

CHAPTER 8

SHORELAND PROTECTION

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SUBCHAPTER I

GENERAL PROVISIONS

8.001 Statutory authorization. This ordinance is adopted pursuant to the authorization contained in Wis. Stat. § 59.692 to implement Wis. Stat. §§ 59.692 and 281.31.

8.002 Purpose. To promote and protect the public health, safety, and general welfare, and the public trust in navigable waters, this ordinance is established to:

- (1) Protect spawning grounds, fish, and aquatic life through:
 - (a) Preserving wetlands and other fish and aquatic habitat.
 - (b) Regulating pollution sources.
 - (c) Controlling shoreline alterations, dredging, and lagooning.
- (2) Control building sites, placement of structures, and land uses through:
 - (a) Prohibiting certain uses detrimental to shoreland-wetlands.
 - (b) Setting minimum lot sizes and widths.
 - (c) Setting minimum building setbacks from waterways.
 - (d) Setting the maximum height of near-shore structures.

(3) Preserve and restore shoreland vegetation and natural scenic beauty through:

- (a) Restricting the removal of natural shoreland cover.
- (b) Preventing shoreline encroachment by structures.
- (c) Controlling shoreland excavation and other earth-moving activities.
- (d) Regulating the use and placement of boathouses and other structures.

(4) Further the maintenance of safe and healthy conditions and prevent and control water pollution through:

- (a) Limiting structures to areas where soil and geological conditions will provide a safe foundation.
- (b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
- (c) Controlling filling and grading to prevent soil erosion problems.
- (d) Limiting impervious surfaces to control runoff, which may carry pollutants.

SUBCHAPTER II DEFINITIONS

8.003 Purpose and word usage. For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

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

(2) Words in the singular number include the plural number, and words in the plural number include the singular number.

(3) The word "shall" is mandatory, not permissive.

(4) All districts, unless otherwise specified, shall be measured horizontally.

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

(1) "Access and viewing corridor" means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

(2) "Berth" means a space at a pier, wharf, boat shelter, or boathouse suitable for mooring a single watercraft of a type commonly in use on the waterbody where the berth is located.

(3) "Boat hoist" means a mechanical device used to raise and lower a boat.

(4) "Boat shelter" means a structure in navigable waters designed and constructed for the purpose of providing cover for berth place for watercraft, which may include a roof but may not have walls or sides. A boat shelter structure may include a boat hoist.

(5) "Boathouse" means a permanent structure used for storage of watercraft and associated materials, and includes all structures, which are totally enclosed, have roofs or walls, or any combination of these structural parts. Boathouses may not be used for human habitation.

(6) "Building envelope" means the 3-dimensional space within which a structure is built.

(7) "Class II notice" means notice as specified in Wis. Stat. ch. 985 with publication of a hearing notice in an official newspaper of circulation in the affected area twice on

consecutive weeks, the last at least 7 days prior to the hearing.

(8) "Department" means the Sauk County Conservation, Planning, and Zoning Department.

(9) "Development" means any man-made change to improved or unimproved real estate, including the construction of buildings, structures, or accessory structures; the construction of additional or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavating, or drilling operations, and the deposition or extraction of earthen materials.

(10) "Drainage system" means one or more artificial ditches, tile drains or similar devices, which collect surface runoff or groundwater and convey it to a point of discharge.

(11) "Existing development pattern" means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.

(12) "Floodplain" means the land which has been or may be hereafter, covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as defined in Wis. Admin. Code ch. NR 116.

(13) "Flood proofing" means any combination of structural provisions, changes, or adjustments to properties, structures, water and sanitary facilities, and contents of buildings subject to flooding for the purpose of reducing or eliminating flood damage.

(14) "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 foundations or basement wall, provided that the floor area of a dwelling may not include space that is unusable for living quarters, such as attics, utility or unfinished basement rooms, garages, breezeways or unenclosed porches, or terraces. Floor area includes all area regardless of ability to stand upon or whether the surface is covered or contains a floor.

(15) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall or eave if present, projected to natural grade. For structures without

walls, including decks, stairways, patios, and carports, a footprint is a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint may not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall projected to natural grade. This constitutes a lateral expansion under Wis. Admin. Code ch. NR 115 and would need to follow § NR 115.05 (1)(g)5.

(16) “Gazebo” means an open-sided structure that is designed for viewing, which may not be used as sleeping accommodations, and which has no water service.

(17) “Generally accepted forestry management practices” means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Wisconsin Department of Natural Resources publication entitled *Wisconsin Forest Management Guidelines*, also known as DNR PUB FR 226.

(18) “Impervious surface” means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, decks, patios, paved driveways, unpaved driveways, parking lots, and streets unless designed, constructed, and maintained to be pervious. Roadways as defined in Wis. Stat. § 340.01(54), or sidewalks as defined in Wis. Stat. § 340.01(58), are not considered impervious surfaces.

(19) “Lagoon” means an artificial enlargement of a waterway.

(20) “Landing” means a platform interrupting a flight of stairs, limited to a maximum of 40 square feet.

(21) “Land use permit” means a permit granting authorization to locate, erect, move, reconstruct, extend, convert, or structurally alter a use, sign, structure, building, land or water pursuant to the requirements of the Ordinance.

(22) “Lift” means a mechanical device that is designed to transport persons and cargo up or down a hill from the house to the water’s edge. A lift platform may not exceed 40 square feet in

size. A lift may have open safety railings on the sides which are not solid and may have a roof or canopy located over it.

(23) “Lot width” means the distance between side lines of the lot at the building setback line. In the case of a shoreland lot, the lot width is the width of the lot 75 feet from the waterline.

(24) “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 in the Sauk County Register of Deeds office which complied with zoning laws in existence when the property was originally divided, or recorded, or both, but which no longer complies with the current minimum land area within the applicable zoning district. The land area shall be occupied by or designed to provide space necessary for one main building and its accessory buildings or uses.

(25) “Maintenance and repair of structures” means activities such as interior remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring, siding, shingles, sheathing, and other nonstructural components and the repair of cracks in foundations, sidewalks, walkways, and the application of waterproof coatings to foundations.

(26) “Mitigation” means balancing measures that are designed, implemented, and function to restore natural functions and values that are otherwise lost through development and human activities.

(27) “Mobile home” means a detached single-family dwelling unit designed for long-term occupancy that may contain sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, which is designed to be transported on its own wheels.

(28) “Navigable waters” means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stat. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule

promulgated thereunder, shoreland ordinances required under Wis. Stat. § 59.692, and this ordinance do not apply to lands adjacent to farm drainage ditches if:

(a) The lands are not adjacent to a natural navigable stream or river and where the lands were not navigable streams before ditching on December 23, 1985;

(b) Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body; and

(c) Such lands are maintained in non-structural agricultural use.

(29) “Ordinary high water mark” or “OHWM” 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.

(30) “Pier” means any structure extending vertically into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

(31) “Pond” means any naturally occurring or artificially created structure of 200 square feet or more which impounds water all or part of the year. Types of ponds include but are not limited to:

(a) An embankment pond is made by building an embankment or dam across a stream or watercourse where the channel is depressed long enough to allow water storage.

(b) An excavated pond located in the wetland district made by digging a hole or excavation in an area capable of sustaining year-round water levels to a depth not to exceed 4 feet. The water capacity is obtained almost entirely by excavation. Any spoil material may not be placed within the wetland district.

