

Chapter 7

Sauk County Zoning Ordinance

I: GENERAL PROVISIONS

- 7.000 Title
- 7.001 Authority
- 7.002 Purpose
- 7.003 Jurisdiction
- 7.004 Previous Ordinance
- 7.005 Relationship to Sauk County Comprehensive Plan
- 7.006 Zoning District Boundaries
- 7.007 Minimum Requirements and Compliance with Other Applicable Regulations
- 7.008 Severability

II: DEFINITIONS

- 7.009 Purpose
- 7.010 Word Usage
- 7.011 Definitions

III: ZONING DISTRICTS

- 7.012 Purpose
- 7.013 Exclusive Agriculture Zoning District (EA)
- 7.014 Resource Conservancy Zoning District (RC)
- 7.015 Agriculture Zoning District (AG)
- 7.016 Single Family Residential Zoning District (SFR)
- 7.017 Rural Residential Zoning District (RR)
- 7.018 Multi-Family Residential Zoning District (MFR)
- 7.019 Public Open Space Zoning District (POS)
- 7.020 Rural Community Zoning District (RUC)
- 7.021 Limited Commercial District (LC)
- 7.022 Commercial Zoning District (COM)
- 7.023 Recreation Commercial Zoning District (RCOM)
- 7.024 Industrial Zoning District (IND)
- 7.025 Reserved
- 7.026 Lot Lines
- 7.027 Planned Unit Development Overlay District (PUD)
- 7.028 Historic Preservation Overlay District (HP)
- 7.029 Tri-County Airport Overlay District (TAP)
- 7.030 Land Use Categories and Principal Uses
- 7.031 Uses Not Provided For Within Zoning Districts
- 7.032 Use Table Key
- 7.033 Agricultural Uses
- 7.034 Community Uses
- 7.035 Educational Uses
- 7.036 Food Business Uses
- 7.037 Home Based Business Uses
- 7.038 General Uses
- 7.039 Industrial Uses
- 7.040 Recreational Uses
- 7.041 Residential Uses
- 7.042 Resource Uses
- 7.043 Transportation
- 7.044 Retail Sales and Service Uses
- 7.045 Storage and Construction Uses
- 7.046 Waste Uses

IV: USE REGULATIONS

- 7.047 Applicability
- 7.048 Relationship to the Use Table

- 7.049 Accessory Dwelling
- 7.050 Accessible Element
- 7.051 Accessory Structures
- 7.052 Adult Establishment (Sexual Oriented Business)
- 7.053 Agricultural Tourism
- 7.054 Agricultural Venue
- 7.055 Airport Landing Strip or Heliport
- 7.056 Animal Sanctuary or Rescue
- 7.057 Aquaculture or Aquaponics Facility
- 7.058 Automotive Service and Repair Facility
- 7.059 Bed and Breakfast Establishment
- 7.060 Biofuel Manufacturing
- 7.061 Campground/Camping
- 7.062 Caretakers Residence
- 7.063 Cemetery, Mausoleum
- 7.064 Childcare Center
- 7.065 Commercial Kennel Facility, Veterinary Services or Colony House
- 7.066 Community Living Arrangements
- 7.067 Composting Facility, Recycling Center, Waste Transfer Station
- 7.068 Contractors Storage Yard
- 7.069 Dwellings
- 7.070 Dwelling Used Temporarily During Construction
- 7.071 Educational Institutions
- 7.072 Eating Establishments
- 7.073 Food Processing Facility, Livestock Harvest Facility, or Meat Market
- 7.074 Gasification Energy Systems
- 7.075 Home-Based Business
- 7.076 Kennel, Residential
- 7.077 Landfill
- 7.078 Livestock Related and Manure Storage Structure Setbacks
- 7.079 Mobile Home Community
- 7.080 Manufacturing
- 7.081 Nonmetallic Mining Site, One Acre or Greater
- 7.082 Nonmetallic Mining Site, Less than 15 Acres, Not Exceeding 24 Months
- 7.083 Ponds
- 7.084 Portable Storage Unit
- 7.085 Poultry and Beekeeping Residential
- 7.086 Rendering Plant or Tannery
- 7.087 Retail Establishment, Outdoor Display
- 7.088 Salvage Yard
- 7.089 Sawmill Facility
- 7.090 Short-Term Rental or Tourist Rooming House
- 7.091 Small-Engine Repair, Large-Scale
- 7.092 Solar Energy Systems (SES)
- 7.093 Special Event
- 7.094 Sport Shooting Range
- 7.095 Warehousing, Self-Storage, or Mini-Warehousing
- 7.096 Wind Energy Systems
- 7.097 Wineries/Breweries/Distillery or Tasting Facility

V: DEVELOPMENT STANDARDS

- 7.098 Purpose
- 7.099 Applicability
- 7.100 General Development Standards

- 7.101 Exclusive Agricultural Zoning District
- 7.102 Fences
- 7.103 Illumination
- 7.104 Landscape and Screening
- 7.105 Parking and Loading
- 7.106 Road Setbacks
- 7.107 Structures Prohibited Within Setbacks
- 7.108 Structures Permitted Within Setbacks
- 7.109 Uninhabitable Or Unsafe Structures

VI: NONCONFORMING USES & STRUCTURES

- 7.110 Purpose
- 7.111 Authority to Continue
- 7.112 Nonconforming Uses
- 7.113 Nonconforming Structures
- 7.114 Nonconforming Lots of Record

VII: PLANNED RURAL DEVELOPMENT

- 7.115 Purpose
- 7.116 Applicability
- 7.117 PRD Creation
- 7.118 Permitted and Conditional Uses
- 7.119 Density Policy
- 7.120 Density Credit Exchange
- 7.121 Procedure
- 7.122 Standards for Approving a Planned Rural Development (PRD)
- 7.123 Alteration of Existing PRD Lots

VIII: SIGN REGULATIONS

- 7.124 Purpose and Findings
- 7.125 Applicability
- 7.126 Substitution
- 7.127 Permit Requirements
- 7.128 Prohibited Signs
- 7.129 Signs not Requiring a Sign Permit
- 7.130 Sign Use Table Key
- 7.131 Sign Regulations
- 7.132 Construction and Maintenance
- 7.133 Nonconforming Signs
- 7.134 Electric Message Signs
- 7.135 Illumination
- 7.136 Temporary Signs
- 7.137 Scenic Corridor Zoning Overlay District

- 7.138 Measurement of Sign Area
- 7.139 Measurement of Sign Height
- 7.140 Sign Enforcement

IX: MOBILE TOWER SITING

- 7.141 Purpose and Intent
- 7.142 Exempt from Permitting
- 7.143 Siting and Construction of New Mobile Service Support Structures and Class One Collocations
- 7.144 Class II Collocations
- 7.145 Structural, Design, and Environmental Standards
- 7.146 Abandonment

X: ZONING OVERLAY DISTRICTS

- 7.147 Planned Unit Development
- 7.148 Scenic Corridor Overlay District (SC)
- 7.149 Tri-County Airport Overlay District

XI: PROCEDURES & ADMINISTRATION

- 7.150 Purpose
- 7.151 Land Resources and Environment Director and Zoning Administrator: Description and Roles
- 7.152 Land Resources an Extension Committee; Agency: Description and Roles
- 7.153 Board of Adjustment: Description and Roles
- 7.154 Completeness Review
- 7.155 Site Plan Requirements
- 7.156 Ordinance Amendments: Review Procedure and Standards
- 7.157 Conditional Use: Review Procedure and Standards.
- 7.158 Variances
- 7.159 Land Use Permits: Review Procedure and Standards
- 7.160 Temporary Structure & Use Permits: Review Procedure and Standards
- 7.161 Special Event Permits: Review Procedure and Standards
- 7.162 Adult Establishment (Sexually Oriented Business) Permit: Review, Procedure, and Standards
- 7.163 Nonmetallic Mining: Review Procedure, Standards, and Application
- 7.164 Enforcement and Penalties

SUBCHAPTER I: GENERAL PROVISIONS

7.000 TITLE. The title of this ordinance shall be referred to as Chapter 7: Sauk County Zoning Ordinance.

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

7.002 PURPOSE. The purpose of the Ordinance is to protect the public health, safety, and general welfare of the residents of Sauk County. In the interpretation and application, the provisions of this ordinance will be held to be the minimum requirements for the promotion of the public health, safety, convenience, and general welfare, and will be liberally construed in favor of the County and will not be construed to be a limitation or repeal of any other power granted by Wis. Stats. and possessed by the County.

- 1) This ordinance is further intended to control or lessen congestion in the rights-of-way; to secure safely from fire, panic, and other dangers; to promote adequate light and air; to manage growth and the impact of land development; to encourage protection of ground and surface water and other natural resources; to preserve productive farmland; to preserve the County's rural character; to prevent overcrowding of

land; to preserve, protect, and promote property values; to promote high quality and lasting community design; to clearly present land development opportunities and the review process; and to facilitate adequate provision of transportation, water, sewerage, educational institutions, parks, and other public facilities.

- 2) This ordinance is also purposed with following the Sauk County Land and Water Resource Management Plan and Farmland Preservation Plan.
- 3) This ordinance is adopted to implement the Sauk County Comprehensive Plan; and incorporate any comprehensive plans adopted by townships subject to County Zoning authority.

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

7.004 PREVIOUS ORDINANCE. The Sauk County Zoning Ordinance existing prior to passage of this comprehensive revision, formerly adopted February 18, 2014, will remain in effect for one year in any town that was subject to the prior ordinance or until this ordinance is adopted by that town, whichever is sooner. The following townships have adopted the ordinance as of the effective date listed below:

1) **TABLE §. 7.004(1): TOWN ORDINANCE ADOPTION.**

Town of	Effective Date
Baraboo	
Bear Creek	
Dellona	
Excelsior	
Franklin	
Freedom	
Greenfield	
Honey Creek	
Ironton	
La Valle	
Prairie du Sac	
Reedsburg	
Spring Green	
Sumpter	
Troy	
Westfield	
Winfield	
Woodland	

7.005 RELATIONSHIP TO SAUK COUNTY COMPREHENSIVE PLAN. The Sauk County Board of Supervisors adopted a comprehensive plan pursuant to Wis. Stat. § 66.1001. The Sauk County Comprehensive Plan provides an integrated approach to the county's physical development. It emphasizes moving Sauk County toward economic, social, and environmental sustainability, enhancing education and health systems, improving transportation coordination, supporting economic development, strengthening agriculture, and developing prosperous places to live. This ordinance implements the Sauk County Comprehensive Plan through zoning.

- 1) The County Board may amend the Comprehensive Plan following the procedure included in Wis. Stats. § 66.1001. This ordinance implements aspects of the Comprehensive Plan that are best addressed

through zoning approaches and procedures. In accordance with Wis. Stats. § 91.38(1)(f) and § 66.1001(3), this ordinance is consistent with the Comprehensive Plan. All subsequent amendments to the text of this ordinance and the official zoning map contained herein must also be consistent with the Comprehensive Plan goals, objectives, and policies in accordance with Wisconsin Statutes.

7.006 ZONING DISTRICT BOUNDARIES.

- 1) **ZONING DISTRICTS ESTABLISHED.** Areas that are subject to the jurisdiction of this ordinance are hereby divided into base zoning districts. Overlay zoning districts, which apply in addition to a base zoning district as also established. Both base and overlay districts are established for the purpose of achieving compatibility of land uses within each zoning district, to implement the Sauk County Comprehensive Plan, and to achieve the purpose of this ordinance as described in s. 7.002. The County is divided into base zoning districts and overlay zoning districts as follows:

a) **TABLE §. 7.006(1): BASE AND OVERLAY DISTRICTS.**

Base Zoning Districts	Overlay Zoning Districts
Exclusive Agriculture (EA)	Planned Unit Development (PUD)
Resource Conservancy (RC)	Historic Preservation (HP)
Agriculture (AG)	Scenic Corridor (SC)
Single-Family Residential (SFR)	Tri-County Airport (TAP)
Rural Residential (RR)	Shoreland Protection – Sauk County Code Chapter 8
Multi-Family Residential (MFR)	Floodplain – Sauk County Code Chapter 9
Public Open Space (POS)	
Rural Community (RUC)	
Limited Commercial (LC)	
Commercial (COM)	
Recreation Commercial (RCOM)	
Industrial (IND)	

- 2) **OFFICIAL ZONING MAPS.** Zoning districts established by this ordinance are shown on the official zoning map of Sauk County, which is made part of this ordinance by reference. Where the official zoning map does not indicate a zoning district for a particular area, the area either is within the corporate limits of a city or village, within extraterritorial zoning jurisdiction by a city or village, under the jurisdiction of town zoning, or is not zoned.

a) The official zoning map of Sauk County is a digital compilation within the county's geographic information system. This map will be the official map for the purpose of enforcement of this ordinance. Responsibility for the maintenance of this map is vested with the Zoning Administrator.

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

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

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

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

d) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing water courses will be construed as following the channel centerlines of such watercourses and, in the event of natural change in the location of such streams, rivers, or

other water courses, the zoning district boundary will be construed as moving with the channel centerline.

e) Where a road is officially vacated or discontinued, the property that was formally in the road will be included within the zoning district boundary of the adjoining property on either side of the centerline of the vacated or discontinued road, or as otherwise indicated by newly established property boundaries.

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

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

h) Split Lot Zoning.

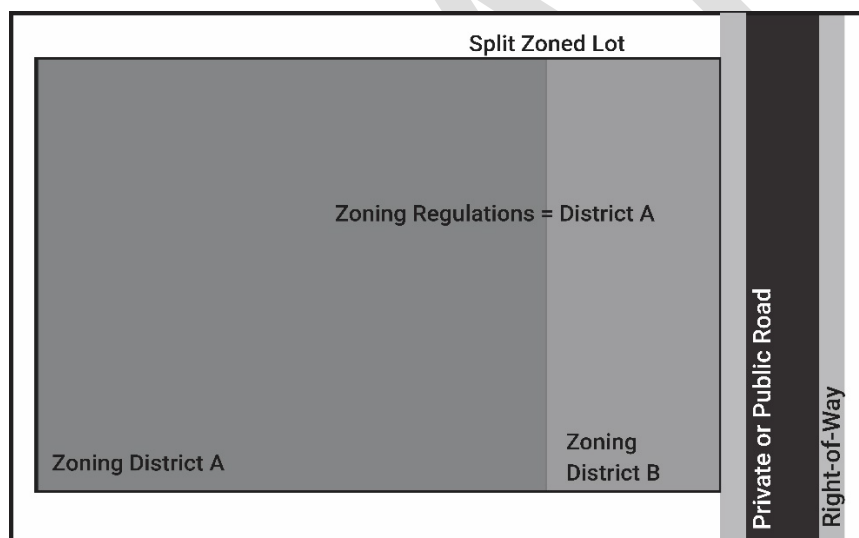
(1) The zoning map may not be amended, nor any parcel created to classify a single parcel into two or more base zoning districts. This provision does not apply to overlay zoning districts.

(2) The following regulations apply to existing parcels that are classified into two or more base zoning districts:

(i) For existing and proposed uses and structures, the more restrictive provisions of the applicable zoning district applies to the entire parcel; except when one base zoning district applies to greater than 75% of the total parcel area. The regulations of the zoning district that applies to the larger portion of the parcel applies to the entire parcel.

(ii) Building setbacks do not apply along the base zoning district boundary lines that split a parcel in single ownership.

(iii) If any use, building, or structure rendered non-conforming by a split-zoned parcel provision of this section is damaged or destroyed, it may be re-established, as long as the re-establishment does not increase the extent of the non-conformity.



7.007 MINIMUM REQUIREMENTS AND COMPLIANCE WITH OTHER APPLICABLE REGULATIONS.

- 1) The provisions of this chapter are the minimum requirements deemed necessary to carry out the purpose of this ordinance.
- 2) In addition to the requirements of this Ordinance, all land uses, and development activities must comply with all other applicable town, county, state, and federal regulations. All references in this chapter to other town, county, state, or federal regulations are for informational purposes only and do not constitute a complete list of regulations. These references do not imply any responsibility for the County to enforce town, state, or federal regulations.
- 3) Nothing in this chapter will be construed to limit or prevent any other unit of government from regulating the same or similar subject matter as contained in this chapter. Where property is affected by the regulation imposed by any provision of this ordinance and by other governmental regulation, the regulations which are more restrictive, or which impose higher standards or requirements must prevail.

Regardless of any other provision of this chapter, no land must be developed or used, and no structure erected or maintained in violation of any duly adopted local, state, or federal regulation.

- 4) If any other legally adopted ordinance is more restrictive than this ordinance or any amendment thereto, such other ordinance continues in all respects to the extent of the greater restriction, but not otherwise.
- 5) This ordinance does not abrogate, repeal, annul, impair, or interfere with any existing easement, covenant, deed restriction, agreement, or permit previously adopted or issued pursuant to law. However, wherever this ordinance imposes a greater restriction, the provisions of this chapter must prevail.
- 6) A legal use that was a permitted use or listed as a special exception at the time of the establishment of this Ordinance, but is now a conditional use, is considered an automatic conditional use. The approved use may continue, except any changes, expansions, or modifications are subject to the regulations of this ordinance.
- 7) If there is ambiguity between the text of this ordinance and any caption, illustration, table, or appendix, then the text of this ordinance will control.

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

- 1) **JUDGMENT OF ORDINANCE PROVISIONS.** If any court of competent jurisdiction must adjudge any provision of this chapter to be invalid, the judgment will not affect any other provision of this chapter not specifically included in the judgment.
- 2) **JUDGMENT OF ORDINANCE APPLICATION.** If any court of competent jurisdiction must adjudge invalid the application of any portion of this chapter to a particular property, building, use, or structure, the judgment must not affect the application of the provision to any other property, building, use, or structure not specifically included in the judgment.
- 3) **JUDGMENT OF PERMIT.** If any court of competent jurisdiction must adjudge invalid any requirement or limitation contained in a permit given under this chapter, it will be presumed that the permit would not have been granted without the requirement or limitation, and therefore, the permit will be invalid.

SUBCHAPTER II: DEFINITIONS

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

7.010 WORD USAGE. For the purposes of this chapter, certain words and terms are used as follows:

- 1) Words used in one tense include other tenses and derivative forms.
- 2) Words in the singular include the plural and words in the plural include the singular.
- 3) The masculine gender will include the feminine gender and vice versa.
- 4) The words “shall”, “must”, or “will” are mandatory and not permissive.
- 5) The words “may”, “can”, “should”, or “might” are permissive.
- 6) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- 7) The words “building” or “structure” include any part thereof.
- 8) Where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, or “either/or”, the conjunction shall be interpreted as follows:
 - a) “and” indicates that all the connected items, conditions, provisions, or events shall apply.
 - b) “or” indicates that the connected items, conditions, provisions, or events shall apply singly or in any combination.
 - c) “either/or” indicates that the connected items, conditions, provisions, or events shall apply singly but not in combination.

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

A

- 1) **“Accessible element”** means an exterior component of a structure which complies with the Americans with Disabilities Act (ADA) and provides an accessible route to a structure. An accessible element may include but is not limited to curb ramps, ramps, elevators, or lifts.
- 2) **“Accessory dwelling”** means a secondary dwelling that is located on the same lot and under the same ownership as the principal dwelling, and which may be attached or detached from the principal dwelling. The accessory dwelling is auxiliary to, and smaller than the principal dwelling.
- 3) **“Accessory structure”** means a subordinate or supplemental structure, the use of which is incidental to the permitted or conditional use of the principal structure on the same lot.
- 4) **“Accessory use”** means:
 - a) In all zoning districts, except the exclusive agriculture zoning district, a use subordinate to, serving, and customarily incidental to the principal use on the same lot or parcel. An accessory use is subordinate in area, extent, and purpose to the principal use.
 - b) In the exclusive agriculture zoning district only, any of the following land uses on a farm:
 - (1) A building, structure, or improvement that is an integral part of, or incidental to, an agricultural use as defined.
 - (2) An activity or business operation that is an integral part of, or incidental to, an agricultural use as defined.
 - (3) A farm residence as that term is defined in Wis. Stat. § 91.01.
 - (4) A business, activity, or enterprise, associated with an agricultural use; that is conducted by the owner or operator of a farm; that requires no buildings, structures, or improvements other than those described in par. (1), or in par. (3), that employs no more than 4 full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - (5) Any other use that the Department identifies as an accessory use.
- 5) **“Addition”** means an enlargement or expansion that increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.
- 6) **“Adult establishment”** means any establishment which regularly features for monetary consideration performances or presentations which are distinguished or characterized by an emphasis on exposure to view of less than completely or opaquely covered human genitals, pubic area, anus, vulva, female breasts below a point immediately above the top of the areola; or male genitals in a discernable turgid state, even if opaquely covered; or on acts of or acts which simulate the fondling of another person’s genitals, pubic region, anus, or female breasts, sexual intercourse, masturbation, flagellation, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or any other sexual conduct. An establishment means and includes any of the following: the opening or commencement of any sexually oriented business as a new business; the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; the additions of any sexually oriented business to any other existing sexually oriented business; or the relocation of any sexually oriented business.
 - a) **“Adult arcade”** means any place to which the public is permitted or invited wherein coin-operated, slug-operated or for any form of consideration, or electronically, electrically, or mechanically controlled skill or motion picture machines, projectors, video, or laser disc players, or other image producing devices are maintained to show images to five or fewer persons per machine at one time, and where the images so displayed are distinguished or characterized by their emphasis on “specified sexual activities” or “specified anatomical areas”.
 - b) **“Adult body painting studio”** means an establishment or business wherein patrons are afforded an opportunity to paint images on a body which is wholly or partially nude. For purposes of this ordinance, the adult body painting studio will not be deemed to include a tattoo parlor.
 - c) **“Adult bookstore, adult novelty store, or adult video store”** means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, or video reproductions, slides, streaming videos, DVDs, Blu-ray or other visual representations which are distinguished or characterized by their emphasis on the depiction or description of “specified sexual activities” or “specified anatomical areas”. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing “specified sexual activities” or “specified anatomical areas” and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes

will not serve or exempt such commercial establishments from being categorized as adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which are distinguished or characterized by their emphasis on “specified sexual activities” or “specified anatomical areas”. This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an “R” or “NC-17” rating by the Motion Picture Association of America.

d) “Adult cabaret” means nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- (1) Persons who appear in a state of nudity or semi-nude; or
- (2) Live performances which are distinguished or characterized by their emphasis on the exposure of “specified anatomical areas” or “specified sexual activities” or
- (3) Films, motion pictures, video cassettes, slides or other photographic reproductions which are distinguished or characterized by their emphasis on “specified sexual activities” or “specified anatomical areas”. This definition shall expressly exclude films, motion pictures, video cassettes, slides or other similar photographic reproductions given an “R” or “NC-17” rating by the Motion Picture Association of America.

e) “Adult use distinguished or characterized by” means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character or theme are the exhibition or display of “specified sexual activities” or “specified anatomical areas”.

f) “Adult use, employee” means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether the person is denominated an employee, independent contractor, agent or otherwise and whether said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises or for the delivery of goods to the premises.

g) “Adult use, escort” means a person who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

h) “Adult use, escort agency” means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.

i) “Adult motion picture theater” means an enclosed building with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “specified sexual activities” or “specified anatomical areas” as defined herein for observations by patrons therein.

j) “Adult theater” means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by their emphasis on the exposure of “specified anatomical areas” or “specified sexual activities”.

k) “Establishment” means and includes any of the following: (a) the opening or commencement of any sexually oriented business as a new business; (b) the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; (c) the additions of any sexually oriented business to any other existing sexually oriented business; or (d) the relocation of any sexually oriented business.

l) “Nudity or state of nudity” means the showing of the human male or female genitals, pubic area, vulva, or anus, with less than complete opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or areola, or the showing of the covered male genitals in a discernibly turgid state.

m) “Permittee” means a person in whose name a permit to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for permit.

n) “Person” means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- o) **"Regular features or Regular shows"** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as part of the ongoing business of the sexually oriented business.
- p) **"Semi-nude or in a semi-nude condition"** means the showing of the human male or female genitals, pubic area, vulva, or anus, with not more than a complete opaque covering, or the showing of the female breast with not more than a complete opaque covering of the nipple or areola.
- q) **"Sexually oriented business"** means an adult bath house, adult arcade, adult bookstore, adult novelty store, adult body painting studio, adult massage parlor, adult mini-motion picture theater, adult modeling studio, adult video store, adult cabaret, adult motion picture theater, adult theater, or adult escort agency.
- r) **"Specified anatomical areas"** means less than completely and opaquely covered human genitals, pubic region, buttocks, anal region, or female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state even if completely and opaquely covered.
- s) **"Specified sexual activities"** means any of the following:
- (1) Human genitals in a state of sexual stimulation or arousal,
 - (2) Acts of human masturbation, sexual intercourse, or sodomy,
 - (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast,
 - (4) Flagellation or torture in the context of a sexual relationship,
 - (5) Masochism, erotic, or sexually oriented torture, beating or the infliction of pain,
 - (6) Erotic touching, fondling or other such contact with an animal by a human being,
 - (7) Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth in (1) through (6) above.
- t) **"Transfer of ownership or control"** means of a sexually oriented business permit means and includes any of the following:
- (1) The sale, lease, or sublease of the sexually oriented business.
 - (2) The transfer of securities which constitute a controlling interest in the sexually oriented business, whether by sale, exchange, or similar means.
 - (3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the sexually oriented business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.
- 7) **"Agency"** means the Land Resources and Extension Committee as designated by the Sauk County Board of Supervisors pursuant to Wis. Stat. § 59.69.
- 8) **"Agricultural products"** means and includes, but is not limited to, crops, fruit, cider, vegetables, forestry, husbandry, livestock and livestock products, aquaculture products, water plants, horticultural specialties, maple sap, and other similar items.
- 9) **"Agricultural home stay"** means a farm or farmhouse that has eight (8) or fewer guestrooms. The agricultural home stay must be located on a property with an agricultural operation with a farm gross income exceeding \$6,000 per year or \$18,000 in a three-year period.
- 10) **"Agricultural tourism, ag-tourism, and/or agritourism"** means an educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or livestock is raised, and that allows members of the general public, whether or not for a fee, to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry, or the agricultural and value-added agricultural product. This includes similar or associated activities which are related to agriculture and their ancillary agricultural related and non-agricultural related uses. Agricultural tourism is considered accessory to agricultural use.
- 11) **"Agricultural use"** means any of the following:
- a) Any of the following activities conducted for the purpose of producing an income or livelihood:
 - (1) Crop or forage production.
 - (2) Keeping livestock.
 - (3) Beekeeping.
 - (4) Nursery, sod, or Christmas tree production.
 - (5) Floriculture.
 - (6) Aquaculture.
 - (7) Fur farming.

- (8) Forest management.
- (9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- b) Any other use that the Department identifies as an agricultural use.
- 12) "Agricultural venue" means an agricultural structure, of which the structure has existed on the parcel for at with potential outdoor accessory uses, which is available for seasonal rental for family events such as weddings, baby showers, anniversaries, family reunions, and other similar types of events.
- 13) "Agriculture" means the art or science of cultivating soil, harvesting crops, and raising livestock.
- 14) "Agriculture-related use" means any of the following:
 - a) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or a facility for processing agricultural wastes.
 - b) Any other use that the Department identifies as an agriculture-related use.
- 15) "Agriculture related products or value-added" means items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include but are not limited to all agricultural and horticultural products, animal feed, baked goods, ice cream, and ice cream-based desserts and beverages, jams, honey, gift items, food stuffs, clothing, and other items promoting farm and agriculture in Wisconsin and value-added agricultural products and production on-site.
- 16) "Airport, landing strip, or heliport" means a transportation facility that provides takeoff, landing servicing, storage, or other services to any type of air transportation.
- 17) "All-weather surface" means any roadway, driveway, or parking lot surface covered with crushed stone, asphalt, grassy pavers, concrete, or other pervious or impervious material in a manner that will support the weight of anticipated vehicular traffic in all weather conditions.
- 18) "Animal rescue or sanctuary" means any facility where homeless, stray, abandoned, rescued or unwanted domestic animals are received, harbored, fostered, maintained or made available for adoption to the general public and which is owned, operated, or maintained by a duly incorporated humane society, animal welfare society, society for the prevention of the cruelty to animals, or other nonprofit or tax-exempt organization devoted to the welfare, protection or humane treatment of animals. This does not include the harboring of exotic species which have been bred in captivity or taken from the wild and tamed.
- 19) "Aquaculture" means the cultivation of aquatic animals in a recirculating environment.
- 20) "Aquaponics" mean a system containing aquaculture and hydroponics in which aquatic animals and hydroponically grown plants are cultivated together in a re-circulating system.
- 21) "Art gallery or studio" means a facility for professional work or teaching of music, dancing, theatrical arts, or visual arts or that derives its income from the display or sale of objects of art.
- 22) "Asphalt or concrete plant" means a building and associated equipment used in a manufacturing process involving the mixing of aggregates, sand, water, cement, or other components to produce materials used in the construction and that is limited in duration to the project in which its products are to be used. Also referred to as a "ready mix plant". The use also includes the stockpiling of bulk materials for the process and storage of the required equipment used in the operation.
- 23) "Automotive service and repair facility" means an establishment that engages in repairs, incidental body and fender work, replacement of parts and motor services, painting, towing, and detailing for automobiles and trucks.

B

- 24) "Base zoning district" means a zoning district that primarily regulates the use of land, density, and intensity of use.
- 25) "Beekeeping" means the art of rearing, breeding, and managing a bee colony in artificial hives for economic or personal gain through the production of honey and other bee products.
- 26) "Bed and breakfast establishment" means any place of lodging that satisfies all the following:
 - a) Provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients.
 - b) Provides no meals other than breakfast and provides the breakfast only to renters.
 - c) Is the owner's personal residence.
 - d) Is occupied by the owner at the time of rental.

- e) Was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence.
- f) Is an accessory use.
- 27) "Biofuel manufacturing" means a facility that produces fuel whose energy is derived from the biological fixation of carbon.
- 28) "Boarding house" means includes a house or other building where regular meals are generally furnished or served to 3 or more persons at a stipulated amount for definite periods of one month or less.
- 29) "Brewery" means any structure, property, or business engaged in the business of manufacturing beer or malt liquor. A brewery includes the fermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, and administrative office functions.
- 30) "Building" means any covered structure built for support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind.
- 31) "Building, front of" means the side directly facing the public or private road right- of-way which affords primary means of access.
- 32) "Building height" means the vertical distance, measured from the lowest point of any exposed wall of the front elevation of the finished grade to the highest point of the roof.
- 33) "Building line" means the point at which the building wall or any appendage of the building such as steps, chimneys, decks, porches, or covered patios meet the ground. For earth-sheltered homes, the building line is a line where the exterior walls of the building, if extended vertically, would be located on the lot.
- 34) "Building, principal" means a building in which the principal use of the lot is located and conducted.

C

- 35) "Caliper" means the diameter of a tree's trunk at 4.5 feet from the ground.
- 36) "Campground" means a parcel or tract of land owned by a person, state, or local government that is designed, maintained, intended, or used for the purpose of providing campsites offered with or without charge, for temporary overnight sleeping accommodations.
- 37) "Campground, special event" means a campground temporarily created to provide campsites in conjunction with a special event, such as a fair, rally, carnival, music festival, sporting event, community festival, or other similar event.
- 38) "Camping cabin" means a building or structure that is 400 square feet or less in area. A camping cabin includes a yurt, but does not include a tent, recreational vehicle, tourist rooming house, mobile home, or manufactured home.
- 39) "Camping trailer" means a vehicle designed for human habitation and capable and designed to be towed upon a highway by a motor vehicle.
- 40) "Camping unit" means a structure, including a tent, camping cabin, yurt, camping trailer, recreational vehicle, bus, van, or pickup truck.
- 41) "Campsite" means an area of a campground that is designated by the operator as capable of accommodating an independent or dependent camping unit. A campsite may be one or a combination of the following:
 - a) Individual campsite.
 - b) Group campsite.
 - c) Seasonal campsite.
 - d) Rustic campsite.
- 42) "Caretaker's residence" means a dwelling unit incidental and subordinate to a significant non-residential use. Such units must be necessary for the practical operation of the primary use, and the occupancy of such units shall be limited to owners or employees of the primary use and their families.
- 43) "Cataloged burial site" means a piece of land that has a record of having buried human remains and is recorded with the County Register of Deeds. This shall be the case even if the recorded burial site is untended, abandoned, and has no surface indications of burials.

- 44) **"Cemetery"** means any land, including any mausoleum on the land, that is used or intended to be used, exclusively for the burial of human remains.
- 45) **"Childcare center"** means a facility where a person provides care and supervision for less than 24-hours a day for at least four (4) children under the age of 7 who are not related to the provider. This includes a family childcare center licensed by the Wisconsin Department of Children and Families pursuant to Wis. Stats. § 48.65 and Wis. Admin. Code 250.
- 46) **"Childcare center, family"** means a dwelling licensed as a childcare center by the Department of Children and Families under Wis. Stats. § 48.65 where care is provided for not more than eight (8) children. These are certified by the Wisconsin Department of Children and Families pursuant to Wis. Admin. Code DCF 250.
- 47) **"Community living arrangement"** means any of the following facilities licensed or operated or permitted under the authority of the Wisconsin Department of Health: community living arrangement for adults as defined in § 46.03(22) and § 50.01(1g) of Wis Stats; community living arrangement for children as defined in § 48.743(1) of Wis. Stat; foster homes as defined in § 48.02(6) of Wis. Stat.; and adult family home as defined in § 50.01(1) Wis. Stats. Community living arrangements do not include daycare centers, nursing homes, hospitals, prisons, and jails.
- 48) **"Community well"** means a public well which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. Any public well serving 7 or more homes, 10 or more mobile homes, 10 or more apartment units, or 10 or more condominium units shall be considered a community well unless information is available to indicate that 25 year-round residents will not be served.
- 49) **"Composting facility"** means a facility where compost or organic matter that is diverted primarily from off-site is processed by composting or processed for commercial purposes, or both. Activities of a composting facility may include management, collection, transportation, staging, composting, curing, storage, and marketing of compost.
- 50) **"Comprehensive plan"** means the Comprehensive Plan of Sauk County, Wisconsin, as amended from time to time, as prepared and defined under Wis. Stats. § 66.1001(1)(a) which is intended to guide the physical development of the County. This ordinance also draws references to duly adopted Town Comprehensive Plans and includes the Farmland Preservation Plan.
- 51) **"Conditional use"** means a land use which because of the potential for unusual or site-specific impacts, may be lawfully established with an approved conditional use permit, subject to specific standards and/or conditions.
- 52) **"Consistent with"** means further or does not contradict: (1) the purposes and standards as provided by this ordinance; or (2) the policies contained in the relevant Town Comprehensive Plan, County Comprehensive Plan, or Farmland Preservation Plan.
- 53) **"Contractor's shop"** means an indoor office and warehouse storage facility for materials, equipment, tools, products, and vehicles used in conjunction with a construction related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, masonry, landscaping, and other similar contractors. A contractor's shop does not include outdoor storage of useable materials associated with the business.
- 54) **"Contractor's storage yard"** means an outdoor area utilized for the storage and maintenance of contractor's supplies, domestic tools, materials, and operational equipment. This definition includes landscaping services, or wholesale of earth covering materials.
- 55) **"Controlled Environmental Agricultural (CEA)"** means any structure with agricultural technology that enables the grower to manipulate the environment to desired growing and/or cultivation conditions. This may include a greenhouse, hoop house, freight containers, all specifically designed for said agricultural purposes.

D

- 56) **"Density"** means the number of dwelling units per net or gross acres.
- 57) **"Density, net"** means the total number of dwelling units divided by the developable acreage of the site resulting in the number of units per acre. Developable acreage excludes wetlands, lakes, roadways, and other uses not suitable for building purposes.

- 58) **"Department"** means Sauk County Department of Land Resources and Environment.
- 59) **"Development"** means any man made change to improved or unimproved real estate, including but not limited to construction of or additions of substantial improvements or repairs to buildings, other structures, or accessory uses, subdivision layout and site plan preparation, storage of materials and equipment, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials; and installation, repair or removal of public or private sewage disposal systems or water supply facilities.
- 60) **"Distillery"** means an establishment in which spirits are rectified, purified or distilled by mixing such spirits with any materials, manufactures any spurious, imitation or compound liquors for sale under the name of "whiskey", "brandy", "gin", "rum", "spirits", "cordials" or any other name, or compound liquors for sale.
- 61) **"Dwelling"** means a structure or portion thereof designed or arranged for human habitation, which may include a short-term rental or boarding house but does not include motels, hotels, or camping units.
- a) **"Dwelling, multi-family"** means a structure containing three (3) or more dwelling units.
 - b) **"Dwelling, principal"** means the dwelling in which is conducted the principal residential use of the lot on which it is located.
 - c) **"Dwelling, single family"** means a structure containing one dwelling unit.
 - d) **"Dwelling, two-family"** means a structure on a single lot that contains two (2) dwelling units.
- 62) **"Dwelling unit"** means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- 63) **"Dwelling, efficiency"** means a small dwelling unit with minimal kitchen and bath facilities.

E

- 64) **"Eating establishment"** means a permanent building, or part of a building, where meals are prepared, served, or sold to the public for immediate consumption and includes a sit-down restaurant, carry-out, drive-thru, and outdoor dining spaces. "Meals" does not include soft drinks, ice cream, milk, milk drinks, ices or confections. An eating establishment does not include the following:
- a) A retail food establishment that sells only packaged foods or raw agricultural commodities.
 - b) A retail food establishment which is primarily engaged in selling fresh fruits and vegetables, honey, cider, maple syrup, or value-added food products produced by the operator of the establishment.
 - c) Non-profit organizations, under 26 USC 501 (c), including churches, religious, fraternal, youth, or patriotic organizations; service clubs; and civic organizations that occasionally prepare, serve, or sell meals to transients or the general public.
 - d) Any public or private school lunchroom for which food service is directly provided by the school.
 - e) Bed and breakfast establishments.
 - f) A licensed vending machine that serves food or beverages.
 - g) A concession stand at a locally sponsored sporting event, such as a little league game.
 - h) A potluck event.
 - i) A retail food establishment where popcorn is popped, if the retail food establishment is not required to obtain a license under Wis. Stats Ch. 97 to sell or process any other food.
- 65) **"Eating establishment, mobile"** means a restaurant or retail food establishment where food is served or sold from a moveable vehicle, pushcart, trailer, or boat which periodically or continuously changes location and requires a service base to accommodate the unit for servicing, cleaning, inspection, and maintenance.
- 66) **"Eating establishment, temporary"** means a food establishment that operates at a fixed location in conjunction with a simple event or celebration such as a fair, carnival, public exhibition, circus, or occasional promotional sale. This definition also includes eating establishments, mobile.
- 67) **"Educational institution"** means a school (including a technical, trade or vocational school), elementary, middle, high, junior college, college, or university that is: operated or directly supported by the United States; operated or directly supported by any State or local government or by a political subdivision of any State or local government; or approved by a state agency or subdivision of the State or accredited by a State-recognized or nationally recognized accrediting body.

F

- 68) “Family” means any number of adults who are all related by blood, marriage, guardianship, or domestic partnership as defined by Wis. Stats. 770; and up to four (4) additional adults, together with minor children in their care, living in a single dwelling unit.
- 69) “Farm” means all land under common ownership that is primarily devoted to agricultural use.
- 70) “Farm market/on-farm market/roadside stand” means the sale of agricultural products or value-added agricultural products, directly to the consumer from a site on a working farm or any agricultural, horticultural, or agri-business operation or agricultural land.
- 71) “Farm residence” means any of the following structures that is located on a farm:
- a) A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - (1) An owner or operator of the farm.
 - (2) A parent or child of an owner or operator of the farm.
 - (3) An individual who earns more than 50 percent of his or her gross income from the farm.
- 72) “Floor area, livable” means the sum amount of the gross horizontal areas of several floors of a building; including interior balconies, mezzanines, habitable basements with a ceiling height of at least 7 feet and attached accessory building. Measurements must be made in square feet, following the outer lines of the exterior walls of a building at the top of the foundation or basement wall.
- 73) “Food Processing Facility” means a commercial operation that manufactures, packages, labels, or stores food for human consumption, and provides food for sale or distribution to other business entities such as food processing plants or food establishments.
- 74) “Foot-candle” means a unit of illumination equal to that given by a source of one candela at one foot or one lumen per square foot.
- 75) “Foundation” means the structural system used to transfer the weight of the structure/building to the earth.
- 76) “Freight container” means a standardized reusable steel box previously used for the storage and movement of materials and products within an intermodal freight transportation system. A freight container may be repurposed for a Controlled Environment Agriculture (CEA) use.
- 77) “Full-time equivalent” means a unit equal to or greater than 32 hours in any given 7-day week.

