY ROADS. The setback line for county roads shall be 42 feet from the right-of-way line. The right-of-way shall be as shown on the highway plans.

**(3)** TOWN ROADS. The setback line for town roads shall be 30 feet from the right-of-way line. The right-of-way shall be as shown on the highway plans.

**(4)** EXCEPTIONS TO REQUIRED SETBACKS. A setback that is less than the setback required by this section shall be permitted where there are at least 3 legally existing buildings, under separate ownership, within 250 feet on the same side of the road as the proposed site, and all built to less than the required setback. In such cases, the setback shall be determined as follows:

(a) Where 2 contiguous parcels are occupied, the setback shall be the average of the setbacks on each side provided:

1. The buildings are legally existing structures and not temporary structures such as corncribs and feeder pens.

2. A road setback for state and federal highways and county roads shall not be less than 30 feet from the right-of-way line.

(b) Where only one contiguous lot is occupied by a building, the setback shall be determined by averaging the required setback with the setback of the adjacent building provided the conditions of par. (a)1 and 2 are met.

(c) Any structure or building utilized in connection with a farm, either historically or currently, and which was built prior to June 25, 1963, or any historic structure listed on the National Register of Historic Places, which does not meet road setbacks pursuant to this chapter, may be reconstructed provided that the road setback is not further encroached upon.

**(5)** VISION CLEARANCE TRIANGLE. There shall be a vision clearance triangle in each quadrant of all intersections of highways or roads with other highways or roads. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery, or trees, except that these plantings may not impede any sight lines within the area defined as a vision clearance triangle.

**(6)** No structures shall be allowed in the road setbacks or road right-of-way.

**7.099 Structures prohibited within setbacks.** No new building, other new structure, or part thereof, shall be placed between the setback lines and any road right-of-way. No building, sign, structure, or part thereof, existing in setback lines on the effective date of this chapter, February 18, 2014, shall be altered or enlarged in any way that increases or prolongs its permanency, except as otherwise provided by this chapter.

**7.100 Structures permitted within setbacks.** **(1)** PROJECTION INTO SETBACK. Bay windows, balconies, chimneys, sills, belt courses, cornices, canopies, eaves or ornamental architectural features may project into a required yard setback line no more than 3 feet provided that no such feature projects over a road setback line or into a vision clearance triangle.

**(2)** PLATFORMS, WALKS AND DRIVES. Platforms, walks, and drives extending not more than 6 inches above the average ground level at their margins, and retaining walls when the top of such walls are not more than 6 inches above the average level of abutting ground on one side, may be located in any yard as long as they meet all other portions of this chapter.

**(3)** FENCES AND WALLS. Solid fences and walls may be located as follows:

(a) Solid fences and walls greater than 20% opacity and located in a vision clearance triangle shall not exceed 30 inches in height.

(b) Solid fences and walls more than 6 feet in height shall be considered structures, subject to the requirements of this ordinance.

(c) Solid fences and walls shall not exceed 4 feet in height when located in a front yard or in a street side yard of a corner lot.

(d) Solid fences and walls shall not exceed 2½ feet in height when located within a vision clearance triangle, except retaining walls used to hold ground at or below its natural level and fences designed and constructed so as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one street to another.

## SUBCHAPTER VIII

## NONCONFORMING USES AND STRUCTURES

**7.101 Purpose**. The purpose of this subchapter is to establish regulations and limitations on the continued existence of uses, lots, and structures established prior to the effective date of this zoning ordinance, February 18, 2014, that do not conform to the provisions of this chapter. Such nonconformities may continue, but the provisions of this chapter are to curtail substantial investment in nonconformities and to bring about their eventual elimination, where appropriate, in order to preserve the integrity of the regulations established in the zoning ordinance.

**7.102 Authority to continue.** Any lawfully existing nonconforming use or nonconforming structure, may be continued so long as it remains otherwise lawful, subject to the provisions of this chapter.

**7.103 Nonconforming uses.** **(1)** In this subsection, "nonconforming use" means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to the use restrictions in the current ordinance.

**(2)** ORDINARY REPAIR AND MAINTENANCE. Maintenance and incidental repair or replacement, and installation or relocation of non-load-bearing walls, non-load-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole, or in part, to a nonconforming use.

**(3)** TEMPORARY STRUCTURE. The continuance of the nonconforming use of a temporary structure is hereby prohibited.

**(4)** EXPANSION, RELOCATION, DAMAGE OR DESTRUCTION. The alteration of, or addition to, or repair in excess of 50% of its assessed value of any existing building, premises, structure, or fixture, for the purpose of carrying on any prohibited trade or new industry within the zoning district where such buildings, premises, structures, or fixtures are located, is prohibited. The continuance of a nonconforming use may continue if any expansion, relocation, maintenance, repair, or other restoration of any nonconforming use is less than 50% of the assessed value of any existing building, premises, structure, or fixture used for the purpose of carrying on the nonconforming use provided that such repair or reconstruction is commenced and completed within 365 consecutive days of the date of such damage or destruction. A land use permit is required prior to starting any construction.

**(5)** CHANGE IN USE. A nonconforming use of land or of a structure shall not be changed to any use other than a use permitted by this

zoning ordinance. When such nonconforming use has been changed to a permitted use, it shall only be used thereafter for a use permitted by this chapter. For purposes of the section, a use shall be deemed to have been changed when an existing nonconforming use has been terminated and a new use has been permitted.

**(6)** ABANDONMENT OR DISCONTINUANCE. When a nonconforming use of land or a nonconforming use of part or all of a structure is discontinued or abandoned for a period of 365 days, such use shall not be reestablished or resumed. Any subsequent use or occupancy of such land or structure shall comply with this chapter.

**(7)** DAMAGE OR DESTRUCTION. (a) In the event that any structure that is devoted in whole, or in part, to a nonconforming use is damaged or destroyed by any means, to the extent that the damage exceeds 50% of the equalized assessed value of such structure immediately prior to such damage, such structure shall not be restored unless the structure and the use will conform to all regulations of this chapter.

(b) When such damage or destruction is 50% or less of the equalized assessed value of the structure immediately prior to the damage, the structure may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction.

**7.104 Nonconforming structures. (1)** In this section, "nonconforming structure" means a dwelling, or other building, that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to one or more of the development regulations in the current zoning ordinance.

**(2)** AUTHORITY TO CONTINUE. Any nonconforming structure that is devoted to a use that is permitted in the zoning district in which the structure is located, may continue so long as it remains otherwise lawful.

**(3)** ENLARGEMENT, REPAIR, AND ALTERATIONS. Any nonconforming structure may be repaired, maintained, altered, renovated, or remodeled. Enlargement of any nonconforming structure shall meet the requirements of this chapter. In instances in which other applicable ordinances are more restrictive, the more restrictive ordinance shall apply.

**(4)** DAMAGE OR DESTRUCTION. In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, such structure shall not be restored unless the structure and the use will conform to all regulations of this chapter, except if the damage or destruction is caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation. If the damage was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation, the structure may be restored to the size, location, and use that it had immediately before such damage or destruction occurred. The size of a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

**(5)** RELOCATION. No nonconforming structure shall be relocated unless the entire structure shall conform to the regulations of this chapter.

**7.105 Nonconforming lots of record. (1)** AUTHORITY TO USE FOR DEVELOPMENT. Any legal, nonconforming lot of record may be used for the development of structures provided that all provisions of this chapter are met.

**(2)** SIZE ALTERATION. Any nonconforming lot of record may be increased or decreased in size provided the land added to or taken away from the nonconforming lot does not result in the creation of a new nonconforming lot.

## SUBCHAPTER IX

## PLANNED RURAL DEVELOPMENT

**7.106 Purpose.** The purpose of this subchapter is to apply location criteria and residential dwelling density allowances to regulate the number and location of rural residential housing lots and dwellings in order to protect agricultural, cultural, natural, or recreational features of the landscape; to provide for the transfer of development rights to identified sending areas pursuant to the

applicable comprehensive plan; to provide for the transfer of land while retaining the development allowance originally allotted to a parcel; to allow for flexibility in increasing the intensity of development while maintaining the density and use requirements in the applicable zoning district, and other requirements as specified by the town in which the Planned Rural Development (PRD) is located. PRD conservation areas are identified as part of a PRD 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, PRD conservation areas shall be substantially protected from residential development.

**7.107 Applicability.** The requirements and provisions of this subchapter shall apply to all lands zoned exclusive agricultural and resource conservancy.

**7.108 PRD creation**. **(1)** A PRD is required in order to create a lot of less than 35 acres on which dwelling units may be established. A PRD shall consist of a PRD preservation area and a PRD development area. A PRD development area is a lot created by the use of density credits. A PRD preservation area is determined by the following: (number of density credits used * 35 acres) - PRD development acres = PRD preservation area. Any remnant land of a parcel that results from the application of a PRD, and that does not otherwise qualify for a density credit, shall be subject to a PRD preservation area easement.

**(2)** A PRD development area may have one dwelling unit unless additional density credits are used to increase the number of dwelling units and a new 35-acre preservation area easement is created. One density credit will increase the number of dwelling units by one.

**7.109 Permitted, conditional, and special exception uses.** Permitted, conditional, and special exception uses as part of a PRD development area and preservation area shall conform to uses permitted in the applicable zoning district, except that any structure not utilized in conjunction with an agricultural use or any dwelling, shall not be permitted on lands identified as the PRD preservation area following the recording of conservation easement with the Sauk County Register of Deeds pursuant to Wis. Stat. § 700.40(1)(a).

**7.110 Density policy.** Density policies shall be applied in accordance with the provisions of this subchapter and Sauk Co. Code ch. 22, and shall further conform to the following standards:

**(1)** The number of density credits allotted to a parcel shall not exceed the applicable zoning district's maximum density, or more restrictive policy expressed by the applicable comprehensive plan, rounded down to the nearest whole number. For the purpose of this calculation, lands subject to a preexisting easement or other similar agreement for the purpose of eliminating development rights, either directly or indirectly, shall not be counted toward the calculation of density credits.

The base density allotment for lands zoned exclusive agriculture and resource conservancy shall be one density credit for each 35 acres in a parcel, rounded down to the nearest whole density credit as calculated by the following equation: (parcel size – preexisting easement acreage / 35) – (existing dwellings on the parcel) = density credits.

**(2)** DENSITY CREDITS AND LOT SIZE. Density credits shall be applied to allow the creation of PRD development areas designated as lots on a certified survey map, not less than one acre and not to exceed 5 acres for each lot established.

**(3)** DENSITY CREDITS AND LOT SIZE INCREASES. Additional density credits may be used to increase the size of a PRD development area over 5 acres. One density credit allows an increase in the PRD development area size by up to 5 acres.

**(4)** Density credits may be used to increase the number of dwellings on a PRD development area lot at a rate of one density credit for each dwelling exceeding one dwelling, except dwellings used as a temporary secondary dwelling may be permitted without the use of a density credit.

**7.111 Density credit exchange. (1)** TRANSFER. In exchange for preserving greater

areas of farmland, unique environmental resources, and to further increase housing placement flexibility, density credits may be transferred between properties within, or between, the exclusive agricultural and resource conservancy zoning districts, or may be transferred from areas with this zoning to incorporated areas. Density credit exchanges shall be applied in accordance with this chapter and the applicable comprehensive plan provided the following requirements are met:

(a) Lands identified as being part of the Lower Wisconsin Riverway and labeled 'LWR' on the official zoning map, and lands identified as being part of the Baraboo Range National Natural Landmark and labeled 'BRNNL' on the official zoning map, shall not be permitted to accept density credits from lands located outside of these areas, unless the credits are explicitly utilized to increase the area of a PRD development area, lot, or dwellings on a single PRD lot.