(c) An excavated pond with limited filling made by digging a hole or excavation and shaping the spoil material to allow for an area capable of sustaining year-round water levels.

(32) “Previously developed” means a lot or parcel that was developed with a structure legally placed upon it.

(33) “Privy” means a structure that is not connected to a plumbing system, which is used by persons for the deposition of human body wastes.

(34) “Private recreation” means facilities, structures, buildings, or property which are privately held that require a fee, membership, or residence for use or participation. Such facilities may also serve a public recreational need.

(35) “Public park and recreation area” means a public playground, recreation center, and other public spaces and areas created, established, designated, maintained, provided or set aside by a government entity for purpose of public rest, play, recreation, or assembly and all buildings, facilities, structures, or land thereon.

(36) “Regional flood” means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

(37) “Routine maintenance of vegetation” means normally accepted horticultural practices, including pruning or removal of dead or dying vegetation, that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

(38) “Setbacks, water” means the minimum horizontal distance from the ordinary high water mark of a body of water to the nearest part of a structure.

(39) “Shoreland” 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.

(40) “Shoreland setback” also known as the “shoreland setback area” in Wis. Stat. § 59.692(1)(bn), means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under Wis. Stat. § 59.692.

(41) “Silvicultural thinning” means a woodland management practice which, for the purposes of this ordinance, improves or maintains the quality of adjacent surface water through responsible cutting in shoreland and by which

long-lived species are perpetuated and provision is made for efficient methods of slash disposal.

(42) “Special exception” means a use, which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Sauk County Board of Adjustment.

(43) “Stormwater best management practice” or “Stormwater BMP” means a structural best management practice that is designed to collect or manage the quantity or quality of stormwater runoff for an indefinite period of time, following adopted county or state standards. Some examples include: pervious pavement, rain gardens, infiltration trench or basin, green roof, bio-swale, filter strip, constructed wetlands, bio-retention basin, wet detention basin, or any combination of these or other permanent stormwater management practices approved by the county.

(44) “Structure” means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit.

(45) “Structure, accessory” means a subordinate structure, which is devoted to a use incidental to the principal use of the property. Accessory structures include: detached garages, sheds, barns, gazebos, patios, attached or detached decks, swimming pools, hot tubs, fire pits, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts.

(46) “Structure, principal” means the main structure or structures on a lot intended for the primary use as permitted by the regulations of the zoning district in which it is or they are located.

(47) “Subdivision” means the division of a lot, parcel, or ¼ of ¼ section by the owner thereof or their agent, for the purpose of transfer of ownership or building development where the act of division creates 4 or more lots, or where the act of division creates 4 or more lots by successive division within a 5-year period of time.

(48) “Substandard lot” means a lot that does not conform to the dimensional or area requirements, or both, of this ordinance.

(49) “Unnecessary hardship” means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions

governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

(50) “Variance” means an authorization granted by the Sauk County Board of Adjustment to construct or alter a building or structure in a manner that deviates from the dimensional standards of this ordinance.

(51) “Vegetative buffer zone” means a vegetated area within 35 feet of the ordinary high water mark.

(52) “Vegetative cover” means unmowed vegetation composed of at least two of the following layers: herbaceous, saplings, shrub, and tree.

(53) “Wetlands” means those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and that have soils indicative of wet conditions.

(54) “Wharf” means any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for watercraft or for loading or unloading cargo or passengers onto or from watercraft.

(55) “Zoning administrator” means a staff person employed as director of the Conservation, Planning, and Zoning Department or any additional staff which have been delegated authority by the zoning administrator to exercise the functions of this ordinance assigned to the zoning administrator.

SUBCHAPTER III

SHORELAND ZONING REQUIREMENTS

8.005 General provisions. (1) JURISDICTION. Areas regulated by the Shoreland Zoning District shall include all the shorelands in the unincorporated areas of Sauk County which are as follows:

(a) Within 1,000 feet from the ordinary high water mark of a navigable lake, pond, or flowage. If the navigable water is a glacial pothole lake, the distance shall be measured from the ordinary high water mark thereof. Lakes, ponds, or flowages in Sauk County shall be presumed to be navigable if

they are listed in the Wisconsin Department of Natural Resources publication FH-800 2009 *Wisconsin Lakes* book or are shown on United States Geological Survey quadrangle maps (1:24,000 scale) or other zoning base maps.

(b) Within 300 feet of the ordinary high water mark of a navigable river or stream or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Sauk County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps, or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

(c) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties, and, when Wis. Stat. § 13.48(13) applies, state agencies are required to comply with, and obtain all necessary permits under local shoreland ordinances. The construction, reconstruction, maintenance, or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation, Sauk County Highway Department, or Township is not subject to local shoreland zoning ordinances if Wis. Stat. § 30.2022(1) applies, pursuant to Wis. Admin. Code § NR 115.02. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stat. §§ 61.353 and 62.233.

(d) Determinations of navigability and ordinary high water mark location shall be made by the zoning administrator. When questions arise, the zoning administrator shall contact the appropriate office of the Wisconsin Department of Natural Resources for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to § 59.692(1h).

(e) Pursuant to Wis. Stat. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:

1. Lands adjacent to farm drainage ditches if all of the following apply:

a. The lands are not adjacent to a natural navigable stream or river.

b. Those parts of the drainage ditches adjacent to the lands were not navigable streams before ditching.

2. Lands adjacent to artificially constructed drainage ditches, ponds, or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

3. Lands adjacent to an impoundment described under Wis. Stats. § 30.10(2)(b) that does not discharge directly to a natural navigable waterway.

(f) *Shoreland-wetland maps*. The most recent version of the *Wisconsin Wetland Inventory* as depicted on the Wisconsin Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at the Wisconsin Department of Natural Resources website at <https://dnrmaps.wi.gov/H5/?Viewer=SWDV>.

(2) COMPLIANCE. The use of any land; the size, shape, and placement of lots; the use, size, type, and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state, or federal regulations. Buildings and other structures shall require a land use permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders, and contractors are responsible for compliance with the terms of this ordinance.

(3) MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply with Wis. Stat. § 13.48(13) when applicable. The construction, reconstruction, maintenance, and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stat. § 30.2022(1) applies.

(4) ABROGATION AND GREATER RESTRICTIONS. The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. If a

zoning standard only applies to lands that lie within the shoreland and applies because the lands are in a shoreland, then this ordinance supersedes those provisions. Where an ordinance adopted under a statute other than Wis. Stat. § 59.692 does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

(a) This ordinance shall not require approval or be subject to disapproval by any town or town board.

(b) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments to this ordinance, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.

(c) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. Where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(d) The provisions of Chapter 7 of the Sauk County Zoning Ordinance are hereby incorporated by reference, and applied as permitted by state law.

(e) This ordinance may establish standards to regulate matters that are not regulated in Wis. Admin. Code ch. NR 115, which further the purposes of shoreland zoning as described in s. 8.002 of this ordinance.

(f) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:

1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.

2. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

(g) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

1. The Wisconsin Department of Natural Resources has issued all required permits or approvals authorizing the construction or

maintenance under Wis. Stat. chs. 30, 31, 281, or 283.