H

- 78) “Hazardous waste” means waste with properties that make it dangerous or capable of having a harmful effect on human health or the environment. Hazardous waste is generated from many sources, ranging from industrial manufacturing processes to air pollution control equipment and may come in many forms, including liquids, solids, gases, sludges, and radiation. The hazardous waste identification process is found in Wis. Admin. Code NR 661.
- 79) “Home-based business” means any occupation, profession, or trade conducted on a regular basis within or from an approved residential dwelling and/or accessory building by one or more occupants residing in the dwelling. Said home-based business must be clearly incidental and subordinate to the principal residential use.
- 80) “Hotel” means a place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all places used in connection therewith, and is not a bed and breakfast establishment or short-term rental. The terms “hotel”, “motel”, “resort”, and “inn” are synonymous pursuant to this chapter and Wis. Stats. Ch. 97.
- 81) “Human habitation” means the act of occupying a structure as a dwelling, living, or sleeping place; whether infrequently, intermittently, or as a principal residence.

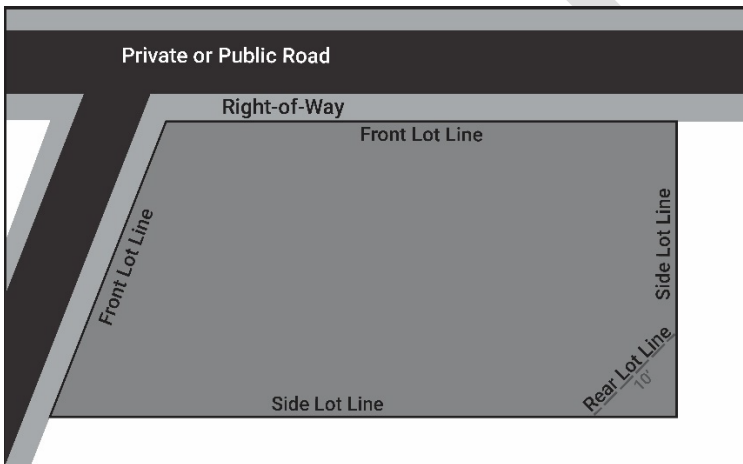
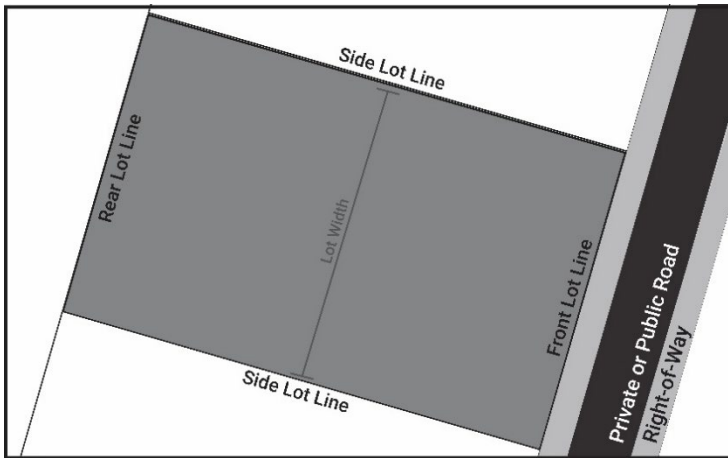
K

- 82) **"Kennel, residential"** means a structure or premises of which the primary use is a residence in which the occupant engages in the business, service, or hobby of boarding, breeding, sheltering or sale of 5 or more, not to exceed 24 non-livestock animals, six months of age or more.
- a) **"Kennel, Colony House"** means a building for breeding and raising of experimental and laboratory animals, and for the storage of feed and accessory materials.
- b) **"Kennel, commercial facility"** means an establishment, structure, or premises in which any of the following occur:
- (1) At least 25 non-livestock animals, from more than 3 litters, are bred, raised, or sold within a 12-month period.
 - (2) Services are provided for the boarding, grooming, or training of at least 25 non-livestock animals within a 12-month period.

L

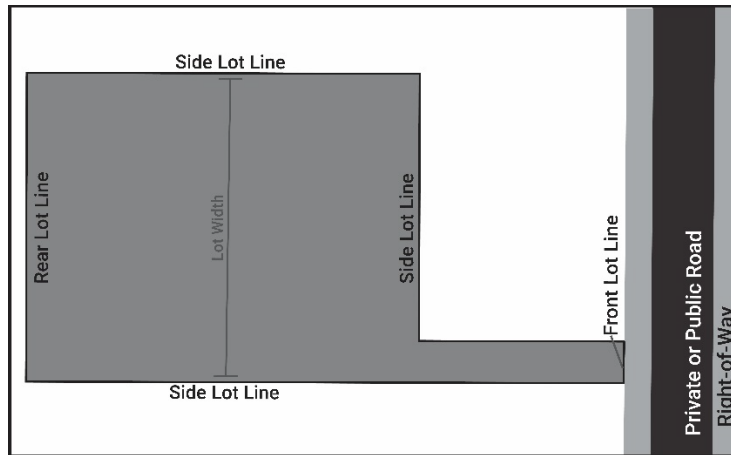
- 83) **"Lab/research facility"** means any place or institution at which scientific tests, experiments, or investigations are carried out, conducted, or attempted.
- 84) **"Land Banked Parking"** means a designated portion of land on a site that may be required for parking to be held and preserved as landscape, rather than constructed as parking.
- 85) **"Landfill"** means a land disposal facility, not classified as a land spreading facility or surface impoundment facility, where solid waste is disposed on land by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth or other approved material as required.
- 86) **"Land Use Permit"** means an official approval issued by the Department that allows a property owner or applicant to use a specific parcel of land for a designated purpose and ensures the intended use aligns with zoning regulations and planning guidelines.
- 87) **"Livestock"** means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 88) **"Livestock harvest facility"** means a livestock facility where livestock are kept for 45 days or more in a 12-month period for feeding, maintenance, or stabling. This may include feedlots and dairy farms, but not pastures that are associated with the harvest facility.
- 89) **"Livestock structure"** means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes a barn, milking parlor, feeding facility, animal lot or waste storage facility.
- 90) **"Loading area"** means an off-road space on the same parcel with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.
- 91) **"Lot"** means land occupied by or designed to provide space necessary for one principal building or use, and its accessory structures or uses, which abuts a publicly dedicated road, or has a legally recorded access easement to a publicly dedicated road. A lot is created by a subdivision plat, condominium plat, or certified survey map, or a parcel described in a conveyance recorded with the Sauk County Register of Deeds, which complies with the minimum size requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance and has legal access. A lot shall comply with the minimum area requirements pursuant to the applicable zoning district designation in effect at the time of the land division or recording of the conveyance. No land included in any road, highway, or railroad right-of-way must be included when computing the area for minimum lot area. No road, highway, easement, railroad right-of-way, river, stream, or water body will constitute a break in contiguity. For the purposes of this chapter a lot is defined as the outer most boundary of a condominium plat.

a) “**Lot, corner**” means a lot situated at the junction of and abutting two or more intersecting rights-of-way, or a lot with a point of inflection in alignment of a continuous right-of-way, the interior angle which does not exceed 135 degrees.



b) “**Lot, double frontage**” means a lot which both the front and rear yard abut separate public rights-of-way.

c) “**Lot, flags**” means a lot that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage.



d) **“Lot line, front”** means a lot line which abuts a public right-of-way:

(1) On an interior lot, the line separating the lot from the rights-of-way.

(2) On a corner lot, the lot line with the shortest frontage will be the front lot line. On a double frontage lot, there will be two front lot lines.

(3) The front lot line for a lot that does not abut a public right-of-way is the lot line where there is an approved access to the lot.

e) **“Lot line, rear”** means that lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore shaped lot, a line 10 feet in length entirely within the lot, parallel to and most distant from the front lot line will be considered the rear lot line for the purpose of determining depth of rear yard.

f) **“Lot line, side”** means the lot lines running between the front lot line and rear lot line.

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

92) **“Lot of record”** means a land area designated in a subdivision plat, plat of survey, or certified survey map, or described in a conveyance recorded with the Sauk County Register of Deeds which complied with zoning laws in existence when the property was originally divided or recorded, or both, but which no longer complies with the minimum land area requirement within the applicable zoning district. A lot of record may only be eliminated by the recording of a new subdivision plat or certified survey map. Such land area must be occupied by, or designed to provide space necessary for one main building and its accessory structures or uses.

M

93) **“Major Renovation”** means a physical change to a building or structure or portion thereof, including the replacement or upgrading of major systems, which extends the useful life. Examples include, but are not limited to, demolition of the interior or exterior of a building or portion thereof, including the removal and subsequent replacement of electrical, plumbing, heating, ventilating and air conditioning systems, fixed equipment and interior walls and partitions (whether fixed or moveable). Replacement of broken, dated or worn equipment/items, including but not limited to, individual air conditioning units, bathroom tile, shower stalls that do not require any additional or new plumbing, electrical, etc. will not be considered a major renovation.

94) **“Manufactured home”** means a residential dwelling for one family as defined by Wis. Stats. § 101.91(2) that is:

a) Fabricated in an off-site facility for installation and assembly at the building site.

b) Bears a HUD label or insignia certifying that it is built in compliance with Federal Manufactured Home Construction Standards under 42 USC 5401 to 5425; and

- c) Was built after June 14, 1976. A manufactured home is considered a single-family dwelling for the purposes of this ordinance.
- 95) **"Manufactured home lot"** means a parcel of land for the placement of a single manufactured home and the exclusive use of its occupants.
- 96) **"Manufacturing"** means any production that utilizes machinery to assemble, fabricate, process or package materials that may comprised of but not limited to wood, metal, plastic, or glass.
- a) **"Manufacturing, major"** means a use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials or a use engaged in storage of or manufacturing processes using toxic, corrosive, flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions, such as smoke, noise, soot, dirt, vibration, and odor. May involve procedures involving chemical, physical, electrical, or mechanical steps to aid in manufacturing items. Examples include the leather and allied products, chemicals, plastics, rubber products, primary and fabricated metals, machinery, automobiles and transportation equipment, and petroleum and coal products refining.
- b) **"Manufacturing, minor"** means the fabrication, assembly, manufacturing, and packaging of finished products or parts, predominately from previously prepared materials, but excluding basic industrial processing.
- 97) **"Manure storage facility"** means an impoundment made by constructing an embankment or excavating a pit or dugout or by fabricating a structure to contain manure and other animal or agricultural waste.
- 98) **"Mausoleum"** means a building, structure or part of a building or structure that is used or intended to be used for the burial of human remains.
- 99) **"Meat market"** means any establishment in which meat, poultry, or fish are sold and/or butchered.
- 100) **"Mini-warehousing, self-storage facility"** means a storage building comprised of separate compartments that are intended for separate rental, each of which has its own separate access.
- 101) **"Mobile home"** means a vehicle manufactured or assembled before June 15, 1976, which does not comply with HUD code designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid non-collapsible construction, which has an overall length more than 45 feet. Mobile home includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
- 102) **"Mobile home community"** means any plot of land upon which two or more mobile homes, occupied for dwelling and sleeping purposes, are located. Mobile home communities do not include mobile homes used for secondary farm residences and meeting all other requirements of the underlying zoning district.
- 103) **"Mobile service facility"** means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.
- a) **"Antenna"** means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- b) **"Class 1 collocation"** means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a freestanding support structure for the facility but does need to engage in substantial modification.
- c) **"Class 2 collocation"** means the placement of a new mobile service facility on an existing support structure for the facility or engage in substantial modification.
- d) **"Collocation"** means a Class 1 or Class 2 collocation or both.
- e) **"Distributed antenna system"** means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- f) **"Equipment compound"** means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- g) **"Existing structure"** means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the County.
- h) **"Fall zone"** means the area over which a mobile support structure is designed to collapse.
- i) **"Mobile service provider"** means a person who provides mobile service.

j) **"Mobile service support structure"** means a freestanding structure that is designed to support a mobile service facility.

k) **"Permit"** means a permit, other than a building permit, or approval issued by the County which authorizes one of the following activities by the applicant:

(1) A class 1 collocation.

(2) A class 2 collocation

(3) The construction of a mobile service support structure.

l) **"Search ring"** means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

m) **"Substantial modification"** means the modification of a mobile service support structure, including the mounting of an antenna on such a structure, that does any of the following:

(1) For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

(2) For structures with an overall height of 200 feet, increases the overall height of the structure by 10 percent or more.

(3) Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collation.

(4) Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

n) **"Support structures"** means an existing or new structure that supports or can support a mobile service facility, including mobile service support structure, utility pole, water tower building, or other structure.

104) **"Modular home"** means a dwelling constructed on-site in compliance with state uniform dwelling code; and made of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation.

105) **"Motel"** see definition for hotel.

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

107) **"Museum"** means a nonprofit organization or a public agency that is operated primarily for the purpose of collecting, cataloging, preserving or exhibiting property of educational, scientific, historic, cultural or aesthetic interest and that is open to the public on a regular basis. "Museum" does not include a public library.

N

108) **"Non-agriculturally related uses"** means activities that are part of an agritourism operations total offerings but not tied to farming or the farms buildings, equipment, fields, etc. Such non-agriculturally related uses may include but are not limited to concerts, exercise classes, or the sale of goods or services not produced on-site, etc.

109) **"Non-conforming structure or use"** means a dwelling or other building that existed lawfully before the current zoning ordinance was enacted or amended but does not conform with one or more of the development regulations within the current zoning ordinance.

110) **"Nonmetallic mining"** means:

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

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

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

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

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

- c) Areas where nonmetallic mining refuse is deposited.
 - d) Areas disturbed by activities such as construction or improvement of private roads or haulage ways for nonmetallic mining.
 - e) Areas where grading or regrading is necessary to conduct nonmetallic mining or to achieve a land use specified in an approved nonmetallic mining reclamation site.
 - f) For purposes of this ordinance, non-metallic mining does not include excavations for building construction, public infrastructure projects on public land, or government sponsored, financed, or supervised conservation projects.
- 112) **"Nursery"** means a place where plants are grown from germination until they are ready to be transplanted to a final location. A nursery may utilize green houses, hoop houses, or other similar types of structures and provide for limited retail sales.

O

- 113) **"Opacity"** means the degree to which light or views are blocked.
- 114) **"Ordinary high-water mark"** means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics and as further defined in Wis. Admin. Code § NR 115.03(6) and Wis. Admin. Code Ch. NR 115.
- 115) **"Outdoor event"** means an event held at a location generally without a permeant enclosed structure and may include but is not limited to organized sports games, home tours, auctions, picnics, concerts, shows, fairs, or any other similar, infrequent, short-term event.
- 116) **"Overlay zoning district"** means a zoning district that imposes uniform restrictions on all properties within a specified area in addition to the restrictions specific to the base zoning district covering those same properties.

P

- 117) **"Parcel or Property"** means a contiguous quantity of land in the possession of an owner, single or common interest. No road, highway, easement, railroad right-of-way, river, stream, or water body will constitute a break in contiguity, unless a road highway, easement or railroad right-of-way is subject to a fee simple ownership.
- 118) **"Permitted use"** means a land use which may be lawfully established and that conforms to all requirements and standards of this ordinance and the zoning district in which the use is located.
- 119) **"Person"** means a human being or an entity, such as a corporation, that is recognized by law as having the rights and duties of a human being and will include the plural.
- 120) **"Place of Worship"** means a structure which may include a church, mosque, or synagogue where religious services are held.
- 121) **"Planned Rural Development (PRD)"** means one or more lots or parcels of land to be developed as a single entity, which is a combination of a PRD development area and a PRD preservation area, the plan for which may propose intensity increases, mixing of land uses, open space conservation, or any combination thereof, but which meets the applicable zoning district's density and use requirements. For the purposes of this chapter, the terms Planned Rural Development and PRD will have the same meaning.
- 122) **"Pond"** means any naturally occurring or artificially created structure of 200 square feet or more which impounds surface water all or part of the year.
- 123) **"PRD development area"** means all land encompassed within the lot created by a certified survey map as part of a PRD. This area may contain a dwelling and be otherwise developed as long as the use is permitted within the district and the density requirements are met.

- 124) **"PRD preservation area"** means undeveloped lands as part of a PRD identified as the balance of lands remaining once PRD development areas are designated, the area of which meets the density policy, and the area of land placed under a PRD preservation area easement.
- 125) **"PRD preservation area easement"** means a legal agreement recorded with the Sauk County Register of Deeds, which conveys an interest in real estate imposing limitations and affirmative obligations on the type and amount of development that may take place on a property. For the purposes of this chapter, the easement will apply to PRD preservation areas as part of a PRD.
- 126) **"PRD principal conservation area"** means areas identified as part of a PRD that contain productive agricultural or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance or state and federal use restrictions, these areas must be protected from residential development as much as practicable and must include the following:
- a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin, with a land capability of class I or class II that either currently does, or could, contain an agriculture use in a contiguous quantity of 5 acres or more, regardless of ownership.
 - b) Wetlands identified by the Wisconsin Wetland Inventory Map in accordance with Wis. Stat. § 23.32 and Sauk Co. Code Ch. 8.
 - c) Lakes, rivers, perennial and intermittent rivers or streams as identified on a USGS Map.
 - d) Floodplains as identified by referring to the maps and studies identified within Sauk Co. Code Ch. 9.
 - e) Any historical or archaeological site listed on the Wisconsin Archaeological and Historic Resource Database (WisAHRD) by the Wisconsin Historical Society.
- 127) **"PRD secondary conservation area"** means the following areas:
- a) Economically productive farmland as determined by the 1977 Soil Survey of Sauk County, Wisconsin, with a land capability of Class III or greater.
 - b) Steep slopes more than 20%.
 - c) Large contiguous blocks of forestry more than 40 acres.
 - d) Other natural or cultural elements of the site identified for preservation or protection by the Sauk County Farmland Preservation Plan, the Wisconsin Department of Natural Resources' Natural Heritage Inventory, and applicable comprehensive plans.
- 128) **"Portable storage unit"** means containers used solely for shipping and/or storage and the transportation of materials, inventory or products and constructed in a manner to provide for structural integrity and can be designed to be placed directly on the ground without a foundation, having no wheels or axles, and no utilities. Portable storage units include:
- a) freight container, which is a unit designed for the storage and/or shipment of goods by means of boat, train, or truck; or
 - b) moving pods, a self-contained container used for the temporary storage and/or moving of small amounts of goods such as household's contents or office tenants' contents.
 - c) A freight container meeting the definition of a controlled environment agriculture unit are exempt.
- 129) **"Primitive Hunting Cabin"** means a structure that satisfies all of the following:
- a) The structure is not used as a home or residence.
 - b) The structure is used principally for recreational hunting activity.
 - c) The structure does not exceed 2 stories in height.
 - d) The structure satisfies any of the following.
 - (1) The structure was constructed before December 31, 1997.
 - (2) The structure results from alterations made to a structure described in subd. 1.
 - (3) The structure replaces a structure described in subd. 1.
- 130) **"Principal use"** means the primary use of land treated as a use permitted by right or as a conditional use, rather than as an accessory use or temporary use.
- 131) **"Public Utility"** means any corporation, company, individual, association, their lessees, trustees or receivers appointed by court, and every sanitary district, town, village, or city that may own, operate, manage or control all or any part of a plant or equipment, within the state, for the production, transmission, delivery or furnishing of heat, light, water or power either directly or indirectly to or for the public pursuant to the definition provided in Wis Stats. §. 196.01(5) and not legally precluded from zoning.

R

- 132) **"Raze"** means to demolish and remove a building to restore the site to a dust-free and erosion-free condition.
- 133) **"Recreation facility, indoor"** means an enclosed facility that provides for activities such as sports and leisure open to the public, defined groups, or members of a club or association, including, but not limited to archery, racetracks, go-carts, athletic fields, batting cages, mini golf, but excluding activities associated with agricultural or arts uses.
- 134) **"Recreation facility, outdoor"** means land or associated structures that provide sports and leisure activities open to the public, defined groups, or members of a club or association, including, but not limited to archery ranges, racetracks, go-cart tracks, athletic fields, batting cages, golf and fishponds, but excluding agricultural or arts uses.
- 135) **"Recreational vehicle"** means a vehicle that has walls of rigid construction, does not exceed 45 feet in length, designed to be towed upon a highway by a motor vehicle or has a motor of its own, and is equipped and used, or intended to be used, primarily for temporary or recreational human habitation. A recreational vehicle includes camping trailers, motor homes, park models, or any of the following:
- a) **"Camping trailer"** means a recreational vehicle with a collapsible or folding structure designed for human habitation and designed or capable of being towed upon a highway by a motor vehicle.
 - b) **"Fifth wheel"** means a recreational vehicle that is towed by a vehicle with a flatbed frame, so the trailer hitch of the recreational vehicle is bolted to the flatbed from the towing vehicle.
 - c) **"Motor home"** means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.
 - d) **"Park model"** means a recreational vehicle that is built on a single chassis mounted on wheels, that has a gross trailer area of not more than 400 square feet in the setup mode, and that bears a label, symbol, or other identifying mark indicating construction to nationally recognized standards ANSI 119.5.
 - e) **"Pickup coach"** means a structure designed to be mounted on a truck chassis for use as a dwelling.
 - f) **"Travel trailer"** means a vehicular, portable structure built on a chassis and on wheels that is between 10 and 36 feet long, including the hitch, and 8 feet or less in width; and designated to be used as a dwelling and towed by a motor vehicle.
- 136) **"Recycling center"** means any facility utilized for the purpose of collecting, sorting, and processing materials to be recycled.
- 137) **"Rendering plant facility"** means a facility for the reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.
- 138) **"Retail establishment, indoor"** means any business offering goods, services, or products for sale, or rental to the public, which may include incidental repair of such goods and products.
- 139) **"Right-of-way"** means an area or strip of land, either public or private, on which irrevocable right of passage has been recorded for use as a public right-of-way, crosswalk, railroad, electric transmission line, oil or gas pipeline, watermain, sanitary or storm sewer main, or other special purpose.
- 140) **"Road"** means a public or private thoroughfare that affords vehicular access to abutting property but does not include an access easement.

S

- 141) **"Salvage yard"** means the sum of any of the following based on zoning district pursuant to s. 7.088:
- a) Any outside place which stores licensed or unlicensed vehicles that are no longer intended or in condition for legal use on public highways or used parts of vehicles which have been part of, or are intended to be part of, any vehicle, the sum of which parts or materials will be equal in bulk to a vehicle.

- b) Any outside place which stores licensed or unlicensed tractors, trailers, boats, all-terrain vehicles, or similar inoperable machinery, or equipment that is inoperable, or used parts or materials from such equipment, the sum of which parts or materials must equal in bulk more of the specific machinery or equipment from which the parts or materials came.
- c) Any outside place where used, secondhand, waste, or scrap materials, including but not limited to metals, paper, rags, wood, demolition material, scrap iron, inoperable machinery, or automobile parts.
- 142) **"Sawmill / Sawmill facility"** means a facility for the processing of timber logs into forestry products such as milled timber, cants, posts, firewood; and wood by-products such as slab wood, wood chips, bark chips and sawdust; and which may include planing and sizing facilities, kilns, storage and sorting yards, milling machines and accessory maintenance facilities incidental to sawmill operations. Sawmills do not include individual milling operations for personal use that do not transport or sell product.
- 143) **"Semi-tractor"** means either of the following and weighs at least 20,000 lbs:
- a) A freight trailer that when attached is supported at its forward end by the fifth wheel device of the truck tractor; or
- b) A trucking rig made up of a tractor and a semitrailer.
- 144) **"Setback"** means the minimum distance by which any building or structure must be separated from a road right-of-way, lot line, or otherwise established distance by this chapter.
- 145) **"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.
- 146) **"Short-term rental"** means any residential property where a principal dwelling unit or a portion of a principal dwelling unit is rented or leased by a tourist or transient for fewer than 29 consecutive days. This definition excludes bed and breakfast establishments, campgrounds, and other similar uses.
- 147) **"Sign"** means any letter, word or symbol, poster, picture, statuary, reading matter or representation in advertisement, announcement, message or visual communication, whether painted, posted, printed, affixed or constructed, including all associated brackets, braces, supports, wires and structures which is displayed for informational or communicative purposes. Letters or numbers painted on or attached to buildings portraying the occupants, fire numbers, or road addresses are not considered to be signs.
- a) **"Commercial speech"** means speech advertising a business, profession, commodity, service, or entertainment.
- b) **"Non-commercial speech"** means dissemination of messages not classified as commercial speech, that includes, but are not limited to, messages concerning political, religious, social, ideological, public service and informational topics.
- c) **"Sign, abandoned"** means any sign and/or its supporting sign structure which remains without a message or illegible message, or whose display remains blank for a period of one (1) year or more, or any sign which pertains to a time, event or purpose which no longer applies, must be deemed to have been abandoned. Signs applicable to a business suspended because of a change in ownership or management of such business must not be deemed abandoned unless the property remains vacant for a period of one (1) year or more. Any sign remaining after demolition of a principal structure must be deemed to be abandoned. Signs which are present because of being legally established nonconforming signs or signs which have required a conditional use permit or variance must also be subject to the definition of abandoned sign.
- d) **"Sign, Awning"** means a wall sign or graphic printed on or in some fashion attached directly to the awning material.
- e) **"Sign, Banner"** means a sign consisting of characters or graphics applied to any kind of fabric with only non-rigid material for background and hung between 2 rigid points.
- f) **"Sign, Cabinet"** means any wall sign that is not of channel or individually mounted letter construction.
- g) **"Sign, Canopy"** means any sign that is part of or attached to a canopy, made of fabric, plastic, or structural protective cover over a door or entrance.
- h) **"Sign, Changeable copy"** means a sign or a portion of a sign with characters, letters, or illustrations that can be changed or rearranged manually without altering the face or the surface of the sign. An electronic message sign is not a changeable copy sign.
- i) **"Sign, Copy area"** means the entire face of a sign including the advertising surface, any framing, trim, molding, void or unused area between multiple sign faces, architectural, or decorative feature, but not

including the sign structure. On a banner, the copy area is the flexible material used for the banner, but that does not include the sign structure.

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

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

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

m) **"Sign Face"** means the surface of the sign upon, against, or through which the message of the sign is exhibited.

n) **"Sign, Freestanding"** means a sign not attached to a building; and is ground-mounted or supported by vertical structures. Freestanding signs include ground signs, monument signs, pole signs, and other similar types of signs

o) **"Sign, Height"** means the total height the erected sign stands from the average elevation of the adjacent roadway to the top of the highest point of the sign.

p) **"Sign, Illuminated"** means any sign which contains an element designed to emanate artificial light internally or externally.

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

r) **"Sign, Legally Established Non-Conforming"** means any sign and its support structure lawfully erected prior to the effective date of this ordinance which fails to conform to the requirements of this ordinance. A sign which was erected in accordance with a variance granted prior to the adoption of this ordinance from which this ordinance is derived, and which does not comply with this ordinance shall be deemed to be a legal non-conforming sign. A sign which was unlawfully erected shall be deemed illegal.

s) **"Sign, Monument"** means any freestanding sign with its sign face mounted on the ground or mounted on a base at least as wide as the sign. Also known as a ground sign.

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

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

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

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

x) **"Sign, Pole"** see pylon sign.

y) **"Sign, Portable"** means any sign which is mainly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed, and the remaining chassis or support is converted to another sign or attached temporary or permanently to the ground since this characteristic is based on the design of such a sign.

z) **"Sign, Projecting"** means any sign which is affixed to a building or wall in such a manner that its leading edge extends more than two (2) feet beyond the surface of such building or wall face.

aa) **"Sign, Pylon"** means any freestanding sign which has its supportive structure anchored in the ground and which has a sign face elevated above ground level by poles or beams and with the area below the sign face open.

bb) **"Sign, Roof"** means any sign erected and constructed wholly on and above the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

cc) **"Sign, Rotating"** means a sign or portion of a sign which turns about on an axis.

dd) **"Sign structure"** means any structure including the supports, uprights, bracing and framework which supports or can support any sign.

ee) **"Sign, suspended"** means any building sign that is suspended from the underside of a horizontal plane surface and is connected to that surface. A suspended sign may be considered ground or structure mounted.

ff) "Sign, Wall" means any building sign attached parallel to, but within two feet of a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays one sign surface.

gg) "Sign, window" means any building sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

hh) "Total site signage" means the maximum permitted combined area of all signs allowed on a specific property.

148) "Small-engine" means an engine that produces less than 25 horsepower (hp) and includes but is not limited to equipment such as lawnmowers, tractors, generators, dirt bikes, and mopeds.

149) "Solar Energy System" means equipment that directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy.

a) "Large Electric Generating Facility" means electric generating equipment and associated facilities designed for nominal operation at a capacity of 100 megawatts or more.

b) "Solar Energy Collector" means a device, structure or a part of a device or structure a substantial purpose of which is to transform solar energy into thermal, mechanical, chemical, or electrical energy.

c) "Solar Energy Facility" means a large electronic generating facility or a high-voltage transmission line.

d) "Solar Energy System" means equipment which directly converts and then transfers or stores solar energy into useable forms of thermal or electrical energy.

e) "Solar Energy System, accessory" means a solar energy system mounted on a rack or pole or fastened to or ballasted on a building roof, which are connected to the electric circuit and are accessory to the principal use. Said systems are not intended for use as a public utility and generate less than 1,000 kilowatts (1 megawatt).

f) "Solar Energy System, Large" means electric generating equipment and associated facilities designed nominal operation at a capacity of 100 megawatts or more.

g) "Solar Energy System, Small" means electric generating equipment and associated facilities designed for nominal operation at a capacity of less than 100 megawatts.

150) "Special event" means any occasional or periodic assembly or gathering of less than 1,000 people at a pre-determined and fixed location on public or private property. Special events include, but are not limited to the following: fairs, carnivals, music or other types of festivals, runs, walks or bicycle tours. Special events shall not include gatherings for activities such as neighborhood garage/thrift sales, neighborhood parties, other private parties, or other similar activities occurring on private residential property. Special events anticipating more than 1,000 participants are exempt from the requirements of this Chapter but are subject to Sauk Co. Code of Ordinance Chapter 12 Open Air Assembly and events on public property owned or managed by Sauk County are subject to Chapter 10 Parks.

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

152) "Stable and equestrian facility" means any facility that provides services related to accommodating, training, or competing equines. This may be in the form of barns, stables, riding halls, or outdoor arenas.

153) "Stop work order" means a directive issued by the Zoning Administrator with respect to a construction project or operation of a use which compels the owner, contractor, builder, or operator to cease any further work or activity on the project or operation of the use until permits have been issued by the Zoning Administrator authorizing the resumption of the project or operation.

154) "Structure" means

a) any human-made object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed;

b) structures include, but are not limited to, any building, dwelling, manufactured building, manufactured home, mobile home, boathouse, sign, deck, patio, driveway, fences, retaining walls or other similar types of improvements or any part of such structures; and

c) a structure includes any permanent or temporary attachments, including but not limited to awnings, extensions, porches, or decks.

d) Structure does not include landscaping or earthwork such as graded areas, berms, soil piles, ditches, or earthen terraces.

155) "Structure, attached" means a building or structure in which at least one of the following conditions is present:

a) There is a continuous, weatherproof roof between the two structures. The sides are not required to be enclosed with walls.

b) There is a continuous, structural floor system between the two structures.

c) There is a continuous foundation system between the two structures.

156) "Structure setback line" means a minimum distance a structure must be from a property line, right-of-way line, or other protected area. For triangular or gored lots, the building setback line must be the line that is parallel to the front lot line. The setback is to be measured from the right-of-way to the foundation of the structure, unless roof dripline is over three (3) feet, and then it shall be measured to the roof dripline.

157) "Structure, temporary or portable" means a structure without footings or a foundation, which can be easily removed from the property when a designated time, period, activity or use for which the structure is intended has ceased.

T

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

159) "Tasting room" means a structure, accessory to a winery or brewery, typically located on the premises of a winery or brewery's production facility, at which guests may sample the winery or brewery products.

160) "Tasting room, stand-alone" means a tasting room without on-site production.

161) "Temporary use" means a land use that is present on a property for a limited period of time and is discontinued upon the expiration of a given time period.

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

163) "Total participating acres" means the sum total of acres in a Planned Rural Development (PRD).

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

165) "Tourist rooming house" means all lodging places and tourist cabins and cottages, other than hotels and motels, which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments as regulated under Ch. ATCP 73.

166) "Tri-County Regional Airport" means the Tri-County Regional Airport located in Section 31, Town 9N, Range 3E, Sauk County, Wisconsin, and owned jointly by Sauk and Richland counties.

a) **"Airport hazard"** means any structure or object whether natural or man-made, or use of land that obstructs the air space required for the flight of aircraft in landing or taking off or is otherwise hazardous to such landing or taking off, or to person using such land, structure or object.

b) **"Airport master plan"** The master plan for the Airport, provides for the plan for future operations at the Airport and was adopted by the Tri-County Airport Commission on March 14, 2022, and by the Federal Aviation Administration on December 19, 2001, including any amendments thereto.

c) **"Alteration"** means any construction, reconstruction, renovation or remodeling that would result in the change of height or lateral dimensions of an existing structure.

d) **"Board of Adjustment"** means the zoning board of appeals created pursuant to Wis. Stats. § 114.136 with the powers provided by Wis Stats. § 62.23(7)(e) and other powers provided by law to hear appeals and grant variances from the terms of this ordinance, pertaining to the Tri-County Regional Airport.

e) **"Commission, Tri-County Airport"** means the Tri-County Airport Commission, a commission created by Richland and Sauk counties for the purpose of operating, maintaining, and improving the Tri-County Regional Airport.

f) **"Construction"** means the erection or alteration of any structure.

g) **“Development”** means any manmade change to real estate including but not limited to construction of, or addition to, buildings, construction of structures, the placement of mobile homes or other movable structures, mining, dredging, filling, grading, paving, excavating, drilling operations and disposal of materials.

h) **“Growth”** means natural vegetation including trees, shrubs, and foliage with the exception of farm crops that are cut at least once each year.

i) **“Manager, Tri-County Airport”** means the manager as appointed by the Commission or their designee.

j) **“Non-conforming use”** means any structure, growth, or use of land that does not comport with existing land use regulations contained in this chapter, but that was compliant with previous land use regulations that existed at the time of adoption.

k) **“Runway”** means the portion of the airport having a surface specifically developed, designated and maintained for the landing and takeoff of aircraft.

167) **“Truck terminal”** means buildings or land at which freight vehicles or trucks used as a relay station for the transfer of a load from one vehicle to another or one party to another is consolidated to be shipped or where full consignments may be loaded and off-loaded. The terminal may be used for transport vehicle maintenance, storage, or manufacturing.

V

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

a) **“Variance, area”** means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment.

b) **“Variance, use”** means an authorization by the Board of Adjustment for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

169) **“Veterinary Services”** means to examine into the fact or cause of animal health, disease or physical condition, or to treat, operate, prescribe or advise for the same, or to undertake, offer, advertise, announce, or hold out in any manner to do any of said acts, for compensation, direct or indirect, or in the expectation thereof.

170) **“Vision clearance triangle”** means an unoccupied triangular space at the intersection of public rights-of-ways, railroads, and driveway access points onto roadways. Such vision clearance triangles shall be bounded by the intersection of public rights-of-way or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in s. 7.106(6).

W

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

172) **“Water treatment”** means any conditioning of the water by filtering, UV exposure, chemical additives, reverse osmosis, or similar modifications.

173) **“Wholesale distribution”** means the sale of goods or commodities in large quantities to other businesses for resale by a retailer rather than to the individual consumer and may include manufacturers.

174) **“Wind Energy System”** means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.

a) **“Decommissioning”** means removal of all the following:

(1) The above ground portion of a wind energy system, including wind turbines and related facilities, except for access roads if removal has been waived by the property owner.

(a) All below ground facilities, except the following:

(i) Underground collector circuit facilities.

(ii) Those portions of concrete structures four (4) feet or more below grade.

b) **"Maximum blade tip height"** means the nominal hub height plus the nominal blade length of a wind turbine, as listed in the wind turbine specifications provided by the wind turbine manufacturer. If not listed in the wind turbine specifications, "maximum blade tip height" means the actual hub height plus the blade length.

c) **"Nameplate capacity"** means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

d) **"Nonparticipating property"** means real property that is not a participating property.

e) **"Nonparticipating residence"** means a residence located on nonparticipating property.

f) **"Occupied community building"** means a school, church, or similar place of worship, childcare facility or public library.

g) **"Owner"** means

(1) A person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approval or otherwise planning for the construction and operation of a wind energy system.

(2) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.

h) **"Participating property"** means any of the following:

(1) A turbine host property.

(2) Real property that is subject to an agreement that does all of the following:

(a) Provides for the payment of monetary compensation to the landowner from an owner regardless of whether any part of a wind energy system is constructed on the property.

(b) Specifies in writing any waiver of a requirement or right under this chapter and that the landowner's acceptance of payment establishes the landowner's property as a participating property.

i) **"Participating residence"** means a residence located on participating property.

j) **"Political subdivision"** means a city, village, town, or county.

k) **"Residence"** means an occupied primary or secondary person residence including a manufactured home as defined in § 101.92(2) of Wis. Stats., a hospital, community-based residential facility, residential car apartment complex, or similar facility, or a nursing home. "Residence" includes a temporarily unoccupied primary or secondary personal residence. "Residence" does not include any of the following:

(1) A recreational vehicle as defined in § 340.01(48r) of Wis. Stats notwithstanding the length of the vehicle.

(2) A camping trailer as defined in § 340.01(6m) of Wis Stats.

(3) A permanently abandoned person residence.

l) **"Shadow flicker"** means a pattern of moving shadows cast on a residence or an occupied community building caused by sunlight shining through moving wind turbine blades resulting in alternating changes in light intensity.

m) **"Small wind energy system"** means a wind energy system that has a total installed nameplate capacity of 300 kilowatts or less and that consists of individual wind turbines that have an installed nameplate capacity of not more than 100 kilowatts.

n) **"Wind energy system facility"** means any component of a wind energy system, such as a wind turbine, collector circuit, access road, electric system interconnection facility or operation and maintenance facility.

175) “Winery” means a building, property, or business that is utilized in the conversion of fruit juices to wine, and to age, bottle, and store, distribute, or sell said wine. A winery includes the crushing, fermenting, and refermenting, bottling, blending, bulk and bottle storage, aging, shipping, receiving, laboratory equipment and maintenance facilities, sales, and administrative office functions.

Y

176) “Yurt” means a round domed structure constructed of wood and fabric.

Z

177) “Zoning administrator” means the Director of Land Resources and Environment or their authorized designee charged with the administration, enforcement, and interpretation of the Sauk County Zoning Ordinance.

178) “Zoning lot” means a lot or lots that comprise a single tract of land located within a single block, which at the time of filing for a land use permit is to be used, developed, or built upon as a unit. Therefore, a zoning lot or lots may or may not coincide with a lot of record.

SUBCHAPTER III: ZONING DISTRICTS

7.012 PURPOSE. The purpose of this subchapter is to outline the land management goals, general land uses allowed as well as establish lot area, lot coverage, height, and density requirements in each zoning district. All lots created must meet minimum lot area requirements, except as otherwise provided under Sauk Co. Code Chapters 8 and 22; and Subchapter X of this Ordinance.

7.013 EXCLUSIVE AGRICULTURE ZONING DISTRICT (EA). The exclusive agriculture (EA) zoning district provides for the conservation of natural resources while maintaining and enhancing a diverse, economically viable, agricultural base. This district provides for land uses that are integral to the continuance of agriculture and that may be agriculturally related or compatible with nearby farm operations. The district shall be applied to areas identified as an agricultural preservation area or as designated in the Farmland Preservation Plan. Rezoning out of the exclusive agriculture district will be approved only upon finding that the requirements of Wis. Stats. § 91.48 are met, which includes consistency with the Comprehensive Plan and Farmland Preservation Plan. This district is certified under Wis. Stat. Ch. 91 to enable property owners to collect farmland preservation tax credits.