(b) Except as provided for by this subchapter, density exchanges shall only be used in areas where the applicable comprehensive plan identifies sending areas and receiving areas.

(c) The density credits transferred from the sending parcel shall be pursuant to this subchapter or the applicable comprehensive plan, whichever is more restrictive.

(d) Density credits may be transferred from sending areas to lots of record in receiving areas. In order to create a PRD development area on the lot of record, a PRD preservation area easement must be placed on not less than 35 acres of land from the sending area.

**(2)** AGREEMENT. Negotiations for density exchanges shall take place strictly between property owners and shall not involve Sauk County, the town, or incorporated municipality other than for the approval of the number of credits transferred, the placement of a PRD preservation area easement, approval of both the sending and receiving areas, and other such approvals as needed.

**(3)** PRD PRESERVATION AREA EASEMENTS. A PRD preservation area easement shall be placed on the land from which the density credit was sent.

**7.112 Procedure.** The authority to approve conditional uses for the purpose of establishing a PRD is delegated by the Sauk County Board of Supervisors to the agency. In order to create a PRD pursuant to Sauk Co. Code ch. 22, a conditional use must first be obtained from the Agency. The procedure to acquire such a conditional use for a PRD is as follows:

**(1)** CONSULTATION. The landowner shall consult with the zoning administrator to determine eligibility of establishing a PRD or using the density exchange option pursuant to this subchapter.

**(2)** FARMLAND PRESERVATION AGREEMENT. The zoning administrator will determine if the land affected by a proposed PRD is subject to a farmland preservation agreement with the Wisconsin Department of Agriculture, Trade and Consumer Protection. If the lands are subject to an agreement, the landowner will be referred to the Wisconsin Department of Agriculture, Trade and Consumer Protection.

**(3)** MANAGED FOREST LAW. The zoning administrator will determine if the land affected by a proposed PRD is subject to lands enrolled in the managed forest law program with the Wisconsin Department of Natural Resources. If the lands are enrolled, the landowner will be referred to the Wisconsin Department of Natural Resources.

**(4)** DENSITY CALCULATION. Using the density policy in the applicable zoning district or applicable comprehensive plan, whichever is more restrictive, a density calculation shall be conducted by the zoning administrator in order to determine the number of allowable lots and dwellings within a PRD development area.

**(5)** PRD APPLICATION. An application for a conditional use for a PRD shall be made to the agency on a form provided by the zoning administrator. The application shall be accompanied by the following information:

(a) A development plan in accordance with the provisions of Sauk Co. Code ch. 22, which clearly delineates the PRD conservation areas as well as the proposed PRD development area on a map. The map shall be no less than 11 inches by 17 inches, with a scale of not more than one inch equals 400 feet.

(b) A written description of how the proposed PRD protects PRD conservation areas, in accordance with the provisions of this chapter, Sauk Co. Code ch. 22, and the applicable comprehensive plan.

(c) A copy of the density calculation or density credit exchange.

(d) Written verification as to whether the land is currently in an agricultural use or has been in an agricultural use in the past 5 years.

(e) Written verification that the land is not subject to a farmland preservation agreement or that the agreement has been amended or relinquished by the Wisconsin Department of Agriculture, Trade and Consumer Protection to permit a PRD.

(f) Written verification that the land is not enrolled in the managed forest law program or that the enrollment has been amended or relinquished by the Wisconsin Department of Natural Resources to permit a PRD.

(g) A preliminary title or letter report for all lands affected by a PRD development area, and PRD preservation area, and where required, consent to a development area easement from any holder of liens that cannot be completely removed, on a form acceptable to the zoning administrator.

(h) A draft copy of the development area easement in a form acceptable to the agency and town in which the PRD is proposed.

1. The zoning administrator shall submit a copy of the completed application to the town in which the application is being made, for consideration of the conditional use.

2. Following town action on the conditional use, the application shall be presented to the agency for consideration at a public meeting, as provided in Sauk Co. Code ch. 22. On approval of the conditional use, the landowner may proceed to obtain a PRD, pursuant to Sauk Co. Code ch. 22 that is inclusive of a PRD preservation area easement and the appropriate land division process.

**7.113 Standards for approving a planned rural development (PRD). (1)** GENERAL STANDARDS. The agency may approve applications for a PRD, or the location of a dwelling on parcels of 35 acres or greater in areas zoned exclusive agricultural, as a conditional use pursuant to Wis. Stat. § 59.69(2)(bm), on finding that such PRD or dwelling is in the public interest, after consideration of the following factors present in addition to the standards set forth in this chapter.

(a) Adequate public facilities to accommodate development either exist, or will be provided, within a reasonable amount of time as determined by the agency.

(b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide such facilities.

(c) The land proposed for a PRD development area is suitable for development, and will not result in undue water or air pollution, cause unreasonable soil erosion, or have an unreasonably adverse effect on rare or irreplaceable natural areas or agricultural uses.

(d) Impacts on principal and secondary conservation areas as determined in Sauk co. Code ch. 22. For the purposes of applying this standard, principal conservation areas shall be protected from residential uses, while secondary conservation areas shall be substantially protected from residential uses.

(e) Whether the development as proposed is located to minimize the amount of agricultural or forestland converted.

(f) Compatibility with existing or permitted uses on adjacent land.

(g) Productivity of land involved from agricultural, forest, and conservation perspectives.

(h) Provision of safe and adequate public and emergency vehicle access.

(i) Consistency with all officially adopted local and county plans and ordinances.

(j) On lands covered by a farmland preservation agreement, the agreement must have been referred to the Wisconsin Department of Agriculture, Trade, and Consumer Protection for determination of potential conflicts between a PRD and the terms of the agreement. If such a determination is made, verification of release, or modification and release, shall be provided by the Wisconsin Department of Agriculture, Trade, and Consumer Protection for lands within PRD development areas before the PRD can be approved.

(k) This subsection (k) applies to areas zoned exclusive agriculture only. The total number of active agricultural acres removed for a PRD development area may not exceed 5% of the total participating acres, calculated on an annual basis. By March 1 of each year, the department shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection a report on the conditional use permits issued for nonfarm residences, information on the total participating acres during the previous year, the active agricultural acres removed for residential use, the total number of lots created, and the total number of acres used for rural residential lots. If the number of active agricultural acres removed for residential use is greater than 5% of the total number of participating acres used to calculate density credits, then the Agency will need to reduce the acreage removed in the next year until the standard is met.

**(2)** CONDITIONS AND GUARANTEES. Prior to the granting of any conditional use, the agency may stipulate such conditions and restrictions on uses of land as deemed necessary to promote the public health, safety, and general welfare of the community and to secure compliance with the standards and requirements pursuant to this chapter and Sauk Co. Code ch. 22 as applicable to a PRD. In all cases in which a conditional use is granted, the agency shall require such evidence and guarantees as it may deem necessary, as proof that the conditions stipulated in connection therewith are and will be followed.

## SUBCHAPTER X

## SIGN REGULATIONS

**7.114 Purpose and findings. (1)** PURPOSE. (a) Regulate signs in a manner that does not create an impermissible conflict with constitutional, statutory, or administrative standards, or impose an undue financial burden on the people of Sauk County.

(b) Provide for fair and consistent enforcement of sign regulations under the county zoning authority.

(c) Improve the visual appearance of Sauk County while providing for effective means of communication and orientation, particularly in settings in which the need for communication and orientation is greater, consistent with the Sauk County Board findings that follow.

(d) Maintain, enhance, and improve the aesthetic environment of Sauk County, including its scenic views and rural character consistent with the *Sauk County Comprehensive Plan* and *Highway 12 Corridor Growth Management Plan* and the purpose of each zoning district, by preventing visual clutter that is harmful to the appearance of the community, protecting vistas and other scenic views from degradation, and reducing and preventing commercialism in noncommercial areas.

(e) Promote public health, safety, and welfare in Sauk County by regulating the number, location, size, type, illumination, and other physical characteristics of signs within Sauk County.

**(2)** FINDINGS. (a) Exterior signs have a substantial impact on the character and quality of the environment.

(b) Signs provide an important communication medium.

(c) Signs can create safety hazards that threaten public health, safety, and welfare. The threat increases when signs are structurally inadequate, confuse or distract drivers or pedestrians, or interfere with official directional or warning signs.

(d) Signs can threaten public welfare by creating aesthetic concerns and harming property values. These threats increase when an accumulation of signs results in visual clutter and detract from the character of the area.

(e) Sign related lighting can create public safety problems by excessively distracting drivers and causing unnecessary glare. Light pollution can detract from the natural environment and inhibit viewing night skies. This diminishes the enjoyment of night skies and impedes recreational and educational activities.

(f) Signs serving certain other functions, such as directional signs, are necessary to enable visitors and residents to efficiently reach their destinations.

(g) Sauk County's land use regulations have included the regulation of signs in an effort to foster adequate information and means of expression, and to promote economic viability of the community while protecting Sauk County and its citizens from a proliferation of signs of a type, size, and location that would adversely impact community or threaten health, safety, or the welfare of the community including threatening the rural character of the community, the robust tourist economy, and aesthetic considerations. The appropriate regulation of the physical characteristics of signs in Sauk County and other communities has had a positive impact on the safety and appearance of the community.

**7.115 Definitions.** In this subchapter:

**(1)** "Banner" means a commercial sign consisting of characters or graphics applied to any kind of fabric with only non-rigid material for background and hung between 2 rigid points.

**(2)** "Canopy sign" means a roof-like covers that project from the wall of a building. Canopies may be freestanding, such as a covering over a service station island.

**(3)** "Copy area" means the entire face of a sign including the advertising surface, any framing, trim, molding, void or unused area between multiple sign faces, architectural, or decorative feature, but not including the support structure. On a banner, the copy area is the flexible material that does not include the permanent fixtures.

**(4)** "Development sign" means a permanent sign at the entrance of a residential neighborhood or commercial development identifying the development by the given name of that development.

**(5)** "Directional sign" means an on-premises sign without a commercial message or advertising slogan that assists individuals with directions regarding entrances, exits, rights-of-way, road directions, or road numbers.

**(6)** "Direction of travel" means the direction a vehicle travels on a public road. Two-lane roads allowing travel in opposite directions have 2 directions of travel.

**(7)** "Disrepair" means, as it pertains to signs, the presence of loose materials including excessive peeling paint, wood, or other material, rust, rot, vibration, lack of structural integrity, and any facility that is deemed to cause an unsafe condition.

**(8)** "Double-sided sign" means any sign that has 2 surfaces of copy area that face different directions. For the purposes of this chapter, double-sided signs shall be identified as 2 separate signs.

**(9)** "Electronic message sign" means any sign, which may or may not include text, where the sign face is electronically programmed and can be modified by electronic processes including television, plasma, and digital screens, holographic displays, multi-vision slatted signs, and other similar media.

**(10)** "Farm crop identification sign" means a sign that identifies a crop that is growing in farm fields.

**(11)** "Farm identification sign" means any sign displaying the name, owners, cooperative, or family of an operating agricultural operation.

**(12)** "Government sign" means any sign authorized by a unit of government for the purpose of displaying government related information or providing traffic control.

**(13)** "Ground sign" means any sign supported by means attached to the ground. Ground signs can be supported by pylons, uprights, ground cables, cribs, and landscaping means. Ground signs are self-supporting and not attached to a building.

**(14)** "Height" means the total height the erected sign stands from the top of the highest point of the sign to the lowest point of the ground elevation directly below the sign. Mounding of soil or other material directly below the sign shall not be included in any height calculation.