2. A “facility” means any property or equipment of a public utility, as defined in Wis. Stat. § 196.01(5), or a cooperative association organized under Wis. Stat. ch. 185 for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

(5) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of Sauk County and may not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in Wis. Admin. Code ch. NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(6) SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SUBCHAPTER IV SHORELAND-WETLAND ZONING DISTRICT

8.006 Shoreland-wetland district. (1) JURISDICTION. The shoreland-wetland zoning district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the *Wisconsin Wetland Inventory* as depicted on the Wisconsin Department of Natural Resources Surface Data Viewer at <https://dnrm.wisconsin.gov/H5/?Viewer=SWDV> and those wetlands as defined in s. 8.004(53) of this ordinance shall be included in the shoreland-wetland district.

(2) LOCATING SHORELAND - WETLAND BOUNDARIES. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland

Inventory and actual field conditions, the county shall contact the Wisconsin Department of Natural Resources to determine if the map is in error. If the Wisconsin Department of Natural Resources determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a land use permit in accordance with the applicable regulations based on the Wisconsin Department of Natural Resources determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time. 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 the enforcement of this ordinance.

(3) **PURPOSE.** The shoreland-wetland district is created to maintain safe and healthy conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty, and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts on the wetland.

(4) **PERMITTED USES.** The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stat. chs. 30, 31, 281.36, and the provisions of other applicable local, state and federal laws:

(a) Activities and uses which do not require the issuance of a land use permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating except as allowed under s. 8.013(6) are as follows:

1. Hiking, fishing, trapping, hunting, swimming, and boating.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of the crops.
3. The pasturing of livestock.
4. The cultivation of agricultural crops.

5. The practice of silviculture, including the planting, thinning, and harvesting of timber.

6. The construction or maintenance of duck blinds.

(b) Uses which do not require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:

1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silviculture activities if not corrected.

2. The cultivation of cranberries including flooding, dike and dam construction, or ditching, necessary for the growing and harvesting of cranberries.

3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling, necessary to maintain the level of drainage required to continue the existing agricultural use. Maintenance and repair is limited to re-establishing the original ditch cross section. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for the construction or maintenance.

5. The construction or maintenance of piers and docks built on pilings, including limited excavating and filling necessary for these constructions and their maintenance.

6. The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for the maintenance, repair, replacement, or reconstruction.

(c) Uses which require the issuance of a land use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating, but only to the extent specifically provided below:

1. The construction and maintenance of roads, which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:

a. The road cannot as a practical matter, be located outside the wetland.

b. The road is designed and constructed to minimize adverse impacts on the natural functions of the wetland enumerated in s. 8.007(2).

c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.

d. Road construction activities are carried out only in the immediate area of the roadbed.

2. The construction or maintenance of nonresidential buildings provided that:

a. The building is essential for, and used solely in conjunction with, the raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.

b. The building cannot as a practical matter, be located outside the wetland.

c. The building is not designed for human habitation and does not exceed 500 square feet in floor area.

d. Only limited filling or excavating necessary to provide structural support for the building is authorized.

3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

a. Any private development is used exclusively for the permitted use, and the applicant has received a permit or license under Wis. Stat. ch. 29, where applicable.

b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where the construction or maintenance meets the criteria in s. 8.006(4)(c).

c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values. The applicant has received any permits necessary

through the Wisconsin Department of Natural Resources or other governmental entity, when applicable.

4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power, or water to their members and the construction or maintenance of railroad lines provided that:

a. The transmission and distribution facilities and railroad lines cannot as a practical matter, be located outside the wetland.

b. The construction or maintenance is done in a manner designed to minimize adverse impact on the natural functions of the wetland enumerated in s. 8.007(2).

5. The construction of excavated ponds.

a. The excavated pond may not exceed a depth of 4 feet. Any excavated pond deeper than 4 feet shall be located outside of the shoreland-wetland district.

b. All excavated pond banks shall be sloped to 3:1 or flatter.

c. All disturbed areas associated with the pond construction must be stabilized.

d. All debris piles, brush piles, tree stumps, and other material associated with pond construction may not be placed or located within the shoreland-wetland district.

e. If deemed necessary, the Department shall require safety measures to protect the public from the excavated pond including fencing and gates.

(5) WETLAND SETBACKS. A setback of 25 feet from a wetland boundary to the nearest part of a building or structure shall be required. Driveways extending not more than 6 inches above the average ground level at their margins are exempt from the wetland setback requirement.

(6) PROHIBITED USES. Any use not listed in s. 8.006(4) is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with s. 8.007 of this ordinance and Wis. Stat. § 59.69(5)(e).

8.007 Amendment of shoreland-wetland map and zoning district. (1) For all

proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office of the Wisconsin Department of Natural Resources shall be provided with the following:

(a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of the petition with the county clerk. The petition shall include a copy of the “Wisconsin Wetland Inventory Map” adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland.

(b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to the hearing.

(c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board.

(d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.

(2) A wetland or a portion of a wetland in the shoreland-wetland district may not be rezoned if the proposed rezoning may result in a significant adverse impact on any of the following:

(a) Storm and flood water storage capacity.

(b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.

(c) Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.

(d) Shoreline protection against soil erosion.

(e) Fish spawning, breeding, nursery, or feeding grounds.

(f) Wildlife habitat.

(g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to the designated areas as defined in Wis. Admin. Code § NR 103.04.

(3) If the Wisconsin Department of Natural Resources notifies the Department that a proposed text or map amendment to the

shoreland-wetland provisions of this ordinance may have a significant adverse impact on any of the criteria listed in s. 8.007(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provisions: "This amendment shall not take effect until more than 30 days have elapsed after written notice of the Sauk County Board's approval of this amendment is mailed to the Wisconsin Department of Natural Resources. During that 30-day period, the Wisconsin Department of Natural Resources may notify the Sauk County Board that it will adopt a superseding shoreland ordinance for Sauk County under Wis. Stat. § 59.692(6). If the Wisconsin Department of Natural Resources does so notify the Sauk County Board, the effect of this amendment shall be stayed until the § 59.692(6) adoption procedure is completed or otherwise terminated."

8.008 Land division review, planned unit development, and sanitary regulations.

(1) **LAND DIVISION REVIEW.** Pursuant to Wis. Stat. § 236.45, the county shall review all land divisions in shoreland areas. In land division review, all of the following factors shall be considered:

(a) Hazards to the health, safety or welfare of future residents.

(b) Proper relationship to adjoining areas.

(c) Public access to navigable waters, as required by law.

(d) Adequate stormwater drainage facilities.

(e) Conformity to state law and administrative code provisions.

(2) **PLANNED UNIT DEVELOPMENT (PUD).**

(a) *Purpose.* A planned unit development is intended to permit smaller, non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the planned unit development at the time of its approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the shoreland, in perpetuity.

(b) *Requirements for planned unit development.* The county board may, at its discretion, upon its own motion or upon petition,

approve a planned unit development overlay district upon finding, after a public hearing, that all of the following facts exist:

1. ‘Area.’ The area proposed for the planned unit development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.

2. ‘Lots.’ Any proposed lot in the planned unit development that does not meet the minimum size standards of ss. 8.010(2) and 8.010(3) shall be a non-riparian lot.

3. ‘Lot sizes, width, setbacks, and vegetation removal.’ When considering approval of a planned unit development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in s. 8.012 shall apply except that the maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

(3) SANITARY REGULATIONS. The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

(a) Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code ch. NR 812.