1) TABLE 7.013(1): TOWN ZONING EA AND RC ADOPTION

Town	Zoning	Adoption Date
Excelsior	EA (formerly RC)	8/19/2014 RC from 9/20/2011 to 8/19/2014
Franklin	EA	7/22/1987
Honey Creek	EA	7/15/1987
Ironton	EA	11/14/1986
Reedsburg	EA	11/13/1990
Prairie du Sac	EA	10/29/1986
Sumpter	EA	4/9/1987
Troy	EA	10/21/1986
Westfield	EA	6/12/1987

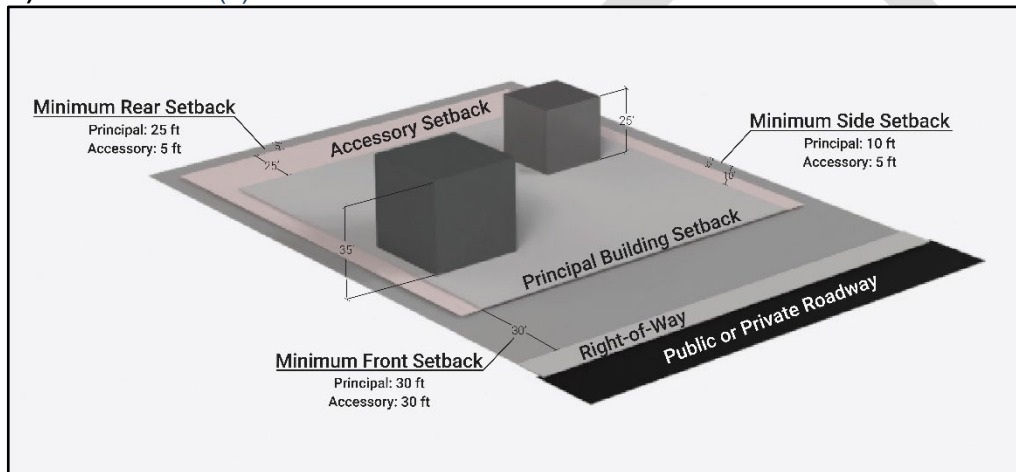
- 2) **LOT SIZE & LAND DIVISION.** The exclusive agriculture zoning district has a minimum lot size of 35 acres, except as otherwise created through a Planned Rural Development (PRD) provided under Subch. VII.
- 3) **DENSITY.** Land zoned EA has a maximum net density of one dwelling unit per 35 acres.
- 4) **TABLE 7.013(4): EA DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 25 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	**25 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

** Height limit does not apply to agricultural accessory structures such as silos, bins, barns, or seed storage. Any principal or accessory structures used to house livestock must meet the provisions of s. 7.078.

5) **FIGURE 7.013(5): EA DIMENSIONAL STANDARDS**



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

1) **TABLE 7.014 (1): TOWN ZONING RC ADOPTION**

Town	Zoning	Adoption Date
Baraboo	RC	8/18/1998
Freedom	RC	1/19/1999
Greenfield	RC	2/17/1998
Spring Green	RC	12/19/1995

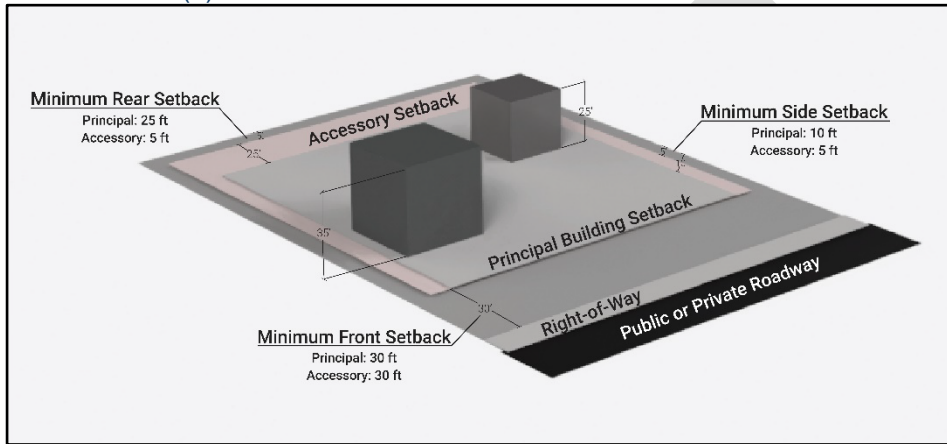
- 2) **LOT SIZE & LAND DIVISION.** The resource conservancy zoning district has a minimum lot size of 35 acres, except as otherwise created through a Planned Rural Development (PRD) provided under Subch. VII.
- 3) **DENSITY.** Land zoned RC has a maximum net density of one dwelling unit per 35 acres.
- 4) **TABLE 7.014(4): RC DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 25 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	**25 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

** Height limit does not apply to agricultural accessory structures such as silos, bins, barns, or seed storage. Any principal or accessory structures used to house livestock must meet the provisions of s. 7.078.

5) FIGURE 7.014(5): RC DIMENSIONAL STANDARDS



7.015 AGRICULTURE ZONING DISTRICT (AG). The agriculture (AG) zoning district provides for a range of agricultural, agricultural accessory and related uses at various scales of operation. This district also accommodates residential housing opportunities as well as some uses that are commercial or industrial in nature. Such uses are smaller in scale, are associated with agricultural production and require a rural location due to land area needs.

1) **LOT SIZE & LAND DIVISION.** The agriculture zoning district has a minimum lot size of five (5) acres.

2) **DENSITY.** Land zoned AG has a maximum net density of one dwelling unit per five (5) acres.

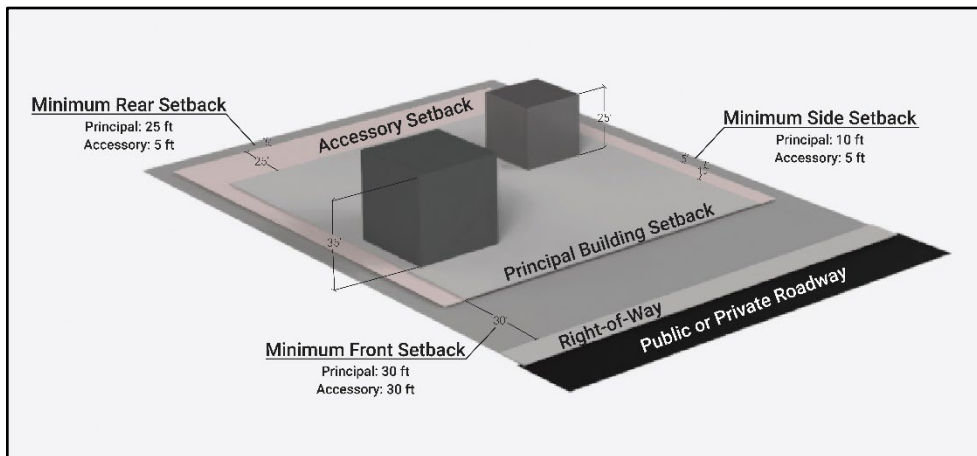
3) TABLE 7.015(3): AG DIMENSIONAL STANDARDS

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 25 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	**25 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

** Height limit does not apply to agricultural accessory structures such as silos, bins, barns, or seed storage. Any principal or accessory structures used to house livestock must meet the provisions of s. 7.078.

4) FIGURE 7.015(4): AG DIMENSIONAL STANDARDS



7.016 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT (SFR). The single-family residential (SFR) zoning district is intended to accommodate single-family dwellings on smaller lots, along with compatible home-based businesses, and small-scale institutional uses. The district should be applied to areas with existing or planned residential uses, including areas near cities, villages, unincorporated villages, and in developed or developing waterfront areas in the County.

1) LOT SIZE & LAND DIVISION. The single-family Residential zoning district has a minimum lot size of 8,000 sq. ft. for sewered lots, and 20,000 for unsewered lots.

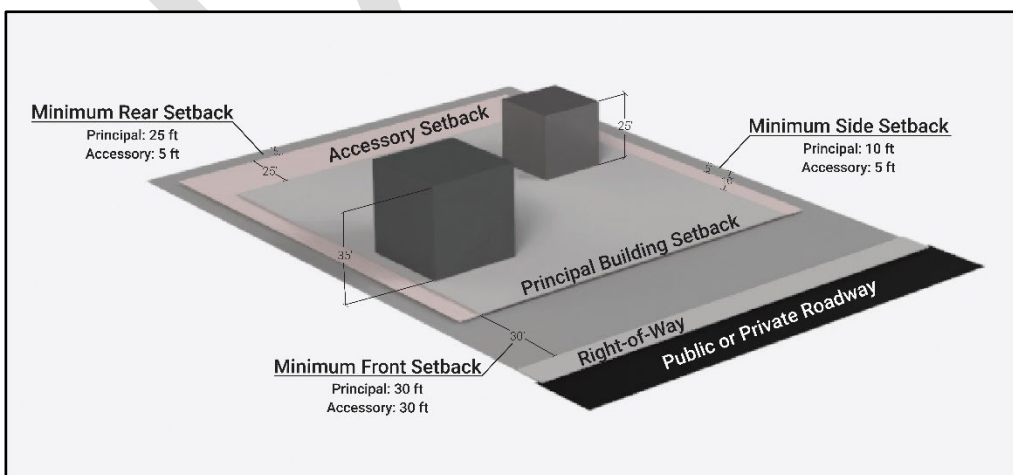
2) DENSITY. Land zoned SFR has a maximum net density of five dwelling units per acre.

3) TABLE 7.016(3): SFR DIMENSIONAL STANDARDS

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 25 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	25 ft.

**Front yards also subject to road right-of-way setbacks as listed in s. 7.106.*

4) FIGURE 7.016(4): SFR DIMENSIONAL STANDARDS



7.017 RURAL RESIDENTIAL ZONING DISTRICT (RR). The rural residential (RR) zoning district is intended for limited residential uses with a rural character to accommodate single-family uses and a variety of accessory and ancillary uses, including small-scale farming appropriate to a rural setting, on compact parcels. Uses are compatible with both residential and farming practices, and do not require urban services. The RR district should be applied to areas adjacent to agricultural and open space areas or in areas transitioning to a residential area.

1) **LOT SIZE & LAND DIVISION.** The rural residential zoning district has a minimum lot size of 1 acre.

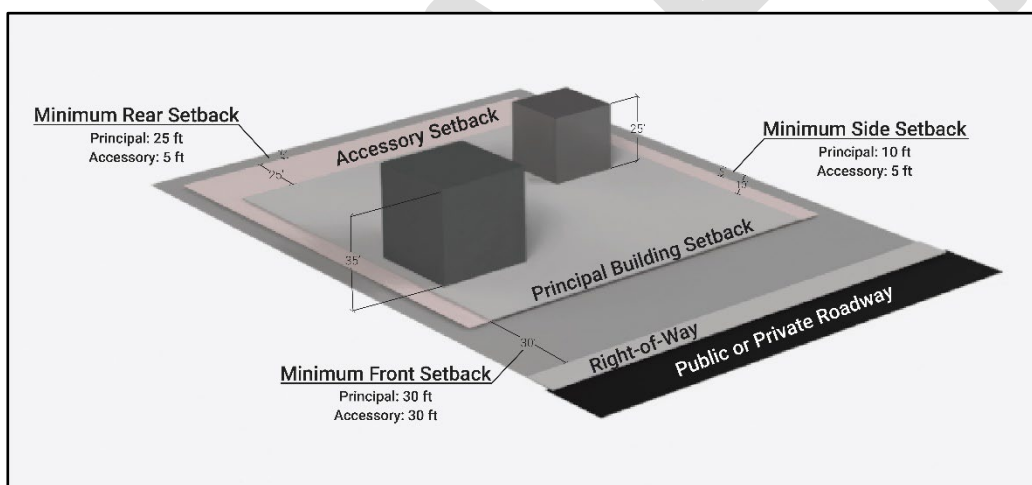
2) **DENSITY.** Land zoned RR has a maximum net density of one dwelling unit per acre.

3) **TABLE 7.017(3): RR DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 25 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	25 ft.

*Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

4) **FIGURE 7.017(4): RR DIMENSIONAL STANDARDS**



7.018 MULTI-FAMILY RESIDENTIAL ZONING DISTRICT (MFR). The multi-family residential (MFR) zoning district is intended to accommodate 2 or more dwellings on single or multiple lots. This district is applied in areas where the land use pattern is predominantly multi-family residential, including residential units as part of resorts or manufactured home communities, and where such land use patterns are desired in the future.

1) **LOT SIZE & LAND DIVISION.** The multi-family residential zoning district has a minimum lot size based on the number of dwellings as listed in Table 7.018(1): MFR Minimum Lot Size.

MFR Minimum Lot Sizes						
Number of Dwellings	(a) 2	(b) 3	(c) 4	(d) 5	(e) 6	(f) Each addition over 6
(1) Sewered	8,000 sq. ft.	13,000 sq. ft.	15,000 sq. ft.	17,000 sq. ft.	18,000 sq. ft.	1,000 sq. ft. per

						additional dwelling
(2) Unsewered	20,000 sq. ft.	25,000 sq. ft.	30,000 sq. ft.	35,000 sq. ft.	40,000 sq. ft.	5,000 sq. ft. per additional dwelling

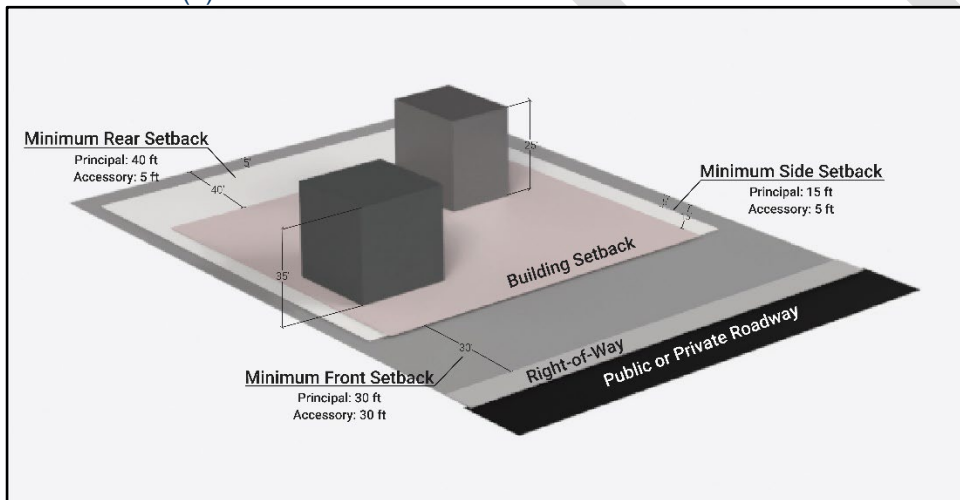
2) **DENSITY.** Lands zoned multi-family residential have a maximum net density of two (2) to six (6) dwellings per acre.

3) **TABLE 7.018(3): MFR DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 15 ft. Rear: 40 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 5 ft.	25 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

4) **FIGURE 7.018(4): MFR DIMENSIONAL STANDARDS**



7.019 PUBLIC OPEN SPACE ZONING DISTRICT (POS). The public open space (POS) zoning district is intended to preserve natural scenic areas, provide outdoor recreational opportunities, and protect natural resources. This district shall include land uses dedicated to outdoor recreation such as public parks, state recreational land, and river corridors.

1) **TABLE 7.019(1): POS DIMENSIONAL STANDARDS.**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	N/A	*Front: 30 ft. Side: 10 ft. Rear: 20 ft.	50 ft.
Accessory	N/A	*Front: 30 ft. Side: 10 ft. Rear: 20 ft.	35 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

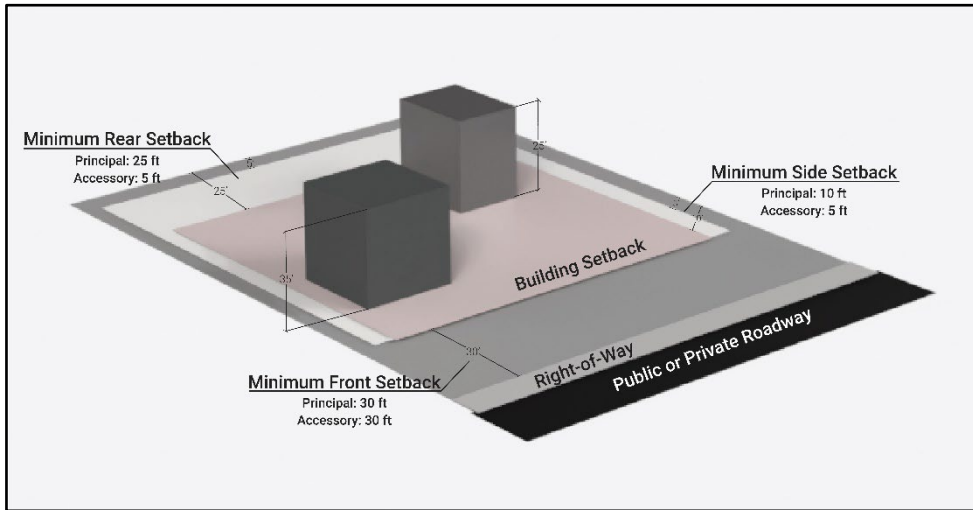
Sauk County Zoning Ordinance



3) TABLE 7.020(3): RUC DIMENSIONAL STANDARDS.

**** Side and rear yards must be increased in depth by 1 foot from the minimum setback requirement for each additional 1 foot of height greater than 35 feet in height of any structure that exceeds 35 feet in height.**

4) FIGURE 7.020(4): RUC DIMENSIONAL STANDARDS



7.021 LIMITED COMMERCIAL DISTRICT (LC). The limited commercial district (LC) is intended to serve either as a buffer between residential districts and commercial or industrial districts or to establish local centers for small scale, convenient, limited retail or service outlets that cater to the surrounding residential neighborhood. The district permits a mixture of uses intended to protect and enhance adjacent residential uses. Site and architectural design should be compatible with surrounding land uses.

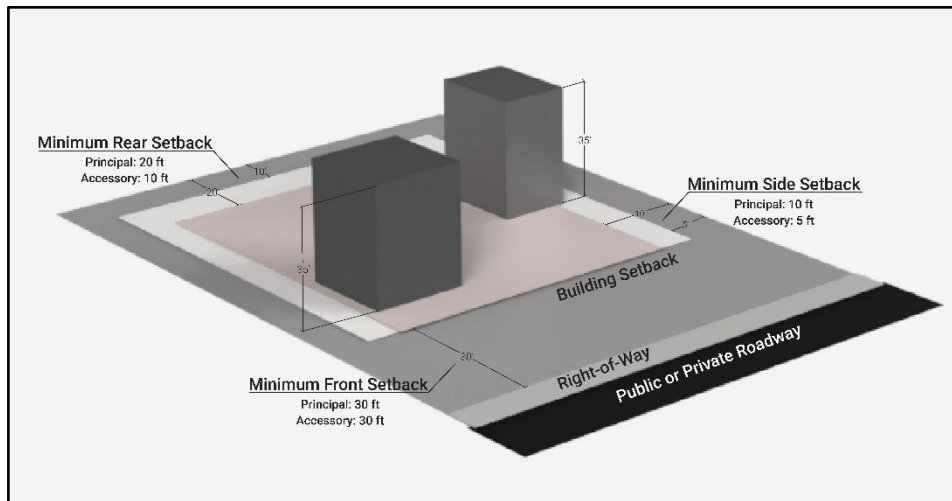
- 1) **LOT SIZE.** A minimum lot size of 20,000 square feet.
- 2) **LOT COVERAGE.** Maximum of 50% of all buildings on the property.
- 3) **TABLE 7.021(3): LC DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 30 ft. Side: 10 ft. Rear: 20 ft.	35 ft.
Accessory	100 ft.	*Front: 30 ft. Side: 5 ft. Rear: 10 ft.	35 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

** Side and rear yards must be increased in depth by 1 foot from the minimum setback requirement for each additional 1 foot of height greater than 35 feet in height of any structure that exceeds 35 feet in height.

4) FIGURE 7.021(4): LC DIMENSIONAL STANDARDS



7.022 COMMERCIAL ZONING DISTRICT (COM). The commercial (COM) zoning district provides for a broad range of commercial uses to promote economic viability. The district caters to highway-oriented businesses as well as basic shopping and service uses for the broader community.

1) **LOT SIZE.** The commercial zoning district has a minimum lot size of 20,000 sq. ft.

2) **LOT COVERAGE:** Maximum of 50% of all buildings on the property.

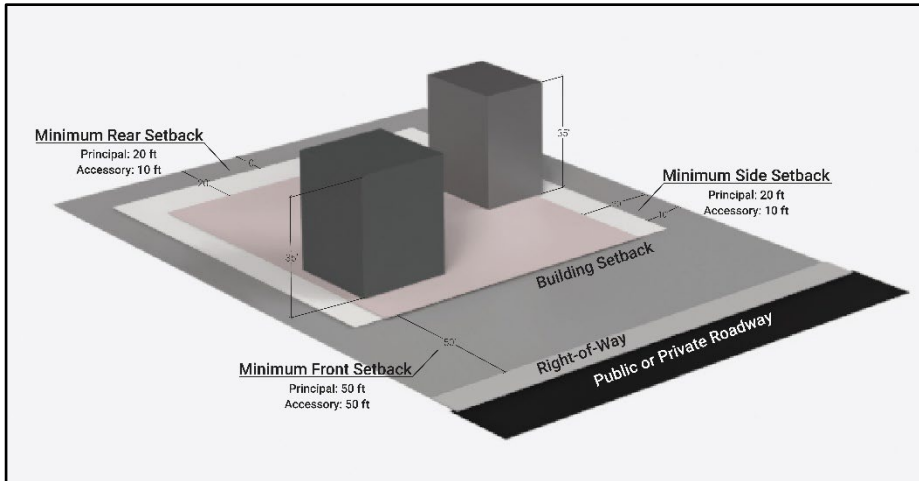
3) **TABLE 7.022(3): COM DIMENSIONAL STANDARDS.**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	75 ft.	*Front: 50 ft. **Side: 20 ft. **Rear: 20 ft.	35 ft.
Accessory	75 ft.	*Front: 50 ft. **Side: 10 ft. **Rear: 10 ft.	35 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

** Side and rear yards must be increased in depth by 1 foot from the minimum setback requirement for each additional 1 foot of height greater than 35 feet in height of any structure that exceeds 35 feet in height.

4) FIGURE 7.022(4): COM DIMENSIONAL STANDARDS



7.023 RECREATION COMMERCIAL ZONING DISTRICT (RCOM). The recreation commercial (RCOM) zoning district provides for a broad range of tourism, entertainment, and recreational uses and is intended to accommodate retail and service establishments in order to promote economic vitality. The district aims to accommodate these types of uses while protecting surrounding properties from excessive noise, traffic, drainage, and other potential nuisances.

1) **LOT SIZE.** The recreation commercial zoning district has a minimum lot size of 1 acre.

2) **LOT COVERAGE.** The maximum lot coverage of all buildings is 45%.

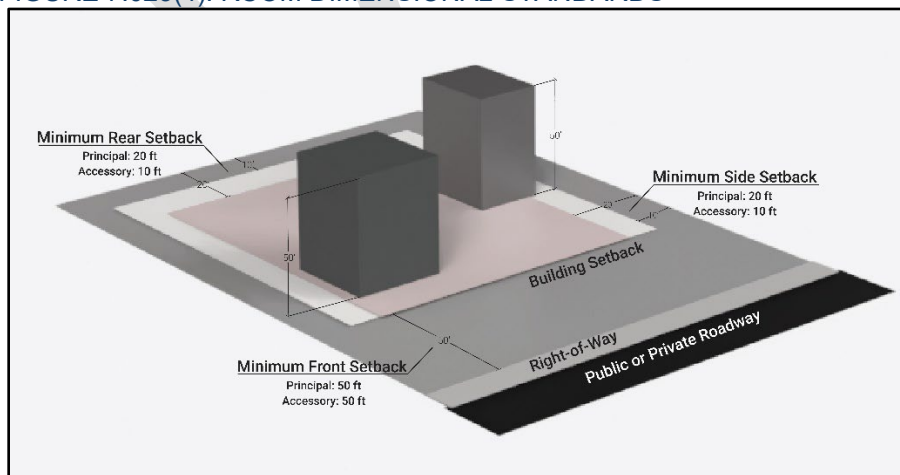
3) **TABLE 7.023(3): RCOM DIMENSIONAL STANDARDS.**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 50 ft. **Side: 20 ft. **Rear: 20 ft.	50 ft.
Accessory	100 ft.	*Front: 50 ft. **Side: 10 ft. **Rear: 10 ft.	50 ft.

* Front yards also subject to road right-of-way setbacks as listed in s. 7.106.

**Side and rear yards must be increased in depth by 1 foot from the minimum setback requirement for each additional 1 foot of height greater than 50 feet in height of any structure that exceeds 50 feet in height.

4) **FIGURE 7.023(4): RCOM DIMENSIONAL STANDARDS**



7.024 INDUSTRIAL ZONING DISTRICT (IND). The industrial (IND) zoning district is intended to accommodate high-impact manufacturing, industrial, or other use, which may not be compatible with residential or mixed development uses. The purpose of the district is to group industrial uses in locations that have adequate and convenient access to major streets, highway and railroad lines.

1) **LOT SIZE & LAND DIVISION.** The industrial zoning district has a minimum lot size of one acre.

2) **LOT COVERAGE.** The maximum lot coverage of all impervious surfaces is 75%.

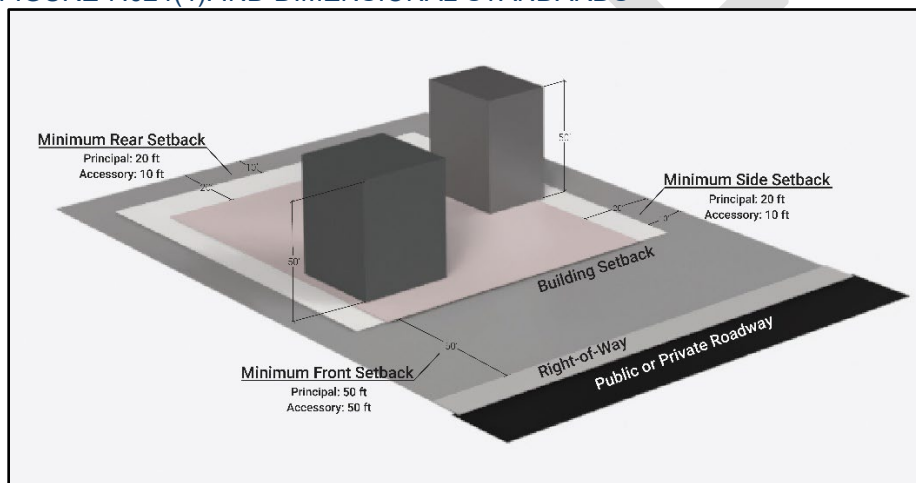
3) **TABLE 7.024(3): IND DIMENSIONAL STANDARDS**

Building Type	Minimum Lot Width at Building Setback Line	Minimum Lot Line Setbacks	Maximum Building Heights
Principal	100 ft.	*Front: 50 ft. **Side: 20 ft. **Rear: 20 ft.	50 ft.
Accessory	100 ft.	*Front: 50 ft. **Side: 10 ft. **Rear: 10 ft.	50 ft.

**Front yards also subject to road right-of-way setbacks as listed in s. 7.106.*

***Side and rear yards must be increased in depth by 1 foot from the minimum setback requirement for each additional 1 foot of height greater than 50 feet in height of any structure that exceeds 50 feet in height.*

4) **FIGURE 7.024(4): IND DIMENSIONAL STANDARDS**



7.025 [Reserved]

7.026 LOT LINES. If a lot was originally created by certified survey map or subdivision plat, lot lines may only be dissolved by a new certified survey map or subdivision plat. Any modifications to the boundaries or lot lines of the original CSM or subdivision boundaries shall be created by a certified survey map or by new subdivision plat.

7.027 PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT (PUD). The Planned Unit Development (PUD) district is intended to promote improved development design by allowing greater flexibility and imagination in rural development while ensuring compliance with the intent of the zoning ordinance and adopted plans. The Planned Unit Development District may be used to permit new or innovative concepts in land utilization or diversification that could not be accomplished under conventional zoning. Any combination of residential, commercial, industrial, public or recreational uses as authorized by the underlying zoning district and Agency may be permitted.

7.028 SCENIC CORRIDOR OVERLAY DISTRICT (SC). The Scenic Corridor (SC) overlay district is intended to protect, maintain, and enhance the rural character, cultural viewscape, scenic beauty, natural landscape, dark sky, safe transportation, economic health, and residential growth in connection with areas designated as scenic corridors.

- 1) **DESIGNATION.** The Scenic Corridor (SC) overlay district is designated over and within 500 feet of either side of the right-of-way line on all current and future Rustic Roads and Scenic Byways as designated by the Wis. Stats. Ch. Trans-RR 1 and Ch. Trans 202. This district shall also be designated over and within 500 feet of either side of the right-of-way line of US Hwy 12, State Hwy 23, State Hwy 136, State Hwy 33 east of the City of Baraboo, State Hwy 113, County Rd DL and any other corridor as shown on the official zoning map, as designated by the Agency to contain the cultural, natural, or scenic beauty along its route.
- 2) **DEVELOPMENT STANDARDS.** Any development of signs including but not limited to the regulation of the number, location, size, type, illumination and other physical characteristics of signs. This includes but is not limited to new construction, structure alteration, or addition located within the SC and must adhere to the development standards of the underlying zoning district and additional restrictions as designated in subchapters V and X of this ordinance.

7.029 TRI-COUNTY AIRPORT OVERLAY DISTRICT (TAP). The Tri-County Airport (TAP) Overlay District is adopted pursuant to Wis. Stats. Ch. 114 and Wis. Stats. § 59.03, § 59.04, § 59.69, and § 66.0301. The purpose of the district is to regulate the use of property and restrict the height of structures and growth within the Tri-County Regional Airport; and to protect and promote the health, safety, and general welfare as well as safety of the public and property in connection with the use and operation of the airport. The Ordinance is intended to implement the Airport Master Plan and comply with state and federal regulations pertaining to aviation. Richland and Sauk County each declare adopting these regulations that Tri-County Regional Airport is a public facility.

- 1) **DESIGNATION.** The Tri-County Airport overlay district is designated on all the Airport's current and future commercial or public runways, associated airport structures, lands, and surrounding property into zones as outline in subchapter X of this ordinance.
- 2) **DEVELOPMENT STANDARDS.** Any development including but not limited to new construction, structure alteration, or addition located within the TAP must adhere to the development standards of the underlying zoning district and additional restrictions as designated in subchapter X of this ordinance.

7.030 LAND USE CATEGORIES AND PRINCIPAL USES. Uses are grouped by category in the use table. Use categories are not zoning districts. Use categories provide a general classification of land uses and activities based on potential common functional or physical characteristics. Characteristics may include the type and amount of activity, likely impact on surrounding properties, and site conditions. Land uses which overlap multiple categories shall be permitted as the most intensive use pursuant to the decision of the zoning administrator. Additional conditions may be added as needed.

7.031 USES NOT PROVIDED FOR WITHIN ZONING DISTRICTS. Whenever in a zoning district, a use is not specifically listed in the use table, the use will be considered prohibited. It is recognized; however, that in the development of the zoning ordinance (1) not all uses of land can be listed, nor can all future uses be anticipated; (2) a use may have been inadvertently omitted from the list of those specified as permitted or conditional in the various zoning districts designated; and (3) ambiguity may arise concerning the appropriate classification of a particular use within the meaning and intent of the ordinance. Therefore, the phrase "plus such other uses deemed to be similar and not more obnoxious or detrimental to the public health, safety, and welfare will be unmentioned," but included in the respective list of permitted or conditional uses in each district. In such cases, the Agency, on their own initiative or upon request by the Zoning Administrator, may conduct a study to determine if the use is acceptable and if so, what zoning district would be most appropriate and the determination as to the conditions or standards relating to the development of such a use be included. The Agency or property owner must, if appropriate, initiate an amendment to the zoning ordinance to provide for a particular use under consideration or must find that the use is not compatible for development in the County.

7.032 USE TABLE KEY. The Use Table lists 14 principal land use categories: agriculture; community; education; food business; home-based business; general; industrial; recreational; residential; resource; transportation; retail sales and service; storage and construction; and waste uses. Uses are listed within each principal land use category. The table shows within what zoning district the land use is permitted and the applicable permitting process. Each use must also comply with applicable regulations in this chapter including the issuance of a land use permit by the Zoning Administrator when applicable, development standards, and use regulations in this subchapter as referenced in the use table key. This table should be read in close conjunction with the definitions section of this ordinance and the other interpretive provisions as set forth.

- 1) **PERMITTED (P).** The use is permitted in the respective zoning district following the issuance of a land use permit by the zoning administrator, except as otherwise provided for in this chapter, and is subject to all applicable requirements in this chapter.
- 2) **CONDITIONAL USE (C).** The use may be permitted in the respective zoning district only after approval by the agency in accordance with the standards of this chapter and following the issuance of a land use permit by the zoning administrator.
- 3) **ACCESSORY (A).** The use is permitted only as an accessory use to another use that is permitted as a by right or conditional use in the applicable district.
- 4) **TEMPORARY (T).** The use is permitted in the respective zoning district for a specific amount of time following the issuance of a land use permit by the zoning administrator, except as otherwise provided for in this chapter, and is subject to all applicable requirements in this chapter.
- 5) **BLANK CELL.** The use is not permitted in the respective zoning district.
- 6) **USE REGULATIONS.** Uses must meet applicable use regulations in subchapter IV, if noted as applicable in the table.
- 7) **DEVELOPMENT STANDARDS.** All uses must be constructed to meet applicable development standards subchapter V.
- 8) **ADDITIONAL REGULATIONS MAY APPLY.** The fact that a use is shown as permitted by right or as a conditional use does not always mean that the project may proceed. Other County Ordinances or other sections of this Ordinance may result in a permitted use, or a conditional use not allowed to proceed depending upon the way these other provisions apply.

P = Permitted, C = Conditional Use, A/P = Permitted Accessory, A/C = Conditional Accessory, T = Temporary, Blank Cell = Not Permitted
EA = Exclusive Agriculture, RC = Resource Conservancy, AG = Agriculture,
SFR = Single-Family Residential, RR = Rural Residential, MFR = Multi-Family Residential, RUC = Rural Community,
LC = Limited Commercial, COM = Commercial, RCOM = Recreational Commercial, IND = Industrial,
POS = Public Open Space

Principal Use	(a) EA	(b) RC	(c) AG	(d) SFR	(e) RR	(f) MFR	(g) LC	(h) RUC	(i) COM	(j) RCOM	(k) IND	(l) POS	Use Regulations
7.033 AGRICULTURAL USES.													
1) Agriculture-related use.	C	C	C				P	C	P		P	P	
2) Agricultural tourism, major	A/C	A/C	A/C				P	A/C	P	P		P	s. 7.053
3) Agricultural tourism, minor	A/P	P	P		P			P		P		P	s. 7.053
4) Aquaculture, or hydroponic facility.	A/P	P	P						P		P		s. 7.057
5) Agriculture.	P	P	P		A/P			A/P		P		P	
6) Agricultural venue.		C	C				C	C	P	P		P	s. 7.054
7) Poultry and beekeeping residential			P	P	P	P	P	P	P	P			s. 7.085
8) Controlled Environment Agriculture (CEA).	P	P	P						P		P		
9) Sawmill Facility.	C	C	C						P		P		s. 7.089
10) Livestock structure, Manure storage.	P	P	P		A/P					C		P	s. 7.078
11) Livestock harvest facility.			C						C		C		s. 7.073
12) Stable and equestrian facility.	A/C	C	C						P	C			
7.034 COMMUNITY USES.													
1) Cemetery, mausoleum	C	P	P		C		P	P	P	P		P	s. 7.063
2) Childcare center.		C	C				P	P	P	C			s. 7.064
3) Childcare center, family.	A/P	P	P	P	P	P	P	P	P	P			s. 7.066
4) Government facilities, buildings and uses.	C	P	P	P	P	P	P	P	P	P		P	
5) Health care facilities.							C	C	P				
6) Places of worship	C	P	P		P		P	P	P	P			
7.035 EDUCATION USES.													
1) Museum.			C				P	P	P	P	P	P	
2) Educational institution.		C	C				P	P	P	P		P	s. 7.071
7.036 FOOD BUSINESS USES.													
1) Eating establishment.			C				P	P	P	P			s. 7.072
2) Eating establishment, mobile or temporary.							P	P	P	P	P	P	s. 7.072

P = Permitted, C = Conditional Use, A/P = Permitted Accessory, A/C = Conditional Accessory, T = Temporary, Blank Cell = Not Permitted
 EA = Exclusive Agriculture, RC = Resource Conservancy, AG = Agriculture,
 SFR = Single-Family Residential, RR = Rural Residential, MFR = Multi-Family Residential, RUC = Rural Community,
 LC = Limited Commercial, COM = Commercial, RCOM = Recreational Commercial, IND = Industrial,
 POS = Public Open Space

Principal Use	(a) EA	(b) RC	(c) AG	(d) SFR	(e) RR	(f) MFR	(g) LC	(h) RUC	(i) COM	(j) RCOM	(k) IND	(l) POS	Use Regulations
7.036 FOOD BUSINESS USES CONTINUED.													
3) Brewery, Winery, or Distillery.							C	C	P	C			s. 7.097
4) Food processing facility, or meat market	C	C	C				C	P	P	C	P		s. 7.073
7.037 HOME BASED BUSINESS USES.													
1) Home-based business, minor.	A/P	P	P	P	P	P	P	P	P	P			s. 7.075
2) Home based business, major.	A/C	C	C		C		P	C	P	P			s. 7.075
3) Kennel, residential.	A/P	P	P	P	P	P							s. 7.076
7.038 GENERAL USES.													
1) Accessory structure	P	P	P	P	P	P	P	P	P	P	P	P	s. 7.051
2) Accessible elements.	P	P	P	P	P	P	P	P	P	P	P	P	s. 7.050
3) Ponds.	P	P	P	P	P	P	P	P	P	P	P	P	s. 7.083
4) Portable storage unit.	T	T	T	T	T	T	T	T	T	T	T	T	s. 7.085
5) Office.							P	P	P		P	P	
7.039 INDUSTRIAL USES.													
1) Biofuel manufacturing.											C		s. 7.060
2) Manufacturing, Minor.	A/C	A/C	C				C	C	P		P		s. 7.080
3) Manufacturing, Major.									C		P		s. 7.080
4) Lab or Research Facility									C		P		
5) Truck terminals, Wholesale distribution facility.			C					C	P		P		
6) Colony House									C		P		s. 7.067
7.040 RECREATIONAL USES.													
1) Animal rescue or sanctuary.		C	C					C	P	C		C	s. 7.056
2) Recreation facility, indoor.		C	C				P	P	P	P		P	
3) Recreation facility, outdoor.		C	C				C	C	P	P		P	
4) Sport shooting range.			C						C	C			s. 7.094
5) Special Event	T	T	T				T	T	T	T		T	s. 7.093
6) Bed & Breakfast establishment.	P	P	P	C	C		P	P	P	P			s. 7.059
7) Campground.			C							P		P	s. 7.061

P = Permitted, C = Conditional Use, A/P = Permitted Accessory, A/C = Conditional Accessory, T = Temporary, Blank Cell = Not Permitted
 EA = Exclusive Agriculture, RC = Resource Conservancy, AG = Agriculture,
 SFR = Single-Family Residential, RR = Rural Residential, MFR = Multi-Family Residential, RUC = Rural Community,
 LC = Limited Commercial, COM = Commercial, RCOM = Recreational Commercial, IND = Industrial,
 POS = Public Open Space

Principal Use	(a) EA	(b) RC	(c) AG	(d) SFR	(e) RR	(f) MFR	(g) LC	(h) RUC	(i) COM	(j) RCOM	(k) IND	(l) POS	Use Regulations
7.040 RECREATIONAL USES CONTINUED.													
8) Primitive hunting cabin.	P	P	P										
9) Hotel, motel.									P	P			
10) Short-term rental, tourist rooming house.	A/P	P	P	C	C	C		P		P			s. 7.090
7.041 RESIDENTIAL USES.													
1) Accessory dwelling.	A/P	P	P	P	P	P		P		P			s. 7.049
2) Caretakers residence.							P	P	P	P		P	s. 7.062
3) Community living arrangements (8 or fewer persons)	P	P	P	P	P	P	P	P					s. 7.066
4) Community living arrangements (9 to 15 persons)		P	P	P	P	P	P	P					s. 7.066
5) Community living arrangements (16 or more persons)		P	P	P	P	P	P	P					s. 7.066
6) Dwelling used temporarily during construction.	T	T	T	T	T	T		T		T			s. 7.070
7) Mobile home community.						C							s. 7.079
8) Multi-family dwelling, 2 units.	A/C	C	P			P		P		P			s. 7.069
9) Multi-family dwelling, 3 or more units.						P							s. 7.069
10) Single family dwelling.	P/C	P	P	P	P	P		P		P			s. 7.069
7.042 RESOURCE USES.													
1) Nonmetallic mining site, one acre or greater.			C										s. 7.081
2) Nonmetallic mining site, less than 15 acres, not exceeding 24 months.	C	C	C										s. 7.082
3) Solar Energy, accessory system.	A/P	P	P	P	P	P	P	P	P	P	P	P	s. 7092
4) Solar energy system, small.	A/C	C	C				C		C	C	C		s. 7092
5) Wind energy system, small.	A/P	P	P	P	P	P	P	P	P	P	P	P	s. 7.096
6) Wind energy systems, large.	A/C	C	C				C		C	C	C		s. 7.096
7) Gasification energy system.	A/C	C	C								P		s. 7.074

P = Permitted, C = Conditional Use, A/P = Permitted Accessory, A/C = Conditional Accessory, T = Temporary, Blank Cell = Not Permitted
 EA = Exclusive Agriculture, RC = Resource Conservancy, AG = Agriculture,
 SFR = Single-Family Residential, RR = Rural Residential, MFR = Multi-Family Residential, RUC = Rural Community,
 LC = Limited Commercial, COM = Commercial, RCOM = Recreational Commercial, IND = Industrial,
 POS = Public Open Space

Principal Use	(a) EA	(b) RC	(c) AG	(d) SFR	(e) RR	(f) MFR	(g) LC	(h) RUC	(i) COM	(j) RCOM	(k) IND	(l) POS	Use Regulations
7.043 TRANSPORTATION													
1) Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	
2) Mobile service facility.	C	C	C	C	C	C	C	C	C	C	C	C	Subch. IX
3) Airport, landing strip, or heliport.		C	C							C			s. 7.055
7.044 RETAIL SALES AND SERVICE USES.													
1) Art gallery or studio.	A/P	P	P	P	P	P	P	P	P	P			
2) Commercial Kennel, Veterinary Services, or Colony House.			C				P	P	P	P			s. 7.065
3) Retail establishment, indoor.							P	P	P	P			
4) Retail establishment, outdoor.							C	C	P	P			s. 7.087
5) Tannery.									C		C		s. 7.089
6) Automotive service and repair facility.			C				P	P	P		P		s. 7.058
7) Small-engine repair.			C				C	C	C		P		s. 7.091
8) Tasting Room Standalone.							C	C	P	P			s. 7.100
9) Adult Establishment									P		P		s. 7.052
7.045 STORAGE AND CONSTRUCTION USES.													
1) Contractor's Shop or Storage Yard.	A/P	P	P					C	P	P	P		s. 7.068
2) Warehousing, self-storage facility, or mini warehousing.							C	C	P		P		s. 7.095
3) Concrete and asphalt plants.			C								P		
7.046 WASTE USES.													
1) Composting facility, recycling center, waste transfer station.											C		s. 7.067
2) Salvage yard.			C						C		P		s. 7.088
3) Landfill.			C								P		s. 7.077
4) Rendering plant facility.											C		s. 7.086

SUBCHAPTER IV: USE REGULATIONS:

7.047 APPLICABILITY. This subchapter establishes standards for the uses listed in each section. These standards:

- 1) Supplement the standards in the Zoning Districts and/or the Development Standards, or
- 2) Where indicated, may supersede the standards in the Zoning Districts or Development Standards.