**(15)** "Home-based business sign" means an on-premises sign that directs attention to a home-based business.

**(16)** "Inflatable sign" means a sign designed to be inflated or airborne and tethered to the ground, a vehicle, or any structure.

**(17)** "Nit" means a unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

**(18)** "Notification sign" means non-commercial signs that inform the public of hazards, rights-of-way such as bike or

snowmobile trails, or are used to control access to property.

**(19)** "Obscene sign" means any sign which displays any matter which appeals to a prurient interest in sex, as determined by the average person applying contemporary community standards or portrays sexual conduct in a patently offensive way; and lacks serious literary, artistic, political, or scientific value.

**(20)** "Off-premises sign" means any sign on a separate parcel from the facility, establishment, or entity, which the sign is advertising, displaying, or giving directions to.

**(21)** "On-premises sign" means any sign on the same parcel as the facility, establishment, or entity that the sign identifies, advertises, or gives direction to.

**(22)** "Political sign" means any sign with a political message as defined in Wis. Stat. § 12.04(1)(b).

**(23)** "Portable sign" means a sign on trailers, trucks, vehicles, and other mobile systems that are on a parcel for longer than 72 hours where the main purpose of the vehicle in that location is to be interpreted as a sign.

**(24)** "Real estate sign" means a temporary sign displaying the sale, rental, or lease of real property.

**(25)** "Roof sign" means any sign, which projects above the roof line of that building.

**(26)** "Rummage sale sign" means a sign directing attention to the sale of personal property inside or outside a building. This includes garage sale, estate, and auction signs.

**(27)** "Sign" means any object, structure, erected image, flag, or wall portraying a message, advertising slogan, directional aide, or identification symbol visible to the public. Letters or numbers painted on or attached to buildings portraying the occupants, fire numbers, or road addresses are not considered to be signs.

**(28)** "Sign owner" means the person, company, entity partnership, association, corporation, trustee, and any legal successors owning the sign on a specific piece of property, as well as the property owner.

**(29)** "Special event sign" means a sign advertising or announcing a special community-wide event or activity. Such events and activities include concerts, plays, festivals, community gatherings, community sidewalk sales, and farmers' markets. Commercial sales of one individual business are not considered a special event.

**(30)** "Wall sign" means any sign, which is erected and mounted on the exterior wall of a building.

**(31)** "Way-finding sign" means an off-premises sign that guides the public from roads to civic, cultural, visitor, recreational, or commercial destinations. For purposes of this definition, way-finding signs shall only include the name of the destination, arrow, and distance, except that more than one destination name, arrow, and distance may be included on collocated signs.

**7.116 Applicability.** The requirements and provisions of this subchapter shall apply to all signs that are erected, relocated, structurally altered, maintained or reconstructed after the effective date of this chapter, February 18, 2014. It shall be unlawful and in violation for any person to erect, relocate, structurally alter, maintain, or reconstruct any sign; except in compliance with the requirements of this subchapter.

**7.117 Permit requirements.** Sign Permit Issuance. The issuance of a sign permit is required prior to the erection, relocation, structural alteration, or reconstruction of a sign. An application for a sign permit shall be made on a form provided by the zoning administrator and shall include the following information:

**(1)** The name, addresses, legal corporate status, and telephone number of the applicant responsible for the accuracy of the application, and site plan.

**(2)** The name, address, and telephone number of the landowner on whose property the sign is located.

**(3)** The name, address, legal corporate status and telephone number of the owner of the sign.

**(4)** A copy of an approved sign permit issued by the State of Wisconsin, where applicable.

**(5)** A description of the sign to be installed including height, setbacks, copy area,

design, and a diagram on how such sign will be anchored to a building or the ground.

**(6)** A site plan drawn to a scale showing the location of the sign relative to structures, roads, setbacks, other signs, vision clearance areas, and any other dominate land features located within 5,280 feet of the proposed sign location.

**(7)** A drawing or other depiction showing the proposed sign.

**(8)** Cost of the sign.

**(9)** Such other information as the zoning administrator may require as confirmation of full compliance with this subchapter and all other applicable provisions of this chapter.

**7.118 Substitution clause and sign content.** Subject to the owner's consent, noncommercial speech of any type may be substituted for any duly permitted or allowed commercial speech; provided, that the sign is legal as expressed in this subchapter without consideration of message content. Such substitution of message content may be made without any additional sign permits required. This provision prevails over any provision to the contrary in this subchapter.

**7.119 Rustic road visibility.** No sign visible from the main traveled way of a road designated as a rustic road pursuant to Wis. Stat. § 83.42 and Wis. Admin. Code §§ Trans-RR 1.15 and 1.17 may be erected except for the following signs:

**(1)** Government signs.

**(2)** Real estate signs.

**(3)** On-premises signs.

**7.120 Signs not requiring a sign permit.** The following signs are exempt from the requirement to obtain a sign permit pursuant to this subchapter provided they meet the requirements of this chapter:

**(1)** Address, numbers and nameplates.

**(2)** Directional signs.

**(3)** Farm crop identification signs.

**(4)** Farm identification signs.

**(5)** Government signs.

**(6)** Notification signs.

**(7)** Political signs.

**(8)** Real estate signs.

**(9)** Rummage sale signs.

**(10)** Special event signs.

**7.121 Prohibited signs.** The following signs are prohibited:

**(1)** Abandoned signs.

**(2)** Inflatable signs.

**(3)** Noise making, steam emitting, or odor emitting signs.

**(4)** Obscene signs.

**(5)** Portable signs.

**(6)** Roof signs.

**(7)** Signs on utility poles, electrical boxes, or other public utilities.

**(8)** Signs that imitate or resemble any official traffic sign, signal, or device.

**(9)** Electronic message signs except as provided for in this subchapter.

**7.122 Signs requiring a sign permit. (1)** SIGN PERMIT. Except as otherwise provided in this ordinance no person may erect, relocate, structurally alter, or reconstruct, any sign without first obtaining a sign permit from the zoning administrator.

**(2)** CONTENT. Changing the content of the copy area does not require a permit.

**(3)** BANNERS. Banner posts or structure must be permanent fixtures and be issued a sign permit.

**7.123 Construction and maintenance. (1)** CONSTRUCTION AND RECONSTRUCTION. Any sign erected, relocated, structurally altered, reconstructed, or maintained shall comply with the provisions of this chapter.

**(2)** MULTIPLE COPY AREAS. Signs with multiple copy areas shall be placed back-to-back (parallel).

**(3)** DISREPAIR AND ABANDONMENT. Any sign that falls into a state of disrepair or is abandoned shall be repaired or removed by the owner. If the sign is to be repaired a new permit shall be required which shall conform to the provisions of this chapter.

**7.124 Nonconforming existing signs. (1)** AUTHORITY TO CONTINUE. Any on-premises sign, which is permitted under this chapter, may continue, so long as the land use continues to exist and remains otherwise lawful according the

provisions of this chapter. Land uses that no longer exist shall be removed.

**(2)** MAINTENANCE. Any nonconforming sign may be maintained provided that such maintenance shall not create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of the structure, and provided that the cost of maintenance does not exceed 50% of the sign's assessed value at the time of maintenance.

**(3)** DAMAGE OR DESTRUCTION. (a) In the event that any sign identified in whole or in part as a nonconforming use is damaged or destroyed, by any means, to the extent that the damage exceeds 50% of the assessed value of such sign immediately prior to such damage, such sign shall not be restored unless the sign and the use conforms to all regulations of this chapter.

(b) When such damage or destruction is 50% or less of the fair market value of the sign immediately prior to such damage, such sign may be repaired and reconstructed and used for the same purposes as it was before the damage or destruction provided that such repair or reconstruction is commenced and completed within 12 months of the date of such damage or destruction.

**(4)** RELOCATION. No nonconforming sign shall be relocated in whole or in part to any other location on the same, or any other parcel or lot, unless the entire structure shall conform to the regulations of this chapter.

**7.125 Notice.** Any sign that does not meet the requirements of this chapter shall be removed within 30 days of owner's receipt of certified letter or within 30 days of good faith attempt at providing owner with notice.

**7.126 Political signs. (1)** DEFINITIONS. As used in this section, the following terms mean:

(a) *Election Campaign Period*. 1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.

2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate, and ending on the day in which the referendum is held.

(b) *Political Message*. A message intended for a political purpose or a message, which pertains to an issue of public policy of possible concern to the electorate, but does not include a message intended solely for a commercial purpose.

(c) *Residential Property*. Property occupied or suitable to be occupied for residential purposes and property abutting that property for which the owner or renter is responsible for the maintenance or care. If property is utilized for both residential and nonresidential purposes, residential property means only the portion of the property occupied or suitable to be occupied for residential purposes.

**(2)** DISPLAY PERIOD. Political signs advocating for a particular candidate, party, or position specific to a particular election campaign or referendum shall be displayed only during the election campaign period as that term is defined in Wis. Stat. § 12.04(1)(a), plus 5 days before or after that period.

**(3)** DISPLAY PERIOD NOT APPLYING. Notwithstanding any other provisions of this subsection, if a political sign meets the requirements of this chapter and is granted a permit according to the provisions of this chapter, the time limits in this subsection do not apply.

**(4)** NOT ON RESIDENTIAL PROPERTY. Political signs not on residential property are not exempt from any provision of this chapter.

**7.127 Electronic message signs. (1)** SIGN TYPE PERMITTED. On-premises ground signs shall be the only type of sign that may incorporate electronic message components to the sign's copy area.

**(2)** CHANGE INTERVAL. The electronic message shall not be changed more than once every 6 seconds.

**(3)** MALFUNCTION. In the event of a malfunction in any portion of the electronic message sign, the sign shall be turned off upon notification until the malfunction is corrected.

**7.128 Illumination. (1)** LIGHT NUMBER AND DIRECTION. Signs that are illuminated from an

external source shall have a maximum of 4 external lights directed at only the copy area from a downward angle attached to the top of the sign or sign structure.

**(2)** GLARE. Signs that are not effectively shielded to prevent beams or rays of light from being directed at any portion of a road and that are of such intensity or brilliance as to cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.

**(3)** NITS. Electronic message sign copy areas shall not exceed a maximum illumination of 5000 nits during daylight hours and 500 nits between dusk to dawn as measured from the sign's face at maximum brightness.

**(4)** ZONING. Illuminated signs shall only be permitted in areas zoned commercial, industrial, or recreational commercial.

**(5)** INTERFERENCE WITH TRAFFIC SIGNALS. No sign may be illuminated so it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.