(b) Where a public sewage collection and treatment system is not available, design and construction of private, on-site waste treatment systems shall, prior to July 1, 1980, be required to comply with Wis. Admin. Code ch. SPS 383, and after June 30, 1980, be governed by Chapter 25 of the Sauk Co. Code adopted by the county pursuant to Wis. Stat. § 59.70(5).

(4) PROCEDURE FOR ESTABLISHING A PLANNED RESIDENTIAL UNIT DEVELOPMENT OVERLAY DISTRICT. The procedure for establishing a planned residential unit development district shall be as follows:

(a) A petition setting forward all of the facts required in s. 8.008(2) shall be submitted to the Sauk County Clerk with sufficient copies to provide for distribution.

(b) *Review and Hearing.* The petition shall be submitted to the Sauk County Conservation, Planning, and Zoning Committee established as required by Wis. Stats. § 59.69(3)(d), which shall hold a public hearing and report to the Sauk County Board as required by law. Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department. The committee’s report to the Sauk County Board shall reflect the recommendations of any federal, state or local agency with which the Sauk County Conservation, Planning, and Zoning Department consults.

(c) *Findings and Conditions of Approval.* The Sauk County Board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in ss. 8.008(2) and (3). If the petition is granted in whole or in part, the Sauk County Board shall attach such written conditions to the approval as are required by and consistent with ss. 8.008(2) and (3). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone and open space requirements.

(d) *Planning studies.* A landowner or petitioner may at his own expense develop the facts required to establish compliance with the provisions of ss. 8.008(2) and (3) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county, any agency or person with whom the county contracts.

8.009 Subdivision and commercial development stormwater management. (1)

All newly platted residential subdivisions and commercial developments to be located in the shoreland or shoreland-wetland district shall be required to prepare and submit a stormwater management plan and be in compliance with Wis. Admin. Code ch. NR 151 and additional provisions in that code. All stormwater runoff from within the proposed development boundaries shall be controlled or directed to prevent adverse impacts to the property and neighboring properties. The stormwater management plan shall include the following:

(a) Stormwater runoff control measures or devices including the following:

1. Retention and detention ponds may not be located within the boundaries of a mapped wetland.

2. Retention and detention ponds may not discharge runoff to streams or waterways classified as trout habitat. Overflow runoff may be discharged to an approved infiltration trench or related diversion.

3. Stormwater runoff control measures or devices shall be in place and stabilized prior to any site disturbance.

(b) The stormwater management plan shall be designed by a licensed professional engineer.

(c) The stormwater management plan shall describe all security and safety measures.

(d) The stormwater management plan shall describe all landscaping and site maintenance.

(e) The stormwater management plan shall describe all measures for removing sediment.

(2) The stormwater management plan shall protect neighboring properties from flooding, increased sediment levels, decreased water quality, or any other adverse impact as measured prior to site development. All stormwater leaving the project site shall be in compliance with all applicable State of Wisconsin water quality standards.

(3) A financial guarantee must be submitted to cover the costs associated with the review of plans as well as construction and installation of improvements in accordance with the stormwater management plan.

8.010 Minimum lot size. (1) PURPOSE. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety, and welfare, and protection against pollution of the adjacent body of water.

(2) SEWERED LOTS. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet.

(a) The width shall be calculated by averaging measurements at the following 3 locations:

1. The ordinary high water mark.
2. The front building setback line.
3. The rear lot line measured at 75 feet from the ordinary high water mark.

(3) UNSEWERED LOTS. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet with at least 100 feet of frontage at the ordinary high water mark.

(a) The width shall be calculated by averaging measurements at the following 3 locations:

1. The ordinary high water mark.
2. The front building setback line.
3. The rear lot line measured at 75 feet from the ordinary high water mark.

(4) SUBSTANDARD LOTS. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

(a) The substandard lot or parcel was never reconfigured, combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.

(b) The substandard lot or parcel has never been developed with one or more of its structures partly upon an adjacent lot or parcel.

(c) The substandard lot or parcel is developed to comply with all other ordinance requirements.

(5) OTHER SUBSTANDARD LOTS. (a) Except for lots which meet the requirements of s. 8.010(4), a land use permit for the improvement of a lot having lesser dimensions than those stated in ss. 8.010(2) and 8.010(3) shall be issued only if a variance is granted by the Sauk County Board of Adjustment.

(b) A legal non-conforming lot may not be further divided or lot lines adjusted to increase the non-conformity.

8.011 Setbacks. (1) BUILDING SETBACKS. Permitted building setbacks shall be established to conform to health, safety and, welfare requirements, preserve natural beauty, reduce flood hazards, and avoid water pollution.

(2) SHORELAND SETBACKS. Unless exempt under s. 8.011(3) or reduced under s. 8.011(5), a setback of 75 feet from the ordinary high water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(3) EXEMPT STRUCTURES. All of the following structures are exempt from the 75 foot shoreland setback standards in s. 8.011(2) provided the following requirements are met and a land use permit is issued by the Department:

(a) Boathouses meeting the requirements of the Wisconsin Statutes and Wisconsin Administrative Code.

1. Boathouses shall be located entirely above the ordinary high water mark.

2. Boathouses shall be located entirely within the access and viewing corridor.

3. Boathouses shall not contain plumbing and are not to be used for human habitation.

4. Boathouses, where permitted, shall be designed and constructed solely for the storage of boats and related equipment and shall not be used for human habitation. Any construction, including plumbing fixtures, heating and cooling equipment, patio doors, fire places, stoves, ranges, and second stories, which is inconsistent with the exclusive use of the boathouse, is prohibited.

5. One boathouse is permitted per lot. A boathouse is considered an accessory structure.

6. The construction or placement of boathouses below the ordinary high water mark of any navigable waters is prohibited.

7. Boathouses shall be set back a minimum of 5 feet from the ordinary high water mark. Boathouses shall be constructed in conformity with local floodplain zoning standards.

8. Boathouses shall have a minimum floor area of 300 square feet and shall have a maximum floor area of 450 square feet. Flat roofed surfaces of boathouses may be used as open recreational areas, but may not be enclosed, roofed, or have side walls or screens. The roof may have a railing that meets the Wisconsin Department of Safety and Professional Services standards.

9. Boathouses shall not exceed one-story with a maximum sidewall height not to exceed 10 feet, as measured from the top of the wall to the floor.

10. The main door shall face the water. Aprons or approaches into the boathouse are not permitted.

11. Rail systems must be depicted on proposed plans prior to construction.

12. Boathouses shall have a maximum width parallel to the shore of 15 feet.

13. Boathouses shall have a minimum side yard setback of 20 feet.

(b) Open-sided and screened structures such as gazebos, decks, patios, and screen houses in the shoreland setback areas that satisfy the requirements in Wis. Stat. § 59.692(1v.).

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.

2. The total floor area of all the structures existing and proposed in or extending into the shoreland setback of 75 feet shall not exceed 200 square feet of floor area. In calculating this square footage, exempt structures such as boathouses, stairways, walkways, and lifts shall not be included.

3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.

4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area. The location of the vegetative buffer shall be shown on a site plan prepared by a registered land surveyor and the boundaries clearly marked on the lot.

5. The structure must be freestanding and more than 5 feet from a principal structure.

6. An affidavit must be filed with the Sauk County Register of Deeds prior to construction acknowledging the limitations on vegetation.