7.048 RELATIONSHIP TO THE USE TABLE. This subchapter applies regardless of the zoning district where the use is located or whether the use is permitted by right or as a conditional use, unless otherwise indicated in this subchapter.

7.049 ACCESSORY DWELLING.

- 1) **PROVISIONS.** All accessory dwellings must meet the following:
- 2) An accessory dwelling will only be established provided the following conditions are met:
 - a) An accessory dwelling can be established through one of the following actions:
 - (1) Converting existing living area, attic, basement, garage; or
 - (2) Adding floor area to the existing dwelling; or
 - (3) Constructing a detached accessory dwelling on the same parcel as the existing principal dwelling.
- 3) The lot or parcel must contain a principal dwelling. The accessory dwelling cannot be setback more than 100 feet from the principal dwelling, measuring from the closet point of the foundations.
- 4) No more than one accessory dwelling will be permitted per lot or parcel.
- 5) Lots or parcels accommodating an accessory dwelling must meet the minimum lot size for the applicable zoning district or established as a lot of record one acre or greater.
- 6) Private on-site wastewater treatment system verification is required to assure that the system can accommodate the addition of an accessory dwelling and, if needed, upgrades to the system will be required or a separate system to serve the accessory dwelling.
- 7) The size of the accessory dwelling shall not exceed 1,000 square feet.
- 8) No accessory dwelling shall have more than two bedrooms.
- 9) Accessory dwelling units shall not be sold separately from the principal dwelling, nor divided to place an accessory dwelling on a separable lot to be sold.
- 10) A lot or parcel of land containing an accessory dwelling shall be occupied by the owner of the premises. The owner may live in either the accessory dwelling or the principal dwelling residence.
- 11) The accessory dwelling must comply with all setbacks.
- 12) All accessory dwellings shall be placed on a foundation.
- 13) Any structural addition to the principal dwelling or the construction of a separate structure for the accessory dwelling shall meet all uniform dwelling code requirements.
- 14) The orientation of the proposed accessory dwelling shall to the maximum extent practical maintain the privacy of residents of adjoining dwellings on neighboring parcels. The zoning administrator or agency may require additional screening between the property containing the accessory dwelling and adjacent properties.
- 15) Accessory dwellings shall not increase the net density of a lot.
 - a) Accessory dwellings in the exclusive agriculture and resource conservancy zoning districts shall not require additional density credits.

7.050 ACCESSIBLE ELEMENT. The addition of an accessible element to a structure must include a condition that the structure be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be used as a public accommodation if located within a setback.

1) REASONABLE ACCOMMODATIONS FOR HANDICAPPED PERSONS.

- a) The Zoning Administrator may issue a land use permit that waives specified setback requirements of this ordinance, if it is determined that the requested accommodation meets all the following:

(1) It is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations.

(2) It is the minimum accommodation that will give the handicapped or disabled person adequate relief.

(3) It will not unreasonably undermine the basic purposes of this ordinance.

b) If the Zoning Administrator issues a land use permit that waives specified zoning provisions, the permit will include a condition that the structure authorized by the permit must be removed not more than 30 days after the handicapped or disabled person vacates the property or the structure ceases to be a public accommodation. The permit will not become effective until the property owner records a deed restriction in a format acceptable to the Department with the Sauk County Register of Deeds setting forth the condition that the structure authorized by the permit must be removed as required.

c) Only one accessible element to any structure may project into the road setback.

7.051 ACCESSORY STRUCTURES. Accessory structures must comply with all building setback requirements. The standards for accessory structures will be as follows:

1) No portable storage unit including but not limited to cargo-shipping containers, semi-trailers; or mobile homes or other inoperable vehicles will be wholly or in part used as an accessory structure.

2) **TABLE §. 7.051(2): ACCESSORY STRUCTURE SIZE, NUMBER AND SETBACKS.**

Lot Size (acres)	Maximum # of accessory structures allowed	Maximum combined floor area of accessory structures
<0.5 acres	2	720 sq. ft.
0.5 < 1 acre	2	1,020 sq. f.t
1 < 2 acres	3	2,500 sq. ft.
2 < 3 acres	3	3,000 sq. ft.
3 < 4 acres	4	3,500 sq. ft.
4 < 5 acres	4	4,000 sq. ft.
5 < 10 acres	5	4,500 sq. ft.
10+ acres	5	No more than 3% of the lot or tract

a) **Agricultural Structures.** New and existing structures utilized for an active agricultural farm operation are exempt from these size restrictions when located within the AG, EA, or RC zoning districts. Structures for agricultural uses may be erected to a height exceeding 75 feet provided the front, side, and rear yards in the district in which the structure is to be located are increased at least 1.5 feet from the minimum setback requirement for each additional one foot of height greater than 75 feet in height.

7.052 ADULT ESTABLISHMENT (Sexually Oriented Business). It is the intent of these regulations to protect the public health, safety general welfare, and morals of the residents of Sauk County, to preserve the quality of life, to preserve the rural and urban character of its neighborhoods in Sauk County and to prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods. Being mindful of the effects of adult entertainment on minors and criminal activity and disruption of public peace associated with adult establishments, while also giving due consideration to civil rights or persons partaking in adult entertainment, it is the intent of these regulations to provide guidelines for the establishment of such uses in Sauk County. By enacting these provisions, the Sauk County Board of Supervisors does not intend to give any explicit, implicit, or tacit approval or condone any activity relating to adult entertainment.

1) **CLASSIFICATION.** Sexually oriented businesses are classified as follows:

a) Adult arcades.

b) Adult Book stores, adult novelty stores, or adult video stores.

c) Adult cabarets.

d) Adult motion picture theaters.

e) Adult theaters.

f) Escort agencies.

2) **LICENSE REQUIRED.**

a) An adult establishment license, subject to the provisions of section 7.162 Adult Establishment (Sexually Oriented Business) License: Review Procedure and Standards of this ordinance, is required

for the establishment of a sexually oriented business, and it shall be a violation of this ordinance section for any person to operate a sexually oriented business without a valid license issued by the Department under this ordinance section. Each day that the operation continues without a license is considered a separate and distinct violation subject to civil forfeiture.

3) STANDARDS. In addition to the other applicable requirements outlined in this ordinance, Adult Entertainment Establishments (Sexually oriented businesses) must meet the following standards:

a) Location of Sexually Oriented Businesses.

(1) A person commits a violation of this ordinance if that person operates or causes to be operated a sexually oriented business in any zoning district other than the Industrial zoning district, as defined in this Ordinance. A sexually oriented business shall be considered a permitted use. Each day that the operation continues is considered a separate and distinct violation subject to civil forfeiture.

(2) A person commits a violation of this ordinance if the person operates or causes to be operated a sexually oriented business within 1000 feet of:

(a) A church, cemetery, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.

(b) A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities primarily used for another purpose and only incidentally as a school;

(c) A boundary of a single-family residential district, rural residential district, multi-family residential district, rural community district, or public open space district as defined by this ordinance.

(3) A person commits a violation of this ordinance if that person causes or permits the establishment or transfer of ownership or control of a sexually oriented business within five hundred (500) feet of another sexually oriented business.

(4) A person commits a violation of this ordinance if that person causes or permits the establishment of more than one sexually oriented business in the same building, structure, or portion thereof.

(5) For the purpose of subsection (2) of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection (2). Presence of a county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.

(6) For purposes of subsection (3) of this section, the distances between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

(7) Any sexually oriented business lawfully operating on the adoption of this ordinance that is in violation of sections 1-6 above shall be deemed a legal pre-existing use. The legal pre-existing use will be permitted to continue so long as the establishment of a new sexually oriented business does not occur on the premises or within the structure as defined in section 7.011(6)(q) hereof and as provision of Section 7.162 are satisfied.

(8) A sexually oriented business lawfully operating with a license issued under this ordinance section is not in violation of this ordinance by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection (2) or (3) of this section within five hundred (500) feet of the sexually oriented business. This provision applies only to the renewal of a valid license and does not apply when an application for a permit is submitted after a license has expired or been revoked.

b) Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos or Live Entertainment in Viewing Rooms.

(1) A person who operates or causes to be operated a sexually oriented business, which exhibits

on the premises a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- (a) Upon application for a sexually oriented license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the license will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated right-of-way or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. The County may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - (b) The application shall be sworn to be true and correct by the applicant.
 - (c) No alteration in the configuration or location of a manager's station may be made without the prior approval of the County.
 - (d) It is the duty of the licensee of the premises to ensure that at least one employee is on duty and always situated in the manager's station when any patron is present inside the premises.
 - (e) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purposes, excluding the restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - (f) It shall be the duty of the licensee to ensure that the view area specified remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to subsection (a) of this section.
 - (g) No viewing room may be occupied by more than one person at any time.
 - (h) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
 - (i) It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
 - (j) No licensee shall allow openings of any kind between viewing rooms or booths.
 - (k) No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
 - (l) The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
 - (m) The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
 - (n) The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight (48) inches of the floor.
- (2) A person having a duty under subsection (a) through (n) of subsection (b)(1) above commits a violation of this ordinance if he knowingly fails to fulfill that duty. Each day that the violation continues is to be considered a separate and distinct violation subject to civil forfeiture.

c) Additional Regulations for Escort Agencies.

- (1) An escort agency shall not employ any person under the age of 18 years.
 - (2) A person commits an offense if the person acts as an escort and agrees to act as an escort for any person under the age of 18 years.
- d) **Prohibition Against Children in a Sexually Oriented Business.**
 - (1) A person commits a violation of this ordinance if the person knowingly allows a person under the age of 18 years on the premises of a sexually oriented business. Each admission is a separate and distinct violation subject to civil forfeiture.
- e) **Hours of Operation.**
 - (1) No sexually oriented business may remain open at any time between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M.
- f) **Exceptions.**
 - (1) The provisions of this ordinance do not apply to the following establishments: theaters, performing arts centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis; and in which the predominant business or attraction is not the offering of entertainment which is intended for sexual interests or titillation of customers; and where the establishment is not distinguished by an emphasis on or the advertising or promotion of nude or semi-nude performances. While expressive live nudity may occur within these establishments, this ordinance seeks only to minimize and prevent the secondary effects of sexually oriented businesses on the community. Negative secondary effects have not been associated with the establishments referenced in this section.

7.053 AGRICULTURAL TOURISM.

- 1) **PURPOSE.** The standards for agricultural tourism are intended to allow reasonable tourism and economic development opportunities, which are incidental to the use of the premises as an agricultural operation; are compatible with the residential or agricultural use; are limited in extent; and do not detract from the residential or agricultural character of the area.
 - a) **Licenses.** A copy of all licenses and permits as may be necessary for proposed uses and products to be served and provided on the property will be provided to the Department.
 - b) **On-Farm Sales.** A minimum of 50% of all sales and goods shall be produced or grown primarily on-site.
 - (1) Cider mills/wineries selling product in a tasting room, shall be derived from crops grown primarily on-site for at least two (2) of the five (5) proceeding years.
 - c) **Eating Establishments.** No eating establishments or mobile eating establishments shall be allowed unless a special event pursuant to s. 7.093 is permitted.
 - d) **Tours & Demonstrations.** Any on-farm tours, walking trails, or agricultural demonstrations of practices shall be allowed by right as an accessory use.
- 2) **AGRICULTURAL TOURISM, MINOR.** The following agricultural tourism uses may be permitted as an accessory use to an existing agricultural use on the same parcel, provided they comply with the following standards and after a land use permit has been issued by the Zoning Administrator.
 - a) **Farm Markets.** The direct marketing and sales of agricultural and value-added products of less than 1,600 sq. ft. including structures and outdoor sales/display areas. Product storage, processing, production, and growing areas shall not be included in the calculation of sales area.
 - (1) Nursery sales areas shall be calculated separately and limited to 2,000 sq. ft. including greenhouse and outdoor display areas.
 - b) **Seasonal Activities.** Seasonal tourism activities including but not limited to pick-your-own operations, mazes, pumpkin patches, haunted farms or mazes, Christmas tree farms, sleigh rides and/or hayrides shall be considered an accessory use permitted by a land use permit if the following apply:
 - (1) Activities may only occur for a total 60 days of the calendar year for all combined seasonal activities.
 - c) **Agricultural Home Stays.** Home stays of up to three guest rooms may be permitted provided that the accommodations are directly related to the principal use of the property and can meet the definition of accessory use and the provisions outlined within the definition of an agricultural home stay.

d) *Non-Agricultural Related Events*. No events that are not agriculture-related will be permitted unless a special event is permitted pursuant to s. 7.093.

- 3) **AGRICULTURAL TOURISM, MAJOR**. The following agricultural tourism uses may be permitted as an accessory use to an existing residential use on the same parcel, provided they comply with any of the following standards and after a land use permit has been issued by the Zoning Administrator.

a) *Farm Markets*. The direct marketing and sales of agricultural and value-added product sales areas of greater than 1,600 sq. ft. including structures and outdoor sales/display areas. Product storage, processing, production, and growing areas shall not be included in the calculation of sales area.

(1) Sales areas of greater than 3,000 sq. ft. shall not be allowed.

(2) Nursery sales areas shall be calculated separately and limited to 5,000 sq. ft. including greenhouse and outdoor display areas.

b) *Seasonal Activities*. Seasonal tourism activities that occur greater than 60 nonconsecutive days out of the calendar year including but not limited to pick-your-own operations, mazes, pumpkin patches, haunted farms or mazes, Christmas tree farms, sleigh rides and/or hayrides shall be considered an accessory use permitted by a conditional use.

c) *Non-Agricultural Related Events*. Workshops and/or events of less than 50 attendees that are not agriculture-related may be permitted as an accessory use. Greater than 50 attendees shall require a special event permit pursuant to s. 7.093.

d) *Petting Zoos & Trail Riding*. Any facility with 3 or more livestock animals utilized for interaction to the public beyond agricultural husbandry including but not limited to petting, riding or feeding.

e) *Agricultural Home Stays*. Home stays may be permitted as part of a conditional use provided that the accommodations are directly related to the principal use of the property and can meet the definition of accessory use and the provisions outline within the definition of an agricultural home stay.

7.054 AGRICULTURAL VENUE.

- 1) **STANDARDS**. The creation of an agricultural event venue shall not impair or limit the current or future agricultural use of the farm or other protected farmland.

a) The minimum parcel size being utilized shall be 5 acres.

b) Hours of operation shall not exceed 9:00 p.m. Sunday through Thursday; and 1:00 a.m. on Friday and Saturday, unless otherwise determined by the Agency.

- 2) **EMPLOYEES**. There shall not be more than two persons employed who are not members of the resident farm family. The employment of outside services such as catering, or musicians shall not be considered employees of the farm if hired by the persons renting the space.

- 3) **SETBACKS**. Any structure or outdoor space being utilized shall be setback 500' from all existing residential structures except for residence on same property.

- 4) **LANDSCAPING**. All structures, outdoor parking areas shall meet the landscaping and screening requirements of s. 7.104 for all neighboring residential properties within 1,000' to screen light and noise.

7.055 AIRPORT LANDING STRIP OR HELIPORT.

- 1) **SETBACKS**. All buildings, structures, outdoor plane, or helicopter storage areas shall conform to the setbacks, maximum building height, and lot coverage requirements in the underlying zoning district.

a) Runways shall be a minimum of 100 feet from all lot lines.

b) Runways shall be laid out to provide sufficient clear space, either within the property boundaries or using a recorded aviation easement for safe takeoff and landing. Clear space must meet current WISDOT Bureau of Aeronautics distance to height ratio appropriate to the speed of the proposed aircraft.

- 2) **STATE REQUIREMENTS**. All proposed airport landing strips and heliports must meet all current requirements of Chapter 114 Wis. Stats, TRANS 57, Wis. Admin. Code; or its successor and any applicable standards from the Federal Aviation Administration.

a) Applicants must submit with their application materials, copies of the Wisconsin Department of Transportation airport review application or approved certifications.

7.056 ANIMAL SANCTUARY or RESCUE.

- 1) **SETBACKS.** All structures associated with animal sanctuaries must be located no less than 200 feet from any existing residence other than a residence on the same lot.
- 2) **ESCAPE.** All outdoor runs and exercise areas must be fenced to prevent animals from escaping.
- 3) **LANDSCAPING.** All animal sanctuaries must meet the landscaping requirements of s. 7.104 for all neighboring properties and public roadways.
 - a) **Overnight care.** All overnight care of animals must occur indoors.
- 4) **WILDLIFE REHABILITATION.** Any facility tasked with wildlife rehabilitation must provide proof of a Wisconsin Department of Natural Resources Wildlife Rehabilitation license and adhere to all standards as listed in Wis. Admin. Ch. NR 19.

7.057 AQUACULTURE OR AQUAPONICS FACILITY.

- 1) **STANDARDS.** Such operations must be designed and operated as closed systems that permit no escape of plant and animal organisms outside of the system.
 - a) The system shall have an operation and maintenance plans to ensure that odors do not become offensive to adjacent properties.
 - b) Water held in tanks or raceways shall not be held stagnant to minimize the attraction of mosquitos and other insects.
- 2) **LICENSES.** Facilities must be licensed and/or registered with the Department of Agriculture, Trade, and Consumer Protection.

7.058 AUTOMOTIVE SERVICE AND REPAIR FACILITY

- 1) **HARMFUL IMPACTS.** A vehicle repair facility must not generate excessive noise, smoke, odors, heat, dust, or glare that can be detected from the closest public road or dwelling, other than a dwelling occupied by the vehicle repair facility owner.
- 2) **MATERIAL STORAGE & REPAIR LOCATION.**
 - a) All materials used in conjunction with the facility must be stored inside.
 - b) All major repairs, maintenance, service, and other operations must occur within an enclosed building.
 - c) All vehicles must be stored within an enclosed building, except that vehicles may be temporarily parked on the property. Temporarily parked vehicles are those that are not on the property for longer than 7 days and are limited to a maximum of five (5) vehicles at any one time.
- 3) **UNREGISTERED VEHICLES.** The facility may not include the storage of more than 3 vehicles that do not have a valid state registration or license plate.
- 4) **LANDSCAPING.** All outdoor parking areas utilized by vehicles in need of repair or maintenance must meet the vegetative buffer requirements of s. 7.104 for public roadways and neighboring properties.

7.059 BED AND BREAKFAST ESTABLISHMENT.

- 1) **PERMITS.** The property must obtain all federal, state, and local permits.
- 2) **ACCESSORY USE.** The use as a bed and breakfast establishment must be accessory to the principal residential use of the dwelling.
- 3) **SEPTIC.** A septic verification or a sanitary permit will be required from Sauk County for any building that results in any change in use of the structure from the original use that results in an increased volume of wastewater above that for which the system was originally designed. Where cases of doubt exist as to the need of a sanitary permit, Sauk County must be contacted before the change in use is made, and the Zoning Administrator will determine the need for a sanitary permit.
 - a) **Metering.** The Department may require a water meter to be installed by a licensed plumber and the reading must be reported upon tank maintenance.
- 4) **MEALS.** Meals may only be served or provided to lodgers.

7.060 BIOFUEL MANUFACTURING.

- 1) **LICENSE.** Biofuel manufacturers must meet all state and federal regulatory and permitting requirements for air, solid waste, and water.
- 2) **SETBACKS.** All biofuel facilities must be no closer than 1,000 to:
 - a) A duly organized and recognized place of worship.

- b) A public or private educational institution.
 - c) A public or private day care facility or kindergarten.
 - d) A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee, or caretaker.
 - e) Boundary of a platted area for residential development.
 - f) A public park.
 - g) All setbacks shall be measured from property boundaries.
- 3) **LANDSCAPING.** Any biofuel manufacturing facilities not directly related to an agricultural operation must meet the landscaping requirements of s. 7.104 for all neighboring properties and public roadways.

7.061 CAMPGROUND/CAMPING.

- 1) All campgrounds, facilities, and camping units must adhere to the standards of Wis. Admin Code ATCP 79.
- 2) **SITE PLAN.** A campground map(s) drawn to scale and including all elements of a site plan pursuant to s. 7.155 of this ordinance.
 - a) Professional engineering is required for all new and expanded campgrounds.
- 3) **CARETAKERS RESIDENCE.** Each campground may have one caretaker's residence for the private use and occupation of the owners and/or caretakers of the campground. This may be the primary residential structure on the property, or an accessory dwelling may be utilized as the caretaker's residence.
- 4) **OCCUPATION.** A camping unit may not be occupied for more than 240 days in a calendar year. The stay does not need to be continuous, and all separate stays must be combined in determining the 240-day period.
 - a) Occupancy of a camping unit on a continuous, year-round basis or utilization of a camping unit as a permanent abode or legal place of residence is prohibited.
- 5) **SETBACKS.** All camping units must comply with applicable setbacks that apply to structures, including front yard, road right-of-way, side yard, rear yard, wetland, and ordinary high-water mark (O.H.W.M.) setbacks.
- 6) **STRUCTURES.** Only permanent non-habitable structures and camping units will be allowed in the campground. The only other structures allowed will be sheds, gazebos, picnic shelters, porches, decks, garages, bathroom/shower facilities, playground equipment, recreational facilities, or office buildings. A campground may be permitted to have one primary residential structure and one accessory dwelling utilized solely as a caretaker's residence. The campground must obtain all federal, state, and local permits.
- 7) **VEGETATED SCREENING.** All campgrounds located adjacent to residential properties shall maintain a vegetated screen pursuant to s. 7.104 along neighboring property lines.
- 8) **OWNERSHIP.** Each campground shall be maintained under a single management so that responsibility can be easily placed for cleaning of common facilities such as water supply, sewage disposal station, toilets, laundry, and washrooms, and refuse areas, and for the overall enforcement of campsite cleanliness.
- 9) **EXEMPTIONS.**
 - (1) A campground designed, maintained, intended or use for the purpose of providing sites for a non-permanent overnight use of camping at a special event, as those terms are defined in ATCP § 79.26, the operator of which special event campground has applied for and obtained a permit under ATCP 79 shall not be required to meet the requirements of this section during the period of the special event, subject to the remaining provisions of this Chapter are met. The operator shall meet the requirements of s. 7.096 of this ordinance for a special event.
 - (2) Camping, when located on a lot or parcel where an existing residential dwelling exists, providing each stay is limited to 15 consecutive days, and limited to 45 days per calendar year.

7.062 CARETAKERS RESIDENCE.

- 1) **STANDARDS.** A maximum of one caretaker's residence shall be permitted on the same lot as a legally established commercial, industrial, or institutional use.
 - a) The caretaker's residence shall be allowed as an accessory use and structure.
 - b) A caretaker's residence shall continue only if the principal use that it serves remains in operation.

Upon termination of the principal use, the right to the residence shall end. Re-establishment of any residence in the future shall occur in conformance with these regulations.

c) The caretaker's residence shall only be inhabited by the employee and their family.

d) The caretaker's residence cannot be sold separately as a principal dwelling unit without meeting the provisions of this ordinance.

7.063 CEMETERY, MAUSOLEUM.

- 1) **BURIALS.** Any cemetery or mausoleum used for human burials shall meet the requirements of Wis. Stats. Ch. 157.
- 2) **PARKING.** Sufficient parking space shall be provided visitors, to not deter traffic flow within the cemetery.
- 3) **SIGNS.** Only signs designating entrances, exits, traffic direction, and titles shall be permitted once approved by the Zoning Administrator.
- 4) **LANDSCAPING.** Adequate screening shall be provided in accordance with the provisions of s. 7.104 of this ordinance, parallel to the property lines adjacent to residential dwellings.
- 5) **STRUCTURES.** All buildings or structures shall be used for cemetery purposes only, including but not limited to, offices, memorial/chapels, mausoleums, vaults, columbaria, crematoria, and other structures as may be necessary for the preparation, presentation, interment, or cremation of human remains and maintenance of the grounds.

7.064 CHILDCARE CENTER.

- 1) **BUILDING INSPECTION.** An inspection report evidencing compliance with applicable building codes must be submitted to the Department.
- 2) **LICENSE.** All licensing and standards pursuant to Wis. Admin Code of the Department of Children and Families 250 and 251 must be always maintained and a copy of the state license must be submitted to the Department.
- 3) **OUTDOOR PLAY AREAS.** A center must have an outdoor play area if any children are present for more than three hours per day.
 - a) The boundaries of the outdoor play space must be defined by a permanent enclosure not less than four feet high. Fencing, plants, or landscaping may be used to create a permanent enclosure.

7.065 COMMERCIAL KENNEL FACILITY, VETERINARY SERVICES or COLONY HOUSE.

- 1) **PERMITS.** All state and federal permits must be obtained prior to obtaining a county permit and copies must be filed with the Department.
- 2) **INSPECTIONS.** Copies of all state and federal inspection reports, detailing compliance with required license(s) must be filed with the Department within 30 days of receiving the report.
- 3) **HEALTH, SAFETY & WELFARE.** A primary Wisconsin certified veterinary health care provider certified under ATCP § 10.05 shall be identified for the facility to provide regular vaccinations.
 - a) **License.** All veterinary clinics are required to be licensed and adhere to the Wis. Admin Ch. 89.
- 4) **SETBACKS.** All structures, outdoor runs, and exercise areas associated with the facility must be no closer than 1,000 feet from any residential dwelling other than that of the owner, agent, or employee of such facility.
- 5) **ESCAPE.** All outdoor runs and exercise areas must be fenced to prevent animals from escaping.
 - a) **Screening.** All outdoor runs and exercise areas must meet the landscaping requirements of s. 7.104 for neighboring properties and public roadways.
 - b) Outside exercise areas, runs, or yards shall be restricted to use during daylight hours, with exception of necessary animal care.
- 6) When deemed necessary by the Agency, the following conditions may be added to minimize impacts to neighboring properties:
 - a) Require overnight care of animals to occur in an enclosed, roofed shelter between the hours of 10:00 pm – 6:00 am.

7.066 COMMUNITY LIVING ARRANGEMENTS.

- 1) **STANDARDS.** All community living arrangements must meet the following standards:
 - a) Community living arrangements shall be subject to the limitations set forth in Wis Stats § 59.69(15) and § 60.63.
 - b) No community living arrangement may be placed within 2,500 feet of any other community living arrangement.
 - c) The total capacity of all community living arrangements shall not exceed 1% of the Town's population, unless specifically authorized by the Town Board.
 - d) The community living arrangement must be licensed, operated, or permitted under the authority of the Wisconsin Department of Human Services or the Wisconsin Department of Children and Families.

7.067 COMPOSTING FACILITY, RECYCLING CENTER, WASTE TRANSFER STATION.

- 1) **PERMITS.** All composting facilities, recycling centers, and waste transfer stations must obtain all license and permits from the appropriate state and county agencies.
- 2) **SETBACKS.** All composting facilities, recycling centers or waste transfer stations, and storage of any dumpsters, must be no closer than 1,000 feet of:
 - a) A duly organized and recognized place of worship.
 - b) A public or private educational institution.
 - c) A public or private childcare facility or kindergarten.
 - d) A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee, or caretaker.
 - e) Boundary of a platted area for residential development.
 - f) A public park.
- 3) **SCREENING.** All composting facilities, recycling centers, and waste transfer stations shall include a solid fence at least 6 feet in height, but no more than 8 feet. Any storage between the property line and the fence, or above the height of the fence is prohibited.
- 4) **WASTE.** Composting and recycling facilities shall not involve the on-site holding, storage, or disposal of food scraps, other vermin attracting materials, or hazardous wastes as defined by State Statute, unless the facility has been licensed by the state.

7.068 CONTRACTORS STORAGE YARD.

- 1) **SCREENING.** All contractor storage yards shall install and maintain a 6-foot minimum height landscaped screen around outdoor storage pursuant to s. 7.104 for all adjacent residential properties within 200' of the operation. The Agency may also require screening from the road right-of-way.
- 2) **RETAIL.** There shall be no display, or sale of retail products on the premises.

7.069 DWELLINGS.

- 1) **NUMBER.** Unless otherwise provided in this ordinance, only one dwelling will be permitted per parcel.
- 2) **DIMENSION.** The narrowest horizontal dimension of the dwelling must not be less than 20-feet.
- 3) **MANUFACTURED HOMES.** Manufactured homes may be considered equivalent to single-family dwellings, providing all the requirements of this section are met.
- 4) **FOUNDATION.** All dwellings must be placed on a permanent foundation designed and constructed to support the vertical loads of the dwelling, lateral soil pressure, and other loads without exceeding the allowable stresses of the materials of which the foundations are constructed.
- 5) **FLOOR AREA.**
 - a) Buildings used in whole, or in part, for residential purposes must have a floor area of not less than 400 square feet per dwelling, calculated pursuant to the definition of floor area in this chapter, unless otherwise specified by this chapter.
 - b) Floor areas must have a minimum peak ceiling height of seven feet (7') to be considered livable floor area.
- 6) **HEIGHT.** Dwellings may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.
- 7) **MULTI-FAMILY DWELLINGS.** Multi-family dwellings must have the following minimum floor areas per dwelling.
 - a) **TABLE §. 7.069(7): MULTI-FAMILY DWELLING FLOOR AREA REQUIREMENTS.**

Number of Dwellings	(a) 2	(b) 3	(c) 4	(d) 5	(e) 6	(f) 6+
(1) Minimum Floor Area (sq. feet)	800 sq. ft.	1,200 sq. ft.	1,600 sq. ft.	2,000 sq. ft.	2,400 sq. ft.	Plus 400 sq. ft. for each additional dwelling
(2) Minimum Floor Area (sq. feet) Efficiency Dwelling	400 sq. ft.	600 sq. ft.	800 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	Plus 200 sq. ft. for each additional dwelling.

8) **EXEMPTIONS.** Mobile homes or manufactured homes located within a manufactured home community are exempt from these requirements.

a) **Agricultural Operations.** Secondary dwellings, mobile homes and/or manufactured homes may be allowed with an agricultural operation if the gross income of the farm exceeds \$6,000.00 per year or \$18,000.00 in a three-year period. Up to two secondary temporary dwelling areas per farm may be permitted provided that the temporary secondary dwelling is for parents or children of the farm operator or owner or is for hired persons deriving at least 50 percent of their income from the farm operation. Evidence of this provision shall be provided to the Zoning Administrator and signed affidavit on a form provided by the Department shall be filed with the Register of Deeds.

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

7.070 DWELLING USED TEMPORARILY DURING CONSTRUCTION.

1) **TEMPORARY PERMIT.** Occupancy of a temporary dwelling or camping unit during the construction of a new dwelling on the same lot or parcel, or during a major renovation requires the issuance of a temporary use permit as a principal residence during the construction or renovation of a permanent residential dwelling. The temporary use permit must be filed with the Zoning Administrator. The temporary use permit will expire within 2 years after the day of issuance and cannot be renewed. The temporary home or all appurtenances associated with habitability must be removed within 30 days of taking occupancy of the permanent residential dwelling or a change of use may be applied for an accessory dwelling if all standards of the Sauk Co. Code of Ordinances are met.

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

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

4) **SEPTIC.** The temporary dwelling must be connected to a private on-site wastewater treatment system (POWTS), or municipal sewer system. If a camping unit is being utilized a waste disposal plan must be provided.

5) **CESSATION OF USE.** At such time that the temporary dwelling unit is no longer being used for the intended purpose, the property owner must notify the Zoning Administrator within 30-days. A new land use permit must be issued by the Zoning Administrator for the change in use, providing the use meets the requirements of the underlying zoning ordinance or the temporary dwelling must be removed.

6) **AFFIDAVIT.** An affidavit with notarized signatures must be filed with the Sauk County Register of Deeds certifying the understanding that the dwelling or camping unit is temporary and will be removed, or all appurtenances associated with habitability must be removed upon occupancy of the permanent residential dwelling, or that a change of use will be applied for an accessory dwelling.

7.071 EDUCATIONAL INSTITUTIONS.

1) **SETBACKS.** Accessory fields shall be located a minimum of 50-feet from a residential district or

property used for residential purposes.

- a) A 50-foot undeveloped buffer is required if adjacent to a residential district or a property used for residential purposes.

7.072 EATING ESTABLISHMENTS.

- 1) **LICENSE.** A license to operate a retail food establishment must be obtained and adhered to pursuant to Wis. Statutes Ch. 97 and Wis. Admin. Code ATPC 75.

- a) **Alcohol.** Eating establishments serving alcohol must obtain the appropriate license to serve alcohol from the town or state.

- 2) **MOBILE OR TEMPORARY EATING ESTABLISHMENT.**

- a) **License.** A license to operate a retail food establishment must be obtained and adhered to pursuant to Wis. Statutes Ch. 97 and Wis. Admin. Code ATPC 75. A copy of an approved license or permit must be submitted to the Department prior to a permit being issued.

- b) **Locations.** A complete list of operating locations shall be submitted each year. Any amendments to such list shall be submitted to the Department prior to date of service.

- (1) Signatures from property owners indicating consent for use of their property.

- (2) Mobile or temporary eating establishments are only permitted in approved zoning districts and shall not exceed 10 consecutive days at any specific location.

- c) **Storage.** Food trucks must not be left unattended and stored on a site when service is not underway.

- d) **Seating.** Food trucks shall not provide temporary seating for customers.

- e) **Waste.** Garbage facilities shall be provided for customers within 30 feet of the unit and shall be maintained and emptied regularly. The area within which a mobile or temporary eating establishment is operating, shall always, be kept clean and free from litter, garbage, rubble, and debris within a 50-foot radius.

- f) **Noise.** No noise or sounds providing announcement or calling attention to the vendor either while traveling or when stationary.

- g) **Commercial.** Mobile eating establishments located within the light commercial, commercial, and recreational commercial zoning districts may exceed 10 consecutive days and are allowed to be stored onsite. Seating shall be allowed in these same districts.

- h) **Special Events.** The Zoning Administrator may permit licensed mobile or temporary eating establishments to vend at special events approved through Sauk County Ordinance Chapter 12 or by special event pursuant to s. 7.093 and s. 7.161 of this ordinance. Such operating permits are for a limited duration.

7.073 FOOD PROCESSING FACILITY, LIVESTOCK HARVEST FACILITY, OR MEAT MARKET.

- 1) **LICENSE.** All food processing plants, livestock harvest facilities, and meat markets must obtain a license and adhere to standards pursuant to Wis. Stats. Ch. 97.

- a) Food processing plants must also adhere to all standards of DATCP Rule 70.

- b) Livestock harvesters and meat markets must also adhere to all standards of DATCP Rule 55.

- 2) **ANIMAL CONTROL.** Any on-site harvest of animals must take place in a confined area. Fencing must be adequate to always contain live animals securely on the owner's property.

- 3) **LOCATION.** Facilities with on-site animal harvest may not be located less than 1,500 feet from any residential building and 300 feet from any lot line other than that of the owner of the premises or employees.

- 4) **LANDSCAPING.** A landscaping plan must be submitted and implemented for all livestock harvest facilities in accordance with s. 7. 104 of this ordinance for all housing, outdoor storage and processing areas from residential properties and public roadways.

7.074 GASIFICATION ENERGY SYSTEMS.

- 1) **REGULATIONS.** Manure collection systems must follow all federal, state and county land conservation guidelines and regulations.

- 2) **SETBACKS.** Gasification systems must be set back 1,000 feet from any building except the participating residence, accessory structures and any road right-of-way or property line.

- 3) **SHORELAND.** Gasification systems in shoreland areas pursuant to Sauk Co. Code Ch. 8 are prohibited.
- 4) Gasification systems may only process primarily agricultural wastes or byproducts.