**(6)** CHANGING LIGHT SOURCES. No sign shall use flashing, moving, reflecting, or changing light sources in any way.

**7.129 On-premises sign standards.** The following on-premises signs are allowed in all zoning districts, except that (1), (3), (7), and (9) must be located in a commercial, recreation commercial, or industrial zoning district. Each type of sign shall be subject to the provisions of this chapter including:

| On Premises Sign Type | (a) Maximum Number | (b) Maximum Total Copy Area (sq. ft.) | (c) Maximum Height (ft.) |
|---|---|---|---|
| (1) Banner | 2 per parcel. | 32 sq. ft. | 6 ft. |
| (2) Home-based business, lodging house, and bed and breakfast establishments | 1 per parcel. | 12 sq. ft. | 8 ft. |
| (3) Canopy sign | 1 per building entrance or 1 per side for service station canopies. | 15% of the canopy surface or 15% per canopy side for service station canopies. | |
| (4) Development | 2 per development. | 64 sq. ft. | 12 ft. |
| (5) Directional | 1 per driveway entrance and 1 per driveway exit. | 4 sq. ft. | 4 ft. |
| (6) Farm identification | 1 per parcel to which the sign pertains. | 32 sq. ft. | 15 ft. |
| (7) Ground | 1 sign per road frontage. | 75 sq. ft. | 10 ft. |
| (8) Notification | | 4 sq. ft. | |
| (9) Wall | 2 per parcel. | 15% of the building wall that the sign is affixed to, not to exceed 300 sq. ft. The area of the wall shall be calculated as wall height (not to exceed 15 feet) times wall length. | The maximum projection shall not exceed 12 inches from the wall on which it is mounted. |

**7.130 Off-premises sign standards.** The following off-premises signs are allowed in the commercial, recreational commercial, and industrial zoning districts with the exception of wayfinding signs, which are allowed under any zoning district. Each type of sign shall be subject to the provisions of this chapter, including:

| Off Premises Sign Type | (a) Maximum Number | (b) Maximum Copy Area (sq. ft.) | (c) Maximum Height (ft.) | (d) Spacing (ft.) |
|---|---|---|---|---|
| **(1) Ground** | 1 per mile per side of road facing each direction of travel. | U.S. Highway/State Road: 75sq. ft. per sign<br>County Road: 32 sq. ft. per sign<br>Town, Village or City Road: Not permitted | 18 ft. | Not located closer than 5,280 feet from any other off-premises or on-premises permanent signs and shall be placed no closer than 1,000 feet from any road intersection and from any exit or entrance ramps. |
| **(2) Wall** | 2 per parcel regardless of the number of buildings located on the parcel. | U.S. Highway/State Road: 75 sq. ft. per sign<br>County Road: 32 sq. ft. per sign<br>Town, Village, or City Road: Not permitted | The maximum projection shall not exceed 1 ft. from the wall on which it is mounted. | Not located closer than 5,280 feet from any other off-premises permanent sign and shall be placed no closer than 1,000 feet from any road intersection and from any exit or entrance ramps. |
| **(3) Wayfinding** | Limit of 1 sign installation between road intersections, facing each direction of travel. | 8 sq. ft. per sign if located in the road right-of-way or 12 sq. ft. per sign if set back not less than 5 feet from any road right-of-way. | 12 ft. | Not located closer than 5,280 feet per road, direction of travel from any other wayfinding sign conveying the same location. |
| **(4) Banner** | 2 per parcel | 32 sq. ft. per sign | 6 ft. | |

**7.131 Temporary on-premises or off-premises sign standards.** The following temporary signs are allowed in all zoning districts. Each type of sign shall be subject to the provisions of this chapter, including:

| Temporary Sign Type | 1. Maximum Number | 2. Maximum Copy Area (sq. ft.) | 3. Maximum Height (ft.) |
|---|---|---|---|
| **(a) Farm Crop Identification** | | 6 sq. ft. per sign | 10 ft. |
| **(b) Real Estate** | 2 per parcel on the same lot to which the sign pertains. | 64 sq. ft. per sign | 12 ft. |
| **(c) Rummage Sale** | | 6 sq. ft. per sign | 6 ft. |
| **(d) Special Event** | 1 per parcel per event or 2 per parcel in which the event will take place. | 32 sq. ft. per sign | 6 ft. |

**7.132 U.S. Highway 12 sign standards.** The following standards shall apply to lands located within 500 feet of the right-of-way line to the east of U.S. Highway 12 between Terrytown Road and State Road 33. Except as provided in this chapter for the lands, all other provisions of this chapter shall apply. **(1)** On-premises ground signs shall be permitted a maximum height of 40 feet and a maximum copy area of 200 square feet facing each direction of travel.

**(2)** Off-premises ground signs, except wayfinding and government signs, are not permitted.

**7.133 Calculating copy area. (1)** TOTAL COPY AREA DETERMINATION. The total copy area shall be determined by using all the sign face that can be viewed by one viewer at one time.

**(2)** TOTAL COPY AREA CALCULATION. The total copy area of a sign shall be calculated by delineating and connecting the exterior edges of each sign face erected on one structure, including the background, but not supporting features or roof like covers, so that the shape which connects all extreme edges and points of the sign faces on one structure including voids, unused space, or air space between multiple display features creates the total copy area of a sign.

**7.134 Flags.** Up to 4 flags per parcel, containing only noncommercial speech. If displayed on a flagpole, the flagpole may not be more than 30 feet in height.

**7.135 Placement of signs.** **(1)** VIEW BLOCKAGE. No sign shall be placed in a way that blocks any part of a driver's or pedestrian's vision of a road, road intersection, crosswalk, vision clearance triangle, authorized traffic sign or device, or any other public transportation mechanism.

**(2)** VISION CLEARANCE TRIANGLE. No sign shall be located within a vision clearance triangle.

**(3)** ROAD RIGHT-OF-WAY SETBACK REQUIREMENTS. (a) No sign may be erected so that any part may extend into the road right-of-way.

(b) All signs shall be setback not less than 5 feet from the right-of-way line of any road or highway.

(c) Wayfinding signs maybe located within a road right-of-way following approval from the unit of government that governs the road right-of-way.

**(4)** SIDE AND REAR YARD SETBACK REQUIREMENTS. (a) Off-premises ground and wall signs shall meet the required setbacks for an accessory structure as expressed by the zoning district with which the sign is located.

(b) On-premises ground and wall signs shall be setback not less than 5 feet from any side or rear yard.

**7.136 Sign enforcement and penalties**. This subchapter shall be enforced according to the provisions set forth in subch. XII.

## SUBCHAPTER XI

## MOBILE TOWER SITING

**7.137 Purpose and intent.** **(1)** This ordinance regulates by conditional use permit the siting and construction of any new mobile service. The conservation, planning, and zoning department is to regulate mobile service support structures and facilities as permitted by Wis. Stat. § 66.0404. (a) With regard to a class 1 collocation, this subchapter is to regulate the substantial modification of an existing support structure and mobile service facilities.

(b) With regard to a class 2 collocation, this subchapter is to regulate collocation on an existing support structure that does not require a substantial modification of an existing support structure and mobile service facilities.

**(2)** It is intended that Sauk County apply these regulations to accomplish to the greatest degree possible the following:

(a) Minimize adverse effects of mobile service facilities and mobile support structures.

(b) Maintain and ensure that a non-discriminatory, competitive, and broad range of mobile services and high-quality mobile service infrastructure is consistent with the Federal Telecommunications Act of 1996, and are provided to serve the community as well as serve as an important and effective part of Sauk County's police, fire, and emergency response network.

(c) Provide a process for obtaining permits for these facilities and support structures while protecting the health, safety, and welfare of Sauk County residents.

(d) Encourage the use of alternative support structures, collocation of new antennas on existing support structures, camouflaged support structures, and construction of support structures with the ability to collocate three or more providers.

**(3)** This section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. It is not intended to regulate satellite dishes or antennas where regulation is prohibited by Wis. Stat. § 59.69(4d).

**7.138 Definitions.** All definitions contained in Wis. Stat. § 66.0404(1), are hereby incorporated by reference.

**7.139 Exempt from permitting.** Mobile service facilities providing public information coverage of news events of a temporary or emergency nature shall be exempt from the permitting requirement of this chapter, unless otherwise specified.

**7.140 Siting and construction of new mobile service support structures and class one collocations. (1)** A conditional use permit is required for the siting and construction of new mobile service support structures and facilities, and for class 1 collocations.

**(2)** An application for a conditional use permit must be completed by the applicant and submitted to the department. The application must contain the following information:

(a) The name and business address of, and the contact individual for, the applicant.

(b) The location of the proposed or existing mobile service structure.

(c) The location of the proposed mobile service facility.

(d) If the application is to substantially modify an existing mobile service support structure, a construction plan that describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.

(e) If the application is to construct a new mobile service support structure or tower, a construction plan which describes the proposed mobile service support structure or tower and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure or tower.

(f) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from the owner or officer responsible for the placement of the mobile service support structure or tower attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

**(3)** If an application is incomplete, the department shall notify the applicant in writing within 10 days of the receipt of the application. The written notification shall specify the required missing information. An applicant may resubmit an application as often as is necessary until it is complete.

**(4)** COUNTY RESPONSIBILITIES. Within 90 days of receiving a complete application, the county shall finish all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to extend this period:

(a) Review the application to determine whether it complies with all applicable aspects of the county's ordinances.

(b) Make a final decision whether to approve or disapprove the application.

(c) Notify the applicant of the decision in writing.

(d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

**(5)** HEIGHT. Height shall meet the terms of the Sauk Co. Code ch. 41 or any other airport zoning ordinances.

**(6)** SETBACKS. All structures must meet the commercial and industrial zoning setbacks of s. 7.096 and road setbacks of s. 7.098 unless an applicant provides the county with an engineering certification showing that a mobile service support structure, tower, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required. The county may still require the setbacks required by this section if the county provides the applicant with substantial evidence that the engineering certification provided is flawed.

**(7)** LIMITATIONS. Conditional use permits for siting and construction of any new mobile service support structure and facilities or class 1 collocation shall only be granted provided the following conditions exist:

(a) No lease or deed restriction on property that is proposed for the location of a mobile service support structure or mobile service facility shall preclude the owner or lessee from entering into agreements, leases, or subleases with other providers or prohibit collocation of other providers.

(b) The application has obtained federal communications commission license and registration numbers if required.

(c) The applicant provides a finding of no significant impact, environmental assessment or environmental impact statement approved by the federal communications commission, if required.

(d) The applicant provides a copy of a determination of no hazard from the federal aviation administration, including any aeronautical study or other findings if applicable.

(e) The applicant provides plans indicating security measures such as fencing, access, lighting, and any other requirements.

(f) For a new mobile service support structure, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate addition antennas.

(g) The applicant shall provide proof of liability insurance coverage.

(h) The applicant shall provide copies of an affidavit of notification indicating all operators and owners of airports located within 5 miles of the proposed site have been notified by certified mail.

(i) The new facility is designed to promote site sharing so that space is reasonably available to collocators and so that telecommunication towers and necessary appurtenances, including parking areas, access roads, and utilities are shared by site users whenever possible.

**7.141 Class 2 collocations.** **(1)** A county land use permit is required for a class 2 collocation. A class 2 collocation is considered a permitted use in the county but still requires the issuance of the county permit.

**(2)** APPLICATION PROCESS. A written permit application must be completed by any applicant and submitted to the department. The application must include the following information:

(a) The name and business address of, and contact individual for, the applicant.

(b) The location of the affected mobile service support structure.

(c) The location of the proposed mobile service facility.

**(3)** The department shall notify the applicant in writing within 5 days of receiving the application that the application is not complete. An applicant may resubmit an application as often as necessary until it is complete.

**(4)** COUNTY REQUIREMENTS. Within 45 days of receiving of a complete application, the department shall complete all of the following or the applicant may consider the application under this section approved, except that the applicant and the department may agree in writing to an extension of the 45-day period:

(a) Make a final decision whether to approve or disapprove the application.

(b) Notify the applicant of its decision in writing.

(c) If the application is approved, issue the applicant the relevant permit.

(d) If the decision is to disapprove the application, include with the written notification substantial evidence to support the decision.

**7.142 Information report.** **(1)** PURPOSE. The report is to provide Sauk County with accurate and current information regarding the mobile service facility owners and providers who offer or provide mobile services within the county, or that own or operate mobile service facilities within the county, to assist the county in enforcement of this section and to assist the county in monitoring compliance with local, state, and federal laws.

**(2)** REPORT. All mobile service support structure owners of any new mobile service support structure shall submit to the department a "Telecommunications Facility Information Report" within 45 days:

(a) Following issuance of a land use permit.

(b) Of receipt of a written request from the department.