(c) Broadcast signal receivers, including satellite dishes or antennas that are 3 feet or less in diameter and satellite earth station antennas that are 6 feet or less in diameter.

(d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with state statutes, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

(e) Stairways, walkways, or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width as follows:

1. Only one stairway, walkway, lift, or combination thereof, shall be constructed. If a

new lift is needed and approved by the Department, it shall be mounted to an existing stairway or walkway.

2. The platform of the lift may not exceed 40 square feet.

3. Landings associated with stairs, walkways, and lifts shall be constructed only when required for safety purposes and if the landing does not exceed 40 square feet.

(f) Stormwater best management practices used to treat runoff from impervious surfaces.

(4) EXISTING EXEMPT STRUCTURES. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt, and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(5) REDUCED PRINCIPAL STRUCTURE SETBACK. A setback less than the 75 foot required setback from the ordinary high water mark shall be permitted only for a proposed principal structure and shall be determined as follows:

(a) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures foundation walls are set back from the ordinary high water mark provided all of the following are met:

1. Both of the existing principal structures are located on adjacent lots to the proposed principal structure.

2. Both of the existing principal structures are located within 250 feet of the proposed principal structure and are the closest structure.

3. Both of the existing principal structures are located less than 75 feet from the ordinary high water mark.

4. The averaged setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

(b) A reduced principal structure setback may not be used for additions or accessory structures.

(6) SIDE YARD SETBACKS. Side yard setbacks shall be measured based upon the applicable underlying general zoning standards,

except that boathouses shall maintain a minimum side yard setback of 20 feet.

(7) FLOODPLAIN STRUCTURES. Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

8.012 Vegetation. (1) PURPOSE. To protect natural scenic beauty, fish and wildlife habitat, and water quality and to promote preservation and restoration of native vegetation, Sauk County shall regulate removal of vegetation in shoreland areas and establish standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments, and nutrients.

(2) REMOVAL OF VEGETATION. Unless excepted below removal of vegetation is prohibited within the vegetative buffer zone.

(3) EXCEPTIONS WITHOUT A LAND USE PERMIT. Removal of vegetation within the vegetative buffer area is permitted without a land use permit for the following:

(a) Routine maintenance of vegetation, including removal of dead or dying trees.

(b) Non-structural agricultural practices provided all agricultural practices comply with a site-specific farm conservation plan approved by the Department. Such plans must specifically address erosion control and improvement of the native shoreland plant community.

(c) Soil conservation, stream and adjacent wetland protection and ecological restoration practices when construction is overseen by and implemented according to site specific plans and designs approved by the Natural Resources Conservation Service (NRCS), US Fish and Wildlife Service, Wisconsin Department of Natural Resources, or the Sauk County Conservation, Planning, and Zoning Department.

(4) Exceptions with land use permit. Removal of vegetation within the vegetative buffer zone is permitted subject to the approval of a land use permit, for the following:

(a) Removal of trees and shrubs to create access and viewing corridor provided the following conditions are met:

1. The viewing corridor may not exceed 35% of the lot frontage.

2. The viewing corridor may run contiguously for the entire maximum width of the shoreline lot frontage.

(b) The removal of trees and shrubs in the vegetative buffer zone may be permitted upon a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in Wis. Admin. Code § NR 1.25 (2)(b), and described in Wisconsin Department of Natural Resources publication *Wisconsin Forest Management Guidelines*, publication FR-226, provided that vegetation removal be consistent with these practices.

(c) The removal of vegetation within the vegetative buffer zone may be permitted to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed under the land use permit be replaced by replanting in the same area as soon as practicable.

(d) Additional vegetation management activities in the vegetative buffer zone may be permitted provided that all management activities comply with detailed plans approved by the Department and designed to control erosion by limiting sedimentation into the water body, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area.

8.013 Filling, grading, lagooning, dredging, ditching and excavating. (1) Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stat. ch. 30, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

(2) GENERAL STANDARDS – LAND USE PERMIT NOT REQUIRED. Filling, grading, lagooning, dredging, ditching and excavating which does not require a permit under s. 8.013 may be permitted in the shoreland area provided that:

(a) It is not done within the vegetation buffer zone unless necessary for establishing or expanding the vegetative buffer.

(b) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

(c) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland wetland district meets the requirements of s. 8.006(3) and s. 8.006(4) of this ordinance.

(d) All applicable federal, state and local permits are obtained in addition to a permit under this ordinance.

(e) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

(3) LAND USE PERMIT EXCEPTIONS. Land use permits for filling, grading, lagooning, dredging, ditching or excavating are not required for the following:

(a) *Riprapping*. A land use permit is not required for any riprapping where the project is exempt per Wis. Stat. § 30.12(1g)(im) or the Wisconsin Department of Natural Resources has issued all of the required permits for the particular work to be completed and the zoning administrator certifies that the proposed work, as documented in the plans to be submitted by the landowner, is in compliance with the provisions of this ordinance.

(b) Soil conservation, stream and adjacent wetland protection and restoration practices such as terraces, run-off diversions, grassed waterways, cattle and equipment crossings, cattle watering access, water control structures, dikes, ditch plugs, tile breaks and sediment removal catchments, when construction is overseen by and implemented according to plans and designs approved by the Natural Resource Conservation Service, US Fish and Wildlife Service, Wisconsin Department of Natural Resources, or the Sauk County Conservation, Planning, and Zoning Department.

(c) Tillage directly related to planting, growing and harvesting of agricultural or horticultural crops or gardens.

(4) LAND USE PERMIT REQUIRED. Filling, grading, lagooning, dredging, ditching or excavating, which requires a land use permit under s. 8.013 may be permitted in a shoreland area:

(a) For filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water, has surface drainage toward the water, and on which there are any of the topographic conditions listed below:

1. Any filling or grading on slopes of more than 20%.

2. Filling or grading of more than 1,000 square feet on slopes of 12% to 20%.

3. Filling or grading of more than 2,000 square feet on slopes less than 12%.

(b) For constructing, dredging, or enlarging of any artificial water body that connects with a navigable waterway.

(c) For the construction or enlargement of an artificial body of water that is or will be located within 300 feet landward of the ordinary high water mark of, but that does not connect with, an existing navigable waterway.

(5) PERMIT APPLICATION. Applicants shall include a plot plan with the permit application. This plot plan shall be drawn to scale and include the following:

(a) Existing and proposed topography.

(b) An engineered drainage and erosion control plan stamped by a licensed engineer; unless:

1. The permit request is for a structure or structures in areas that are more than 300 feet from the ordinary high water mark of any navigable water;

2. The project is for an agricultural waterway, ditch, or tile maintenance projects; or

3. The project is for a stormwater best management practice that does not require a professional engineer to create the necessary plans.

(c) Cross-sections of the anticipated area of disturbance.

(d) North arrow, appropriate map scale, and property line dimensions.

(e) Nearest roads, existing and proposed right-of-ways, access drives and easements, and affected utilities.

(f) All property lines.

(g) Floodplain elevation.

(h) Boundaries of existing natural features such as trees, lakes, ponds, streams, rock outcroppings, topography, wetlands, and woodlands.

(i) Location of water, well, and septic.

(j) Location of proposed stormwater management facilities.

(k) Proposed landscaping including buffer zones, fences, retaining walls, and earth berms.

(6) PERMIT CONDITIONS. In granting a permit under s. 8.013, the county shall attach the following conditions, where appropriate and any other applicable administrative or legal requirements as determined by the Department:

(a) The smallest amount of bare ground shall be exposed for as short a time as feasible.