7.075 HOME-BASED BUSINESS.

- 1) **PURPOSE.** The standards for home-based businesses are intended to allow reasonable home-based business uses, which are incidental to the use of the premises as a residence or farm; are compatible with the residential or agricultural use; are limited in extent; and do not detract from the residential or agricultural character of the area.
- 2) **HOME-BASED BUSINESS, MINOR.** Home-based businesses may be permitted as an accessory use to an existing residential use on the same lot or parcel in the SFR, RR, MFR, RUC, EA, AG, and RC zoning districts provided they comply with the following standards and after a land use permit has been issued by the Zoning Administrator.
 - a) **Employees.** There must be no more than one full-time equivalent employee that is not an occupant of the residential dwelling on the same lot or parcel of the home-based business. This includes any employees that may park on the premises to pick-up work-related vehicles or equipment to be utilized off the premises.
 - b) **Area.** The home-based business must not utilize a floor area exceeding 30% of the combined gross floor area of a dwelling unit or any accessory building. In no case must the floor area utilized by home-based business exceed 600 square feet.
 - c) **Additions.** Any structural addition to the home for the purposes of operating a home-based business must be designed, and appear residential in character, so that the addition can readily be repurposed for residential uses at such time that the home-based business is no longer operating.
 - d) **Products & Services.** There shall not be conducted on the premises the selling of stocks of merchandise, supplies, or products other than those produced by the minor home-based business to fill customer orders placed via mail, telephone, or internet. The direct retail sale of products is not allowed, but customer pick-up of an order that had been placed is permitted. Other types of wholesale or retail sales from the dwelling or accessory structure is prohibited.
 - (1) No minor home-based business may involve the on-site sale, re-sale, repair, including body repair, salvage or wrecking of automobiles, trucks, boats, trailers, recreational vehicles, or other motorized vehicles.
 - (2) No hazardous substances shall be used or stored as part of a home-based business except normal use for household purposes.
 - e) **Display.** The display, storage, or parking of materials, goods, supplies or equipment outside of the dwelling or accessory structure is prohibited. The home-based business must not cause any odor, dust, smoke, vibration, light, or noise that can be detected beyond the property line.
 - f) **Vehicles.** The home-based business must not require any business-related vehicle visits by delivery trucks or vehicles with a rated gross vehicle rating more than 10,000 pounds, according to the manufacturer's classification.
 - g) **Hours.** The hours of operation of the business will be between the hours of 8:00 a.m. and 8:00 p.m.
 - h) **Signs.** There must be no evidence of a home-based business, other than a sign referred to in Subchapter VIII, which would indicate that a dwelling or accessory building is being utilized in part for any purpose other than a dwelling or accessory building.
- 3) **HOME-BASED BUSINESSES, MAJOR.** Home-based businesses may be permitted as an accessory use to an existing residential use on the same lot or parcel in the RR, RUC, EA, RC, and AG zoning districts provided they comply with the following standards and after the approval of a conditional use by the Agency and a land use permit has been issued by the Zoning Administrator.
 - a) **Employees.** There must be no more than 2 full-time equivalent employees that are not an occupant of the residential dwelling on the same lot or parcel of the home-based business.
 - b) **Area.** The home-based business shall not occupy more than 50% of the gross floor area of all floors of the principal structure where the use takes place, not more than one accessory structure if located therein, or a combination of these two locations.
 - c) **Additions.** Any structural addition to the home for the purposes of operating a home-based business must be designed, and appear residential in character, so that the addition can readily be

repurposed for residential uses at such time that the home-based business is no longer operating.

d) Products & Services. There shall not be conducted on the premises the selling of stocks of merchandise, supplies, or products other than those produced by the major home-based business to fill customer orders placed via mail, telephone, or internet. The direct retail sale of products is not allowed, but customer pick-up of an order that had been placed is permitted. Other types of wholesale or retail sales from the dwelling or accessory structure is prohibited.

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

e) Display. The display, storage or parking of materials, goods, supplies, or equipment is allowed in a yard of the subject property provided the yard area used for such display, storage, or parking is completely screened from view from all public roads and adjacent properties. The outdoor area shall not exceed 500 sq/ft in size. The home-based business must not cause any odor, dust, smoke, vibration, light, or noise that can be detected beyond the property line.

f) Vehicles. The home-based business must not utilize a business-related vehicle as part of the operation of the business with a rated gross vehicle weight rating more than 16,000 pounds, according to the manufacturer's classification.

(1) The home-based business must not require any business-related vehicle visits by delivery trucks or vehicles with a rated gross vehicle rating more than 45,000 pounds, according to the manufacturer's classification.

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

h) Limitations. The Agency may restrict the number and type of equipment or machinery, limit the hours of operation, or establish other conditions to meet the standards for granting a conditional use permit.

7.076 KENNEL, RESIDENTIAL.

1) OVERNIGHT CARE. All overnight care of animals must occur in an enclosed, roofed structure.

2) KENNEL SETBACKS. All kennels, outdoor runs, and exercise areas must be no closer than 200 feet from any residential dwelling other than that of the owner, or tenant of the dwelling.

a) At no time shall the number of animals being serviced, boarded, bred, or sheltered on the property exceed 12.

3) OUTDOOR RUNS.

a) All outdoor runs and exercise areas must be fenced to prevent animals from escaping.

b) Outside exercise areas, runs, or yards shall be restricted to use during daylight hours, with exception of necessary supervised dog-walking.

4) SCREENING. All outdoor runs, exercise areas, and parking lots shall meet the landscaping requirements of s. 7.104 for neighboring properties.

7.077 LANDFILL.

1) STATE LICENSE. All standards and requirements of WI Admin Codes NR 500, NR 502, NR 503 and all associated administrative codes must be adhered to at all times.

a) A copy of the state issued license must be kept on file with the Department.

b) A copy of all environmental monitoring efforts and results shall be filed with the Department within 30 days of receiving the results.

c) A copy of all state approved operation plans shall be kept on file with the Department.

2) RECORDS. The landowner must maintain written records regarding type, amount and dates materials are deposited into the landfill and must include a written documentation of the source of the material claimed to be deposited into the landfill. Such records shall be made available to the Zoning Administrator on request.

3) CLOSURE AND RECLAMATION PLAN. The site must be closed in adherence to its state approved operations plans.

7.078 LIVESTOCK RELATED AND MANURE STORAGE STRUCTURES. Livestock facilities, livestock structures, manure storage structures, and any additions to such structures, must maintain the following setbacks pursuant to Wis. Admin. Code ATCP § 51.12. For purposes of measuring this setback, property line is defined as the outermost boundary of a property under common ownership as described on a deed recorded with the Sauk County Register of Deeds. Setbacks for property lines less than those specified may be permitted provided consent is granted, in writing, by owners of affected neighboring properties or the responsible municipality of affected public road right-of ways. All livestock and manure storage structures are subject to Chapter 26 of the Sauk Co. Code of Ordinances and may be subject to state and federal statutes.

1) LIVESTOCK STRUCTURE SETBACKS.

- a) Livestock structures with fewer than 1,000 animal units must be 100 feet from any property line or road right-of-way.
- b) Livestock structures 1,000 animal units or more must be 150 feet from any public road right-of-way or 200 feet from any property line.
- c) Livestock structures located within the setback area may be expanded provided the area to be expanded meets required setbacks. Livestock structures located within the setback area may also be rebuilt in the same footprint.

2) MANURE STORAGE SETBACKS.

- a) Manure storage structures must be setback 350 feet from any property line or road right-of-way. The setback from the road right-of-way may be reduced to 100 feet provided there is not a structure utilized for human habitation other than the owner's residence located within 350 feet from the manure storage structure.
- b) Manure storage structures located within the setback area may be expanded provided the area to be expanded meets required setbacks. Manure storage structures located within the setback area may be rebuilt in the same footprint.

7.079 MOBILE HOME COMMUNITY.

1) Mobile homes will only be permitted in a mobile home community except as provided under s. 7.069(8)(a).

- a) All mobile homes must be used for dwelling purposes only.
- b) A mobile home community licensed under § 101.935 Wis. Stats. that is a legal non-conforming use continues to be a legal non-conforming use notwithstanding the occurrence of any of the following activities within the community:

- (1) Repair or replacement of homes.
- (2) Repair or replacement of infrastructure.

2) MOBILE HOME COMMUNITIES. All mobile home parks are subject to Wis. Admin Code SPS 326.

3) ACCESS & ROADWAYS. All mobile home spaces must have direct access to an internal roadway. A circulation plan that facilitates the safe and efficient movement of emergency vehicles is required.

- a) All streets shall conform to the minimum widths as specified in the Table below:

Table 7.079(3)(a) Street Widths, In Feet.

Travel Direction	No Off-Street Parking Provided		Off-Street Parking Provided		
	Parking Two sides	Parking One side	Parking Two sides	Parking One side	No Street Parking
2-way	36	30	32	24	18
One Way	24	18	24	18	14

- b) All interior park roads, driveways to individual home sites and parking areas must be all weather maintained in good condition, have natural drainage, and be able to support fire apparatus as determined in consultation with the local fire department.

- c) There must be a system of driveways providing access to each mobile home, and to off-road

parking areas within the mobile home park. This system of driveways must connect to a public roadway.

- 4) **LIGHTING.** Lighting must be provided at all intersections of the interior park roads and with public roads, and at all common areas such as mailbox locations, dumpsters, and playgrounds. All lighting shall be the requirements in s. 7.103.
- 5) **WASTE.** The mobile home community must follow a disposal plan approved by the Department.
 - a) In the case of a community disposal area, all community disposal areas shall be screened from view of roadways and adjacent properties. Disposal areas must be setback at least 50 feet from the nearest residence.
- 6) **SIZE & SETBACK STANDARDS.** Mobile home spaces must be provided at a rate of one space for each mobile home. Spaces must consist of an all-weather surface. The space must be provided with 6 tie-down anchors. Each mobile home space must be located on a site so that there is 10-feet of clearance between units. The clearance requirement is exclusive of a parking area.
 - a) No mobile home unit may be located closer than ten feet to any of the following:
 - (1) Any building such as a pump house, the office building for the community, a laundry building or a recreation building, except for a garage or accessory structure belonging to the site or mobile home community occupant.
 - (2) Any property line of the community.
 - (3) Any street within the community.
- 7) **COMMON OPEN SPACE.** Each mobile community must set aside 5% of the total area for a contiguous, common open space. The common, open space area must be in addition to yard open spaces. The area may be provided with children's playgrounds, picnic areas, game courts, and gardens, furnished and maintained by the community's owner, or the plots must be available to community inhabitants for personal garden plots. Such open space must not be subject to flooding or lengthy periods of wet conditions. Common recreation open space must be maintained in perpetuity by the mobile community owner.
- 8) **CONSTRUCTION STANDARDS.** All mobile homes must meet the construction standards of all federal, state, and local codes.

7.080 MANUFACTURING.

- 1) **MANUFACTURING, MINOR.** Manufacturing may be permitted as an accessory use to an existing residential use on the same lot or parcel in the EA, AG, and RC zoning districts meeting the standards of the Home Based Business and this section; or may be permitted as a primary use in the RUC, AG, and LC zoning districts provided they comply with the following standards and after a conditional use permit has been granted by the Agency.
 - a) **Size.** The manufacturing operation must not utilize a combined indoor and outdoor area, including all parking and loading areas of greater than 1 acre.
 - b) **Employees.** There must be no more than 10 full-time employees that are not an occupant of the residential dwelling on the same lot or parcel as the operation.
 - c) **Hours of Operation.** The hours of operation must not exceed 7:00 a.m. and 10:00 p.m.
 - d) **Landscaping.** Manufacturing operations located within the RUC, EA, AG, and RC zoning districts shall meet the landscaping requirements of s. 7.104 for neighboring properties and public roadways.
- 2) **MANUFACTURING, MAJOR.** Manufacturing, major may be permitted as a primary use in the COM, and IND zoning districts provided they comply with the standards and after a land use permit has been granted by the Zoning Administrator.
 - a) **Operations Plan,** which is pursuant to 7.100(5) and also includes the following:
 - (1) Whether the operation is open to the public.
 - (2) What types of delivery vehicles will be delivering materials to the property; and how many and how often; what right-of-way or major route plan will be used for trucks to get to and from the site to minimize the impact on residential areas; and whether trucks will be covered to minimize odor/dust impacts on adjacent roadways used to get to the site.
 - (3) Copies of any required state and/or federal agency applications, requirements, environmental assessments, or related data; or if none have been submitted, an indication as to whether such documentation will be required.
 - (4) Detailed information on proposed methods to minimize any adverse air or water quality

impacts based on current industry standards.

(5) Detailed information on proposed methods to minimize any noise, odor, dust, and vibration on surrounding properties based on current industry standards.

(6) Detailed information on how traffic impacts will be accommodated in the surrounding area.

(7) Any data regarding monthly, quarterly, or yearly required inspections by any state or federal agency to ensure compliance with any state or federal permits.

b) **Landscaping.** Manufacturing operations located adjacent to residential zoning districts shall meet the landscaping requirements of s. 7.104 for neighboring properties.

7.081 NONMETALLIC MINING SITE, ONE ACRE OR GREATER.

1) **APPLICATION.** This section applies to all nonmetallic mining sites that are any of the following:

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

b) Mined for more than 24 months; or

c) Involve blasting for aggregate material.

2) **PERMIT.** Nonmetallic mining sites may be permitted under this section by the Zoning Administrator with the submission of a nonmetallic mining application pursuant to s. 7.163 and issuance of a land use permit pursuant to s. 7.159 and conditional use permit approved by the Agency pursuant to s. 7.157. The Agency must determine if the nonmetallic mining site is in the public interest after consideration of the following:

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

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

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

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

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

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

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

h) That an undeveloped buffer zone adjacent to extraction operations, commencing not less than 50 feet from a property line, or not less than 600 feet from an established building, or such other distance as the Agency finds necessary for the protection and safety of adjacent properties from mineral extraction sites, with a stable angle of repose being provided along property lines. Setbacks for property lines and established buildings less than those specified may be permitted provided owners of affected neighboring properties grant consent, via an affidavit filed with the Register of Deeds.

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

j) Stormwater runoff leaving the site will be controlled to limit sediment delivery to surface waters. Appropriate stormwater discharge or construction site erosion permits must be obtained.

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

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

3) **ADDITIONAL FINDINGS AND CONDITIONS.** Where deemed practicable and necessary by the Agency, the following additional conditions may be added to a conditional use:

- a) **Landscaping.** An earth bank, berm, or vegetative screen pursuant to s. 7.104 must be constructed and maintained to screen the mining operation from neighboring properties and public roadways.
 - b) **Safety Standards.** The nonmetallic mining site must be protected by a fence or similar structure, maintained at all times, with warning signs posted no more than 100 feet apart to indicate the presence of a nonmetallic mining site. Fencing and signs must be installed prior to commencement of operations.
 - c) Water from site dewatering and washing operations will meet the conditions of the required Wisconsin Pollution Discharge Elimination System (WPDES) permit from DNR.
 - d) Any noise must be kept below 70 dbA as measured at the nonmetallic mining site's property line during the mines' operational hours. Back up alarms on vehicles that are required by OSHA must be exempt from this requirement. Verification of this requirement must be provided to the Zoning Administrator upon written request.
 - e) Any conditions reasonable to protect public health, safety, and welfare, including the factors listed above, may be imposed as part of the permit.
- 4) **ASSURANCE.** The Agency must require reasonable assurance, as determined by the zoning administrator, that the conditions it may impose will be satisfied. Such assurance must be achieved through a combination of the following prior to commencement of operation activities:
- a) Financial assurance must be submitted in accordance with §. 24.07 of the Sauk Co. Code of Ordinances.
 - b) Clear identification of the relationships between landowners, lessees, licensees, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
 - c) If there is any unresolved dispute between a claimant and the applicants with regard to permit conditions, the applicants agree that the same must be submitted to arbitration in accordance with Wis. Stats. Ch. 788, if the claimant so requests.
- 5) **TIME OF OPERATION.** All permitted operations may be inspected at least once every year by the Zoning Administrator and may be inspected at the time a request for renewal is submitted to the Zoning Administrator to determine if the operation is in compliance with all conditions. Permits may be amended on application to the Agency to allow extensions or alterations in operations under new ownerships or managements.
- 6) **TERMINATION OF NONMETALLIC MINING ACTIVITIES.** Within 2 years of the cessation of the operation all equipment, stockpiles, rubble heaps, other debris and temporary structures, except fences, must be removed or backfilled into the excavation, restoring the site pursuant to the approved reclamation plan.
- 7) **STOCKPILING.** Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay, and topsoil, or clean fill materials must not be permitted beyond final reclamation.
- 8) **TRANSFER.** A nonmetallic mining permit may be transferred to a new owner or operator upon satisfaction of the following conditions:
- a) Submittal to the Department proof of financial assurance and certification in writing by the new permit holder that all conditions of the permit will be complied with.
 - b) All reclamation permit transfer standards are met pursuant to §. 24.09(8)(g).
 - c) A transfer will not be valid until financial assurance and written certification has been submitted by the operator and accepted by the Department. An approval of the transfer must be submitted to the new operator in writing.

7.082 NONMETALLIC MINING SITE, LESS THAN 15 ACRES, NOT EXCEEDING 24 MONTHS.

- 1) **PERMIT.** Nonmetallic mining sites permitted under this subsection must meet the provisions of s. 7.081(1), (2) and (3). Nonmetallic mining sites less than 15 acres may be permitted under this subsection by the Zoning Administrator with the submission of a nonmetallic mining application pursuant to s. 7.163, and issuance of a land use permit pursuant to s. 7.159, provided the nonmetallic mining site complies with all provisions of this chapter, Sauk Co. Code Ch. 24, and Wis. Admin. Code Ch. NR 135. These requirements include the requirement for financial assurance and a reclamation plan under Sauk Co. Code Ch. 24.

- 2) **TIME OF OPERATION.** Nonmetallic mining sites permitted under this subsection must not exceed 24 months of operation calculated from the date the land use permit is issued and concluding upon the completion of final reclamation. If a nonmetallic mining site exceeds 24 months of operation, it must be permitted and meet the standards under s. 7.081.
- 3) **NUMBER.** Multiple locations for extraction may be located on a single parcel provided that the total of all locations combined do not exceed 15 acres.
- 4) **OCCURRENCE.** Nonmetallic mining sites under this subchapter must not be permitted to occur on a parcel more than once in any 3-year period calculated on the date that the land use permit was issued by the Zoning Administrator.
- 5) **LENGTH OF OPERATION.** Nonmetallic mining sites under this subchapter cannot be extended in duration.
- 6) **STOCKPILING.** Stockpiling of any nonmetallic mineral, including stone, sand, gravel, clay and topsoil, or clean fill material must not be permitted beyond final reclamation.
- 7) **EXCLUSIVE AGRICULTURE ZONING.** The uses may be in the exclusive agriculture zone if it is determined that all the following apply:
 - a) The operation complies with Wis. Stats. Subch. I of Ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stats. § 295.13 or § 295.14, and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
 - b) The operation and its location in the exclusive agriculture zoning district are consistent with the purposes of the exclusive agriculture zoning district.
 - c) The operation and its location in the exclusive agriculture zoning district are reasonable and appropriate, considering alternative locations outside the exclusive agriculture zoning district, or are specifically approved under state or federal law.
 - d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f) The owner must restore the land to agricultural use, consistent with any required approved nonmetallic reclamation plan, when extraction is completed.

7.083 PONDS.

- 1) **PERMITTING.** A land use permit must be required for ponds in the following cases:
 - a) Any pond 200 square feet or greater must comply with setbacks for structures pursuant to this chapter and will require a land use permit issued by the Zoning Administrator.
 - b) **WDNR Permit.** A copy of the Wisconsin Department of Wisconsin Natural Resources permit will be required and submitted to the Department to construct, dredge, or enlarge a pond or artificial waterbody, or any part of either that is:
 - (1) Connected to a waterway.
 - (2) Located within 500 ft. of a navigable waterway; or
 - (3) Constructed within a wetland (including wetland restorations that result in ponds).
- 2) **POND CONSTRUCTION PROPOSAL.** All ponds that require a land use permit must submit a plan and description. Plans and descriptions must include:
 - a) A site plan pursuant to s. 7.155 of this ordinance.
 - b) An erosion control plan pursuant to Ch. 51 of the Sauk County Code of Ordinances.
 - c) A cross section of the pond showing existing elevations, proposed elevations, and water depth.
 - d) A construction timeline listing erosion control installations, initial disturbance, pond construction, spreading of spoil materials, ground stabilization, and proposed finalization.
- 3) **CONSTRUCTION STANDARDS.** Pond construction must include the following:
 - a) All spoil material removed from the pond must be thin spread at less than 12" or used for earthen berm material. The placement of the spoil material must be identified in the pond construction proposal.
 - (1) Spoil material must be spread or used for berm material within 365 days of removal.
 - b) Any pond larger than 2,000 sq. ft. will require plans stamped by a professional engineer.

(1) Ponds designed and implemented by site-specific plans and designs approved by the Natural Resources Conservation Service (NRCS), U.S. Fish and Wildlife Service, Wisconsin Department of Natural Resources, or by the Agency will be exempt from this standard.

c) The revegetation plan must include ground-covering species of grasses or forbs and must avoid noxious vegetative species.

7.084 PORTABLE STORAGE UNIT. The use of portable storage units is allowed under the following conditions:

- 1) **PERMIT.** A temporary use permit pursuant to 7.160 must be issued prior to placement on the property.
- 2) **SIZE.** The portable storage unit(s) shall be no larger than 400 square feet in total and no unit shall be greater than twelve (12) feet high.
- 3) **LOCATION.** The portable storage unit shall not be located within the ROW.
- 4) **TIME.** The portable storage unit shall not remain on any property more than thirty (30) days per calendar year except for units used in conjunction with construction or remodeling in which case the portable storage unit shall be removed within fourteen (14) days of the end of construction or 180 days from the issuance of land use permits for the associated project, whichever is less.

7.085 POULTRY AND BEEKEEPING RESIDENTIAL. These standards apply to raising poultry and beekeeping in SFR, RR, MFR, and RUC zoning districts and on parcels zoned AG that are part of a recorded, platted subdivision. These standards also apply to the LC, COM, and RCOM districts that contain a primary residence. This does not affect poultry and egg production, or beekeeping as an agricultural use.

1) **POULTRY.**

a) **Number.** If less than 1 acre, the number of poultry kept must not exceed 6 per lot. If greater than 1 acre, the number of poultry kept must not exceed 6 per acre on the same lot as the dwelling.

(1) There must be no roosters, cockerels, or guinea fowls kept.

b) **Permit.** A description of the poultry coop and any outdoor areas must be provided with the land use permit application. Coops may be part of an accessory structure but may not be a part of a dwelling.

(1) Poultry must be kept in fenced areas to prevent poultry from trespassing onto neighboring properties.

c) **Setbacks.** Poultry related structures and outdoor runs must be located in the rear or side yards, no less than 25 feet from any side or rear lot line and must adhere to road right-of-way setbacks in s. 7.106.

2) **BEEKEEPING.**

a) **Number.** If less than 1 acre, the number of hives kept must be restricted to two per lot. If greater than 1 acre, the number of hives kept must not exceed 2 per acre.

b) **Permit.** A description of the hive boxes and any outdoor areas must be provided with the land use permit application.

c) **Setbacks.** Beekeeping related structures must be in the rear or side yards, with no less than 50 feet from any side yard, rear yard, or road right-of-way.

(1) A hive may be located within 25 feet of any property line if placed with a flyaway barrier such as hedges, shrubs, fabric, or fencing elevated in front of the hive entrance that is a minimum of 6 feet in height and 2 feet in depth from the edge of the hive.

7.086 RENDERING PLANT or TANNERY

1) **REDUCTION ACTIVITIES.** Reduction activities shall take place in a confined area.

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

3) **SETBACKS.** Rendering plant facilities shall be no closer than 1,500 feet from:

- a) A duly organized and recognized place of worship.
- b) A public or private elementary or secondary school.

- c) A public or private day care facility or kindergarten.
- d) A residential dwelling other than a dwelling for the owner, proprietor, commercial tenant, employee or caretaker.
- e) Boundary of a platted area for residential development.
- f) A public park.

7.087 RETAIL ESTABLISHMENT, OUTDOOR DISPLAY.

- 1) **REGULATIONS.** This section applies to the placement of merchandise and/or merchandise vending machines outside the walls of any enclosed building with the intent being to entice potential customers onto the premises through public display of such merchandise or merchandise vending machines. The term “outdoor display” does not apply to merchandise that is temporarily placed for the purpose of a sale event.
 - a) Outdoor display areas shall be located contiguous to the principal building, subject to fire safety requirements.
 - b) No outdoor display shall be permitted to occupy or interfere with traffic circulation, required parking or pedestrian areas.
 - c) Outdoor displays may encroach into any yard but shall not encroach into the public right-of-way.
 - d) Outdoor displays will only be permitted where such displays are incidental to and supportive of the principal use of the structure on the same parcel.
 - e) Outdoor display locations must be shown on a site plan at the initial application.
 - f) This section shall not be interpreted to include salvage yards or other items, or materials considered as outside storage.

7.088 SALVAGE YARD.

- 1) **DISTRICT.** A land use shall be considered a salvage yard based on the items as listed in the definition of a salvage yard in 7.011(141), the amount and the zoning district in which it is located as stated in this section.
 - a) **Amount.** The amount shall be counted by number of inoperable items as defined in subsections (a) and (b) of the definition or the cumulative volume of items and materials as listed in subsection (c). Volume shall be measured by width, length, and height of the cumulative items regardless of void space.

Table 7.088(1)(a):

Zoning District:	Inoperable Items:	Volume:
(1) Single Family, Multi-family, Rural Residential, or Rural Community	2	27 cu. ft.
(2) Commercial, Light Commercial or Recreational Commercial	3	54 cu. ft.
(3) Agricultural, Exclusive Agriculture, or Resource Conservancy	4	100 cu. ft.
(4) Industrial	6	540 cu. ft.

- 2) The following provisions shall be required for salvage yards whether as a principal or accessory use:
 - a) **LICENSE.** When applicable, the operator of a salvage yard must obtain a Wisconsin Department of Transportation Motor Vehicle Salvage Dealer or Recycler license and keep a copy on file with the Department.
 - b) All gasoline, motor oils, brake and transmission fluids, antifreeze, hydraulic fluids, battery acid, and other fluids shall be removed immediately from all salvaged vehicles. The fluids shall be stored and disposed of in such a manner to avoid soil and environmental contamination of the subject site and prevent contamination of surrounding properties and waterways.
 - c) **SETBACKS.** All buildings, structures, outdoor storage areas, and any other activity associated with the use shall be no less than 100 feet from all property lines. No salvage yard with outdoor operations shall be located within 1,000 feet to a community well.
 - d) **SCREENING.** All salvage yards shall provide a solid fence at least six feet height pursuant to section 7.104. Storage outside of the fenced area is prohibited.

e) **SHORELANDS AND WETLANDS.** Salvage yards must not be in mapped floodplains, wetlands, or shorelands as defined in Sauk Co. Code Ch. 8 and Sauk Co. Code Ch. 9.

(1) All salvage yards must maintain a 100' setback from all mapped floodplains, mapped wetlands and unmapped wetlands.

7.089 SAWMILL FACILITY.

- 1) **ON-SITE SALES.** There must be no retail sales other than products produced on the premises.
- 2) **EMISSIONS.** No sawmill operation may open burn substances or items.
- 3) **MATERIAL STORAGE.** No storage of logs, lumber, deleterious substances, or equipment of any kind will be permitted within any building setback area, as specified by the applicable zoning district.
- 4) **OPERATIONAL HOURS.** Hours of operation and days may not exceed the hours of 7:00 a.m. – 10:00 p.m. Monday – Saturday.
- 5) **LANDSCAPING.** Sawmills located on the premises for more than a 365-day period must meet the landscaping requirements of s. 7.104 for neighboring properties and public roadways.
- 6) Hobby or personal use of sawmills, which are used for sawing timber from the property where the sawmill owner resides or for a hobby are exempt from these regulations.

7.090 SHORT-TERM RENTAL or TOURIST ROOMING HOUSE.

- 1) **RENTAL PERIOD.** Except as provided in (a) and (b), no person may offer a residential dwelling for rent for a fee or similar consideration for less than 29 consecutive days, without first obtaining a county land use permit.
 - a) Offering a residential dwelling for rent or a fee similar consideration for periods of less than seven days will require the issuance of a conditional use permit in the SFR, RR, and MFR zoning districts. The issuance of land use permit will be required in the EA, AG, RC, RUC and RCOM zoning districts.
- 2) **PERMITS.** The property must obtain all federal, state, and local permits.
 - a) A copy of the State of Wisconsin tourist rooming house license shall be provided to the Department upon application. The owner must provide a copy of the license upon request from the Department.
 - b) The Agency shall only issue permits to existing residences.
- 3) **SEPTIC.** A septic verification or a sanitary permit will be required from Sauk County for any building that results in any change in use of the structure from the original use that results in an increased volume of wastewater above that for which the system was originally designed. Where cases of doubt exist as to the need of a sanitary permit, Sauk County must be contacted before the change in use is made, and the Zoning Administrator will determine the need for a sanitary permit.
 - a) The Zoning Administrator may require a water meter to be installed by a licensed plumber and the reading must be reported when the tank is pumped. The Department may request readings on a more frequent basis.
 - b) If the property is served by public sanitary sewer, occupancy is limited to the number of occupants authorized by the State tourist rooming house license issued by the State of Wisconsin Department of Agriculture, Trade, and Consumer Protection in accordance with Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy is limited to the number of occupants for which the POWTS was designed, or the occupancy granted by the State tourist rooming house license, whichever is less.
- 4) **PROPERTY RULES.** A list of property rules must be posted at the property, provided to the guests and copy submitted with the application. Property rules must at a minimum include the following:
 - a) Maximum occupancy of the property.
 - b) Contact information for the designated operator.
 - c) Parking Instructions.
 - d) Quiet Hours.
 - e) Pet Policy.
 - f) Outdoor burning regulations.
 - g) Refuse disposal instructions.
 - h) Non-emergency contact information for law enforcement and fire.
 - i) If applicable, information on location of the high-water alarm for the POWTS, and procedure to

follow if alarm is activated.

- 5) **NON-TRANSFERABLE.** The permit must be issued to the owner of the residence and is not transferable.

7.091 SMALL-ENGINE REPAIR, LARGE-SCALE. Operations that can meet all standards of s. 7.077 may be regulated as a home-based business, rather than a large-scale repair facility. Large-scale operations may be permitted as a primary use in the RUC, AG, COM, LC and IND zoning districts provided they comply with the following standards and after a conditional use permit has been granted by the Agency.

- 1) **HARMFUL IMPACTS.** A repair facility must not generate excessive noise, smoke, odors, heat, dust, or glare that can be detected from the closest public road or dwelling, other than a dwelling occupied by the vehicle repair facility owner.
- 2) **SIZE.** The operation must not utilize a combined indoor and outdoor area, including all parking and loading areas of greater than 1 acre.
- 3) **EMPLOYEES.** There must be no more than 10 full-time employees that are not an occupant of the residential dwelling on the same lot or parcel as the operation. In no case must the number of employees exceed 10.
- 4) **HOURS OF OPERATION.** The hours of operation must not exceed 7:00 a.m. and 10:00 p.m.
- 5) **LANDSCAPING.** Operations located within the RUC and AG zoning districts shall meet the landscaping requirements of s. 7.104 for neighboring properties and public roadways.
- 6) **MATERIAL STORAGE & REPAIR LOCATION.**
 - a) All materials used in conjunction with the facility must be stored inside.
 - b) All major repairs, maintenance, service, operations, and storage must occur within an enclosed building.

7.092 SOLAR ENERGY SYSTEMS (SES).

- 1) **PURPOSE.** The purpose of this section is to adopt and incorporate the requirements and standards of Wis. Stats. § 66.0401 and § 66.0403 to regulate Solar Energy Systems (SES) to produce electricity and/or conversion of energy for uses on-site as well as those systems which produce electricity for off-site use and distribution. The following regulations are established to ensure the Solar Energy Systems are sited, constructed, maintained, and operated, and decommissioned in a manner that maximizes the County's solar resources, while protecting public health, safety, and welfare of the community.
- 2) **PERMITS.**
 - a) Accessory Solar Energy Systems shall be permitted in all zoning districts providing the standards of this section are met and a land use permit is issued. Roof-mounted systems shall not require a permit granted that all provisions of this section are met.
 - b) Small Solar Energy Systems with an installed name plate capacity of less than 100 megawatts shall require a conditional use permit prior to construction and may be permitted in all zoning districts and subject to the regulations and standards of this section and Section 7.157.
 - c) Large Solar Energy Systems with an installed name plate capacity of 100 megawatts or greater are reviewed by the Public Service Commission and must receive a certificate of public necessity from the PSC.
 - d) For Accessory and Small Solar Energy Systems, regulated by this section may be subject to additional conditions or restrictions consistent with but not more restrictive than those identified in Wis. Stats. § 66.0401(1m). Where such conditions are considered and applied on a case-by-case basis as well as satisfying one of the following criteria:
 - (1) Services to preserve or protect the public health and safety.
 - (2) Does not significantly increase the cost of the system or decrease its efficiency.
 - (3) Allow for an alternative system of comparable cost and efficiency.
- 3) **STANDARDS FOR SOLAR ENERGY SYSTEMS.**
 - a) **Setbacks.** Setbacks shall meet those established within the base zoning district.
 - b) **Height restrictions.** A SES shall not exceed the following:
 - (1) A roof mounted SES shall not exceed the maximum allowed height for the base zoning district unless the system extends less than one foot from the surface from which it is directly attached

or if the roof pitch is 2/12 or less, than the system shall not extend more than six (6) feet.

(2) A ground mounted SES shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

c) Glare. The SES shall be positioned so glare does not create any unsafe conditions on adjacent properties or roadways.

d) Grades. The area of the SES shall not be artificially elevated to bring fill as to elevate the SES area higher than the existing grades on the property.

e) The owner shall construct, operate, repair, maintain, and replace solar energy system facilities as needed to keep the solar energy system in good repair and operating condition in a manner that protects the public health, safety, and welfare of the community.

f) Utility Notification. All large SES shall notify the Public Service Commission and comply with the interconnection requirements of the electric utility.

4) APPLICATION REQUIREMENTS. The following information shall be provided on all SES applications:

a) Name and contact information of the applicant, owner, and installer.

b) The legal description and address of the site.

c) A description of the scope of work.

d) Solar system specifications, including the manufacturer and model, generating capacity, total height, collector square footage, wiring plan and means of interconnecting with the electrical grid.

e) Site layout, including the location of property lines, structures, SES and the total extent of system movements and interconnection points with the grid.

f) Installer's qualifications and signature certifying SES will be installed in compliance with this section and all other applicable codes.

g) Submittal requirements for a Conditional use permit pursuant to 7.157 of this ordinance, if a large SES under 100 megawatts is proposed.

(1) Percentage of land coverage by SES.

(2) Structures on adjacent properties and distance from the property boundary.

(3) A decommissioning and site restoration plan providing reasonable financial assurance the large SES under 100 megawatts will be removed at the end of its useful life.

(4) Copies of property leases.

(5) Preliminary engineering design.

(6) Vegetation plan.

(7) Market impact analysis.

(8) Glare analysis study.

(9) Visual analysis study.

(10) Pre-construction sound report.

(11) Wetland and Waterway Report/Navigability Determinations.

(12) Cultural Resources report.

(13) Certified endangered resources review.

(14) Electric and magnetic field study.

5) ADDITIONAL STANDARDS FOR LARGE SOLAR ENERGY SYSTEMS.

a) Fencing. Other than fencing directly surrounding the large SES, the SES perimeter fencing shall consist of a six (6) to ten (10) foot in height woven wire partition with posts. Fences shall meet the provisions of s. 7.102.

b) Visual considerations. The SES shall not be used for any type of advertising. Necessary lighting to provide safety and security shall meet the requirements of Section 7.124 of this Ordinance. A description of any permanent lighting plans shall be made available to the Department and meet the provisions of s. 7.103.

c) Stormwater Management. The SES owner shall ensure compliance with Chapter 51 Erosion Control and Stormwater Ordinance for Sauk County. The SES owner shall also comply with any stormwater and erosion control requirements imposed by the Wisconsin Department of Natural Resources.

d) Ground cover. The following provisions shall be met related to the clearing of existing vegetation and establishment of vegetated ground cover.

(1) Large scale removal of mature trees on the site is discouraged. The Department may set

additional restrictions on tree clearing or require mitigation of cleared trees.

(2) To the greatest extent possible, the topsoil shall not be removed during development, unless part of a remediation effort.

(3) Soils shall be planted and maintained for the duration of the operation in perennial vegetation to prevent erosion, manage run-off, and improve soil.

(4) Seeds should include a mix of grasses and wildflowers (pollinator habitat), exclusively native to the region of the SES site, which will result in short stature prairie with a diversity of forbs and flowering plants that bloom throughout the growing season.

(5) Seed mixes and maintenance practices shall be consistent with the recommendations of the Wisconsin Department of Natural Resources.

(6) The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the county equal to 125% of the costs to meet the ground cover standard. The financial guarantee shall remain in effect until vegetation is 75% established.

(7) The Department may require visual vegetative buffers between the SES development and adjacent residential land uses. The SES owner shall install a vegetative buffer in accordance with Section 7.104 of this Ordinance.

e) Road use. The SES operator and its successors, assigns, contractors, agents, and representatives may use public roads as part of the construction, operation, maintenance, and repair of the SES. The owner acknowledges that in connection with construction, operation, and maintenance of electric collection lines, communications cables and other equipment, the facilities may cross road right-of-way and/or drainage systems. The owner agrees that it will seek and obtain all permits typically required of others, such as driveway permits, and right-of-way permits.

(1) The owner further agrees that the construction process may cause wear, tear, and damage to roads. The owner agrees, in lieu of making repair, restoration, or reconstruction of these roads following the completion of construction, that the owner shall provide compensation in the form of a lump sum payment in an amount to be determined by the owners qualified third party engineer, based on pre-construction and post-construction road condition analysis following general industry best practices, for the repair or reconstruction of the impacted roads. All repairs and reconstruction of roads shall be inspected and approved by the County Highway Department to ensure that the repairs meet County standards. The extent of repair will be negotiated at the post construction meeting and will be based on the road condition analysis. The County shall relieve the owner of any other repair or reconstruction obligations or responsibilities upon receipt of such payment. The County shall determine, at its sole discretion, how to utilize those funds for the repair of the impacted roads after their use for construction traffic for the SES ends. The owner shall negotiate in good faith a similar road use provision related to decommissioning, expansion, or repowering the SES.

(2) Throughout the construction of the SES, the owner shall work cooperatively to maintain public road infrastructure in a safe condition for passage by the public. During the ongoing construction of the SES, the owner at its expense, shall repair any significant damage that jeopardizes the safety of the traveling public. The County Highway Department shall continuously monitor County roads and shall notify the SES owner of damages that present safety concerns and shall require the owner to carry out the necessary repair to mitigate the unsafe road condition. In the event an unsafe road condition exists that presents a safety hazard to the public and is not promptly repaired by the deadline provided, the County may make emergency repairs, or order emergency road repairs to be performed by a qualified contractor, and the owner will promptly reimburse the County for reasonable emergency road repairs.

(3) The owner shall be responsible for addressing applicable road use issues with other entities to the extent that they have jurisdiction over roads to be used for the SES.

f) Foundations. A qualified engineer shall certify, by sealed stamped and signed plans that the foundation and design of the solar panels racking, and support is within the accepted professional standards, given local soil and climate conditions.

g) Power and communication lines. Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with building shall be buried underground. Exemptions may be granted by the Department in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or

distance makes underground boring infeasible, at the discretion of the Department.

h) Aviation Protection. SES located within 1,000 feet of an airport or within approach zones of an airport or landing strip, the application must complete and provide the results of a Glare Hazard Analysis.

i) Decommissioning. The SES owner shall implement the Decommission Plan upon permanent cessation of the commercial operation. For the purposes of the Agreement, permanent cessation of the commercial operation of the SES shall mean that the entire SES has ceased commercial operation for a consecutive period of twelve (12) months for reasons other than a force majeure event. The SES shall be deemed to be in commercial operation if the SES is under active construction activities including but not limited to construction activities in connection with SES-wide replacements or upgrades.

(1) The SES owner acknowledges that the decommissioning plan shall be submitted that includes a detailed cost analysis and will provide such a plan to the Department. The SES owner agrees that the decommissioning plan shall require the owner to, at a minimum:

(a) Notify the Department when permanent cessation has been determined.

(b) Remove, at its expense, all SES components including but not limited to solar collectors and associated facilities to a depth of 4 feet and properly dismantle all components that shall be disposed of at a licensed solid waste disposal facility and/or otherwise in a manner consistent with federal, state, and local regulations.

(c) Restore the land to a condition reasonably similar to pre-existing conditions, including de-compacting areas where SES access roads were installed and any other areas of substantial soil compaction. The SES access roads can remain in place if requested by the property owner.