(c) Of any change in occupancy of the mobile service facility.

**(3)** REPORT CONTENTS. (a) The report shall include the following information regarding the owner or owners:

1. The name of the mobile service support structure's owner.
2. Address.
3. Phone number.
4. Contact person.
5. Proof of bond as security for removal.

(b) The support structure owner shall supply:

1. The mobile service support structure height.

2. Current occupancy, if applicable.

3. The number of collocation positions designated, occupied, or vacant.

(c) The information shall be submitted on a form provided by the department and shall become evidence of compliance.

**7.143 Removal.** It is the policy of Sauk County that mobile service support structures be removed once they are no longer in use and not a providing mobile service. It is the permittee's responsibility to remove mobile service support structures and restore the site to its original condition or to condition approved by the department. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to 5 feet below the ground surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have 180 days to effect removal and restoration unless weather prohibits such efforts. The permittee shall record a document with the Sauk County Register of Deeds showing the existence of any subsurface structure remaining below the ground surface. The recording shall accurately set forth the location and shall describe the dimensions and nature of the remaining structure.

**7.144 Structural, design, and environmental standards. (1)** MOBILE SERVICE SUPPORT STRUCTURE, ANTENNA, AND FACILITY REQUIREMENTS. All mobile service facilities and mobile service support structures, except exempt facilities as described in s. 7.139, shall be designed to reduce the negative impact on the surrounding environment by implementing the following measures:

(a) Mobile service support structures shall be constructed of metal or other nonflammable material.

(b) Satellite dish and parabolic antennas shall be situated as near to the ground as possible to reduce visual impact without compromising their functions.

(c) Equipment compounds shall be constructed of non-reflective materials on visible exterior surfaces only. Equipment compounds shall be designed to blend with existing architecture in the area, or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.

(d) Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection, or supervisory controlled automated data acquisition operation telecommunication facilities. Any actual interference or obstruction shall be corrected by the applicant at no cost to a public entity negatively impacted by the interference or obstruction.

**(2)** SITE DEVELOPMENT. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located to permit expansion for mobile service facilities to serve all potential collocators.

**(3)** VEGETATIVE. Facilities shall meet the vegetative screening requirements of s. 7.043.

**(4)** FIRE PROTECTION. All mobile service facilities shall be designed and operated with all applicable codes regarding fire prevention.

**(5)** NOISE AND TRAFFIC. All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To accomplish this, the following measures shall be implemented for all mobile service facilities, except exempt facilities as described under s. 7.139:

(a) Noise producing construction activities shall take place only Monday through Friday, excluding legal holidays, between the hours of 6:00 a.m. to 6:00 p.m., except in times of emergency repair.

(b) Backup generators shall be operated only during power outages and for maintenance and testing purposes.

**7.145 Abandonment.** Any antenna, mobile service facility, or mobile service support structure that is not operated for a period of 12 months shall be considered abandoned. Upon application, the agency may extend the time

limit for abandonment for an additional 12-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After expiration of the established time period, the following shall apply:

**(1)** The owner of the antenna, mobile service facility, or mobile service support structure shall remove the antenna, mobile service facility, or mobile service support structure; including all supporting equipment, buildings, and foundations to the depth required in this chapter within 90 days of receipt of notice from the department that abandonment is required. If removal to the satisfaction of the department does not occur within 90 days; the department may order removal and salvage the antenna, mobile service facility, or mobile service support structure; including all supporting equipment and buildings.

**(2)** The recipient of a permit allowing a mobile service support structure and facility under this chapter, or the current owner or operator, shall notify the department within 45 days of the date when the mobile service facility is no longer in operation.

## SUBCHAPTER XII

## PROCEDURES AND ADMINISTRATION

**7.146 Purpose.** The purpose of this subchapter is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

**7.147 Conservation, planning, and zoning director and zoning administrator: description and roles.** **(1)** AUTHORITY. The conservation, planning, and zoning director is the administrative and enforcement officer for the provisions of this chapter pursuant to the general authorization of the Wisconsin Statutes. The conservation, planning, and zoning director shall serve as the zoning administrator, unless the director designates a different position or staff person as the zoning administrator. Other professional and administrative staff within the department may assist the director or zoning administrator in the performance of the duties prescribed herein.

**(2)** DUTIES AND RESPONSIBILITIES. To interpret and administer this chapter, as well as certain other chapters of the Sauk Co. Code of Ordinances as provided therein. With respect to this chapter, the zoning administrator shall have the following specific duties and responsibilities:

(a) Conduct on-site inspections of buildings, structures, waters, and land to determine compliance with all provisions of this chapter.

(b) Be permitted access to premises and structures to make inspections to ensure compliance with this chapter. If refused entry after presentation of identification, the zoning administrator may seek the assistance of the corporation counsel to procure a special inspection warrant in accordance with the Wisconsin Statutes.

(c) Maintain records associated with this chapter including all maps, amendments, land use permits, conditional uses, special exceptions, site plans, variances, appeals, inspections, interpretations, applications, and other official actions.

(d) Receive, file, and forward applications to the designated review and approval bodies, and provide related technical information or reports, or both, to assist such bodies in decision-making.

(e) Provide staff support to the agency and the board of adjustment including the scheduling of public hearings, other meetings, and site visits; and the recording of the actions, recommendations, and minutes of such bodies.

(f) Issue land use permits.

(g) Review and approve site plans for land uses under this chapter prior to the issuance of land use permits for such uses, ensuring compliance with this and other applicable ordinances and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use, special exception, or variance requests.

(h) Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter. All interpretations are subject to appeal to the board

of adjustment in accordance with the procedures in this chapter.

(i) Make interpretations regarding the permissibility of land uses in certain zoning districts where such land uses are not explicitly listed as permitted-by-right, conditional uses, or special exception, in accordance with the procedures and criteria of this chapter.

(j) Investigate all complaints made relating to the location and use of structures, lands, and waters; and fulfill enforcement functions prescribed by this chapter.

(k) Any other duties or responsibilities delegated or assigned by competent authority.

**7.148 Conservation, planning, and zoning committee; agency: description and roles. (1)** ESTABLISHMENT. The Sauk County Board hereby designates the Conservation, Planning and Zoning Committee as the county zoning agency, authorized to act in all matters pertaining to county planning and zoning.

**(2)** DUTIES AND RESPONSIBILITIES. In addition to the duties and responsibilities specified under the Sauk County Code of Ordinances and the Rules of the Sauk County Board of Supervisors, the agency shall have the following specific duties and responsibilities pertaining to this chapter:

(a) Conduct public hearings associated with petitions to amend the official zoning map, and consider conditional use.

(b) Conduct public hearings and advise the county board on appropriate amendments to the text of this chapter or to the official zoning map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Sauk County Comprehensive Plan, Sauk County Farmland Preservation Plan, the procedures established under Wis. Stat. § 59.69, and this chapter.

(c) Conduct public hearings, review, and decide on requests for conditional use in a manner that is consistent with the Sauk County Comprehensive Plan, the Sauk County Farmland Preservation Plan, and with this chapter.

(d) Act on other development-related requests as may be specified under this chapter or other ordinances within the Sauk County Code of Ordinances.

(e) Direct the preparation of the County Comprehensive Plan under Wis. Stat. § 66.1001.

(f) Establish fees for various permits and approvals required and allowed under this chapter.

(g) Exercise such other duties and responsibilities as may be directed by the Sauk County Board of Supervisors.

**7.149 Board of adjustment: description and roles. (1)** MEMBERS. The chairperson of the Sauk County Board of Supervisors is hereby directed to appoint a board of adjustment according to Wis. Stat. § 59.694, consisting of 5 members, with allowance for payment of per diem and mileage, and 2 alternate members appointed in accordance with Wis. Stat. § 59.694(2)(bm). (a) One member from the board of supervisors, resident of an unincorporated area.

(b) Three citizen members, residents or officials of those townships within the county, which have approved the Sauk County Zoning Ordinance, (CC ADD Date).

(c) One member, resident of any unincorporated area.

(d) Appointed board members shall reside in separate townships, and all members shall reside in unincorporated areas.

**(2)** POWERS AND DUTIES. The board of adjustment shall have the following powers:

(a) To hear and decide appeals where it is alleged that there is error in any interpretation, order, requirement, decision, or determination made by the zoning administrator or any administrative official in the enforcement, administration, or interpretation of this chapter or of Wis. Stat. § 59.69.

(b) To hear and decide appeals where it is alleged that there is an error in any decision of the agency related to a conditional use request, with such review limited to determining whether the agency's action considered the appropriate standards and met the requirements of this chapter, and not a de novo review.

(c) To authorize such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit of

the ordinance shall be observed and substantial justice done.

(d) To hear and decide special exceptions to the terms of the ordinance upon which the board is required to pass as provided for by this chapter.

**(3)** RECORDING OF ACTIONS. (a) The board of adjustment shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed by the zoning administrator and shall be a public record.

(b) The final disposition of an appeal or variance application to the board of adjustment shall be in a form of a written decision signed by the chair of the board of adjustment

**(4)** RULES. (a) The board of adjustment will meet as needed at a fixed time and place as may be determined by the chair and at such other times as the board of adjustment may determine.

(b) All meetings of the board of adjustment shall be open to the public.

(c) The board of adjustment shall fix a reasonable time and place for the public hearing and give public notice thereof, including due notice to the parties in interest. Public notice shall be publication of a class 2 notice under Wis. Stats. ch. 985 and a copy of the notice to any lot within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings shall not invalidate the public notice.

(d) The board of adjustment shall have power to call on any county departments for assistance in the performance of its duties and it shall be the duty of such other departments to render all such assistance as may be reasonably required. The corporation counsel shall provide legal counsel to the board or arrange for legal counsel in the event of a conflict.

(e) The board of adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the county board.

**(5)** APPEALS. (a) Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of Sauk County affected by any decision of the zoning administrator. Such appeal shall be taken within 30 days after receiving notice of the decision, by filing with the zoning administrator and the board of adjustment a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the zoning administrator shall certify to the board of adjustment after the notice of appeal shall have been filed with the zoning administrator that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, the proceedings shall not be stayed other than by a restraining order, which may be granted upon application to the board of adjustment or by petition to a court of record, with notice to the zoning administrator.

(b) The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

**(6)** CERTIORARI. A person aggrieved by a decision of the board of adjustment, or a taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the department, commence an action seeking the remedy available by certiorari.

**7.150 Ordinance amendments: review procedure and standards.** **(1)** PURPOSE. To provide the procedure for the review of proposed amendments of the official zoning map or amendments to the ordinance. Changes to the official zoning map have the effect of changing the district boundaries. The county board may, from time to time, amend the official zoning map or this chapter in the manner provided by Wis. Stat. § 59.69 and as specified in this section.

**(2)** REVIEW PROCESS. Sauk County's process for each amendment to the official zoning map or this chapter is as directed by Wis.

Stat. § 59.69 and as follows. The following procedures shall be applied in considering amendments:

(a) A petition for amendment of this chapter may be made by a property owner in the area to be affected by the amendment, by the town board of any town in which the ordinance is in effect, or by any member of the county board or the agency.

(b) The petition shall be filed with the county clerk who shall refer the petition to the agency. Immediate notice of the petition shall be sent to the county supervisor of any affected district.

(c) The agency shall prescribe a form for the petition. An accurate metes and bounds property description or certified survey map shall be required to accompany the petition for amendments to the official zoning map.

**(3)** APPLICATION AND NOTICE OF HEARING. Application for approval of an ordinance amendment shall be made to the zoning administrator on forms furnished by the zoning administrator and shall include the following:

(a) Names and addresses of the applicant, owner of the property, architect, and professional engineer, as applicable.