(b) Temporary ground cover, such as mulch or jute netting, shall be used, and permanent vegetative cover shall be established.

(c) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.

(d) Lagoons shall be constructed to avoid fish trap conditions.

(e) Fill shall be stabilized according to accepted engineering standards.

(f) Filling shall comply with any local floodplain zoning ordinance and may not restrict a floodway or destroy the flood storage capacity of a floodplain.

(g) Channels or artificial watercourses shall be constructed with side slopes of 2 units horizontal distance to 1 unit vertical or flatter which shall be promptly vegetated unless bulkheads or riprap are provided.

(7) SHORELAND-WETLAND DISTRICT. Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district shall comply with s. 8.006 of this ordinance.

8.014 Impervious surface standard. (1)

PURPOSE. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement, or relocation of any impervious surface on a riparian lot or parcel and any non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway. (a)

Calculation of percentage of impervious surface.

1. Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of

the ordinary high water mark by the total surface area of the lot or parcel and multiplied by 100. Impervious surfaces described in s. 8.014(1)(d) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

2. For properties within a condominium plat, the impervious surface calculations apply to the entire condominium platted property and shall not be exclusive to each individual limited common element.

(b) *General impervious surface standard.* Except as allowed in s. 8.014(1)(c), the county will allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.

(c) *Maximum impervious surface.* A property may exceed the impervious surface standard under s. 8.014(1)(b) providing the following:

1. A property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of the lot or parcel that is within 300 feet of the ordinary high water mark.

2. For properties that exceed the standard under s. 8.014(b), but do not exceed the standard under s. 8.014(c), a permit can be issued for development with a mitigation plan that meets the standards found in s. 8.017.

(d) *Treated impervious surfaces.* Impervious surfaces that can be documented to show that they meet either of the following standards shall be excluded from the impervious surface calculations under s. 8.014(1)(a). This exemption can only be used when the runoff from the impervious surface is being treated by a sufficient treatment system, treatment device, or internally drained. If the property owner fails to maintain the treatment system, treatment device, or internally drained area, the impervious surface is no longer exempt.

1. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems, which are

designed to contain a 2-year, 24-hour rainfall event or larger.

2. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil, designed to contain a 2-year, 24-hour rainfall event or larger.

(e) To qualify for the statutory exemption, property owners shall submit a complete permit application and documentation showing compliance with the standards listed in this section. Depending upon the type of treatment proposed a professional engineer may be required to prepare any necessary plans. The application shall include:

1. Calculations showing how much runoff is coming from the impervious surface area.

2. Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area.

3. The design of stormwater best management practices shall comply with the following technical standards: *Natural Resources Conservation Field Office Technical Guide*, applicable Wisconsin Department of Natural Resources construction and erosion control standards; or technical methodology approved by the Sauk County Conservation, Planning, and Zoning Department.

4. An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Sauk County Register of Deeds prior to the issuance of the permit.

(f) *Existing impervious surfaces.* For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in s. 8.014(1)(b) or the maximum impervious surface standards in s. 8.014(1)(c), the property owner may do any of the following:

1. Maintain and repair the existing impervious surfaces.

2. Replace existing impervious surfaces with similar surfaces within the existing building envelope.

3. Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance, and the impervious surface meets the applicable setback requirements in Wis. Admin. Code § NR 115.05(1)(b).

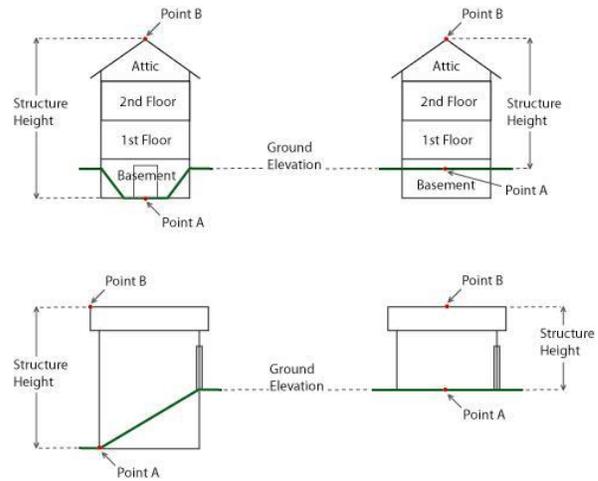
(g) This section of the ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

(h) Applicants shall include a plot plan with the land use permit application. This plot plan shall be drawn to scale and include the following:

1. Calculation of percentage of impervious surface.
2. Location and size of all existing and proposed structures on the property.
3. North arrow, appropriate map scale, and property line dimensions.
4. Nearest roads, existing and proposed access drives.
5. All property lines.
6. Boundaries of existing natural features such as lakes, ponds, streams, rock out-croppings, topography, wetlands, and woodlands.
7. Location of treated impervious surfaces.
8. Proposed landscaping including buffer zones, fences, retaining walls, and earth berms.
9. Impervious surface calculation and the above information may have to be prepared and provided by a professional engineer or surveyor if requested by the Department.

8.015 Height. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, the Department may not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high water mark of any navigable waters.

(1) Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and its intersect with the ground, Point A in the following diagram, to a line horizontal to the highest point of a structure, Point B in the following diagram, unless specified under other sections of this code.



8.016 Nonconforming uses and structures.

(1) DISCONTINUED NONCONFORMING USE. If a nonconforming use is discontinued for a period of 365 days, any future use of the building, structure, or property shall conform to the ordinance.

(2) Wis. Admin. Code § NR115.05(1)(b)1m and s. 8.011(3) list structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

(3) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level as measured under s. 8.015(1). Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(4) LATERAL EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK. An existing principal structure

that was lawfully placed when constructed but that does not comply with the required building setback pursuant to s. 8.011(2) may be expanded laterally, provided that all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 365 days or more if a nonconforming use.

(b) The existing principal structure is at least 35 feet from the ordinary high water mark.

(c) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(d) The Department shall issue a permit that requires a mitigation plan that shall be approved by the Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in s. 8.017.

(e) All other provisions of the shoreland ordinance shall be met.

(5) EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback pursuant to s. 8.011(2) may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements pursuant to s. 8.011, lateral expansions meet the requirements pursuant to s. 8.010(4), and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required pursuant to s. 8.014.

(6) RELOCATION OF A NONCONFORMING PRINCIPAL STRUCTURE. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback pursuant to s. 8.011(2) may be replaced or relocated on the property provided all of the following requirements are met:

(a) The use of the structure has not been discontinued for a period of 365 days or more.

(b) The existing principal structure is at least 35 feet from the ordinary high water mark.

(c) No portion of the replaced or relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.

(d) The Department determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement pursuant to s. 8.011(2).

(e) The Department shall issue a land use permit that requires a mitigation plan that shall be approved by the Department and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards pursuant to s. 8.017, including enforceable obligations of the property owner to establish and maintain mitigation measures that the Department determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded with the Sauk County Register of Deeds office.

(f) All other provisions of the shoreland ordinance shall be met.

(7) MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The Department may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

(8) MAINTENANCE, REPAIR, REPLACEMENT OF ILLEGAL STRUCTURES. A structure that was illegally constructed, which is older than 10 years and may not be enforced under Wis. Stat. § 59.692(1t), the shoreland ordinance, may be maintained, repaired, replaced, restored, rebuilt,

or remodeled if the activity does not expand the footprint of the structure. No vertical or lateral expansions are allowed for these structures.