(d) Prior to the issuance of a land use permit, the SES owner shall post a commercially reasonable financial assurance in the amount of the difference between the reasonably estimated costs of decommissioning the SES and the reasonably estimated salvage value of the SES improvement as determined by an engineer. The need for and amount of the financial assurance shall be reviewed by a qualified engineer, and if applicable, updated every 5 years.

(e) All solar equipment shall be decommissioned and disposed of in accordance with Federal, State, and Local laws.

6) LIMITATIONS ON AUTHORITY. The Department review and action in the matter shall be subject to the limitations imposed by 66.0401 of Wis. Stats. In the event the applicant believes the Department has exceeded its authority in this regard, the applicant shall notify the County. In that event, the applicable permit authority of the County may modify the requirements of this section as applied to that application, on a case-by-case basis, if and only to the extent, such modification is necessary to ensure that applicable laws are followed. This section is intended to allow case by case consideration of the standards of 66.0401(1m) of Wis. Stats, as needed.

7.093 SPECIAL EVENT.

1) APPLICATION. This section applies to all special events that are the following:

a) Have greater than 50 attendees but less than 1,000.

b) Located on a property not permitted as an event space.

c) Any special events that meet the definition in s. 7.011(150) or the outdoor events definition in s. 7.011(115) not associated with an approved use will be required to obtain a temporary permit for a special event.

d) Up to 6 special events may occur in a calendar year.

2) PERMIT. Special events may be permitted under this section by the Zoning Administrator with the submission of a special event permit application pursuant to s. 7.161. Multiple events may be permitted under the same permit if applied for at the same time. Special events are pursuant to the following use regulations:

a) Signage. Any proposed signage shall meet the standards and conditions as listed in subchapter XIII. All events that are publicly advertised with signage shall submit a plan showing the proposed sign locations. No signage shall be placed until approved by the Department.

b) Food and Beverages. All events offering sales of food or beverages shall obtain a license

pursuant to Wis. Statutes, Ch 97 and Wis. Admin. Code ACTP 75. A copy of the license shall be provided to the Zoning Administrator prior to the event.

(1) *Alcohol*. Events proposing to sell alcohol must obtain a license from the appropriate agency.

A copy of the license must be provided to the Zoning Administrator prior to the event.

c) *Safety Services*. Any event with an expected attendance of 200 or more people shall be required to contact the appropriate fire department, sheriff's office, and emergency services to review their plans and arrange for services, or inspections. A safety and emergency plan shall be created and reviewed by the emergency services stating precautionary measures in case of inclement weather; conditions in which the event would be canceled; main point of contact for an emergency situation, and a communications plan to notify attendees in case of an emergency.

d) *Temporary Structures*. The construction of any temporary structures such as tents, membrane structures, or other types of temporary structures shall be permitted with the condition that no temporary structure remains on the property for greater than seven (7) days after the end date of the event.

e) *Waste & Recycling*. A waste disposal plan shall be submitted to the Department in accordance with s. 7.100(4). All agreements with waste disposal companies shall be provided to the Department 30 days prior to the event.

f) *Sanitary Facilities*. Restroom facilities are required to be provided for all events.

(1) Temporary portable toilets shall be allowed pursuant to meeting the requirements of Wis. Stats. § 391.13. Any agreements with rental, supply, or disposal companies shall be submitted 30 days prior to the event.

7.094 SPORT SHOOTING RANGE.

1) *FENCING AND SIGNAGE*. All premises used for sport shooting ranges must be completely fenced except for one point of entrance not more than 12 feet wide. All fencing must meet the requirements of s. 7.102. Each such range must be posted with warning signs, facing outward away from the range, not more than 100 feet apart, fastened level to the top of such fence, and not more than 6 feet above the ground. Such warning signs must be at least 2 square feet in area and must contain the words, "Danger Shooting Range" in red on a white background. The letters of such words must be not less than 4 inches high and always maintained in a legible condition.

2) *LANDSCAPING*. All sport shooting ranges must meet the landscaping requirements of s. 7.104 for neighboring properties.

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

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

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

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

7.095 WAREHOUSING, SELF-STORAGE FACILITY, OR MINI-WAREHOUSING.

1) *MATERIAL STORAGE*. All items and materials stored at the facility must be indoors, with exception of recreational vehicles such as boats, campers, RVs, etc. may be permitted outdoors and shall only be allowed in rear and side yards.

2) *BUILDING*. All warehouses, self-storage facilities, and mini-warehousing facilities shall meet commercial building code.

3) *LANDSCAPING*. All warehousing, self-storage facilities, or mini-warehousing must meet the

landscaping requirements of s. 7.104 for neighboring properties.

- 4) Storage units may not be used for the following uses: the operation of a business or service enterprise, personal activities such as hobbies, arts, or crafts; woodworking; repair, restoration, or maintenance of vehicles, machinery, or equipment; hazardous or toxic material storage; and/or living/sleeping quarters.

7.096 WIND ENERGY SYSTEMS

- 1) **PURPOSE.** The purpose of this section is to adopt and incorporate the requirements of Wis. Stat. § 66.0401 and Wis. Admin. Code. Ch. PSC 128 as a local ordinance to establish local regulations on the installation, siting, use and decommissioning of wind energy systems that are authorized by, compliant with, and are no more restrictive than the rules promulgated by the Wisconsin Public Service Commission (PSC) and that serve to preserve and protect the public health, safety, and welfare. For the purposes of this section, large wind energy systems are systems that have a total installed nameplate capacity of 300 kilowatts or greater and consists of individual wind turbines that have an installed nameplate capacity of more than 100 kilowatts. Systems with a total installed nameplate capacity of greater than 100 megawatts may not be regulated by this Ordinance. The Public Service Commission (PSC) has siting authority for systems over 100 Megawatts. Small Wind energy systems are systems that have a total installed nameplate capacity of 300 kilowatts or less and that consist of individual wind turbines that have an installed nameplate capacity of less than 100 kilowatts.

- 2) **APPLICATION EXEMPTIONS AND FEES.**

- a) **For Small Wind Energy Systems.**

- (1) The exemptions listed under Wis. Admin. Code PSC § 128.60 and modifications under PSC § 128.61 shall apply to an application that is submitted for a Small Wind Energy System.

- b) **For Wind Energy Systems Regulated by this Ordinance.**

- (1) Costs of review and processing, for all Wind Energy Systems the owner shall reimburse the Department for the reasonable costs associated with permit review and processing, subject to the reimbursement requirements of PSC 128.32(5). In the event the county establishes a fee consistent with Wis. Stats. 59.69 and PSC 128.32(5), said fee will be charged in lieu of reimbursement.

- (2) The established fee or reimbursement requirements consistent with PSC 128.32(5) shall include the requirement that the applicant shall pay all reasonable costs incurred by the county in connection with the review and processing of the application, including the cost for services provided by outside attorneys, engineers, environmental specialists, planners, and other consultants and experts that are actual and necessary costs of review.

- (a) The Department is authorized to contract with one or more engineers, environmental specialists, planner, and other consultants and experts to perform necessary services in connection with this ordinance.

- (b) The Corporation Counsel is authorized to contract with outside legal counsel to perform services in connection with this section.

- (3) The Department shall make the applicant aware of any such reasonable and necessary costs prior to incurring such costs and, if the applicant decides not to pay the reasonable and necessary costs, the application shall be denied.

- (4) The Department may require the owner of the Wind Energy System to submit up to 50% of the total estimated amount of the fee reimbursement for the wind energy system application under PSC 128.32(5) before issuing a written decision consistent with PSC 128.32(3), if the county gives written notice to the owner of its intent to do so within ten (10) days of the date the application is deemed complete and the notice contains an estimate of the amount of the fee and the relevant reimbursement requirements.

- (5) The Department shall invoice the applicant for the reasonable costs incurred pursuant to this section. The applicant will be provided thirty (30) days from the date of the invoice to reimburse the County.

- 3) **PERMIT, APPLICATION, AND FILING REQUIREMENTS**

- a) **For Small Wind Energy Systems** – an owner shall file a land use permit application with the Department that, at a minimum, includes the following information:

- (1) Wind Energy System description and maps showing the locations of all proposed wind energy facilities. (This may include the description and maps for alternative wind energy facility locations.)
- (2) Technical descriptions of wind turbines and wind turbine sites.
- (3) Timeline and process for constructing the Wind Energy System.
- (4) Information regarding anticipated impact of the Wind Energy System on local infrastructure.
- (5) Information regarding noise anticipated to be attributable to the Wind Energy System.
- (6) Information regarding shadow flicker anticipated to be attributable to the Wind Energy System, consistent with PSC 128.15, with the exception of PSC 128.15(1)(c), 3(b)(e), and (5) which do not apply to Small Wind Energy Systems.
- (7) Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System.
- (8) Information regarding the anticipated effects of the Wind Energy System on airports and airspace.
- (9) Information regarding the anticipated effects of the Wind Energy System on line-of-sight communications, consistent with PSC 128.16, with the exception of PSC 128.16(2)-(4) which do not apply to Small Wind Energy Systems.
- (10) A list of all state and federal permits required to construct and operate a Wind Energy System.
- (11) Information regarding the planned use and modification of roads during the construction, operation, and decommissioning of the Wind Energy System, including a process for assessing road damage caused by the Wind Energy System activities and for conducting road repairs at the owner's expense.
- (12) A representative copy of all notices issued consistent with PSC 128.105(1) and 128.30(5), except as provided by PSC 128.61.

b) For Large Wind Energy Systems – an owner shall file a conditional use permit application with the Department that, at a minimum, includes the following information:

- (1) All information required under 7.096(3)a)(1)-(6) and (8)-(12) of this section.
- (2) Information regarding the anticipated effects of the Wind Energy System on existing land uses within 0.5 miles of the Wind Energy System. (For example, information may include the anticipated effects to applicable environmental conditions and/or development limitations within 0.5 miles.)
- (3) A representative copy of all notices issued under PSC 128.105(1), 128.30(5), and 128.42(1), which are:
 - (a) Pre-application notice – At least 90 days before an owner files an application to construct a Wind Energy System, an owner shall use commercially reasonable methods to provide written notice of the planned wind energy system to all of the following:
 - (i) Landowners within one mile of the planned wind turbine host properties.
 - (ii) Political subdivisions within which the Wind Energy System may be located.
 - (iii) Emergency first responders and air ambulance service providers serving the political subdivisions within which the Wind Energy System may be located.
 - (iv) The Wisconsin Department of Transportation.
 - (v) The Wisconsin Public Service Commission.
 - (vi) The Wisconsin Department of Natural Resources.
 - (vii) The Wisconsin Department of Agriculture, Trade and Consumer Protection.
 - (viii) The Office of the Deputy Secretary of the US Department of Defense.
 - (b) Notice of process for making complaints – Before construction of a Wind Energy System begins, an owner shall provide written notice of the process for making complaints and obtaining mitigation measures to all residents and landowners within 0.5 miles of any and wind energy system facility. An owner shall include in the notice the requirements under PSC 128.40(1) for submitting a complaint to the owner, a petition for review to the political subdivision, and an appeal to the Agency, and shall include a contact person and telephone number for the owner for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning.
 - (c) A copy of all emergency plans developed in collaboration with appropriate first

responders under PSC 128.18(4)(b). An owner may file plans using confidential filing procedures, as necessary.

(d) A decommissioning and site restoration plan providing reasonable financial assurance that the owner will be able to comply with PSC 128.19.

c) **For all Applications** – Evidence shall be included for all applications to show that, on the same day an owner filed an application under this section, the owner used commercially reasonable methods to provide written notice of the filing of an application to property owners and residents located within one mile of the proposed location of any Wind Energy System facility. The notice shall include all the following:

- (1) A complete description of the Wind Energy System, including the number and size of wind turbines.
- (2) A map showing the location of all proposed Wind Energy System facilities.
- (3) The proposed timeline for construction and operation of the Wind Energy System.
- (4) Locations where the application is available for public review.
- (5) Owner contact information (including the contact person(s), primary phone number, and email).

4) **LOCAL REGULATIONS.**

a) **Airports and Heliports.** The owner shall comply with any restrictions established for public use airports or heliports under Wis. Stats. 114.135 or 114.136. If no such restrictions are effective, wind turbine height and setback distances shall comply with the Federal Aviation Administration obstruction standards in 14 CFR Part 77.

b) **Farmland Preservation Zoning Districts.** No conditional use permit or land use permit application for a wind energy system shall be approved by the Agency or the Department within the Farmland Preservation Zoning Districts (EA), unless such application meets the applicable standards and conditions identified in Wis. Stats. 91.46(4)(a-e) as shown below.

- (1) The use and its location in the farmland preservation zoning districts are consistent with the purposes of the farmland preservation zoning districts.
- (2) The use and its location in the farmland preservation zoning districts are reasonable and appropriate considering alternative locations or are specifically approved under state or federal law.
- (3) The use is reasonably designed to minimize conversion of land at or around the site of the use, from agricultural use or open space use.
- (4) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for, or legally restricted to, agricultural use.
- (5) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

c) **Abandonment and Decommissioning.**

(1) **For all Wind Energy Systems.**

(a) A wind energy system that is at the end of its useful life and/or does not generate electricity for a continuous period of 365 days will be deemed abandoned and the Department may send a Notice of Abandonment to the owner. Exemptions under PSC 128.60 and modifications under PSC 128.61 apply to all Small Wind Energy Systems.

(b) If, within 3-days of receipt of a Notice of Abandonment, the owner provides the Department with information showing to the Department's satisfaction that the wind energy system has not been abandoned, the Department will withdraw the Notice.

(c) Unless the Department withdraws the Notice of Abandonment, a wind energy system tower must be decommissioned as prescribed by PSC 128.19. If the owner fails to remove the wind energy system and reclaim the site, the County may remove or cause the removal of the wind energy system and arrange for the reclamation of the site.

(2) **For Large Wind Energy Systems.**

(a) An owner with a nameplate capacity of one megawatt or larger shall provide the county with and maintain proof of financial assurance of the owner's ability to pay the actual or necessary cost to decommission the wind energy system before commencing major civil construction activities such as blasting or foundation construction at the wind energy system site. An owner may comply with this paragraph by choosing to provide a bond or irrevocable

letter of credit or some combination of these financial assurances, that will ensure the availability of funds necessary for decommissioning throughout the expected life of the wind energy system and through to completion of the decommissioning activities, consistent with PSC 128.19(3).

(b) An owner shall provide the county with three (3) estimates of the actual and necessary cost to decommission the wind energy system. The cost estimates shall be prepared by third parties agreeable to the owner and the county. The amount of financial assurance required by the County shall not exceed the average of the three estimates.

(c) An owner shall establish financial assurance that is acceptable to the County and that places the county in a secured position, subject to the provisions of this section. The financial assurance must provide that the secured funds may only be used for decommissioning the wind energy system until such time as the county determines that the wind energy system has been decommissioned, as provided for in PSC 128.19(5), or the County otherwise approves the release of funds, whichever occurs first.

(d) An owner shall establish financial assurance that allows the county to access funds for the purpose of decommissioning the wind energy system. If the owner does not decommission the wind energy system when decommissioning is required. Source PSC 128.19(3)(c)(4).

(e) The county may periodically request information from the owner regarding industry costs for decommissioning the wind energy system. If the county finds that the future anticipated costs to decommission the wind energy system is at least 10 percent more or less than the amount of the financial assurance provided under this section, the county may correspondingly increase or decrease the amount of financial assurance required but shall not adjust the financial assurance required under this paragraph more often than once in a five-year period.

(f) The county may require an owner to submit a substitute financial assurance of the owner's choosing if an event occurs that raises material concern regarding the viability of the existing financial assurance.

(g) If a wind energy system was constructed on land owned by a person or persons other than the owner of the wind energy system, the owner of the wind energy system shall ensure that the property is restored to preconstruction condition, unless otherwise provided in a contract signed by an affected landowner, considering any modifications that may be required to comply with DNR requirements.

(h) If the wind energy system was constructed on a brownfield site, as defined in Wis. Stats. 238.13(1)(a), the owner shall restore the property to eliminate effects caused by the wind energy system, except for the effects of environmental remediation activities, as defined in Wis. Stats. 238.13(1)(d).

d) Lighting Criteria. A wind energy system may be artificially lighted only if lighting is required by the Federal Aviation Administration. An owner shall use shielding or control systems approved by the Federal Aviation Administration to reduce visibility of light when viewed from the ground.

e) Noise Criteria. For both Large and Small Wind Energy Systems.

(1) The noise generated by the operation of a wind energy system may not exceed 50 db(A) during the daytime hours and 34 db(A) during the nighttime hours as measured at the outside wall of a non-participating dwelling or occupied community building that existed when the owner gave notice pursuant to SPC 128.105(1) or for which complete publicly available plans for construction were on file with a political subdivision within 30 days of the date when the owner gave notice pursuant to PSC 128.05(1). Nighttime hours are hours beginning at 10:00 p.m. and ending at 6:00 a.m. daily and daytime hours are the hours beginning at 6:00 a.m. and ending at 10:00 p.m. daily.

(2) The owner of an adjacent nonparticipating dwelling or adjacent occupied community building may relieve the owner of the wind energy system of the requirement to meet any of those noise limits in this section by written contract as provided in PSC 128.14(5) and (6).

(3) The owner shall provide the notice as prescribed by PSC 128.61(4).

(4) If an owner receives a complaint of a violation of the noise standards contained in PSC 128.14 and the owner has not provided the Department with the results of an accurate test

conducted within two (2) years of the date of the complaint showing that the wind energy system is in compliance with the noise standard at the location relating to the complaint, the owner shall promptly conduct a noise study to evaluate compliance with the noise standards at that location using the most current version of the noise measurement protocol as described in PSC 128.50(2).

f) Ownership Changes.

(1) For Small Wind Energy Systems. The owner shall provide the County with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of change.

(2) For Large Wind Energy Systems. The owner shall provide the county with notice of any change in ownership of the wind energy system on or within 30 days of the effective date of the change. Notwithstanding the timing of notice of change in ownership of the wind energy system set forth above, the notice shall include information showing that the financial responsibility specified in this section of this Ordinance was assumed by the new owner, upon effective date of the change.

g) Setbacks and Siting Criteria. An owner shall work with a political subdivision and owners of participating and nonparticipating properties to site wind turbines to minimize individual hardships. Source PSC 128.13(1)(c).

(1) For Small Wind Energy Systems, such systems shall comply with the minimum setback distances shown in the Table to PSC 128.13 included in PSC 128.61, which are:

(a) TABLE 7.096(4)(g)(1): MINIMUM SETBACK DISTANCES.

Description	Setback Distance*
Occupied Community Buildings	1.0 times the maximum blade tip height
Participating Dwellings	None
Nonparticipating Dwellings	1.0 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.0 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines – not including utility service lines to individual dwellings or accessory structures.	1.0 times the maximum blade tip height
Overhead Utility Service Lines – Lines to individual houses or outbuildings	None

*Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or dwelling or to the nearest point on the property line or feature, as applicable. The owner of an adjacent nonparticipating dwelling or adjacent occupied community building may waive the applicable turbine setback distances as described in PSC 128.61(3)(b).

(2) For Large Wind Energy Systems, such systems shall comply with the minimum setback distances shown in Table of PSC 128.13, which are:

(a) TABLE 7.096(4)(g)(2): MINIMUM SETBACK DISTANCES.

Description	Setback Distance*
Occupied Community Buildings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Dwellings	1.1 times the maximum blade tip height
Nonparticipating Dwellings	The lesser of 1,250 feet or 3.1 times the maximum blade tip height
Participating Property Lines	None
Nonparticipating Property Lines	1.1 times the maximum blade tip height
Public Road Right-of-Way	None
Overhead Communication and Electric Transmission or Distribution Lines – not including utility service lines to individual dwellings or accessory structures	1.1 times the maximum blade tip height
Overhead Utility Service Lines – Lines to individual houses or outbuildings	None

*Wind turbine setback distances shall be determined as a straight line from the vertical centerline of the wind turbine tower to the nearest point on the permanent foundation of a building or dwelling or to the nearest point of the property line or feature, as applicable.

(a) The owner of a nonparticipating dwelling or occupied community building may waive the applicable wind turbine setback distances of this section for those structures to a minimum setback distance of 1.1 times the maximum blade tip height. The owner of a nonparticipating property may waive the applicable wind turbine setback distance of this section from a nonparticipating property line.

h) Notice of Federal or State Agency Consultation.

(1) For Large Wind Energy Systems. In the event the owner has consulted with and received any nonbinding recommendations for constructing, operating, or decommissioning of the wind energy system from any state or federal agency. The owner shall provide the Department with information about the consultation and whether the owner has incorporated such non-binding recommendations into the design of the wind energy system, within 30 days of receiving such recommendations. Source PSC 128.33(1).

5) LOCAL PROCEDURE.

a) All applications regulated by this section may be subject to additional conditions and restrictions consistent with but no more restrictive than those in Wis. Stats. 66.0401(1m) and authorized by, and consistent with, Wis. Admin. Code Ch. PSC 128. Where such conditions are considered and applied on a case-by-case basis as well as satisfying one of the following:

b) Small Wind Energy Systems shall be processed as a land use permit.

(1) This section does not apply to Small Wind Energy Systems subject to standards and conditions within the farmland preservation zoning district.

c) Large Wind Energy Systems shall be processed as a conditional use permit.

(1) In addition to conditions established pursuant to this section, the Zoning Administrator or Agency may require the owner of a Wind Energy System to offer monetary compensation to the owner of a nonparticipating dwelling consistent with PSC 128.33(3) and may be subject to the monetary compensation requirements of PSC 128.33(3m).

d) Application Processing.

(1) Within 45 days of receiving an application, the Department shall notify the applicant whether the application is complete and, if not, what the applicant must do to make it complete.

- (a) The applicant shall provide the additional information specified in the notice to the Department within 60 days of the date of the notice.
 - (b) The owner may file a new application later; there is no limit to the number of times that an owner may file an application.
 - (c) An application shall be deemed complete if it complies with the filing requirements specified in this section of this ordinance and of PSC 128.30(2) and 128.50(1).
 - (2) As soon as reasonably possible after receiving a complete application, the Department shall publish a class 1 notice, under Wis. Stats. Ch. 985, stating that an application for approval has been filed with the County.
 - (a) For Large Wind Energy Systems. The application will be forwarded to the Agency for issuance of a Conditional Use Permit in accordance with Section 7.157 of this Ordinance. Notwithstanding the provisions of Section 7.157, the application shall be determined complete if it meets the requirements under PSC 128.30(2) and 128.50(1).
 - (b) For Small Wind Energy Systems. The Department shall make the application available for public review consistent with PSC 128.30(6)(a) and shall accept written comments on the application for a minimum period of 10 days following the date of the published notice. The agency may hold one public meeting to obtain comments and inform the public about the proposed wind energy system.
 - (3) The Department shall make a record of its decision making on an application, including a recording of any public hearing, copies of documents submitted at any public hearing, and copies of any other documents provided to the Department in connection with the application for approval.
 - (4) The Department shall base its decision on an application on written findings of fact that are supported by the evidence in the record.
 - (a) For Large Wind Energy Systems with a nominal capacity of at least one megawatt, the Department may deny an application for approval if the proposed site of the wind energy system is in an area primarily designated for future residential or commercial development, as shown in a map that is adopted, as part of a comprehensive plan, under Wis. Stats. 66.1001(2)(b) and (f), before June 2, 2009, or as shown in such maps after December 31, 2015, as part of a comprehensive plan that is updated as required under Wis. Stats. 66.1001(2)(i). This provision applies to Wind Energy Systems that have a nominal capacity of at least one megawatt. Wis. Stats. 66.0401(4)(f)(2).
 - (5) The Department shall approve or disapprove an application for approval no later than 90 days after the day on which it notifies the applicant that the application for approval is complete. The Department may extend this time period in writing provided the extension is done during the initial 90-day period, except the total amount of time for all extensions granted may not exceed 90 days. Any combination of the following extensions may be granted:
 - (a) An extension of up to 45 days if the Department needs additional information to determine whether to approve or deny the application.
 - (b) An extension of up to 90 days if the applicant makes a material modification to the application.
 - (c) An extension of up to 90 days for other good cause specified in writing by the Department.
 - (d) If the Department fails to act within the initial 90 days, or within any extended time period, the application is considered approved.
 - (6) The decision made by the county to deny an application shall be made in writing to the applicant and must include the reasons for denial.
 - (7) The Department shall provide a written decision to the applicant and Public Service Commission. Said decision shall contain findings of fact supported by evidence in the record.
- 6) MODIFICATION TO AN APPROVED SYSTEM.**
- a) An owner may not make a material change in the approved design, location or construction of a wind energy system without the prior written approval of the Zoning Administrator or the Agency. An owner shall submit an application for a material change for an approved wind energy system to the county. The county may not reopen the merits of the earlier approval but shall consider only those issues relevant to the proposed change.

- b) An application for material change is subject to PSC 128.35.
- c) At its discretion, the agency may hold at least one public meeting to obtain comments on and to inform the public about a proposed material change to an approved wind energy system.
- 7) **POST CONSTRUCTION FILING REQUIREMENTS (applicable to only Large Wind Energy Systems).**
 - a) Within 90 days of the date a wind energy system commences operation, the owner shall file with the Department and the Wisconsin Public Service Commission an as-built description of the wind energy system, an accurate map of the wind energy system showing the location of all wind energy system facilities, geographic information system information showing the location of all wind energy system facilities, and current information identifying the owner of the wind energy system.
 - b) An owner shall label each wind turbine location described in its filing and show on the map the wind energy system with a unique identifier consistent with the information posted at the wind turbine location under PSC 128.18(1).
- 8) **COMPLIANCE MONITORING (applicable to only Large Wind Energy Systems and subject to PSC 128.36)**
 - a) The Department may contract with a third-party inspector to monitor and report to the Department regarding the owner's compliance with permit requirements during construction. The inspector monitoring compliance under this section shall also report to a state permitting authority upon the state permitting authority's request. The inspector shall make monthly written reports to the Department. The owner shall reimburse the county for the reasonable cost of the inspector.
 - b) At any time following completion of construction, the Department may contract with consultants or experts it deems necessary to monitor compliance by the owner with conditions of the permit and to assess when wind energy system facilities are not maintained in good repair and operation.
 - (1) At a minimum, the owner shall provide the Department an annual report regarding maintenance checks and any maintenance performed on each turbine within the approved wind energy system.
 - (2) The public shall have access to any reports or assessments produced pursuant to this section.
 - (3) The owner of a wind energy system shall reimburse the county for reasonable costs associated with monitoring and/or assessment.
- 9) **DECOMMISSIONING REVIEW.**
 - a) An owner shall file notice of decommissioning completion with the county and any political subdivision within which its wind energy system facilities are located when a wind energy system approved by the county has been decommissioned and removed.
 - b) The Department may conduct a decommissioning review to determine whether the owner has decommissioned and removed the wind energy system as required by PSC 128.19(1)(a) and, for Large Wind Energy Systems, whether the owner has complied with its site restoration obligations under PSC 128.19(4), when applicable.
 - c) The owner shall cooperate with the county by participating in the decommissioning review process and, for Large Wind Energy Systems, ensure the obligations under PSC 128.19(3) are met.
- 10) **APPEALS.**
 - a) A decision of the Department to determine that an application is complete under this section, or to approve or disapprove a wind energy system under this section, or an action of the county to enforce a restriction on a wind energy system, may be appealed only as provide in this section.
 - b) An aggrieved person seeking to appeal a decision or enforcement action specified under this section may begin the administrative appeal process as set forth in 7.153(5).
 - (1) If the person is still aggrieved after the administrative review is completed, the person may file an appeal with the Wisconsin Public Service Commission (WPSC). No appeal to the WPSC under this section may be filed later than 30 days after the county has completed its administrative review process. For purposes of this section, if the County fails to complete its administrative review process within 90 days after an aggrieved person begins the review process, the county is considered to have completed the process on the 90th day after the person began the process.
 - (2) Rather than beginning an administrative review under 7.153(5), an aggrieved person seeking to appeal a decision or enforcement action of the county, may file an appeal directly with the WPSC. No appeal to the WPSC under this section may be filed later than 30 days after the

decision or initiation of the enforcement action.

(3) An applicant whose application for approval is denied, may appeal the denial to the WPSC. The WPSC may grant the appeal notwithstanding the inconsistency of the application for approval with the political subdivisions planned residential or commercial development if the WPSC determines that granting the appeal is consistent with the public interest.

11) COMPLAINTS.

a) Complaints process for wind energy systems.

(1) An aggrieved person who has made a complaint to the owner in accordance with PSC 128.40 may petition the county for review of the complaint if it has not been resolved within 45 days of the day the owner received the original complaint.

(2) Petition for review must be filed with the Department within 90 days of the date of the original complaint and shall contain the following:

- (a) Name, address, and telephone number of the person filing the petition.
- (b) Copy of the original complaint to the owner.
- (c) Copy of the owner's original response.
- (d) Statement describing the unresolved complaint.
- (e) Statement describing the desire remedy.
- (f) Any other information the complainant deems relevant to the complaint.
- (g) Notarized signature of the person filing the complaint.

(3) The Department shall forward a copy of the petition to the owner by certified mail within 10 days of the Department receiving the petition.

(4) The owner shall file a written answer to the petition with the Department and provide a copy of its answer to the complainant within 30 days of receipt of the petition. The answer must include the following:

- (a) Name, address, and phone number of the person filing the answer.
- (b) Statement describing the actions taken by the owner in response to the complaint.
- (c) Statement of the reasons why the owner believes the complaint has been resolved or why the complaint remains unresolved.
- (d) Statement describing any additional action the owner plans or is willing to take to resolve the complaint.
- (e) Any other information the owner deems relevant to the complaint.
- (f) Notarized signature of the person filing the answer.
- (g) The complainant and the owner may, within 30 days following the owner's filing of its answer, file such additional information with the Department as each deems appropriate.
- (h) The Department may request such additional information from the complainant and the owner as it deems necessary to complete its review.
- (i) The Department may retain such consultant or experts it deems necessary to complete its review.
- (j) The Department shall issue a written decision and may take such enforcement action as it deems appropriate with respect to the complaint.
- (k) The decision of the Department and enforcement action is subject to review under Wis. Stats. 66.0401(5).

(5) Additional process for Large Wind Energy Systems.

- (a) An owner shall comply with the notice requirements contained in PSC 128.42(1).
- (b) An owner shall, before construction of a Large Wind Energy System begins, provide the Department with a copy of the notice issued pursuant to PSC 128.42(1), along with a list showing the name and address of each person to whom the notice was sent and a list showing the name and address of each political subdivision to which the notice was sent.
- (c) An owner shall, before construction of a Large Wind Energy System begins, file with the Department the name and telephone number of the owner's contact person for receipt of complaints or concerns during construction, operation, maintenance, and decommissioning. The owner shall keep the name and telephone number of the contact person on file with the Department current.

7.097 WINERIES/BREWERIES/DISTILLERY or TASTING FACILITY.

- 1) **PERMITS.** State permits must be obtained in accordance with Wis. Stats 125.
- 2) **HOURS OF OPERATION.** The hours of operation shall not exceed the hours permitted by the Wis. Stats 125 license. The Agency may require more restrictive hours.
 - a) Hours of operation exceeding those listed above shall only be permitted for special events pursuant to s. 7.093 and s. 7.161.
- 3) **TASTING ROOMS.** Tasting rooms are permitted and may include indoor and outdoor areas.
 - a) Stand-alone tasting rooms are allowed, provided that all other standards of this chapter are met.
 - b) Any outdoor tasting areas, or guest areas, shall be located 100 feet from any property line.
- 4) **EATING ESTABLISHMENT.** Eating establishments may be permitted in allowed zoning districts pursuant to section 7.072 of this ordinance.
- 5) **LANDSCAPING.** All outdoor tasting, or congregating areas and parking lots shall meet the landscaping requirements of s. 7.104 from residential properties.

SUBCHAPTER V: DEVELOPMENT STANDARDS

7.098 PURPOSE. The purpose of this subchapter is to provide development standards that apply to all land uses and permit applications that are subject to this Ordinance. These standards implement the Comprehensive Plan and the purposes established for the zoning district regulations. This subchapter also ensures that new development, structures, and land uses mitigate their impacts on affected adjacent properties, the natural environment, and affect infrastructure, where indicated in the applicable standards; and provide uniform methods for the application of the dimensional, site design, civic space, landscaping, and infrastructure standards established by this Ordinance.

7.099 APPLICABILITY. This subchapter applies to all zoning districts and uses; and unless otherwise provided, any application for rezoning, conditional use permit, variance, land use permit, temporary land use permit, or certificate of occupancy.

7.100 GENERAL DEVELOPMENT STANDARDS.

- 1) **SITE PLAN.** All new developments, or changes to existing developments shall submit a site plan in accordance with s. 7.155.
- 2) **EROSION CONTROL.** All new development, or changes to existing development shall adhere to the standards and conditions of Chapter 8 and Chapter 51 of the Sauk Co. Code of Ordinances.
- 3) **PRIVATE ON-SITE WASTEWATER TREATMENT SYSTEMS.** All new development, or changes to existing development or uses shall adhere to the standards and conditions of Chapter 25 of the Sauk Co. Code of Ordinances.
- 4) **WASTE & REFUSE.** All new developments, or changes to existing developments shall provide the Department with a waste management plan that locates receptacles on the proposed property and provides proof of a licensed waste management hauler or disposal system.
- 5) **OPERATIONS PLAN.** All new developments or changes to existing developments shall provide an operations plan that includes a business summary of the operation, which includes, the goods or services involved, equipment used, hours of operation, number of employees, and any other information that Department deems necessary to ensure health, safety, and welfare.

7.101 EXCLUSIVE AGRICULTURE ZONING DISTRICT. These standards apply to uses and structures in the exclusive agriculture zoning district.

- 1) **ACCESSORY USE.** Any accessory uses or structures located in the exclusive agricultural zoning district must meet the definitions of accessory use as listed in this chapter and Wis. Stats. § 91.01.
- 2) **CONDITIONAL USES.** Conditional uses may be allowed in the exclusive agriculture zone if it is determined that all of the following apply:
 - a) The use and its location in the exclusive agriculture zoning district are consistent with the purposes of the district.
 - b) The use and its location in the exclusive agriculture zoning district are consistent with the County's farmland preservation plan.
 - c) The use and its location in the exclusive agricultural zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

- d) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - e) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - f) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- 3) The construction of a dwelling in areas zoned exclusive agriculture shall require the issuance of a conditional use permit pursuant to Wis. Stat. § 91.46(2)(c) except that dwellings may be established on a PRD development area established pursuant to Subchapter XII.
- a) Single family dwellings shall be a permitted use on a lot of record as that term is defined in s. 7.011 (92).
 - b) Farm residences shall be a permitted use as the term is defined in s. 7.011(71).

7.102 FENCES. Solid fences and walls may be located as follows:

- 1) **VISION CLEARANCE TRIANGLE.** Solid fences and walls greater than 20% opacity and located in a vision clearance triangle must not exceed 30 inches in height.
 - a) Solid fences and walls must not exceed 30 inches in height when located within a vision clearance triangle, except retaining walls used to hold ground at or below its natural level and fences designed and constructed so as not to constitute a substantial obstruction to the view of motorists and pedestrians across the vision clearance opening from one right-of-way to another.
- 2) **STRUCTURES.** Fences or walls that are greater than 4 feet in height or greater than 50 feet in linear length shall be considered structures.
 - a) **Setbacks.** Fences and walls that are considered structures are exempt from structure setbacks of the underlying zoning district.
 - b) **HEIGHT.** Fences shall not exceed six (6) feet in height unless located in an industrial zoning district, in which fences shall not exceed a height of eight (8) feet.
 - (1) Fences shall exceed four (4) feet in height in the front yard or area of the fence that is most parallel to the front lot line, unless specifically required by this ordinance.
- 3) **EXEMPTIONS.**
 - a) Barbed wire or electrically charged fences.
 - (1) Agricultural fencing may consist of barbed wire and be electrically charged. Agricultural fencing is exempt from permitting and setback requirements if the property is associated with an agricultural use.
 - (2) Barbed wire may be used in industrially zoned areas, if the devices securing the barbed wire to the fence are located ten (10) feet above the ground and project toward the fenced property and away from neighboring properties.
 - b) Fences are exempt from any setback survey requirement.

7.103 ILLUMINATION. All outdoor lighting must utilize fully shielded lighting fixtures to minimize artificial sky glow and prevent light trespass or glare beyond the property line. An outdoor lighting plan shall be submitted and installed pursuant to this subsection.

- 1) **LIGHT NUMBER AND DIRECTION.** Structures that are illuminated from an external source, shall have illumination directed downward and away from adjacent properties and public roadways and shall be designed to minimize ambient light. Search lights are prohibited.
 - a) **Glare.** Structures must be shielded to prevent beams or rays of light from being directed at any portion of a road and that are of such intensity or brilliance as to cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
- 2) **INTENSITY.** The illumination of any structure or parking lot shall not exceed 0.50 foot-candles above ambient lighting conditions on a cloudless and moonless night, measured at the property line. The maximum average on-site lighting level shall not exceed one foot-candle in the RR, SFR, MFR, AG, and RC zoning districts and shall not exceed 3 foot-candles in all other zoning districts.
- 3) **PARKING AREAS.** Any lighting used to illuminate parking areas must be directed away from adjacent properties and must not cast any glare on public rights-of-way. Lighting must be angled downwards.

- 4) **LOCATION.** No light fixture, regardless of wattage or intensity shall be located closer than 5 feet from any property line.
- 5) **EXEMPTIONS.** This section will not apply to lighting within the public right-of-way, on public property, on communication towers or airports required to meet federal or state safety regulations, it does not apply to the lighting of flags on flag poles, residential structures, or accessory structures.
- 6) **ILLUMINATION PLAN.** An illumination plan shall include the following information:
 - a) A site plan in accordance with s. 7.155 which shows location of all lighting fixtures.
 - b) Proposed lighting fixture description including structure, illumination and direction and lighting.
 - c) Any other information deemed necessary by the Zoning Administrator in accordance with the intent and purpose of this chapter.

7.104 LANDSCAPING & SCREENING. A landscaping and screening plan must be submitted at the time of permit application, and no permit will be issued until an acceptable plan has been approved. Any required landscaped area shall be planted with any combination of perennial plants, woody shrubs and/or trees, but excluding mowed turf grass. Landscaping areas that are within 1,000 feet of the ordinary high-water mark of a lake, pond or flowage, or 300 feet of the ordinary high-water mark of a navigable river or stream, must comply with applicable portions pursuant to Sauk Co. Code Ch. 8.

- 1) **TREE PRESERVATION.** Development shall be compatible with the physical nature of the site with particular concern for the preservation of natural features, vegetative growth, and open spaces. All property owners, leaseholders, and contractors are encouraged to protect and preserve existing native trees, shrubbery, and grasses during construction to safeguard against erosion, loss of native species, and improve soil and water quality throughout the County.
- 2) **GENERAL STANDARDS.**
 - a) **Site Plan.** A site plan in accordance with 7.155.
 - (1) Proposed landscaping with dimensions and setbacks to property lines.
 - (a) A list of specific tree and shrub species shall be provided and labeled on the site plan.
 - (b) A specific seed mix shall be provided for ground covering species.
 - (c) A drawing or picture of any proposed fences or walls with dimensions.
 - (d) A cross-section of any proposed berms with slopes noted.
 - b) **Ground Coverage.** Landscaped areas shall be planted with sufficient density of plants to achieve 80% ground coverage within 3 full growing seasons.
 - c) **Native Vegetation.** Landscaped areas shall utilize native vegetation wherever possible. The use of invasive, introduced, or noxious species as listed by the United States Department of Agriculture, Natural Resource Conservation Service shall be strictly prohibited.
 - d) **Species & Materials.**
 - (1) The landscaped area may contain any combination of preserved natural vegetation, or newly installed plantings.
 - (2) Landscape species may include a mix of trees, and shrubs and can also include herbaceous materials such as grasses, vines, aquatic plants, wildflowers, tall-grass prairie and other vegetative materials.
 - (3) Landscape materials shall allow growth to required height and opacity. Materials shall be tolerant of heat, drought, salt, or other conditions that could degrade quality and health of vegetative material.
 - e) **Plant Size.** Minimum plant size shall be as specified below in Table § 7.104(2)(e). Trunk size shall be determined by caliper inches measured 6 inches above ground level.

TABLE 7.104(2)(e): PLANT SIZE REQUIREMENTS.