(b) A narrative of the proposed conditional use, indicating a description of the subject property by lot, block, and recorded subdivision or metes and bounds; address of the site, types of structures, and proposed use.

(c) A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails, and signs; the location, size, number, and screening of all parking spaces; a landscaping plan; a grading and drainage plan; a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.

(d) Public hearings shall follow an application for an ordinance amendment. The zoning administrator shall fix a reasonable time and place for the public hearing on the ordinance amendment and give public notice thereof. Public notice shall include publication of a class 2 notice under Wis. Stats. ch. 985 and a copy of the notice to any dwelling within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings shall not invalidate the public notice.

**(4)** AGENCY HEARING AND NOTICE. On receipt of the petition referred to it by the county clerk, the agency shall set a time and place for a public hearing on the petition and shall publish notice of the public hearing as a class 2 notice under Wis. Stats. ch. 985. A copy of the notice, application, petition, all maps, plans, and other documents submitted by the petitioner shall be mailed by certified mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area as defined by Wis. Stat. § 62.23(6)(am)1.b., the notice shall be mailed to the owner or operator of the airport bordered by the airport affected area.

**(5)** AGENCY AND TOWN ACTION ON THE PROPOSED AMENDMENT. As soon as possible after the public hearing, the agency shall act on the petition by approving, modifying and approving, or disapproving of it. If its action is favorable to granting the requested change or any modification thereof, it shall cause an ordinance to be drafted effectuating its determination and shall submit the proposed ordinance directly to the county board with its recommendations. If the agency after its public hearing, recommends denial of the petition it shall report its recommendation directly to the county board with its reasons for the action. Proof of publication of the notice of the public hearing held by the agency and proof of the giving of notice to the town clerk of the hearing shall be attached to either such report. Notification of town board resolutions filed under Wis. Stat. § 59.69(5)(e)3. shall be attached to either such report. The agency may not recommend approval, but may only recommend disapproval or approval with modifications if it has received before, at or within 10 days after the public hearing, a certified copy of a resolution disapproving the proposed change adopted by the town board of a town affected by a proposed change in zoning district boundaries. A town may extend its time for disapproving by

20 days if the town board adopts a resolution providing for the extension and files a certified copy of the resolution with the county clerk.

**(6)** COUNTY BOARD ACTION ON AGENCY RECOMMENDATION. The county board action on the agency recommendation shall be one of the following:

(a) The board may adopt the ordinance as submitted by the agency or with amendments.

(b) The board may refuse to deny the petition as recommended by the agency. In such event, the board shall again refer the petition to the agency with instructions to draft an ordinance to effectuate the petition and report the ordinance back to the county board, which may then adopt or reject the proposed ordinance.

(c) If a protest against a proposed amendment is filed with the county clerk at least 24 hours prior to the date of the county board meeting at which the report of the agency is to be considered, duly signed and acknowledged by the owners of 50% or more of the area to be rezoned, or by abutting owners of over 50% of the total perimeter of the area proposed to be rezoned included within 300 feet of the parcel or parcels proposed to be rezoned, action on the ordinance may be deferred until the agency has had a reasonable opportunity to ascertain and report to the county board as to the authenticity of the ownership statements. Each signer shall state the amount of area or frontage owned by that signer and shall include a description of lands owned by that signer. If the statements are found to be true, the ordinance may not be adopted except by the affirmative vote of three-fourths of the members of the county board present and voting. If such statements are found to be untrue to the extent that the required frontage or area ownership is not present the protest may be disregarded.

(d) The board may deny the petition for amendment.

(e) If the proposed amendment makes any change in an airport affected area, as defined by Wis. Stat. § 62.23(6)(am)1.b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment, the procedure under Wis. Stat. § 59.69(5)(e)5m., shall be followed.

**(7)** NOTICE TO TOWN BOARDS, EXERCISE OF TOWN BOARD VETO. Where required by statute, an amendatory ordinance upon adoption shall, within 7 days thereafter, be submitted in duplicate by the county clerk by registered mail to the town clerk of each town in which lands affected by the ordinance are located. If after 40 days from the date of adoption a majority of the towns has not filed certified copies of resolutions disapproving the amendment with the county clerk, the amendment shall be in effect in all of the towns affected by the ordinance. Any ordinance relating to the location of boundaries or districts shall within 7 days after adoption by the county board be transmitted by the county clerk by certified mail only to the town clerk of the town in which the lands affected by the change are located and shall become effective 40 days after the adoption of the ordinance by the county board unless the town board, prior to such date files a certified copy of a resolution disapproving of the ordinance with the county clerk. If such town board approves of the ordinance, the ordinance shall become effective upon the filing of the resolution of the town board with the county clerk. The clerk shall record in the clerk's office the date in which the ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of effective date, and also make such report to the county board, which report shall be printed in the proceedings of the county board.

**(8)** ANNEXATION: JURISDICTION OF LANDS ANNEXED TO AN INCORPORATED MUNICIPALITY. When any lands previously under jurisdiction of a county zoning ordinance shall have been formally removed from such jurisdiction by reason of annexation to any incorporated municipality, and after the regulations imposed by the county zoning ordinance have ceased to be effective as provided in Wis. Stat. § 59.69(7), the county board may, on the recommendation of its zoning agency, adopt such amendatory ordinances as shall remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in this section and such amendatory ordinances shall become effective upon passage and publication. A copy of such ordinance shall be forwarded by the county clerk to the clerk of each town in which the lands affected were previously located. Nothing in

this section shall be construed to nullify or supersede the provisions of Wis. Stat. § 66.1031.

**(9)** ZONING MAP AMENDMENT STANDARDS. In its review and action on the application, the agency shall make findings with respect to the following criteria:

(a) The proposed map amendment is consistent with the overall purpose and intent of this chapter.

(b) The proposed map amendment is consistent with the Sauk County Comprehensive Plan and the Farmland Preservation Plan, if applicable.

(c) Factors have changed from the time of initial ordinance adoption that warrant the map change, or an error, inconsistency, or technical problem administering this chapter as currently depicted has been observed.

(d) In rezoning land out of any exclusive agricultural district, the agency shall find all of the following, after a public hearing:

1. The land is better suited for a use not allowed in the exclusive agricultural district.

2. The rezoning is consistent with the Sauk County Comprehensive Plan.

3. The rezoning is substantially consistent with the Sauk County Farmland Preservation Plan.

4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

**(10)** EFFECT OF DENIAL. No application that has been denied under this subsection shall be resubmitted for a period of 365 days from the date of final county board action, except on grounds of new evidence or proof of change of factors found valid by the agency.

**7.151 Conditional use: review procedure and standards. (1)** PURPOSE. To provide the procedures and standards for the review of conditional use and amendments to conditional use previously granted in addition to standards referenced under subchs. IV and V. Lawful uses existing at the time of adoption of this chapter that require a conditional use may continue as nonconforming uses. This subsection does not apply to a conditional use for a PRD.

**(2)** AUTHORITY. The authority to approve a conditional use is hereby delegated by the Sauk County Board of Supervisors to the agency. The agency, after a public hearing, shall, within a reasonable time, grant or deny any application for a conditional use. Prior to granting or denying a conditional use, the agency shall make findings of fact based on the evidence presented, issue a determination whether the standards prescribed in the ordinance are met, and require additional conditions as needed. No conditional use may be granted if the agency determines the standards have not been met, nor may a conditional use be denied when the agency determines that the standards are met. The standards include the applicable primary and secondary standards, the standards found in pars. (5) and (6) below, or any other standards found in this ordinance.

**(3)** APPLICATION AND NOTICE OF HEARING. Application for approval of a conditional use shall be made to the zoning administrator on forms furnished by the zoning administrator and shall include the following:

(a) Names and addresses of the applicant, owner of the property, architect, and professional engineer, as applicable.

(b) A narrative of the proposed conditional use, indicating a description of the subject property by lot, block, and recorded subdivision or metes and bounds; address of the site, types of structures, and proposed use.

(c) A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails, and signs; the location, size, number, and screening of all parking spaces; a landscaping plan; a grading and drainage plan; a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring perpetual maintenance of land to be owned or used for common purposes.

(d) Public hearings shall follow an application for a conditional use. The zoning administrator shall fix a reasonable time and place for the public hearing on the conditional use and give public notice thereof. Public notice shall include publication of a class 2 notice under Wis. Stats. ch. 985 and a copy of the notice to any dwelling within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be

given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings shall not invalidate the public notice.

**(4)** REVIEW AND APPROVAL. The following procedures shall apply to conditional uses:

(a) The zoning administrator shall mail to the clerk of the town within which the conditional use is proposed, a copy of the application, all maps, plans, and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed conditional use. This information shall be mailed at least 10 days prior to the date of the public hearing and shall be sent to the clerk by certified mail.

(b) The town board may, at the hearing or earlier, indicate its recommendation regarding granting, denying, and granting in part or with conditions, the conditional use. Town recommendations for approval or denial shall be accompanied by appropriate written findings of fact. Failure of the town to submit findings of fact shall constitute their recommendation for unconditional approval of the conditional use. Findings shall, at a minimum, address whether the conditional use is consistent with adopted town plans, plan elements, and any adopted ordinances, compatibility or non-compatibility with adjacent land uses, and any specific substantiated objections.

(c) Failure of the town board to communicate its recommendation either at the public hearing or earlier shall be taken as an approval by the agency. If the town board or its representative requests an extension of time in which to determine its position, the conditional use application will be postponed until the next regularly scheduled meeting of the agency.

(d) The agency shall transmit a copy of its decision, signed by the chairperson of the agency, to the applicant and town within a reasonable time after the public hearing at which the decision is made.

(e) Approval of a conditional use does not eliminate the requirement to obtain the appropriate land use permit.

**(5)** CONDITIONAL USE STANDARDS. In reviewing the conditional use, the agency shall follow these standards:

(a) The establishment, maintenance, or operation of the proposed use may not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.

(b) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use may not change the essential character of the area by substantially impairing or diminishing the use, value, or enjoyment of existing or future permitted uses in the area.

**(6)** CONDITIONAL USE CRITERIA. In reviewing the conditional use, the agency shall consider the following:

(a) The erosion potential of the site based on topography, drainage, slope, soil type, and vegetative cover and mitigation of erosion potential.

(b) The prevention and control of water pollution, including sedimentation, and the potential impacts on floodplain and wetlands.

(c) Whether the site has adequate utilities including, if necessary, acceptable disposal systems.

(d) Whether the site has access to roads and highways.

(e) Whether the site has suitable, ingress and egress.

(f) Whether the site is designed to minimize traffic congestion, and the potential effect on traffic flow.

**(7)** APPEALS OF AGENCY DECISION ON CONDITIONAL USE. Proceedings for an appeal of the agency's decision may be initiated by any person's aggrieved or by any officer, department, board, or bureau of the county affected by the agency's decision. An appeal must be made not more than 30 days from the date of the decision. The appeal shall be initiated by an application to the zoning administrator and shall be heard by the board of adjustment. The board of adjustment shall review whether the agency followed the standards and criteria in this chapter, rather than conducting a de novo review of the conditional use application.

**(8)** APPLICATION, RECORDING, AND ADHERENCE TO CONDITIONS. The agency shall

have the authority to attach such conditions and restrictions on the establishment, location, maintenance, and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this chapter. If applicable, prior to commencing the authorized activity on the site and obtaining any necessary land use permits, the zoning administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the county register of deeds.