8.017 Mitigation. (1) MITIGATION PURPOSE. The purpose of mitigation is to offer options to property owners who desire to make improvements to a parcel located within the shoreland area while preserving, protecting, enhancing, and maintaining the scenic, conservation, and recreational values of navigable waters and shorelands.

(2) PERMIT REQUIREMENT. When the Department issues a permit requiring mitigation under ss. 8.014(1)(c), 8.016(4), or 8.016(6), the property owner must submit a complete permit application that is reviewed and approved by the Department. The application shall include the following:

(a) A mitigation plan in accordance with s. 8.017(4) that describes the proposed mitigation measures. The mitigation plan shall be designed and implemented to restore natural functions lost through development. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat, and natural scenic beauty.

(b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures. The enforceable obligations shall be evidenced by an instrument recorded in the Office of the Sauk County Register of Deeds prior to issuance of the permit.

(3) RECORDING REQUIREMENT. The enforceable obligation described in s. 8.017(2)(b), as modified by the Department during the permitting process, must be recorded with the Sauk County Register of Deeds in order for the permit to be effective so that work may commence.

(4) MITIGATION PLAN. A mitigation plan with a recorded enforceable obligation and maintenance agreement shall include a scaled plot plan of the lot, including the following information:

(a) Location of all existing and proposed structures. Examples of structures that shall be depicted on the plot plan of the lot include: paths, stairways, retaining walls, decks, patios, and vegetative cover, and shall be represented with

accurate distances shown between the structures and all property lines.

(b) Location of any areas of existing and proposed land disturbance.

(c) Location of septic and well facilities.

(d) Location of the viewing and access corridor.

(e) Location of parking areas and driveways.

(f) Location of ordinary high-water mark and any wetland areas.

(g) Maps showing the existing and proposed topography and slope of the property.

(h) Impervious surface calculations.

(i) A minimum of four photos of the property. The required photos shall include a photo taken from the water, along the shoreline, and from the principal structure. The Department may require additional photos of the property or a site inspection, or both.

(j) Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property. A professional surveyor may be required to provide elevation data on the plan.

(5) MITIGATION REQUIREMENTS. Mitigation shall be required for the following activities:

(a) Impervious Surface coverage greater than 15% but no more than 30%.

(b) Lateral expansion of a non-conforming principal structure.

(c) Relocation of a non-conforming principal structure.

(6) MITIGATION OPTIONS. Property owners must install stormwater control systems that shall be designed to contain the 2-year, 24-hour rainfall event for impervious areas, meeting s. 8.014, impervious surface standards. Depending upon the type of stormwater best management practice proposed, a qualified professional engineer or surveyor may be required to prepare any necessary plans. In addition to the installation of a stormwater best management practices, mitigation shall also include at least one of the following:

(a) Removal of a structure within the shoreland setback.

(b) Removal of shoreland structures such as artificial beaches, seawalls, or bulkheads.

(c) Replacement of private on-site wastewater treatment or “POWTS” installed

prior to July 1, 1980, or connection to a public sanitary sewer service or private group wastewater treatment system serving 5 or more lots.

(d) Reduction of impervious surface coverage to less than 15% of the lot.

(e) Shoreland buffer restoration of at least 35 feet landward side from the ordinary high water mark. A plan for the restoration of the shoreland buffer is required and shall include:

1. All requirements as entailed by s. 8.017(4).

2. Identification of the vegetation to be cut and the size and type of species to be removed.

3. A list of desired native species appropriate for the site, or cultivars of native species, to include in the restoration area and a schedule for their planting.

4. A scaled plot plan showing the placement, size and densities of each species to be planted within the buffer area.

5. A narrative description of how the applicant intends to carry out the project including the erosion control measures that will be used during construction. Please include the name and phone number of the landscape architect or consultant, if applicable.

6. The Restoration Plan will be reviewed according to United States Department of Agriculture, Natural Resources Conservation Service, Shoreland Habitat Standard and Wisconsin Biology Technical Note 1: Shoreland Habitat within the shoreland buffer area. The plan must also fulfill the intent and purpose of s. 8.012 of this ordinance. The above listed standards can be viewed on the Wisconsin Department of Natural Resources website or at the Sauk County Conservation, Planning, and Zoning Department, 505 Broadway, Baraboo, WI 53913

7. ‘Certification of completion.’ Restoration is required to be completed within one year of issuance of the land use permit but may be extended upon approval of the Department. The property owner shall complete the required shoreland buffer and shall certify in writing to the zoning administrator that the required shoreland buffer has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures and the zoning administrator may

conduct an on-site compliance inspection to ensure compliance with the plan.

(f) Wetland restoration or creation, designed in accordance with the NRCS Field Office Technical Guide.

(g) Elimination of existing erosion and sedimentation on areas that have surface drainage towards the water.

(h) Reducing the width of allowable view and access corridors.

(i) Installation of a stormwater infiltration system, such as infiltration trenches or chambers, drywells, grass swales, rain gardens or other comparable practices.

(j) Installation of shoreline stabilization practice located at the OHWM, which comply with Wis. Admin. Code ch. 30.

SUBCHAPTER IV PROCEDURES AND ADMINISTRATION

8.018 Procedures and administration.

(1) **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.

(2) **CONSERVATION, PLANNING, AND ZONING DIRECTOR AND ZONING ADMINISTRATOR: DESCRIPTION AND ROLES.** The Sauk County 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 staff within the Department may assist the director or zoning administrator in the performance of the duties prescribed herein.

(3) **DUTIES AND RESPONSIBILITIES.** To interpret and administer this chapter, as well as certain other chapters of the Sauk Co. Code 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 review and approval bodies in decision-making.

(e) Provide staff support to the agency and the Sauk County Board of Adjustment including the scheduling of public hearings, other meetings, and site visits; and the recording of the actions, recommendations, and minutes of the agency and the Sauk County Board of Adjustment.

(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, 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 Sauk County 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 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.

(4) SAUK COUNTY BOARD OF ADJUSTMENT.

(a) *Powers of the board.* 1. The Chairperson of the Sauk County Board of Supervisors is hereby directed to appoint a Sauk County Board of Adjustment according to Wis. Stat. § 55.694, consisting of 5 members and 2 alternates, with allowance for payment per diem and mileage.

a. One member from the Sauk County Board of Supervisors who is a 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.

c. One member who is a resident of an unincorporated area in Sauk County.

d. Two alternates shall be appointed, who may act with full power, when a member of the board refuses to vote due to a conflict of interest or when a member is absent.

e. Appointed board members shall reside in different townships, and all members shall reside in unincorporated areas

2. The Sauk County Board of Adjustment shall adopt rules as it deems necessary for the conduct of business and may exercise all of the powers conferred on boards of adjustment by Wis. Stat. § 59.694.

3. The Sauk County Board of Adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.

4. The Sauk County Board of Adjustment shall hear and decide special exception appeals to the terms of this ordinance upon which the board is required to pass under this ordinance.

5. The Sauk County Board of Adjustment may authorize upon appeal, in specific cases, a variance from the standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant; the hardship is due to special conditions unique to the property; the request is not contrary to the public interest; and the request represents the minimum relief necessary to relieve unnecessary burdens.