Plant Size Requirements	
Plant Type	Minimum Size
Trees	
Evergreen	18" in height
Deciduous, Overstory	½ - 1 caliper inches

Deciduous, Ornamental	1 caliper inches
Shrubs	
Evergreen or Deciduous	18" in height

3) SCREENING REQUIREMENTS.

a) **General.** If a berm, fence, or wall is used, it shall be visually dominated by planted vegetation as viewed from any neighboring property or roadway and shall meet all other sections of this ordinance.

(1) Within 36 months or 3 growing seasons, the planted vegetation shall attain 50% coverage during the growing season.

(2) Newly planted vegetation shall be established on the residential or roadway of the fence or wall.

b) **Berms.** Berms shall adhere to the following additional requirements.

(1) If a berm is used to supplement or replace a planting requirement, the width of the landscaped area must be adequate to accommodate the size of the berm, based on berm slope, crown, height, and form.

(2) Berms shall not exceed a slope of 3:1 with a maximum height of 6 feet.

c) **Fences & Walls.**

(1) If used to screen exterior trash or recycling containers, fences or walls shall be six (6) feet in height.

(2) If used as part of a parking perimeter or residential screening, fences and walls shall be at least 80% opaque and shall not exceed six (6) feet in height.

d) **Hedges/Combinations.**

(1) If a hedge is used, or in combination with another screening material, the approved vegetation material shall be at least 2 feet in height at the time of planting or capable of growing to that height within the second growing season.

(2) Vegetative material of sufficient screening density shall be spaced according to the growing needs of the species and have 50% opacity at maturity.

4) PARKING LANDSCAPING. Parking lots containing space for 10 or more vehicles shall be required to meet the standards of this section.

a) **Perimeter.** A landscaped screening shall abut the perimeter of parking lots from adjacent residential properties, unless a waiver is signed by the impacted property owner.

(1) The screening may include vegetated planting areas, berms, fences or walls consistent with this section.

(2) The screen shall attain 50 percent opacity at maturity with a minimum height of four (4) feet.

(3) The landscaping shall contain at a minimum of one overstory tree per 50 feet of parking lot frontage or a combination of deciduous and coniferous shrubs and/or a decorative wall or fence with a minimum height of 3 feet.

5) RESIDENTIAL SCREENING. Screening shall be utilized along the perimeter of a lot or development boundary abutting a residential use that includes landscaping, fencing, and/or berms that are designed to minimize visual, noise, lighting, stormwater, and related impacts on adjacent uses and areas.

a) **Content.** The screening may include vegetated planting areas, berms, fences, or walls.

(1) The screen shall reach 6 feet in height within five full growing seasons and 50 percent opacity at maturity.

b) **Waiver.** The owner of the residential property may waive the applicable screening requirements. Any waived setback shall be for the life of the use requiring the screening.

6) EXEMPTIONS.

a) **Vision Triangle.** Landscaping must not interfere with applicable vision triangle requirements. Land uses requiring landscaping along a vision triangle must size and arrange the land use to allow for landscaping that meets the requirements of this section.

b) **Existing Infrastructure.** Properties with existing structures located within the landscaping area or between the use and the adjacent roadway or residential property shall not be required to landscape around the existing structure.

(1) The applicant shall not be required to landscape around shared access points with adjacent properties.

c) **Alternative Requirements.** The Zoning Administrator may approve alternative landscaping requirements if one of the following exist:

(1) Property with existing, living vegetation that includes ground cover, tree or shrub understory, and tree canopy may be exempt or reduced from additional landscaping in that area as determined by the Zoning Administrator.

(a) The applicant preserves a unique native landscape such as a native prairie, oak savannah, or woodland, and the Zoning Administrator determines that the native landscape has at least an equivalent opacity and durability as the landscaping normally required by this section.

(2) The applicant, and/or neighboring residential property's topography puts limitations on the visibility of the use equal to or greater than required by this section.

(3) The applicant provides alternative landscape treatments that have a buffering or screen capacity equal to or greater than required by this section.

(4) The applicant demonstrates unique site constraints that inhibit compliance with this section and provides alternative landscape treatments appropriate to those constraints.

7) **MAINTENANCE.** Within the screening area, vegetation must be maintained in viable growing conditions. The landscaping shall be maintained and replaced, when necessary, as long as the land use requiring the screening is occurring. A lack of maintenance or failure to replace dead vegetation shall be considered a violation. A vegetation maintenance plan shall be submitted that includes the following:

a) An initial treatment plan for newly planted vegetation.

b) A vegetation replacement plan for possible vegetation death.

c) Any maintenance required to preserve the integrity and appearance of any fences, walls, or berms.

8) **IMPLEMENTATION.** The screen must be planted and installed within 365 days of the approved land use permit or within 365 days of established grade when in conjunction with construction. An implementation schedule shall be submitted that includes approximate dates for ground preparation, planting, installation and erosion control measures.

7.105 PARKING AND LOADING. All uses regulated by this Chapter shall provide off-street parking and loading consistent with the standards of this section. The required number of parking spaces may be reduced, if the applicant provides evidence that actual parking demand will be less than the standards normally required but may in such cases require that sufficient reserve area be set aside to fully meet the normal requirements in the future if deemed necessary. Parking for the handicapped will be provided at the number, size, location and with signage as specified by State and Federal regulations. Such handicapped spaces are included within the required minimum total parking spaces needed.

1) **GENERAL STANDARDS.** A traffic flow plan detailing the quantity of proposed traffic, parking areas, types of deliveries and vehicles, ingress and egress, and loading areas as well as traffic circulation patterns must be provided pursuant to this subsection.

a) **Access.** All structures or any change of use must provide proof of access approval from the appropriate roadway authority. Adequate ingress and egress to parking and loading areas by clearly limited and defined driveways must be provided.

(1) Loading areas shall be provided with entrances and exits located to minimize traffic congestion or backing from the right-of-way into the area.

(2) Driveway access points shall be wide enough to accommodate vehicular traffic.

b) **Surfacing.**

(1) When deemed necessary by the Agency an all-weather surface may be required for a particular use.

(2) Unpaved field areas may be used for special event parking up to 30 days per year and up to 9 consecutive days if the ground is dry and maintained with living vegetative ground cover to prevent erosion. Access to such field areas must be provided via an approved paved or gravel driveway to reduce tracking of mud or other materials onto the public right-of-way. If vegetative ground cover cannot be maintained, a gravel surface shall be provided consistent with this section and as approved by the County.

c) **Drainage.** Suitable grading and drainage must be provided to collect and transmit storm water to appropriate retention or detention basins, drainage ways, ditches, or storm sewers pursuant to the

Sauk Co. Code of Ordinances.

d) Circulation. Directional marking or signage, or both, must be provided where required to facilitate safe, efficient circulation.

(1) Uses with drive- through facilities must provide sufficient space on-site for all vehicles being served. Vehicles queuing to be served must not utilize any road.

(2) Where access and drives to off-street loading facilities occur in conjunction with off-street parking facilities that provide parking at street level for more than 200 cars, provisions shall be made to maintain separate circulation routes within the facilities.

e) Loading Areas. Uses that involve deliveries or removal of goods, materials, supplies, or wastes must provide adequate space for vehicle circulation and maneuvering. Dimensions of loading areas shall at minimum meet the following requirements.

TABLE 7.105(1)(e): LOADING AREA DIMENSIONS.

Minimum Specifications	Size Categories	
	(a) Large	(b) Small
(1) Width	12'	10'
(2) Length (excludes access or maneuvering area, platform, and other appurtenances)	50'	20'

(1) For the purposes of this section the following vehicle class shall be considered in reference to the Federal Highway Administration's classifications:

(a) Large vehicles shall be considered Class 6 to Class 8 vehicles, any vehicle that is equal to, or greater than 19,501 lbs.

(b) Small vehicles shall be considered Class 1 to Class 5 or any vehicle less than 19,501 lbs.

(2) All loading areas, maneuvering areas, ramps, and other appurtenances shall be:

(a) Located off the right-of-way, and out of the vision triangle, and

(b) Arranged so that vehicles are not required to back from the right-of-way into the loading area or to back from the loading area into the right-of-way.

(c) The length and width of loading areas shall be adequate for the proposed use.

f) Parking and Storage of Commercial Vehicles in Residential Areas. Commercial vehicles and trailers of all types, including utility, or hauling shall not be parked or stored within the residential zoning districts of SFR, RR, and MFR except in accordance with the following provisions:

(1) *Semi-tractors.* A semi-tractor may lawfully be parked in a residential driveway upon issuance of a land use permit and pursuant to the following standards and conditions.

(a) Permits shall only be issued to person legitimately owning or renting the real property.

(b) Permits shall only be issued to owner/operators of persons legitimately leasing, lease-purchasing, or owning a semi-tractor.

(2) The right to park a semi-tractor in a residential driveway is subject to the following conditions:

(a) A semi-tractor may not be parked in a public right-of-way.

(b) A semi-tractor may not block a public sidewalk or right-of-way.

(c) No repair work or maintenance relating to the semi-tractor shall be conducted.

(d) No person shall sleep in a semi-tractor.

(e) No semi-tractor engine may be left running at any time when it is parked.

(f) No semi-tractor's radio, or other noise generating component shall be generated or set to operate at any time.

(g) Only one semi-tractor may be permitted per residence.

(h) No semi-tractor shall be parked more than 15 days in any calendar month.

2) REQUIRED PARKING SPACES. Parking shall be provided to accommodate all employees and estimated volume of customers as stated in the operations plan. Parking on any public roadway is prohibited.

a) Vehicle Storage. The parking requirements are in addition to space for storage of trucks or other vehicles used in connection with any use.

b) Fractional Spaces. Where fractional spaces result, the parking spaces required must be constructed to be the next highest whole number.

c) Mixed Uses. In the case of a mixed-use facility, the number of off-street parking spaces required

shall equal the sum of the required spaces of various uses computed individually. If the Zoning Administrator and/or Agency determine that special circumstances of the uses within such a facility will require fewer spaces than the computed sum, the Zoning Administrator and/or Agency may reduce the number of spaces required by no more than ½ the sum of spaces required for each individual use.

d) Shared Parking. Two or more uses or buildings may collectively provide the required off-street parking, in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately. However, in cases of dual functioning off-street parking where operating hours do not overlap, the Zoning Administrator and/or Agency may reduce the required number of parking spaces based on the peak hour demand. Shared parking shall be located within 500 feet of the building it is intended to serve, measured from the property line of the site containing the parking facility.

e) Modification of Minimum Parking Requirement. The Zoning Administrator/Agency may modify the numerical requirements for off-street parking submitted by the applicant if proven to be insufficient to the use.

f) Land Banked Parking.

(1) With respect to any retail, service, mixed use, industrial, or multi-family dwelling, the Department may, upon finding that the number of parking spaces required are not reasonably necessary to provide adequate parking for a proposed development, authorize or require the applicant to provide a lesser number of actual parking spaces and to land bank the remaining spaces that may be required by this section. The entire land banked area shall be shown on the site plan as approved by the Department and/or Agency. Land banked parking shall be in areas that are suitable for future parking, and that comply with the requirements of this section.

(2) In the event a future change of use or tenancy or expansion of use requires, in the determination of the Zoning Administrator, additional actual parking, the Zoning Administrator and/or the Agency may require that additional parking spaces be provided from the previously land banked area of the development.

3) SETBACKS. Parking and loading areas must meet a 10-foot setback and no parking or loading will be allowed in a vision clearance triangle.

4) PERMIT REQUIREMENTS.

a) A site plan in accordance with 7.155.

b) A vegetated screening plan will be required if parking and loading size meets the requirements above.

c) The Zoning Administrator may require additional information to assure compliance with this subchapter and all other applicable provisions of this chapter.

7.106 ROAD SETBACKS. Roads are divided into the following categories for the purpose of determining the distance buildings and other structures must be set back from roads.

1) STATE AND FEDERAL HIGHWAYS. The setback line for state and federal highways must be 50 feet from the right-of-way line.

2) COUNTY ROADS. The setback line for county roads must be 42 feet from the right-of-way line.

3) TOWN ROADS. The setback line for town roads must be 30 feet from the right-of-way line.

a) Rustic Roads. The setback line for rustic roads must be 50 feet from the right-of-way line.

4) EASEMENTS. A public transportation easement including but not limited to railways and public trails will require a setback of 30 feet from the legally described easement.

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

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

(1) The buildings are legally existing principal structures.

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

b) Where only one contiguous lot is occupied by a building, the setback will be determined by averaging

the required setback with the setback of the adjacent building provided the conditions of par. (a)1 and 2 are met.

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

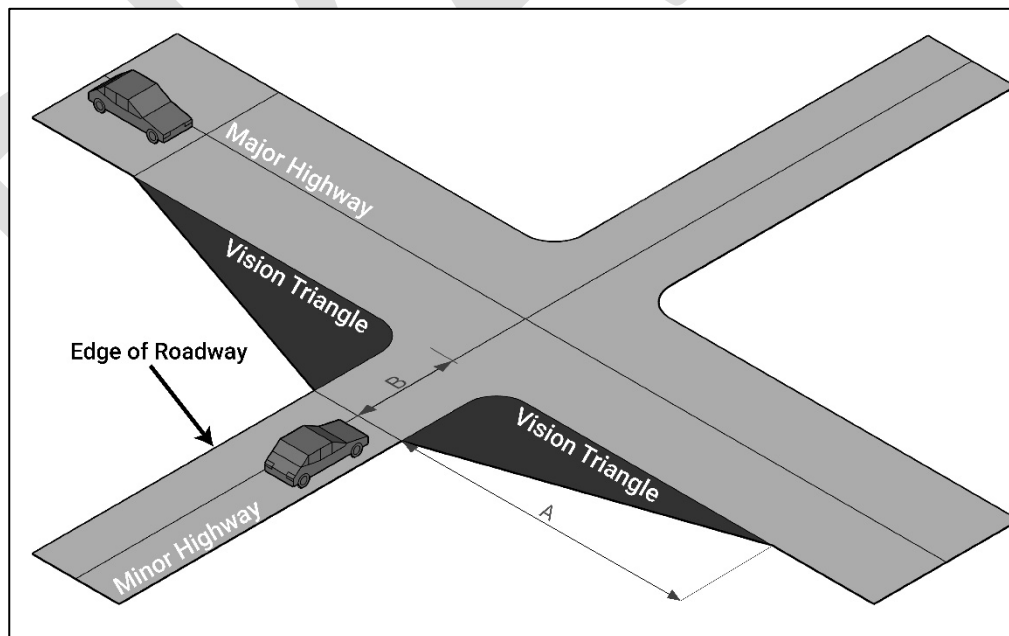
- 6) **VISION CLEARANCE TRIANGLE.** There must be a vision clearance triangle in each quadrant of all intersections of highways or roads with other highways or roads. This section will not be interpreted to prohibit the planting and harvesting of field crops, shrubbery, or trees.

a) Vision corners must be free of all structural obstructions at each access point in accordance with the figure below. Driveway vision corners are to be measured from a point 3.5 feet (1.0668 m) above the center of the proposed access, 15 feet (4.572 m) back from the edge of pavement of the CTH, to two points 4.25 feet (1.3716 m) above the center of the nearest on-coming lane of the CTH in each direction, at a distance of "B" from the point where the CTH meets the center of the proposed access. Distance "B" shall correspond to the speed limit of the road. If the given speed limit is not listed, the next highest speed limit shall be used. Signalized intersections need only meet the standards provided for driveways, in addition to approval by the Sauk County Highway Department.

b) No structures will be allowed in the road setbacks, road right-of-way or vision clearance triangle. Vision clearance triangles shall meet the standards in Table § 7.106(6)(b).

Vision Clearance Triangle Standards				
	Posted Speed Limit			
	60 mph or greater	55 mph	45 or 50 mph	40 mph or less
Major Highway or Road Distance "A"	600 ft.	500 ft.	400 ft.	300 ft.
Minor Highway or Road Distance "B"	175 ft.	160 ft.	150 ft.	120 ft.
Driveways "B"	15 ft.			

Figure § 7.106(6)(b).



7.107 STRUCTURES PROHIBITED WITHIN SETBACKS. No new building, structure, or part thereof, shall be placed between the setback lines and any road right-of-way. No building, sign, structure, or part thereof, existing in setback lines on the effective date of this chapter, February 18, 2014, may be altered

or enlarged in any way that increases or prolongs its permanency, except as otherwise provided by this ordinance.

1) Wayfinding signage approved by the highway administration shall be exempt.

7.108 STRUCTURES PERMITTED WITHIN SETBACKS.

- 1) **PROJECTION INTO SETBACK.** Bay windows, balconies, chimneys, sills, belt courses, cornices, canopies, eaves, or ornamental architectural features may project into a required yard setback line no more than 3 feet provided that no such feature projects over a road setback line or into a vision clearance triangle.
- 2) **PATIOS, SIDEWALKS, DRIVEWAYS.** Patios, sidewalks, and driveways extending not more than 6 inches above the average ground level at their margins may be in any yard if they meet all other portions of this chapter.
- 3) **ACCESSIBLE ELEMENT.** Accessible structures may be permitted within setback areas pursuant to s. 7.050.
- 4) **FENCES AND WALLS.** Solid fences and walls may be located within a setback pursuant to s. 7.102.
- 5) **SHORELAND.** Boathouses, gazebos, and walkways shall meet the setbacks pursuant to Chapter 8 Shoreland Zoning of the Sauk Co. Code of Ordinances.

7.109 UNINHABITABLE OR UNSAFE STRUCTURES.

- 1) The Zoning Administrator may pursuant to Wis. Stats. § 66.0413 raze or make safe a building under either situation:
 - a) If a building is old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation or unreasonable to repair, order the owner of the building to raze the building or, if the building can be made safe by reasonable repairs, order the owner to either make the building safe and sanitary or to raze the building at the owner's option.
 - b) If there has been cessation of normal construction of a building for a period of more than 2 years, order the owner of the building to raze the building.
- 2) Any order issued shall specify the time within which the owner of the building is required to comply and shall specify repairs, if any. If the owner fails or refuses to comply within the time prescribed, the County may proceed with the order requirements. The cost of razing or securing the building may be charged in full or in part against the real estate upon which the building is located and charged as a lien upon the property and may be assessed and collected as a special charge.

SUBCHAPTER VI: NONCONFORMING USES AND STRUCTURES

7.110 PURPOSE. The purpose of this subchapter is to establish regulations and limitations on the continued existence of uses, lots, and structures established prior to the effective date of this zoning ordinance, **February 18, 2014**, that do not conform to the provisions of this chapter.

7.111 AUTHORITY TO CONTINUE.

- 1) Any lawfully existing nonconforming use or nonconforming structure may be continued so long as it remains otherwise lawful, subject to the provisions of this chapter.
- 2) Structures or uses for which a land use permit has been lawfully granted or existed prior to the effective date of this ordinance or applicable amendments thereto, which becomes nonconforming under the provisions of this Ordinance or amendments thereto, may be completed in accordance with approved plans, if construction is started and completed in accordance with the timeframes established by this ordinance. In such cases, such use or structure shall thereafter be a legal nonconforming use or structure.

7.112 NONCONFORMING USES. The existing lawful use of a structure or premises at the time of the enactment of this ordinance or any amendments thereto may be continued although such use does not conform to the use provisions of this ordinance for the zoning district in which it is located.

- 1) **ORDINARY REPAIR AND MAINTENANCE.** The ordinary repair and maintenance of a structure that contains a nonconforming use is permitted, including repairs reasonably necessary to prevent the deterioration of a structure, remodeling a structure, and necessary nonstructural repairs and alterations

that do not extend, enlarge, or intensify the use of the structure. Ordinary repairs and maintenance include painting, decorating, the installation or replacement of heating, electricity, or plumbing systems, the installation or replacement of drywall, plaster paneling, acoustical ceilings, insulation, doors, windows, roof surface, and siding to a structure being utilized by a nonconforming use.

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

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

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

4) CHANGE IN USE. A nonconforming use of land or of a structure must not be changed to any use other than a use permitted by this ordinance. When such nonconforming use has been changed to a permitted use, it must only be used thereafter for a use permitted by this ordinance. For purposes of the section, a use will be deemed to have been changed when an existing nonconforming use has been terminated and a new use has been commenced.

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

6) MANUFACTURED HOME COMMUNITY. A manufactured home community licensed under Wis. Stats. § 101.93 that is a legal nonconforming use continues to be a legal nonconforming use notwithstanding the occurrence of any of the following activities within the community:

a) Repair or replacement of homes.

b) Repair or replacement of infrastructure.

7.113 NONCONFORMING STRUCTURES. In this section, “nonconforming structure” means a dwelling, or other building, that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to one or more of the development regulations in the current zoning ordinance.

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

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

3) DAMAGE OR DESTRUCTION. In the event damage is caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation; on or after March 2, 2006, the structure may be restored to the size, location, and use that it had immediately before such damage or destruction occurred. The size of a structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

4) RELOCATION. No nonconforming structure may be relocated unless the entire structure conforms to the regulations of this chapter.

7.114 NONCONFORMING LOTS OF RECORD.

1) AUTHORITY TO USE FOR DEVELOPMENT. A legal nonconforming lot may be used for an allowable use in the applicable zoning district, if that use complies with all other use and development standards of the applicable zoning district and of this ordinance.

a) **SIZE ALTERATION.** No new lot shall be created that does not meet the dimensional or area requirements of the base zoning district in which it is located or as specified by the Subdivision Ordinance, whichever is larger. The combination of existing substandard lots into one lot is allowed even though the combination does not meet the minimum dimensional and area requirements of the base zoning district.

b) Existing lots that do not meet one or more dimensional or area requirements of the base zoning may be reconfigured, provided that any degree of nonconformity of the lot does not increase due to the reconfiguration of the lot. An existing lot of record that does not meet one or more dimensional or area requirements of the existing and proposed base zoning district may be rezoned, provided there are no contiguously owned parcels in which a combination would result in greater compliance.

c) Substandard size lots may be enlarged even if the enlargement does not result in the lot meeting current district size standards.

2) **SHORELAND ZONING.** Any substandard lots may only be altered or developed if the provisions of § 8.010 of the Sauk County Zoning Code are adhered to.

SUBCHAPTER VII: PLANNED RURAL DEVELOPMENT

7.115 PURPOSE. The purpose of this subchapter is to apply location criteria and residential dwelling density allowances to regulate the number and location of rural residential housing lots and dwellings in order to protect agricultural, cultural, natural, or recreational features of the landscape; to provide for the transfer of development rights to identified sending areas pursuant to this ordinance and the applicable comprehensive plan; to provide for the transfer of land while retaining the development allowance originally allotted to a parcel; to allow for flexibility in increasing the intensity of development while maintaining the density and use requirements in the applicable zoning district. PRD preservation areas are identified as part of a PRD that contain productive agriculture or environmentally and culturally sensitive lands that significantly contribute to the economic and natural resource base of the rural community. Because of their importance, PRD conservation areas will be substantially protected from residential development.

7.116 APPLICABILITY. The requirements and provisions of this subchapter will apply to all lands zoned exclusive agricultural and resource conservancy.

7.117 PRD CREATION.

1) A PRD is required to create a lot of less than 35 acres on which dwelling units may be established. A PRD must consist of a PRD preservation area and a PRD development area. A PRD development area is a lot created using density credits.

2) A PRD preservation area is determined by the following: $(\text{number of density credits used} * 35 \text{ acres}) - \text{PRD development acres} = \text{PRD preservation area}$. Any remnant land of a parcel that results from the application of a PRD, and that does not otherwise qualify for a density credit, must be subject to a PRD preservation area easement.

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

4) Landowners shall agree to meet agricultural performance standards pursuant to Chapter 26 of the Sauk County Code of Ordinances for their active agricultural acres.

7.118 PERMITTED AND CONDITIONAL USES. Permitted and conditional uses as part of a PRD development area and preservation area must conform to uses permitted in the applicable zoning district, except that any structure not utilized in conjunction with an agricultural use, agricultural-related use, agricultural accessory use will not be permitted on lands identified as the PRD preservation area following the recording of conservation easement with the Sauk County Register of Deeds pursuant to Wis. Stat. § 700.40(1)(a).

7.119 DENSITY POLICY. Density policies will be applied in accordance with the provisions of this subchapter and Sauk Co. Code Ch. 22, and must further conform to the following standards:

1) The number of density credits allotted to a parcel must not exceed the applicable zoning district's maximum density, rounded down to the nearest whole number. For this calculation, lands subject to a preexisting easement or other similar agreement for the purpose of eliminating development rights, either directly or indirectly, will not be counted toward the calculation of density credits. Verification of density credits shall be submitted in writing to the Zoning Administrator by the easement holder.

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

2) **DENSITY CREDITS AND LOT SIZE.** Density credits must be applied to allow the creation of PRD development areas designated as lots on a certified survey map, not less than one acre for each lot established. Any remnant parcel that density credits are pulled from shall not be smaller than 35 net acres.

3) **DENSITY CREDITS AND ADDITIONAL DWELLINGS.** Density credits may be used to increase the number of dwellings on a PRD development area lot at a rate of one density credit for each dwelling exceeding one dwelling, except dwellings used as a temporary secondary dwelling may be permitted without the use of a density credit. Accessory dwellings will not require additional density credits and will be permitted pursuant to s. 7.049.

7.120 DENSITY CREDIT EXCHANGE.

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

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

b) The density credits transferred from the sending parcel will be pursuant to this subchapter.

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

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

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

4) **AGRICULTURAL PERFORMANCE STANDARDS.** All active agricultural acres as part of or the same parcel as the PRD preservation area shall be required to meet agricultural performance standards as listed in Chapter 26 of the Sauk County Code of Ordinances.

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

1) **CONSULTATION.** The landowner must consult with the Zoning Administrator to determine eligibility of establishing a PRD or using the density exchange option pursuant to this subchapter.

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

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

4) CONSERVATION EASEMENTS. The Zoning Administrator will determine if the proposed area affected by a PRD preservation area is subject to lands incumbered by conservation easements as recorded in the Sauk County Register of Deeds. If the lands are affected by a recorded conservation easement verification of density credits shall be submitted in writing to the Zoning Administrator by the easement holder.

5) DENSITY CALCULATION. Using the density policy in the applicable zoning district a density calculation will be conducted by the Zoning Administrator to determine the number of allowable lots and dwellings within a PRD development area.

6) PRD APPLICATION. An application for a conditional use for a PRD must be made to the agency on a form provided by the Zoning Administrator. The application must be accompanied by the following information:

a) A development plan in accordance with the provisions of Sauk Co. Code Ch. 22, which clearly delineates the PRD conservation areas as well as the proposed PRD development area on a map.

b) A copy of the density calculation or density credit exchange.

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

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

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

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

g) A draft copy of a subordination agreement for any liens on property to be affected by a PRD preservation area.

h) Verification that the lands are not subject to other conservation easements that may remove available density credits.

7.122 STANDARDS FOR APPROVING A PLANNED RURAL DEVELOPMENT (PRD).

1) GENERAL STANDARDS & REVIEW CRITERIA. The Agency may approve applications for a PRD in areas zoned exclusive agricultural or resource conservancy, as a conditional use pursuant to Wis. Stat. § 59.69(2)(bm), on finding that such PRD or dwelling is in the public interest, after consideration of the following standards:

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

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

c) Development lots shall be located and designed to minimize visibility of development and its disruption to agricultural and open space uses.

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

(1) Principal and secondary conservation areas may be allowed within a development lot with the condition that they are not substantially converted or used for residential purposes and that a development area is identified on the development plan.

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

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

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

h) Consistency with all officially adopted county plans and ordinances.

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

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

2) CONDITIONS AND GUARANTEES. Prior to the granting of any conditional use, the Agency may stipulate such conditions and restrictions on uses of land as deemed necessary to promote the public health, safety, and general welfare of the community and to secure compliance with the standards and requirements pursuant to this chapter, Sauk Co. Code Ch. 26 and Sauk Co. Code Ch. 22 as applicable to a PRD. In all cases in which a conditional use is granted, the agency will require such evidence and guarantees as it may deem necessary, as proof that the conditions stipulated in connection therewith are and will be followed.

a) On proposed development lots with conservation areas, prime soils, active farmland, sensitive soils, steep slopes or any other natural resources, the Agency may designate a specific residential development zone.

(1) Any PRD development area lot greater than 3 acres the Agency shall designate a specific residential development area within said lot. The designated residential development area shall be legally described and delineated on a certified survey map. The development area will be designated to areas which:

(a) The land is better suited for a nonagricultural use;

(b) The development of the area would not substantially impair or limit current or future agricultural use of surrounding parcels; and

(c) The development of the area would not occur in primary conservation areas as noted in Sauk Co. Code Ch. 22.

b) The Property Owner shall submit a fully executed Preservation Area Easement for recording within twelve (12) months from the date of issuance of this Conditional Use Permit. For the purpose of clarification, a fully executed Preservation Area Easement means that the easement has been agreed to by any lending institution which has a financial interest in the affected property and has been signed by the property owner, appropriate town official and appropriate officials representing Sauk County.

c) The Property Owner shall submit a final Certified Survey Map for approval and recording within twelve (12) months from the date of issuance of this Conditional Use Permit.

d) The Agency and/or Zoning Administrator must approve the final Certified Survey Map within twelve (12) months from the date of issuance of this Conditional Use Permit.

e) All active agricultural acres part of or the same parcel as the PRD preservation area shall be required to meet agricultural performance standards as listed in Chapter 26 of the Sauk County Code of Ordinances within one year of an approved PRD.

f) Failure to comply with the standards and conditions of this Conditional Use Permit as well as the restrictions provided within the Preservation Area Easement may result in the revocation of said permit and order for removal of any structures thereby permitted by said Conditional Use Permit by the Land Resources and Extension Committee of the Sauk County Board of Supervisors.

7.123 ALTERATION OF EXISTING PRD LOTS. Existing PRD development area lots may be altered or enlarged pursuant to s. 7.114 following the provisions of s. 7.122. In the case of PRD lot enlargement, additional lands designated as a PRD preservation area shall not be required unless a remnant lot is created. Any remnant parcel that density credits are pulled from shall not be smaller than 35 net acres. Any remnant land of a parcel that results from the alteration of an existing PRD lot, and that does not otherwise qualify for a density credit, shall be subject to a PRD preservation area easement.

SUBCHAPTER VIII: SIGN REGULATIONS

7.124 PURPOSE AND FINDINGS.

- 1) **PURPOSE.** The purpose and intent of this subchapter is to:
 - a) Regulate the number, location, size, type, illumination, and other physical characteristics of signs within the jurisdiction of this ordinance in order to promote the public health, safety, and welfare.
 - b) Maintain, enhance, and improve the aesthetic environment of the County by preventing visual clutter that is harmful to the appearance of the community.
 - c) Improve the visual appearance of the County while providing for effective means of communication, consistent with constitutional guarantees and the County's goals for public safety and aesthetics.
 - d) Provide for the fair and consistent enforcement of the sign regulations set from herein under the zoning authority of the County.
 - e) It is not the purpose and intent of this subchapter to regulate the message displayed on any sign; nor is it the purpose or intent of this subchapter to regulate any building design or any display not defined as a sign, or any sign that cannot be viewed from outside a building.
- 2) **FINDINGS.** In conjunction with the adoption of the sign regulations of this subchapter, the County finds the following:
 - a) Exterior signs have a substantial impact on the character and quality of the environment.
 - b) Signs provide an important communication medium.
 - c) Signs can create safety hazards that threaten public health, safety, and welfare. The threat increases when signs are structurally inadequate, confuse or distract drivers or pedestrians, or interfere with official directional or warning signs.
 - d) Signs can threaten public welfare by creating aesthetic concerns and harming property values. These threats increase when an accumulation of signs results in visual clutter and detract from the character of the area.
 - e) Sign related lighting can create public safety problems by excessively distracting drivers and causing unnecessary glare. Light pollution can detract from the natural environment and inhibit viewing night skies. This diminishes the enjoyment of night skies and impedes recreational and educational activities.
 - f) Sauk County's land use regulations have included the regulation of signs in an effort to foster adequate information and means of expression, and to promote economic viability of the community while protecting Sauk County and its citizens from a proliferation of signs of a type, size, and location that would adversely impact community or threaten health, safety, or the welfare of the community including threatening the rural character of the community, the robust tourist economy, and aesthetic considerations. The appropriate regulation of the physical characteristics of signs in Sauk County and other communities has had a positive impact on the safety and appearance of the community.

7.125 APPLICABILITY.

- 1) A sign may be erected, mounted, displayed, or maintained in the County if it is in conformance with the provisions of this subchapter. The effect of this subchapter, as more specifically set forth herein, is to:
 - a) Allow a wide variety of sign types in more intense zoning districts, and a more limited variety of sign types in other zones, subject to the standards set forth in this subchapter.
 - b) Allow certain small, unobtrusive signs incidental to the principal use of a site in all zones when in compliance with the requirements of this subchapter.
 - c) Prohibit signs whose location, size, type, illumination, or other physical characteristics negatively affect the environment and when communication can be accomplished by means having a lesser impact on the environment and the public health, safety, and welfare.
 - d) Provide for enforcement provisions for this subchapter.

2) The requirements and provisions of this subchapter will apply to all signs that are erected, relocated, structurally altered, maintained, or reconstructed after the effective date of this chapter, **February 18, 2014**. It will be unlawful and in violation for any person to erect, relocate, structurally alter, maintain, or reconstruct any sign, except in compliance with the requirements of this subchapter. Official signs owned by municipal agencies located on municipal owned lands or easements are not subject to the regulations of this subchapter.

7.126 SUBSTITUTION.

1) The owner of any sign that is otherwise allowed by the article may substitute noncommercial speech in lieu of any other commercial speech or noncommercial speech. The substitution of copy may be made without any additional approval or permitting.

2) The purpose of the substitution provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any noncommercial speech over any other noncommercial speech. The provision prevails over any more specific provision to the contrary.

7.127 PERMIT REQUIREMENTS. Except as expressly exempted within this subchapter, no sign may be erected, altered, reconstructed, maintained, or moved without first securing a land use permit from the Department. The content of the message or speech displayed on the sign may not be reviewed or considered in determining whether to approve or deny the land use permit for a sign. Permit applications must be submitted to the Zoning Administrator and include at least the following information:

1) The applicable application/permit fee.

2) Name and address of the applicant, and the owners of the sign and the subject property.

3) The address at which the sign will be erected.

4) If the proposed sign is along a state highway, US highway or interstate highway, the application must be accompanied by proof that the applicant has obtained a permit from the state.

5) The lot, block, and addition at which the signs are to be erected and the right-of-way on which they will front.

6) A complete set of plans showing the necessary elevations, distances, sizes, and details to represent the construction and placement of the sign fully and clearly.

7) The cost of the sign.

8) The type of sign to be erected (i.e. ground sign, attached to structure, illuminated, etc.)

9) Certification by the applicant indicating that the application complies with all requirements of this subchapter.

10) Such other information as the Zoning Administrator may require as confirmation of full compliance with this subchapter and all other applicable provisions of this chapter.

7.128 PROHIBITED SIGNS. The following signs are prohibited in any zoning district.

1) Abandoned signs.

2) Flashing or shimmering signs.

3) Inflatable signs.

4) Noise making, steam emitting, or odor emitting signs.

5) Portable signs.

6) Rotating signs.

7) Off-premises signs.

8) Signs painted on, attached to or in any other manner affixed to trees or similar natural surfaces, or attached to utility poles, bridges, towers, transit shelters, benches, or other similar public structures, except for official signs owned by municipal agencies.

9) Any sign, signal, marking or device that purports to be or is an imitation of or resembles any official traffic control device or railroad sign or signal, or emergency vehicle signs, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any official traffic control device or any railroad sign or signal.

7.129 SIGNS NOT REQUIRING A SIGN PERMIT. The following signs will not require a permit. These exemptions, however, will not be construed as relieving the owner of the sign from the responsibility of its

construction and maintenance, and its compliance with the provisions of this ordinance or any other law or ordinance regulating the same.

- 1) The changing of the display surface on a painted or printed sign.
- 2) The changing of changeable copy signs or electronic message boards.
- 3) Signs twelve (12) square feet or less in sign area, unless located within a residential district.
- 4) Temporary signs.
- 5) Interior signs.

7.130 SIGN USE TABLE KEY. The table shows within what zoning district signs are permitted. Each sign type must also comply with applicable use regulations in this chapter including the issuance of a land use permit by the Zoning Administrator when applicable, and any secondary standards in this subchapter as referenced in the use table key. The table should be read in close conjunction with the definitions section of this ordinance and the other interpretive provisions as set forth.

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

2) **BLANK CELL.** The sign type is not permitted in the respective zoning district.

3) **TABLE 7.130(3) TYPE OF SIGN PERMITTED WITH A PERMIT BY ZONING DISTRICT**

Sign Type	a) EA	b) RC	c) AG	d) SFR	e) RR	f) MFR	g) LC	h) RUC	i) COM	j) RCOM	k) IND	(l) POS
(1) Ground Mounted	P	P	P	P	P	P	P	P	P	P	P	P
(2) Structure Mounted	P	P	P	P	P	P	P	P	P	P	P	P
(3) Banner							P	P	P	P		
(4) Changeable Copy							P	P	P	P	P	
(5) Electronic Message									P	P	P	
(6) Illuminated			P				P	P	P	P	P	

7.131 SIGN REGULATIONS.

1) LOCATION STANDARDS FOR ALL SIGNS.

a) **Vision Clearance Triangle.** No sign shall be allowed within the vision clearance triangle area. See s. 7.106(6) of this ordinance.

b) **Signs in the public right-of-way.** Only official signs owned by municipal agencies located on municipal owned lands or easements may be in, project into, or overhang a public right-of-way or dedicated public easement. No permits shall be issued by the County for any non-government sign that will project over or into public right-of-way or dedicated public easements, except as otherwise provided herein.

c) **Setbacks from the right-of-way.** All signs shall be setback a minimum of five (5) feet from the road right-of-way.

d) **Setbacks from the property line.** All signs shall be setback a minimum of five 5 feet from any side yard or rear yard property line.

2) **WINDOW SIGNS.** Temporary or permanent window signs must be on the inside of the window. Temporary or permanent window signs are limited to 33% of the surface area of the window to which they are affixed. Such signs are not subject to any maximum sign area limitation as specified in this ordinance.

3) **SIGNS AFFIXED TO STRUCTURES.** Signs affixed to structures shall meet the following requirements:

a) **Location.** The top of any sign, including any supporting structure, may not extend higher than the roof of the building or structure to which the sign is attached.

b) **Illumination.** Signs may be internally or externally illuminated.

c) **Sign area.**

(1) AG, SFR, RR, MFR, and RUC districts. Each building shall be permitted one (1) sign that does not exceed 0.25 sq/ft in sign area for each one linear foot of building. SFR, RR, MFR, and RUC districts shall not exceed 6 sq. ft of copy area.

(2) LC, COM, RCOM, and IND districts. Each building shall be permitted sign(s) as not to exceed two sq. ft. per one linear foot of building wall. Additional entrances may be allowed signage not to exceed two square feet in total area per entrance.

4) FREESTANDING SIGNS. Freestanding signs, such as monument, pylon or ground signs shall meet the following requirements:

a) Number. A maximum of one freestanding sign is allowed per lot except that lots with more than 300 feet of frontage are allowed one additional sign.

b) Area. The maximum sign area for freestanding signs may not exceed the maximum limits for the specific zoning district as noted in the Table.

TABLE 7.131(4)(b) MAXIMUM SIGN AREA FREESTANDING SIGNS

Zone	Single Sign Maximum Area	Maximum Cumulative Area
Exclusive Agricultural, Resource Conservancy, and Rural Community	16 sq. ft.	32 sq. ft.
Agricultural	32 sq. ft.	60 sq. ft.
Single-family, Rural, and Multi-family Residential	6 sq. ft.	6 sq. ft.
Light Commercial, Commercial, and Recreational Commercial	60 sq. ft.	2 sq/ft per linear foot of building frontage
Industrial	60 sq. ft.	2 sq/ft per linear foot of building frontage

c) Height. Freestanding signs must not exceed the maximum height in the following districts:

(1) EA, RC, SFR, RR, MFR, and RUC Districts not to exceed six (6) feet in height.

(2) AG, LC, RCOM district is not to exceed eight (8) feet in height.

(3) COM and IND Districts not to exceed twelve (12) feet in height.

d) Illumination. Freestanding signs, if illuminated, may use only indirect light, with the light source fully diffused and aimed toward the ground.