**(9)** TIME LIMITS ASSOCIATED WITH CONDITIONAL USE. If the conditional use is not initiated by securing a land use permit within 365 days of the date of the approval, the conditional use shall be considered void. The applicant may apply, without a fee, and the agency may grant a one-time 365-day extension provided that a written request for extension is submitted to the zoning administrator before the original expiration date. If a use or activity associated with a previously approved conditional use ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain another conditional use before recommencing the use or activity.

**(10)** EFFECT OF DENIAL. No application that has been denied under this section may be resubmitted for a period of 365 days from the date of final agency action, except on grounds of new evidence or proof of changes of factors found valid by the agency.

**(11)** MONITORING AND POTENTIAL REVOCATION OF A CONDITIONAL USE. The agency or zoning administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional use at all times. If the agency or zoning administrator finds that the review criteria of this section or the conditions attached to the permit are not complied with, the zoning administrator may suspend the permit and require an additional public hearing to alter the conditional use.

**(12)** EXPANSION OF CONDITIONAL USE. The expansion of any use approved by a conditional use shall require an application and review by the agency. Expansion of use shall be determined by the zoning administrator.

**7.152 Special exceptions: review procedure and standards. (1)** PURPOSE. To provide the procedures and standards for the granting of special exceptions and amendments to special exceptions previously granted. Lawful uses existing at the time of adoption of this chapter that would require a special exception under this chapter may continue as a nonconforming use.

**(2)** AUTHORITY. The board of adjustment, after a public hearing, shall within a reasonable time, grant or deny any application for a special exception. Prior to granting or denying a special exception, the board of adjustment shall make findings of fact based on the evidence presented and issue a determination indicating whether the standards prescribed in the ordinance are met. No special exception may be granted if the board of adjustment determines the standards have not been met, nor may a special exception be denied if the board of adjustment determines that the standards are met. The standards include the applicable primary and secondary standards, the standards found in pars. (5) and (6) below, or any other standards found in this ordinance.

**(3)** APPLICATION AND NOTICE OF HEARING. Application for approval of a special exception shall be made to the zoning administrator on forms furnished by the zoning administrator and shall include the following:

(a) Names and addresses of the applicant, owner of the property, architect, and professional engineer, as applicable.

(b) A narrative of the proposed special exception indicating a description of the subject property by lot, block, and recorded subdivision or metes and bounds, address of the site, types of structures, and proposed use.

(c) A site plan which shall include a scalable drawing showing the location of all drives, entrances, sidewalks, trails, and signs, the location, size, number, and screening of all parking spaces, a landscaping plan, a grading and drainage plan, a detailed proposal including covenants, agreements, or other documents showing the ownership and method of assuring

perpetual maintenance of land to be owned or used for common purposes.

(d) *Public hearings for a special exception*. The board of adjustment shall fix a reasonable time and place for the public hearing on the special exception and give public notice thereof. Public notice shall include publication of a class 2 notice under Wis. Stats. ch. 985 and a copy of the notice to any dwelling within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings shall not invalidate the public notice.

**(4)** REVIEW AND APPROVAL. The following procedures shall apply to a special exception:

(a) The board of adjustment shall mail to the chair, clerk, and plan commission chair of the town within which the special exception is proposed, a copy of the application, all maps, plans, and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed special exception. This information shall be mailed at least 10 days prior to the date of the public hearing and shall be sent to the town clerk by certified mail.

(b) The town board or its representative should, at the hearing or earlier, indicate its recommendation regarding granting, denying, or granting in part or with conditions, the special exception. The town can communicate its position either orally or in writing. However, all town recommendations for approval or denial shall be accompanied by appropriate written findings of fact. Failure of the town to submit findings of fact shall constitute their recommendation for unconditional approval of the special exception. Findings shall, at a minimum, address whether the special exception is consistent with adopted town plans, plan elements, and any adopted ordinances, compatibility or non-compatibility with adjacent land uses, any specific substantiated objections, and any other specific findings that pertain to the review criteria of this subsection.

(c) Failure of the town board to communicate its recommendation either at the public hearing or earlier shall be taken as an approval by the board of adjustment. If the town board or its representative shall, at the public hearing, request an extension of time in which to determine its position, the special exception shall be postponed until the next regularly scheduled meeting of the board of adjustment.

(d) The board of adjustment shall transmit a copy of its decision, signed by the chairperson of the board of adjustment, to the applicant and town within a reasonable time after the public hearing at which the decision is made. The copy of the decision shall be the "decision letter" and the date of the decision letter shall be the date that the decision is filed in the office of the board of adjustment pursuant to Wis. Stat. § 59.694.

(e) Approval of a special exception does not eliminate the requirement to obtain the appropriate land use permit.

**(5)** SPECIAL EXCEPTION STANDARDS. In reviewing the special exception, the board of adjustment shall follow these standards:

(a) The establishment, maintenance, or operation of the proposed use may not be detrimental to or endanger the public health, safety, or general welfare of the occupants of surrounding lands.

(b) The use will be designed, constructed, operated, and maintained so as to be compatible, and be appropriate in appearance with the existing or intended character of the general vicinity, and that such use may not change the essential character of the area by substantially impairing or diminishing the use, value, or enjoyment of existing or future permitted uses in the area.

**(6)** SPECIAL EXCEPTION CRITERIA. In reviewing the special exception, the board of adjustment shall consider the following:

(a) The erosion potential of the site based on topography, drainage, slope, soil type, and vegetative cover and mitigation of erosion potential.

(b) The prevention and control of water pollution, including sedimentation, and the potential impacts on floodplain and wetlands.

(c) Whether the site has adequate utilities including, if necessary, acceptable disposal systems.

(d) Whether the site has access to roads and highways.

(e) Whether the site has suitable, ingress and egress.

(f) Whether the site is designed to minimize traffic congestion, and the potential effect on traffic flow.

**(7)** APPLICATION, RECORDING, AND ADHERENCE TO CONDITIONS. The board of adjustment shall have the authority to attach such conditions and restrictions on the establishment, location, maintenance, and operation of the special exception as it deems necessary to ensure that the special exception adheres to the purpose and review criteria of this chapter. If applicable, prior to commencing the authorized activity on the site and obtaining any necessary land use permits, the zoning administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the county register of deeds.

**(8)** TIME LIMITS ASSOCIATED WITH SPECIAL EXCEPTIONS. If the special exception is not initiated by securing a land use permit within 365 days of the decision letter, the special exception approval shall be considered void. The applicant may apply without fee, and the board of adjustment may grant, a one-time, 365-day extension provided that a written request for extension is submitted before the original expiration date. If a use or activity associated with a previously approved special exception ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain approval of another special exception before recommencing the use or activity.

**(9)** EFFECT OF DENIAL. No application that has been denied under this section may be resubmitted for a period of 365 days from the date of the decision letter, except on grounds of new evidence or proof of changes of factors found valid by the board of adjustment.

**(10)** MONITORING AND POTENTIAL REVOCATION OF A SPECIAL EXCEPTION. The board of adjustment or zoning administrator may require evidence and guarantees as either may deem necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for special exceptions at all times. If the board of adjustment or zoning administrator finds that the review criteria of this subsection or the conditions attached to the use are not complied with, the zoning administrator may suspend the permit and require an additional public hearing to alter the special exception.

**(11)** EXPANSION OF SPECIAL EXCEPTION USE. The expansion of any use approved by a special exception shall require an application and review by the board of adjustment. Expansion of use shall be determined by the zoning administrator.

**7.153 Land use permits: review procedure and standards.** **(1)** PURPOSE. The purpose of this section is to specify the requirements and procedures for the issuance of land use permits. Land use permits are issued by the zoning administrator for structures and uses specified in this chapter in order to verify compliance with the provisions of this chapter. A land use permit is not a substitute for a building permit, which is instead issued by the affected town. In certain cases, other land use approvals including but not limited to rezoning, conditional use, special exception, or variance approval, are required before a land use permit may be issued.

**(2)** APPLICABILITY. Except as exempted under this subsection, a land use permit is required from the zoning administrator in the following instances:

(a) Before a structure is erected, affixed, moved, or structurally altered.

(b) Before the construction of any foundation.

(c) Before any substantial alteration in the heating plant, sanitary facilities, or mechanical equipment which would affect or change the use of an existing site or structure.

(d) Before any conditional or special exception use commences operation.

(e) Before the commencement of any structural modification or structural repair of an existing, nonconforming structure, or to a structure housing a nonconforming use.

(f) No building or other structure or any part of a building or structure may be built, enlarged, altered, located, or moved within the area subject to the provisions of this chapter until a land use permit has been obtained.

(g) Before the use of any building or structure is changed from that originally permitted.

(h) Before any sign that requires a sign land use permit under subch. X is erected, relocated, structurally altered, or reconstructed.

(i) Failure to obtain a permit or violation of an existing permit shall be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.

(j) Any other instances that have been indicated in other parts of this chapter.

**(3)** EXEMPTIONS. Unless otherwise required pursuant to the Sauk Co. Code of Ordinances, no land use permit is required for any accessory structure of 120 square feet of floor area or less or any wind tower less than 25 feet in height provided that such structure conforms with all applicable zoning district minimum required yard setbacks and other standards of this chapter. Fences and walls more than 6 feet in height and greater than 50% opacity shall be considered a structure and the appropriate requirements of this chapter shall apply.

**(4)** APPLICATION FOR A LAND USE PERMIT. An application for a land use permit shall be made to the zoning administrator. Such application shall be made by the owner of the property on which the land use permit is requested. If the application is not complete, the zoning administrator shall notify the owner within 10 working days. To be determined complete by the zoning administrator, the application shall include:

(a) A completed form, provided by the zoning administrator and signed by the owner, including information on the owner and project to ensure compliance with this chapter.

(b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.

(c) A site plan, drawn to scale, and showing and labeling the date of preparation, landowner's name, north arrow, lot dimensions, adjacent public roads and rights-of-way, visual clearance triangles required in accordance with existing and proposed structures and their dimensions, parking and driveway areas, distances between structures and lot lines, between structures and the centerlines of abutting roads and highways, and between structures and the ordinary high water mark of any abutting watercourse.

(d) A plan, which may be included on the site plan, indicating the location of the existing and proposed private on-site wastewater treatment system location.

(e) If applicable, a landscape plan showing an overhead view of all existing and proposed landscaping on the site including the location, species, size at time of planting, and mature size for all new plantings.

(f) If applicable, a lighting plan showing the location, height, type, orientation, and power of all proposed exterior lighting.

(g) A grading and storm water plan, showing existing and proposed surface elevations, and proposed erosion control and storm water management provisions.

(h) Written permit for highway access from the appropriate highway authority.

(i) The required permit application fee.

(j) Other pertinent information as requested by the zoning administrator to determine if the proposed use or structure meets the requirements of this chapter.

**(5)** LAND USE PERMIT REVIEW CRITERIA. No land use permit may be granted or shall become effective until all applicable requirements of this chapter, conditions of any preceding county approval related to the project, the remaining chapters in the Sauk County Code of Ordinances and all applicable Wisconsin Statutes and rules are met, including but not limited to those related to shoreland zoning, floodplain zoning, airport height limitations, and drainage districts.

**(6)** TIME LIMITS ASSOCIATED WITH LAND USE PERMITS. Once issued, each land use permit shall be posted in a prominent place on the premises prior to and during the period of construction, alteration, or movement. If the work authorized by the land use permit is not completed within 24 months of the date of the approval, the land use permit approval shall be considered void. The applicant may apply for, and the zoning administrator may grant, a one-time, 24-month extension provided that a written extension request is submitted before the original expiration date.