6. ‘No use variance.’ A variance may not grant or increase any use of property which is prohibited in the zoning district.

(b) *Appeals to the board.* Appeals to the Sauk County Board of Adjustment may be taken by a person aggrieved or by an officer, department, board, or bureau of the municipality affected by any decision of the zoning administrator. The appeal shall be taken within a reasonable time, as provided by the board, by filing an appeal with the Department. The zoning administrator shall transmit forthwith to the board all the papers constituting the record upon which the action appealed from was taken.

(c) *Hearing appeals.* 1. The Sauk County Board of Adjustment shall fix a reasonable time for the hearing of the appeal; give public notice thereof by publishing in the official newspaper of the county a Class II notice specifying the date, time, and place of hearing and the matters to come before the board; as well as mailed notices to the parties in interest including the appropriate district office of the Wisconsin Department of Natural Resources 10 days prior to the public hearing.

2. A decision regarding the appeal shall be made as soon as practicable.

3. The final disposition of an appeal or application to the Sauk County Board of Adjustment shall be in the form of a written resolution or order signed by an officer of the board. The resolution shall state the specific facts that are the basis for the board's determination and shall either affirm, reverse, vary, or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution, or grant the application.

4. A copy of any decision regarding an appeal or granting of a variance shall be mailed to the district office of the Wisconsin Department of Natural Resources within 10 days of the filing of the decision.

5. Upon hearing, any party may appear in person or by representative.

(5) SPECIAL EXCEPTIONS. (a) *Application for a special exception.* Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a

special exception has been granted by the Sauk County Board of Adjustment.

(b) *Standards applicable to all special exceptions.* In granting a special exception, the Sauk County Board of Adjustment shall evaluate the effect of the proposed use upon:

1. The maintenance of safe and healthful conditions.

2. The prevention and control of water pollution including sedimentation.

3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.

4. The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.

5. The location of the site with respect to existing or future access roads.

6. The need of the proposed use for a shoreland location.

7. Compatibility with uses on adjacent land.

8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.

9. Location factors under which:

a. Domestic uses shall be generally preferred.

b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.

c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

(c) *Conditions attached to special exceptions.* Upon consideration of the factors listed above, the Sauk County Board of Adjustment may attach special exception conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violation of any of these conditions shall be deemed a violation of this ordinance. The attached conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking, and

signs; and type of construction. To secure information upon which to base its determination, the Sauk County Board of Adjustment may require the applicant to furnish, in addition to the information required for a land use permit, the following information:

1. A plan of the area showing surface contours, soil types, ordinary high water marks, ground water conditions, subsurface geology, and vegetative cover.

2. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space, and landscaping.

3. Plans of buildings, sewage disposal facilities, water supply systems, and arrangement of operations.

4. Specifications for areas of proposed filling, grading, lagooning, or dredging.

5. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

(d) *Notice of public hearing.* The Sauk County Board of Adjustment shall hold a public hearing. Notice of the public hearing, specifying the time, place, and matters to come before the board, shall be given in the manner specified in s. 8.018(4)(b), including mailed notice to the appropriate district office of the Wisconsin Department of Natural Resources, 10 days prior to the public hearing.

(e) *Fees.* Fees shall be reviewed annually by the Sauk County Conservation, Planning, and Zoning Committee.

(f) *Recording.* When a special exception is approved, an appropriate record shall be made of the land use and structures permitted, and the granted special exception shall be applicable solely to the structures, use, and property described. A copy of any decision granting a special exception shall be mailed to the district office of the Wisconsin Department of Natural Resources within 10 days of filing.

(g) *Termination.* Where a special exception does not continue in conformity with the conditions of the original approval, the special exception shall be terminated by action of the Sauk County Board of Adjustment or the zoning administrator.

(6) LAND USE PERMITS. (a) Except where another section of this ordinance specifically exempts certain types of

development from this requirement, a land use permit shall be obtained from the zoning administrator before any development, as defined in s. 8.004(10), or any change in the use of an existing building or structure, is initiated.

(b) An application for a land use permit shall be made to the zoning administrator on forms furnished by the Department, and shall include for the purpose of proper enforcement of these regulations, the following data:

1. Name and address of applicant and property owner.

2. Legal description of the property and type of proposed use.

3. A scaled plot plan showing site features, location of buildings relative to the lot lines, right-of-way line of the abutting roads, and the ordinary high water mark of any abutting watercourses. If the project involves filling, grading, lagooning, dredging, ditching, or excavating, the scaled plot plan shall include the operation, reclamation, erosion control, and cross-section drawings.

4. Location and description of any existing private water supply or sewage system or notification of plans for any water supply or sewage system installation.

5. A narrative describing the project.

(c) 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.

(d) *Reasonable accommodations for handicapped persons.* The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal or state law. Such reasonable accommodations shall be the minimum necessary to be consistent with federal or state guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled

person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the reasonable accommodation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction or affidavit for the reasonable accommodation shall be filed with the register of deeds.

8.019 Changes and amendments. (1) The county board may from time to time, alter, supplement, or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of Wis. Stat. § 59.69(5)(e), Wis. Admin. Code ch. NR115, and this ordinance where applicable.

Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stat. § 59.69(5).

(2) Amendments to the shoreland-wetland map and zoning district shall in accordance with s. 8.007 of this ordinance.

8.020 Enforcement and penalties. Any development, building, or structure constructed, moved, or structurally altered; or any use established after the effective date of this ordinance in violation of the provisions of this ordinance; by any person, firm, association, corporation; including building contractors or their agents; shall be deemed a violation. The Sauk County Zoning Administrator or the Department shall refer violations to the district attorney or corporation counsel who shall expeditiously prosecute violations. Any person, firm, association, or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 per offense, together with the taxable costs of action. Each day that the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation of a public nuisance may be enjoined and the maintenance of a public nuisance may be abated pursuant to Wis. Stat. § 59.69(11).

by the Sauk County Board of Supervisors on May 20, 1997. Complete ordinance repealed and recreated March 31, 1986. Create sub. 8.06(3)(e) and (f) regarding boathouses; create s. 8.06(5) regarding side yard setbacks, Ordinance No. 177-86 approved by the Sauk County Board of Supervisors December 16, 1986. Repeal and recreate ordinance, Ordinance No. 54-97 approved by the Sauk County Board of Supervisors on May 20, 1997. Repeal and recreate s. 8.08(2)(a), filling and grading, Ordinance No. 83-98 approved by the Sauk County Board of Supervisors on June 16, 1998. Amended to create s. 8.05(5) relating to the siting of commercial fueling storage tanks, approved by the Sauk County board of Supervisors on January 18, 2000 - Ordinance 2-00. Amended by the Sauk County Board of Supervisors on April 17, 2001 - Ordinance No. 13-01. Amended by the Sauk County Board of Supervisors on May 20, 2003, amending s. 8.06(1)(a)2 as applied only to property annexed from the Town of Reedsburg to the City of Reedsburg and described in Ordinance No. 86-03. Amended by the Sauk County Board of Supervisors on December 15, 2009 – Ordinance No. 174-09. Repealed and recreated ordinance, adopted by the Sauk County Board of Supervisors on September 20, 2016 – Ordinance No. 5-16. Repealed and recreated ordinance, adopted by the Sauk County Board of Supervisors on May 21, 2019 – Ordinance No. 06-19.