**(7)** LOCATION SURVEY. Where a land use permit is issued for a structure and it is proposed to be located within 10 feet of any minimum required yard area or setback under this chapter or another chapter of the Sauk County Code of Ordinances, or in other cases where the zoning administrator cannot, with confidence, determine compliance with the provisions of county ordinances, immediately upon completion of the construction of footings, concrete slab, or other foundations, the owner shall cause a registered land surveyor to prepare a plat of survey showing the locations, boundaries, and dimensions of the lot and all existing structures, including the new slab, footing, or other foundation, and including the relationships and distances of all structures to lot lines, and shall immediately file such plat of survey with the zoning administrator. The zoning administrator shall compare the location of all new or extended foundations with the requirements of this chapter. If a zoning violation is determined, the owner shall move the construction or structure or shall adjust the lot line so as to conform to this chapter or other chapters of the Sauk County Code of Ordinances. Failure to comply with the requirements of this subsection shall be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.

**(8)** REASONABLE ACCOMMODATIONS FOR HANDICAPPED PERSONS. (a) The zoning administrator may issue a zoning permit that waives specified requirements of this ordinance, if it is determined that the requested accommodation meets all the following:

1. It is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations.
2. It is the minimum accommodation that will give the handicapped or disabled person adequate relief.
3. It will not unreasonably undermine the basic purposes of this ordinance.

(b) If the zoning administrator issues a zoning permit that waives specified zoning provisions, the permit will include a condition that the structure authorized by the permit shall be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation. The permit will not become effective until the property owner records a deed restriction with the Register of Deeds setting forth the condition that the structure authorized by the permit shall be removed as required.

**7.154 Nonmetallic mining: review procedure, standards, and application.** The application for a special exception permit shall be accompanied by the following information:

**(1)** OWNERSHIP AND MANAGEMENT DATA. The location of the proposed site of operation, legal description, ownership of the land, leasehold, license and other property interests, and the identity of all individuals, partnerships, associations, or corporations which are involved of the proposed operation.

**(2)** SITE PLAN. Provide a scaled site plan indicating:

(a) Date, north arrow, and graphic scale.

(b) Location of property lines, rights-of-way, easements, and watercourses.

(c) Roads, driveways, and intersections.

(d) Outlines of all buildings, setbacks, and dimensions.

(e) Means of vehicular access.

(f) Schematic of drainage system.

(g) Complete site erosion control plan and finished grade plan

(h) Proposed location, acreage, and depth of intended operation.

(i) Proposed location of mineral extraction site, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities, or other permanent or temporary facilities used in the mining process.

(j) Surface drainage of the property.

(k) Location and names of all streams, roads, railroads, utility lines, and pipelines on or adjacent to the proposed site.

(l) Location and description of the surface land use and vegetation including all pertinent physical characteristics of the extraction site and adjacent properties including agricultural, archaeological, historical, and educational features.

(m) Any additional information as requested by the zoning administrator or committee.

**(3)** OPERATIONS PLAN. The operations plan shall address the following factors:

(a) A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation shall be identified.

(b) Estimated quantity in tons per year to be extracted, specified by phase.

(c) The anticipated number of years of operation.

(d) A description of the extraction and processing procedures, phasing, and equipment to be used.

(e) A description of operating hours, days of operation, blasting and crushing hours, and hauling hours.

(f) Proposed plan shall include the effect and mitigation measures of the operation on the quality and quantity of groundwater.

(g) A description of the measures to be taken to control dust, noise, and vibration.

(h) The proposed mode of transport and the route used to move materials.

(i) Proposed earth bank, berm or vegetative screening where deemed practicable to conceal the mining operation from view.

(j) A description of on-site safety measures including fencing and signage.

**(4)** RECLAMATION PLAN. The reclamation plan shall be provided as pursuant to Wis. Admin. Code. § N.R. 135 and Sauk Co. Code ch. 24. The zoning administrator may require the submittal of additional information as may be necessary to determine the nature of the mining operation and proposed reclamation.

**(5)** TOPSOIL MANAGEMENT PLAN. The operator shall submit a topsoil management plan that includes the following:

(a) Description of the plans for topsoil salvage and storage.

(b) Description of topsoil stripping, salvaging, stabilization, and conservation methods that will be used during replacement.

(c) Description of the topsoil and topsoil substitute material to be provided as specified in the reclamation plan to achieve the approved post-mining land use. Verification that the removal of on-site topsoil and topsoil substitute material, when specified in the reclamation plan, shall be performed prior to any mining activity associated with any specific phase of the mining operation.

(d) Description of where the operator will obtain the amount of topsoil or topsoil substitute required to perform final reclamation on-site or by obtaining material off-site, or both.

(e) Verification that once removed, on-site topsoil or topsoil substitute material shall, as required by the reclamation plan, either be used in progressive reclamation or stored in an environmentally acceptable manner. The location of stored topsoil or topsoil substitute material shall protect the material from washing away, eroding, disturbing, or contaminating the area. Runoff shall be diverted around stored topsoil or topsoil substitute material.

**(6)** GROUNDWATER MAINTENANCE AND MANAGEMENT PLAN. For sites with planned excavation lower than the groundwater table, the operator shall submit a detailed hydrogeological report. The operator shall be required to reimburse the county for the expense of professional work or opinions in review of a hydrogeological report if recommended by staff or the board of adjustment. The hydrogeological report shall provide the following information, as well as a description, and justification of all hydrologic methods used:

(a) Existing conditions to establish baseline data, including but not limited to:

1. Analysis of groundwater quality on the mining site consistent with Wis. Admin. Code § NR 140.20.

2. Identification of all known contaminated groundwater resources within one-half mile of the mining site.

3. Identification of all karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures within one-half mile of the mining site.

4. Identification and elevation of all surface waters and headwaters within a minimum of one half-mile of the mining site. Elevations must include the existing water level, as well as the ordinary high water mark where applicable.

5. Identification of all existing groundwater users (such as neighboring private water-supply wells, wellhead protection areas, municipal wells, and irrigation wells) within 1,200 feet of the mining site consistent with Wis. Admin. Code ch. N.R. 812. Well construction reports including well location,

well depth, depth of casing, depth to water, and aquifers penetrated shall be identified.

6. Elevation of the groundwater table, groundwater flow directions, and groundwater velocities.

7. All information in subd. 1 to 6, above, shall be presented in the form of contour maps and multiple geologic cross-sections passing through the proposed excavation and all areas of concern.

(b) Proposed operational data including, but not limited to:

1. Elevation of the lowest point of mining and dewatering activities below groundwater.

2. Description of the means planned to prevent surface water running into the excavation.

3. Where dewatering is proposed, provide pumping rates and times, elevations of the groundwater draw down level, and identification of groundwater discharge locations and quantities.

4. A groundwater-monitoring program to ensure compliance with pars. (a) and (b) of this subsection (6). Such program should include the installation of monitoring wells near the site perimeter of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities.

(c) The board of adjustment may require the applicant to provide additional relevant hydrogeological studies, such as groundwater modeling, if any of the following apply:

1. Dewatering is proposed at the mining site.

2. Known contaminated groundwater resources exist within one-half mile of the mining site.

3. Known karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures exist within one-half mile of the mining site.

4. Exceptional, outstanding, or impaired waters listed by the Wisconsin Department of Natural Resources under the Clean Water Act § 303d exist within one-half mile of the mining site.

5. Existing wells using the same or a shallower aquifer exist within 1,200 feet of the mining site.

(d) If groundwater modeling is required, the following minimum information shall be provided:

1. Description and justification of all input data to groundwater models.

2. Calibration of all groundwater models.

3. Sensitivity analysis for all groundwater models.

4. Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.

5. Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.

**7.155 Enforcement and penalties. (1)** INVESTIGATION AND NOTICE OF VIOLATION. The zoning administrator or designee is responsible for conducting the necessary inspection and investigation to ensure compliance with this chapter and documenting the presence of violations.

**(2)** ENFORCEMENT OF VIOLATIONS. (a) Violations of a permit or other approval issued under this chapter, or any condition or approved plan associated with such permit or other approval, shall be deemed a violation of this chapter and shall constitute grounds for revocation of the permit as well as fines, forfeitures, and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body shall be furnished to the permit holder in writing, stating the reasons thereof.

(b) A permit or other approval issued in violation of this chapter, other ordinances of the Sauk County Code of Ordinances, the Wisconsin Administrative Code, or Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.

**(3)** Any building or structure erected, moved or structurally altered or any use established in violation of the provisions of this chapter by any person, firm, association, corporation, including building contractors or their agents, shall be an unlawful structure or use.

**(4)** The corporation counsel may bring an action to enforce this chapter and seek any remedy, legal or equitable, subject to prosecutorial discretion. The corporation counsel may seek an order to enjoin, remove, or vacate any violation of this chapter; or any use, erection, moving or structural alteration of any building, or use in violation of this chapter and seek fines as provided herein.

**(5)** The provisions of this chapter shall be enforced under the direction of the Sauk County Board of Supervisors, through the agency, the zoning administrator, law enforcement officers, and the corporation counsel. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with; or who resists the enforcement of any of the provisions of this chapter; shall be subject to a fine of not less than $50 or more than $200 per day as long as the violation exists; together with the costs of action. This chapter may be enforced by any remedy, legal or equitable. Actions may be brought by the corporation counsel or by the owner of land within the zoning district affected by the regulations of this chapter.

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Amended May 11, 1971; amended June 15, 1971; amended May 15, 1973; revised March 5, 1975; recodified March 22, 1977; amended May 15, 1979; amended July 21, 1981; amended January 19, 1982; amended March 15, 1983; amended February 21, 1984; amended June 19, 1984; amended July 18, 1984; amended August 21, 1984; amended April 15, 1986; amended June 17, 1986; amended July 8, 1986; amended November 12, 1986; amended December 16, 1986; amended July 26, 1987; amended April 19, 1988; amended August 16, 1988; amended September 10, 1991; amended August 18, 1992; amended July 20, 1993; amended June 20, 1995; amended October 17, 1995; amended April 16, 1996; amended November 11, 1997; amended December 15, 1998; amended July 20, 1999. Amended by the Sauk County Board of Supervisors on October 16, 2001 – Ordinance No. 119-01. 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 August 20, 2002 – Ordinance No. 146-02. Amended by the Sauk County Board of Supervisors on September 23, 2003 – Ordinance No. 136-03. Amended by the Sauk County Board of Supervisors on February 19, 2004 – Ordinance No. 28-04. Amended by the Sauk County Board of Supervisors on May 16, 2006 – Ordinance No. 54-06. Amended by the Sauk County Board of Supervisors on March 17, 2009 – Ordinance No. 35-09. Amended by the Sauk County Board of Supervisors on August 18, 2009 – Ordinance No. 105-09. Amended by the Sauk County Board of Supervisors on October 20, 2009 – Ordinance No. 137-09. Amended by the Sauk County Board of Supervisors on June 15, 2010 – Ordinance No. 72-10. Amended by the Sauk County Board of Supervisors on March 15, 2011 – Ordinance No. 31-11. Amended by the Sauk County Board of Supervisors on January 17, 2012 – Ordinance No. 128-11. Amended by the Sauk County Board of Supervisors on August 21, 2012 – Ordinance No. 12-12. Repealed and recreated by the Sauk County Board of Supervisors on February 18, 2014 – Ordinance No. 2-2014. Amended by the Sauk County Board of Supervisors on December 16, 2014 – Ordinance No. 10-14. Amended by the Sauk County Board of Supervisors on July 21, 2015 – Ordinance No. 7-15. Amended by the Sauk County Board of Supervisors on Oct. 20, 2015 – Ordinance No. 14-15. Amended by the Sauk County Board of Supervisors on Mar. 21, 2017 – Ordinance No. 3-17.