7.132 CONSTRUCTION AND MAINTENANCE.

1) CONSTRUCTION AND RECONSTRUCTION. Any sign erected, relocated, structurally altered, reconstructed, or maintained must comply with the provisions of this chapter.

2) DISREPAIR AND ABANDONMENT.

a) Any sign that falls into a state of disrepair or is abandoned must be repaired or removed by the owner. If the sign is to be repaired a new permit will be required which must conform to the provisions of this chapter.

b) Any sign that does not meet the requirements of this chapter or is found to be in disrepair or is deemed abandoned must be removed within 30 days of the owner's receipt of certified letter.

7.133 NONCONFORMING SIGNS. It is recognized that signs existing within the County that were lawful before these sign regulations were adopted but are prohibited under the regulations of this subchapter may continue as permitted legally nonconforming signs. Such nonconforming signs are allowed to continue as nonconforming signs provided that such signs are safe, are maintained so as not to be unsightly, and have not been abandoned or removed. Nonconforming signs are subject to compliance in the following provisions.

1) Nonconforming signs may not be enlarged or altered in a way that increases the sign's nonconformity.

2) If the use of the nonconforming sign or sign structure is discontinued for a period of 365 days; the sign or a sign structure may not be reconstructed or used except in compliance with the provisions of this subchapter.

- 3) If damage to a nonconforming sign from any cause is less than 50 percent of either the original or replacement value, whichever is less, the sign may be rebuilt or repaired to its original condition, location and size.
- 4) If a nonconforming sign or sign structure is moved for any reason for any distance whatsoever, it must thereafter comply with the regulations of this subchapter.
- 5) Existing signs on the site of a use that is not permitted in a zone in which the use is located may not be enlarged, expanded, or moved except in changing the sign to a sign permitted in the subject zone.
- 6) When a building loses its nonconforming use status, all signs devoted to the nonconforming use must be removed and all signs painted directly on the building must be repainted in a neutral color that matches the building.

7.134 ELECTRONIC MESSAGE SIGNS.

- 1) **SIGN TYPE PERMITTED.** Electronic message signs are limited to ground signs only.
- 2) **LOCATION AND ORIENTATION.** Electronic message signs must be located on the site of the use identified; and must be positioned to limit their impact on adjacent properties. At a minimum, such signs shall be positioned perpendicular to the adjacent public right-of-way.
- 3) **MINIMUM DISPLAY TIME.** The electronic message must have a dwell time of at least 10 seconds.
- 4) **OPERATION.** All electronic signs must be equipped with a means to immediately discontinue the display if it malfunctions. The owner of an electronic message sign must immediately cease operation of their sign when notified by the County that it fails to comply with the regulations of this subchapter. The electronic message sign must remain inoperable until such time that the owner demonstrates to the County that the device is in satisfactory working condition and conforms to the regulations of this subchapter. The County's decision regarding the operation of an electronic message sign may be appealed in accordance with the appeal procedures in s. 7.153(5) of this ordinance.
- 5) **NITS.** Electronic message sign copy areas must not exceed a maximum illumination of 5000 nits during daylight hours and 500 nits between dusk to dawn as measured from the sign's face at maximum brightness. All electronic message sign applications shall include certification from the sign manufacturer that the sign has been preset to conform to the luminance levels noted above and these settings are protected from end user's manipulation by password protected software.
- 6) **SIZE AND NUMBER OF DISPLAYS.** The electronic portion of the sign may not exceed 80% of the total allowable sign area. The remaining 20% of the allowable sign area may not include electronic capabilities even if it is not used. Each site can only have one electronic message sign and such electronic message sign may include only one electronic message display.
- 7) **TEXT AND LEGIBILITY.** The following minimum text size requirements apply to all electronic message signs. If a sign is located on a corner with right-of-way that have differing speed limits, the minimum required text size is based on the standard for the higher speed limit to ensure maximum legibility.

TABLE 7.134(7): SPEED LIMITS AND TEXT SIZE

Speed limit of Abutting Road	Minimum Text Size (inches)
25-34	7
35-44	9
45-54	11
55 or higher	15

- 8) **MODE.** Electric signs may only operate in a static mode. Animation, motion, or video displays are prohibited. Any change from one static display to another must be instantaneous and may not include any distracting effects, such as dissolving, spinning, or fading. The images and message displayed must be complete in and of themselves, without continuation in content to the next image or message or to any other sign.

7.135 ILLUMINATION.

- 1) **LIGHT NUMBER AND DIRECTION.** Signs that are illuminated from an external source shall have a maximum of 4 external lights directed at only the copy area.
- 2) **GLARE.** Signs that are not effectively shielded to prevent beams or rays of light from being directed at any portion of a road and that are of such intensity or brilliance as to cause glare or impair the vision of the driver of a motor vehicle, or that otherwise interfere with any driver's operation of a motor vehicle, are prohibited.
- 3) **INTERFERENCE WITH TRAFFIC SIGNALS.** No sign may be illuminated so it interferes with the effectiveness of, or obscures, an official traffic sign, device, or signal.
- 4) **CHANGING LIGHT SOURCES.** No sign will use flashing, moving, reflecting, or changing light sources in any way except as allowed in s. 7.134.

7.136 TEMPORARY SIGNS. Temporary signs are permitted in all districts and may be either freestanding or wall signs. Temporary signs shall comply with the following requirements:

- 1) A temporary sign, if freestanding, shall meet all location requirements for a permanent sign.
- 2) A temporary sign, if a wall sign, shall meet all the regulations for a permanent wall sign.
- 3) A temporary sign shall not be illuminated.
- 4) All temporary signs shall meet the standards found in the Table below:

TABLE 7.136(4): TEMPORARY SIGN REGULATIONS.

Temporary Signs for a Non-residential use	
Number of Signs	2 per right-of-way frontage per lot or parcel
Total Sign Surface Area	48 square feet max. for all signs per right-of-way frontage
Sign Height	6' maximum height
Duration	No more than 30 days
Frequency	No more than 4 times per calendar year
Temporary Signs for Residential Use	
Number of signs	2 per right-of-way frontage per lot or parcel
Total Sign Surface Area	6 square feet max
Sign Height	4' maximum height
Duration	No more than 30 days
Frequency	No more than 2 times per calendar year

7.137 SCENIC CORRIDOR ZONING OVERLAY DISTRICT. The following standards will apply to lands located within the scenic corridors designated in the overlay district.

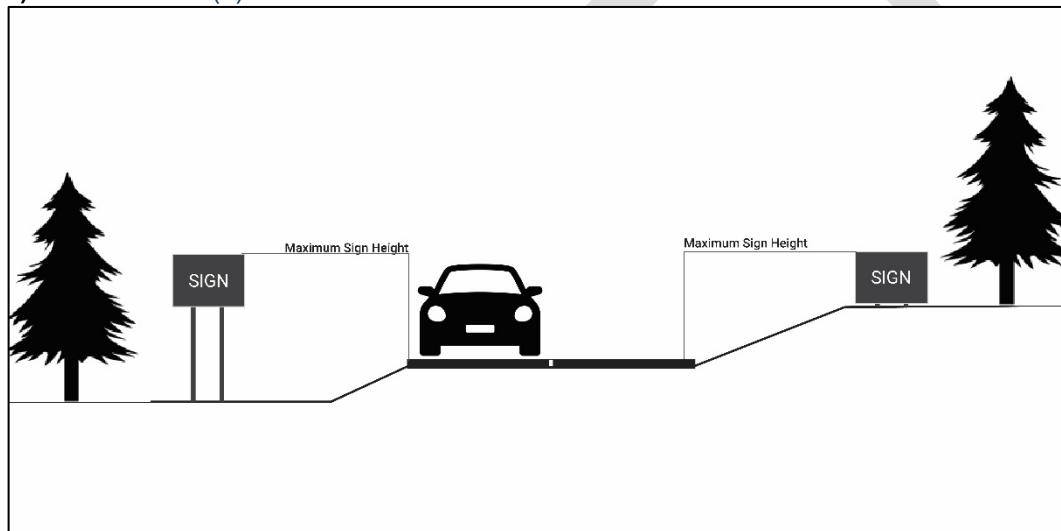
- 1) **SCENIC HIGHWAYS.** The following standards apply to lands located within 500 feet of the right-of-way line of roadways designated in the scenic corridor overlay district. Except as provided in this chapter for the lands, all other provisions of this chapter will apply.
 - a) On-premises ground signs will be permitted a maximum height of 10 feet and a maximum copy area of 50 square feet facing each direction of travel or maximum of 100 sq. ft. of all combined sign faces.
 - b) Off-premises ground signs, except wayfinding and government signs, are not permitted.
- 2) **RUSTIC ROADS.** No sign shall be visible from the main traveled way of a road designated as a rustic road pursuant to Wis. Stats. § 83.42 and Wis. Admin Code § Trans-RR 1.15 and 1.17 may be erected except for the following signs:
 - a) Official signs.
 - b) On-premises signs with a maximum height of 6 feet and maximum copy area of 32 feet of all combined sign faces.

7.138 MEASUREMENT OF SIGN AREA. For purposes of determining compliance with the sign area requirements of this subchapter, sign area shall be calculated as follows:

- 1) Measurement of a ground or pylon sign shall be the sign face excluding the necessary supports or uprights on which the sign is placed.
- 2) Where a sign has two faces, the area of all faces shall be included in determining the area of the sign, except where two such faces are placed back-to-back. The area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the the two faces are of unequal area. No sign shall have more than two faces.
- 3) For wall signs, measurement will be of the sign copy area only.
- 4) The copy area of signs which have a face, border or trim shall consist of the entire surface area of the sign on which copy could be placed. Copy area of a sign whose message is applied to a background which provides no face, border, or trim shall be the area of the smallest rectangle which can encompass emblems and other elements of the sign.

7.139 MEASUREMENT OF SIGN HEIGHT.

- 1) For ground signs and pylon signs, the height shall be measured from the average elevation of the adjacent roadway to the top of the highest point of the sign.
- 2) **FIGURE 7.139(2)**



7.140 SIGN ENFORCEMENT AND PENALTIES. This subchapter will be enforced according to the provisions set forth in Subchapter XI.

SUBCHAPTER IX: MOBILE TOWER SITING

7.141 PURPOSE AND INTENT.

- 1) This ordinance regulates by conditional use permit the siting and construction of any new mobile service. The Department regulates mobile service support structures and facilities as permitted by Wis. Stat. § 66.0404.
 - a) Regarding a class 1 collocation, this subchapter is to regulate the substantial modification of an existing support structure and mobile service facilities.
 - b) Regarding a class 2 collocation, this subchapter is to regulate collocation on an existing support structure that does not require a substantial modification of an existing support structure and mobile service facilities.
- 2) It is intended that Sauk County apply these regulations to accomplish to the greatest degree possible the following:
 - a) Minimize adverse effects of mobile service facilities and mobile support structures.
 - b) Maintain and ensure that a non-discriminatory, competitive, and broad range of mobile services and high-quality mobile service infrastructure is consistent with the Federal Telecommunications Act of

1996 and are provided to serve the community as well as serve as an important and effective part of Sauk County's police, fire, and emergency response network.

c) Provide a process for obtaining permits for these facilities and support structures while protecting the health, safety, and welfare of Sauk County residents.

d) Encourage the use of alternative support structures, collocation of new antennas on existing support structures, camouflaged support structures, and construction of support structures with the ability to collocate three or more providers.

3) This section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. It is not intended to regulate satellite dishes or antennas where regulation is prohibited by Wis. Stat. § 59.69(4d).

7.142 EXEMPT FROM PERMITTING.

1) Mobile service facilities providing public information coverage of news events of a temporary or emergency nature will be exempt from the permitting requirement of this chapter, unless otherwise specified.

2) Facility maintenance shall be exempt unless new equipment or antennae are installed.

7.143 SITING AND CONSTRUCTION OF NEW MOBILE SERVICE SUPPORT STRUCTURES AND CLASS ONE COLLOCATIONS.

1) A conditional use permit is required for the siting and construction of new mobile service support structures and facilities, and for class 1 collocations.

2) An application for a conditional use permit must be completed by the applicant and submitted to the Department. The application must contain the following information:

a) The name and business address of, and the contact individual for, the applicant.

b) The location of the proposed or existing mobile service structure.

c) The location of the proposed mobile service facility.

d) If the application is to substantially modify an existing mobile service support structure, a construction plan that describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling and related equipment associated with the proposed modifications.

e) If the application is to construct a new mobile service support structure or tower, a construction plan which describes the proposed mobile service support structure or tower and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure or tower.

f) If the application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from the owner or officer responsible for the placement of the mobile service support structure or tower attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome.

3) If an application is incomplete, the Department will notify the applicant in writing within 10 days of the receipt of the application. The written notification must specify the required missing information. An applicant may resubmit an application as often as is necessary until it is complete.

4) **COUNTY RESPONSIBILITIES.** Within 90 days of receiving a complete application, the county must finish all the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to extend this period:

a) Review the application to determine whether it complies with all applicable aspects of the county's ordinances.

b) Make a final decision whether to approve or disapprove the application.

c) Notify the applicant of the decision in writing.

d) If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

5) **HEIGHT.** Height shall meet the terms of the Sauk County Airport Overlay restrictions.

6) SETBACKS. All structures must meet the commercial and industrial zoning setbacks of subchapter III and road setbacks of s. 7.106 unless an applicant provides the county with an engineering certification showing that a mobile service support structure, tower, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required.

a) Any mobile service support structure that is located on or adjacent to a zoning district which permits a single-family dwelling shall be setback at minimum the height of the proposed structure from the adjacent property lot line. This requirement does not apply to existing or new utility poles, or wireless support structures that support a small wireless facility located in a right-of-way and that meets the height limitations in Wis. Stats. §. 66.0414.

7) LIMITATIONS. Conditional use permits for siting and construction of any new mobile service support structure and facilities, or class 1 collocation will only be granted provided the following conditions exist:

a) The application has obtained federal communications commission license and registration numbers if required. The applicant provides a finding of no significant impact, environmental assessment or environmental impact statement approved by the federal communications commission, if required.

b) The applicant provides a copy of a determination of no hazard from the federal aviation administration, including any aeronautical study or other findings if applicable.

c) The applicant provides plans indicating security measures such as fencing, access, lighting, and any other requirements.

d) For a new mobile service support structure, the applicant has obtained a report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate addition antennas.

e) The applicant must provide proof of liability insurance coverage.

f) The applicant must provide copies of an affidavit of notification indicating all operators and owners of airports located within 5 miles of the proposed site have been notified by certified mail.

g) The new facility is designed to promote site sharing so that space is reasonably available to collocators and so that telecommunication towers and necessary appurtenances, including parking areas, access roads, and utilities are shared by site users whenever possible.

7.144 CLASS II COLLOCATIONS.

1) A land use permit is required for a class 2 collocation. A class 2 collocation is considered a permitted use in the county but still requires the issuance of a land use permit.

2) APPLICATION PROCESS. A written permit application must be completed by any applicant, signed by the landowner to which the tower is located and submitted to the Department. The application must include the following information:

a) The name and business address of, and contact individual for, the applicant.

b) The location of the affected mobile service support structure.

c) The location of the proposed mobile service facility.

3) The Department will notify the applicant in writing within 10 days of receiving the application that the application is not complete. An applicant may resubmit an application as often as necessary until it is complete.

4) COUNTY REQUIREMENTS. Within 45 days of receiving of a complete application, the Department must complete all the following or the applicant may consider the application under this section approved, except that the applicant and the Department may agree in writing to an extension of the 45-day period:

a) Make a final decision whether to approve or disapprove the application.

b) Notify the applicant of its decision in writing.

c) If the application is approved, issue the applicant the relevant permit.

d) If the decision is to disapprove the application, include with the written notification substantial evidence to support the decision.

7.145 STRUCTURAL, DESIGN, AND ENVIRONMENTAL STANDARDS.

1) MOBILE SERVICE SUPPORT STRUCTURE, ANTENNA, AND FACILITY REQUIREMENTS. All mobile service facilities and mobile service support structures, except exempt facilities as described in s. 7.142, must be designed to reduce the negative impact on the surrounding environment by implementing the following measures:

- a) Mobile service support structures must be constructed of metal or other nonflammable material.
- b) Satellite dish and parabolic antennas must be situated as near to the ground as possible to reduce visual impact without compromising their functions.
- c) Equipment compounds must be constructed of non-reflective materials on visible exterior surfaces only. Equipment compounds must be designed to blend with existing architecture in the area, or must be screened from sight by mature landscaping, and must be located or designed to minimize their visibility.
- d) Mobile service facilities and support structures must not interfere with or obstruct existing or proposed public safety, fire protection, or supervisory controlled automated data acquisition operation telecommunication facilities. Any actual interference or obstruction must be corrected by the permittee at no cost to a public entity negatively impacted by the interference or obstruction.

2) SITE DEVELOPMENT. A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds must be located to permit expansion for mobile service facilities to serve all potential collocators.

3) FIRE PROTECTION. All mobile service facilities must be designed and operated with all applicable codes regarding fire prevention.

4) NOISE AND TRAFFIC. All mobile service facilities must be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To accomplish this, the following measures must be implemented for all mobile service facilities, except exempt facilities as described under s. 7.142:

- a) Noise producing construction activities must take place only Monday through Friday, excluding legal holidays, between the hours of 6:00 a.m. to 6:00 p.m., except in times of emergency repair.
- b) Backup generators must be operated only during power outages and for maintenance and testing purposes.

5) LIGHTING. A mobile tower may be required to install flashing lights for nighttime bird travel on towers between 150-350 feet in height in known areas of bird migration.

- a) L-810 lights may not be allowed on towers taller than 350 feet.

7.146 ABANDONMENT. Any antenna, mobile service facility, or mobile service support structure that is not operated for a period of 365 days will be considered abandoned. Upon application, the Agency may extend the time limit for abandonment for an additional 365-day period. Such extension will be based on the finding that the owner or permit holder is actively seeking tenants for the site. After expiration of the established time period, the following will apply:

- 1) The owner of the antenna, mobile service facility, or mobile service support structure must remove the antenna, mobile service facility, or mobile service support structure; including all supporting equipment, buildings, and foundations to the depth unless requested in writing by the landowner, within 90 days of receipt of notice from the Department that abandonment is required. If removal to the satisfaction of the Department does not occur within 90 days; the Department may order removal and salvage the antenna, mobile service facility, or mobile service support structure; including all supporting equipment and buildings.
- 2) The recipient of a permit allowing a mobile service support structure and facility under this chapter, or the current owner or operator, must notify the Department within 45 days of the date when the mobile service facility is no longer in operation.

SUBCHAPTER X: ZONING OVERLAY DISTRICTS

7.147 PLANNED UNIT DEVELOPMENT.

1) PURPOSE AND INTENT. The Planned Unit Development (PUD) is established to provide a regulatory framework designed to encourage and promote enhanced environmental design by allowing for greater freedom, imagination and flexibility in the development of land while assuring substantial compliance to the basic intent of this chapter. These developments will, over a period of time, be enhanced by coordinated area site plan, diversified location of structures and/or the mixing of compatible uses; provide for safe and efficient transportation systems; provide attractive recreation and open spaces; ensure economic design in the location of public/private utilities and community facilities; and accommodate areas

of integrated mixed land uses, innovative lot sizes and physical design and strong commitments to commonly held open spaces.

2) APPLICABILITY. The PUD is an area with a minimum contiguous acreage of five acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and/or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include a private area or lot and access to commonly owned property which is usually owned by a property owners' association or covered by easements which provide common use amongst property owners.

3) STANDARDS.

a) Underlying Zoning District. The Planned Unit Development Overlay District shall operate as an overlay zone and as alternative to the permitted uses and regulations applicable to the existing zoning districts. The PUD Overlay District is a supplemental zoning classification applied "over" an underlying zoning district or districts to provide an opportunity to develop land in a manner that does not fit the configuration or standards of the underlying district. All permitted and conditional uses as allowed in the underlying zoning district shall be allowed in the PUD. In the PUD the requirements of the respective underlying zoning district may be relaxed at the discretion of the Agency, except for the Exclusive Agricultural District. No use is permitted as a matter of right in the PUD except as may be provided in an approved development plan.

b) Unified Control. All land included for a PUD shall be under the legal control of the applicant, whether the applicant be an individual, partnership, corporation, or group of individuals. The applicant shall state agreement to:

- (1) The provisions of this subchapter and any conditions that may be attached to the development plan.
- (2) Provide agreements, contracts, deed restrictions, and sureties acceptable to the County for completion of the development according to approved plans, and maintenance of such areas, functions, and facilities so the area is not provided, operated, and maintained at public expense.
- (3) Bind their successors in title to any commitments under this subchapter.
- (4) All agreements and evidence of unified control shall be examined by Sauk County and no planned development area shall be approved without certification by the Corporation Counsel that such agreements and evidence of unified control meet the requirements.

a) Size. A minimum of three (3) acres of land shall be developed for a residential PUD; and five (5) acres of land shall be developed as a unit for commercial, industrial, or mixed-use PUDs.

4) CRITERIA FOR APPROVAL. As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the development plan with specific consideration as to whether it is consistent with the spirit and intent of this chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design:

a) Overlay Zoning Criteria. In the review of the PUD, the zoning into an overlay district shall make findings and respect to the following criteria:

- (1) The proposed overlay is consistent with the overall purpose and intent of this chapter.
- (2) The proposed PUD is consistent with the Sauk County Comprehensive Plan and the Farmland Preservation Plan.
- (3) The PUD is consistent and complimentary or improves upon the surrounding zoning districts and land uses.

b) Economic Feasibility & Impact. The proponents of a PUD application shall provide evidence satisfactory to the Agency of its economic feasibility of available adequate financing and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.

c) Engineering Design Standards. The width and location of right-of-way or other paving, outdoor lighting, location of sewer and water lines, provision for stormwater drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Agency.

d) Preservation & Maintenance of Open Space. In a PUD area, adequate provisions shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.

(1) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public, as part of the conditions for project approval, an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational, or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan and approval of building site and operational plans by the Agency.

(2) The care and maintenance of such open space shall be assured by an establishment of an appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in the title to each property.

(3) Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.

5) PROCEDURE. The procedure for obtaining a PUD shall be as required for any other ordinance amendment under this chapter, except that in addition thereto, the overlay zone amendment may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

a) Pre-Application conference. Prior to submittal of the petition for the approval of a Planned Unit Development, the applicant (owner or his/her agent) shall meet with the department for a preliminary discussion as to the scope and nature of the proposed development and discuss possible alternative approaches to the development of a specific area.

b) Preliminary Proposal Procedure. A preliminary proposal shall be required for all PUDs and no final development proposal will be approved prior to the approval of the required preliminary plans. The application for approval of a preliminary proposal shall include the following:

(1) **Preliminary Plat.** A preliminary plat of the proposed development shall be submitted in accordance with the Sauk County Chapter 22 Land Division and Subdivision Regulations Ordinance.

(2) **Development Plan.** The applicant shall file with the Department a development plan which shall include the following information:

(a) A statement describing the general character of the intended development.

(b) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria as set forth in subsection (4) of this section:

(i) The location, size, shape, density, and character of proposed land use, including but not limited to residential, commercial, recreational and open space areas reserved or dedicated for public uses such as educational institutions, parks, greenways, etc.

(ii) The arrangement of structure groups, other than single-family residences, and their architectural character.

(iii) The pattern of public and private rights-of-way for motorized and pedestrian ways.

(iv) A utilities plan for electric, water, wastewater, gas, infrastructure and/or municipal connection.

(v) An erosion control and stormwater plan in accordance with Chapter 51 of the Sauk County Code of Ordinances.

(vi) Any proposed departures from the standards of development set forth in the underlying zoning regulations, land division/subdivision ordinance, or any other regulations or ordinance enforceable by the county.

(c) Appropriate statistical data on the size of the development, ratio of various land uses, percentages of dwelling units by type and capacity, economic analysis of the development impact, expected phasing, and any other plans or data pertinent to evaluation.

(d) Agreements, bylaws, provisions, or covenants which govern the organizational structures, use, maintenance and continues protection of the PUD and any of its common services, common open areas, or other facilities.

(e) Any other plans, documents or schedules requested by the Department or Agency.

(3) **Implementation Plan.** A specific and detailed plan for implementation for the entire proposed PUD must be submitted. The specific implementation plan shall be submitted to the Department

and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- (a) Proof of financing capability.
- (b) A development schedule indicating:
 - (i) The approximate date when construction of the project can be expected to begin.
 - (ii) The phases in which the project will be built and the approximate date when construction of each phase can be expected to begin.
 - (iii) The anticipated rate of development.
 - (iv) The approximate date when the development of each of the stages will be completed; and
- (4) *Referral & Hearing.*
 - (a) The Department shall forward copies of the preliminary proposal to all units of general-purpose local government within 1,000 feet of the area shown in the proposal; and within 60 days after a complete submission schedule a public hearing with the Agency to approve, approve conditionally or reject the preliminary proposal, based on conformance with the Sauk County Code of Ordinances.
- c) *Approval of Final Plans.* Provided that preliminary proposal has been approved by the Agency, the developer may submit the final plat to the Department.
 - (1) Prior to the issuance of a land use permit, or commencement of development, the developer shall record with the Department and Sauk County Register of Deeds the following within 365 days of approval:
 - (a) Final plat or phases of plat to be developed as stated in the approved timeline.
 - (b) Development plan.
 - (c) Implementation plan.
 - (d) Agreements, bylaws, provisions or covenants which govern the organizational structures, use, maintenance and continues protection of the PUD and any of its common services, common open areas or other facilities.
 - (e) Any other plans, documents or schedules requested by the Department or Agency.
 - (2) In the event that final plans are not submitted within 365 days of approval, the Department shall revoke approval.
- 6) *Modification of Approved Plans.*
 - a) Any subsequent change or addition to the plans or use shall first be submitted for approval to the Department, and if, in the opinion of the Zoning Administrator, such change or addition constitutes substantial alteration of the original plan, a modification, following the procedure provided in Subsection 5, above, and in this subsection shall be required.
 - (1) A substantial alteration includes but is not limited to the following: change in housing density, change in amount of commercial space, a change or delay in implementation greater than one calendar year, layout alterations, or any other change that the Zoning Administrator deems substantial.

7.148 SCENIC CORRIDOR OVERLAY DISTRICT (SC).

1) **PURPOSE & INTENT.** The scenic corridor (SC) overlay district is intended to protect, maintain, and enhance the rural character, cultural viewscape, scenic beauty, natural landscape, dark sky, safe transportation, economic health, and residential growth in connection with areas designated as scenic corridors.

2) **DESIGNATION.** The Scenic Corridor (SC) overlay district is designated on all current and future Rustic Roads and Scenic Byways as designated by the Wis. Stats. Ch. Trans-RR 1 and Ch. Trans 202 and as shown on the official zoning map. This district shall also be designated over US Hwy 12, State Hwy 23, State Hwy 136, State Hwy 33, State Highway 130, State Hwy 113, County Rd DL and any other corridor as designated by the Agency to contain the cultural, natural, or scenic beauty. All scenic corridors shall be designated through a public hearing rezone process and owners notified via 1st class mail.

- a) Scenic corridors as designated by the Agency shall extend 500 feet in either direction from the centerline of the road, except where otherwise indicated on the Official Zoning Map.

3) DESIGN STANDARDS. The following standards apply to lands located within 500 feet of the right-of-way line of roadways designated in the scenic corridor overlay district. Except as provided in this chapter for the lands, all other provisions of this chapter will apply.

a) On-premises. On-premises ground signs will be permitted a maximum height of 10 feet and a maximum copy area of 50 square feet facing each direction of travel or maximum of 100 sq. ft. of all combined sign faces.

b) Off-premises. Off-premises ground signs, except wayfinding and government signs, are not permitted.

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

(1) Government and wayfinding signs.

(2) On-premises signs with a maximum height of 6 feet and maximum copy area of 32 feet of all combined sign faces.

7.149 TRI-COUNTY AIRPORT OVERLAY DISTRICT (TAP).

1) PURPOSE & INTENT. The tri-county airport (AP) Overlay district is intended to regulate the use of property and restrict the height of structures and growth within the designated vicinity of the airport to protect and promote the health, safety, convenience, general welfare, and safety of the public and property in connection with the use and operation of the Tri-County Airport. The overlay district is intended to comply with state and federal regulations pertaining to aviation as an essential public facility.

2) APPLICABILITY. The tri-county airport overlay district shall be designated over all current and future commercial or public runways, associate airport structures, lands, and surrounding property into zones as outlined in this section. All airport zones established by this section are shown on the official zoning map of Sauk County.

3) GENERAL PROVISIONS.

a) Notwithstanding any other provision of this chapter, no use may be made of land or water within any district established herein that would endanger the safe landing, taking off and maneuvering of aircraft within the vicinity of the Airport, or would be injurious to the health, safety and welfare of person using airport facilities, including:

(1) Creating electrical or electronic interference to navigational signals, and radio or radar communication between the Airport and aircraft or air traffic control systems.

(2) Installing or using slashing or flashing lights, illuminated advertising, illuminated business signs or any illumination that would create a hazard to pilots because of the difficulty distinguishing between airport lights and the non-airport illumination, or that results in glare in the pilot's eyes to an extent that it impairs visibility.

(3) Emitting or discharging smoke to interfere with the safe navigation of aircraft using the Airport.

4) AIRPORT ZONES.

a) Airport Runway District (Zone 1). The runway district is established to encompass land areas that due to the operation of aircraft will be exposed to excessive noise, are near the airport runways and crash hazard area of the Airport. The runway district is established to protect the runway and approaches of the Airport from incompatible land uses, and to preserve the Airport's ability to serve its present and future air transportation needs, as depicted on the official zoning map. Any expansion or enlargement of runways must be approved by the Federal Aviation Administration and Wisconsin Department of Transportation, Bureau of Aeronautics.

(1) **Permitted uses and structures.** Any uses and structures that are directly related to, and necessary for, the functional operation of the Airport.

(2) **Prohibited uses.**

(a) Any construction, expansion, alteration or enlargement to any building or structure within this district is prohibited except for those uses and buildings necessary for the functional operation of the Airport.

(b) Any use or structure that would create electrical interference with navigational signals or radio communications between the Airport and aircrafts; create confusion in identifying airport lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the

Airport or otherwise endangers or interferes with the landing, take off, or maneuvering of aircraft including but not limited to smoke, dust, lighting, etc.

(3) *Height Limitations*. No structure or growth shall exceed the height or elevation permitted by this ordinance and as shown in the official zoning map.

(4) *Setback Requirements*. The location of any structure shall comply with Federal Aviation Administration design standards and/or the requirements of the primary zoning ordinance, whichever is more restrictive.

b) High Impact Runway Approach and Departure District (Zone 2). The high impact runway approach and departure district is established to set forth requirements in areas that are directly within the flight pattern of aircraft approaching and departing the airport runways. This district includes the area identified as Zone 2 on the official zoning map.

(1) *Permitted Uses*. Those uses permitted by the primary zoning ordinance except for those uses specifically prohibited by this section.

(2) *Prohibited Uses*.

(a) Single or multi-family residential development

(b) Hospitals

(c) Churches

(d) Educational institutions

(e) Theaters and amphitheaters.

(f) Stadiums

(g) Campgrounds

(h) Retirement/nursing homes

(i) Wildlife ponds.

(j) Licensed group day care facilities

(k) Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonable agricultural practices that inadvertently result in a concentration of birds are not prohibited.

(l) Any use or structure that may be susceptible to being adversely affected by loud and extensive noise or would interfere in the use or operation of the airport.

(m) Any use or structure that would create electrical interference with navigational signals or radio communications between the airport and aircraft; create confusion in identifying airport lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport or otherwise endangers or interferes with the landing, take off, or maneuvering of aircraft including but not limited to smoke, dust, lighting, etc

(n) For uses not listed as prohibited uses, the number of employees during typical operating conditions shall not exceed 1 employee per 500 square feet of floor area without written approval by the Zoning Administrator.

(3) *Height limitations*. No structure or growth shall exceed the height or elevation permitted by this ordinance and as shown in the official zoning map.

(4) *Setback requirements*. Setbacks shall comply with the requirements of this zoning ordinance.

(5) *Minimum area requirements*. The minimum lot area provisions of this zoning ordinance shall apply to all areas within Zone 2. Any lot which meets the definition of a lot of record under the primary zoning ordinance shall be considered legally buildable even though the lot may not meet the current minimum lot area requirements, and provided the lot is in separate ownership from abutting lands, and the proposed development meets the use restrictions provided in this chapter.

c) Moderate Impact Runway Approach and Departure District (Zone 3). The moderate impact runway approach and departure district is established in order to set forth the land use requirements in areas that are within the flight pattern of aircraft approaching and departing runways. This district includes the area identified as Zone 3 on the official zoning map.

(1) *Permitted Uses*. Those uses permitted by this zoning ordinance except for those uses specifically prohibited by this section.

(2) *Prohibited Uses*. The following uses are prohibited within Zone 3:

(a) Hospitals

(b) Churches

(c) Educational institutions

- (d) Theaters and amphitheaters
 - (e) Stadiums
 - (f) Campgrounds
 - (g) Retirement/nursing homes
 - (h) Licensed group day care facilities
 - (i) Any other construction or land use that would encourage the concentration of bird (avian) populations except that customary and reasonably agricultural practices that inadvertently result in a concentration of birds are not prohibited.
 - (j) Any use or structure that would create electrical interference with navigational signals or radio communications between the airport and aircraft; create confusion in identifying airport lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport or otherwise endangers or interferes with the landing, take off, or maneuvering of aircraft including but not limited to smoke, dust, lighting, etc.
- (3) *Height Limitations.* No structure or growth shall exceed the height or elevation permitted by this ordinance and as shown in the official zoning map.
- (4) *Setback Requirements.* The setback requirements of this zoning ordinance shall apply.
- (5) *Minimum Area Regulations.* The minimum lot area provisions of this zoning ordinance shall apply to all areas within Zone 3. Any lot which meets the definition of a lot of record under the primary zoning ordinance shall be considered legally buildable even though the lot may not meet the current minimum lot area requirements, provided that the lot is in separate ownership from abutting land, and further provided that the proposed development meets the use restrictions provided in this chapter.
- d) Noise Control Overlay District (Zone 4).** The Noise Control Overlay District is established to minimize the conflict between allowed uses and the noise generated in this zone due to aviation activities, overflights and use of airports.
- (1) *Permitted Uses.* All uses shall conform with the provisions of this ordinance.
 - (2) *Prohibited Uses.* Any use or structure that would create electrical interference with navigational signals or radio communications between the airport and aircraft; create confusion in identifying airport lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport or otherwise endangers or interferes with the landing, take off, or maneuvering of aircraft including but not limited to smoke, dust, lighting, etc.
 - (3) *Height Limitations.* No structure or growth shall exceed the height or elevation permitted by this ordinance and as shown in the official zoning map.
 - (4) *Setback Requirements.* The setback requirements shall meet the setback requirements of this zoning ordinance.
 - (5) *Minimum Area Regulations.* The lot area requirements shall meet the requirements of this zoning ordinance.
- e) Height Limitation Overlay District (Zone 5).** The Height Limitation Overlay District is established to protect the approaches to the airport from incompatible land uses by establishing height limitations as shown on the official Sauk County zoning maps.
- (1) *Permitted Uses.* All uses shall conform with the provisions of this ordinance as well as the primary zoning ordinance.
 - (2) *Prohibited Uses.* Any use or structure that would create electrical interference with navigational signals or radio communications between the airport and aircraft; create confusion in identifying airport lights; result in glare in the eyes of pilots using the airport; impair visibility in the vicinity of the airport or otherwise endangers or interferes with the landing, take off, or maneuvering of aircraft including but not limited to smoke, dust, lighting, etc.
 - (3) *Height regulations.* No structure or growth shall exceed the height or elevation permitted by this ordinance and as shown in the official zoning map.
 - (4) *Setback Requirements.* The setback requirements shall meet the requirements of this zoning ordinance.
 - (5) *Minimum area regulations.* The lot area requirements shall meet the requirements of this zoning ordinance.

5) TRI-COUNTY AIRPORT BOARD OF APPEALS.

a) There is hereby created a Board of Appeals pursuant to Wis. Stats. § 114.136(4) and Wis. Stats. § 62.23(7)(e) consisting of five members and three alternates as follows:

(1) Two individuals from Richland County and three individuals from Sauk County, who shall also be members of that County's Board of Adjustment, but who shall not own property that is subject to the terms of this ordinance.

(2) Two alternate members, one each from Richland and Sauk counties, who shall have the same qualifications as subparagraph (1) above.

(3) Members of the Board of Appeals shall serve three-year terms. However, their membership shall terminate if they cease to meet the qualifications contained in subsection (1) above.

b) The Board of Appeals shall be constituted and have the powers provided for in Wis. Stats. § 62.23(7)(e) as well as the following:

(1) Any person aggrieved or affected by a decision or action of the Zoning Administrator regarding the Tri-County Airport may appeal such decision or action to the Tri-County Airport Board of Appeals. The Tri-County Airport Commission may be an aggrieved person.

(2) The Board of Appeals may, in passing upon appeals, grant a variance from the terms of this subsection. An individual seeking a variance shall file an appeal with the appropriate Zoning Administrator, which shall promptly forward the appeal to the Board. Upon receipt, the Board shall investigate and hold a public hearing to consider the appeal. The Board may grant a variance from the terms of this ordinance as follows:

(a) To authorize such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit of the ordinance must be observed, and substantial justice done. No variance shall be granted that would create a hazard to the safe, customary, and normal operation of aircraft using the Airport.

(b) The Board of Appeals may condition the grant of any variance upon prior compliance with any reasonable condition, which the Board in its discretion deems necessary, or appropriate under the circumstances. section shall be in conformity with the procedure established by Wis. Stats. § 62.23(7)(e).

c) *Recording of Actions.*

(1) The Board of Appeals must keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and must keep records of its examinations and other official actions, all of which must be filed by the Zoning Administrator and must be a public record.

(2) The final disposition of an appeal or variance application to the Board of Appeals must be in a form of a written decision signed by the chair of the Board of Appeals.

d) *Rules.*

(1) The Board of Appeals will meet as needed at a fixed time and place as may be determined by the chair and at such other times as the Board of Appeals may determine.

(2) All meetings of the Board of Appeals will be open to the public.

(3) The Board of Appeals must fix a reasonable time and place for the public hearing and give public notice thereof, including due notice to the parties in interest. Public notice must be publication of a class 2 notice under Wis. Stats. Ch. 985 and a copy of the notice to any lot within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings will not invalidate the public notice.

(4) The Board of Appeals will have power to call on any county Departments for assistance in the performance of its duties and it will be the duty of such other Departments to render all such assistance as may be reasonably required. The corporation counsel will provide legal counsel to the board or arrange for legal counsel in the event of a conflict.

(5) The Board of Appeals may adopt such additional rules as are necessary to carry into effect the regulations of the county board.

e) *Appeals.*

(1) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, Department, board, or bureau of Sauk County affected by any decision of the Zoning Administrator. Such appeal must be taken within 30 days after receiving notice of the decision, by filing with the

Zoning Administrator and the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator will forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal will stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator will certify to the Board of Appeals after the notice of appeal will have been filed with the Zoning Administrator that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, the proceedings must not be stayed other than by a restraining order, which may be granted upon application to the Board of Appeals or by petition to a court of record, with notice to the Zoning Administrator.

(2) The Board of Appeals must fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

SUBCHAPTER XI: PROCEDURES AND ADMINISTRATION

7.150 PURPOSE. The purpose of this subchapter is to establish responsibilities for administration of this chapter, procedural requirements for various development approvals under this chapter, and enforcement procedures and penalties for non-compliance.

7.151 LAND RESOURCES AND ENVIRONMENT DIRECTOR AND ZONING ADMINISTRATOR: DESCRIPTION AND ROLES.

- 1) AUTHORITY.** The Land Resources and Environment Director is the administrative and enforcement officer for the provisions of this chapter pursuant to the general authorization of the Wisconsin Statutes. The Land Resources and Environment Director will serve as the Zoning Administrator. Other professional and administrative staff within the Department may assist the director or Zoning Administrator in the performance of the duties prescribed herein.
- 2) DUTIES AND RESPONSIBILITIES.** To interpret and administer this chapter, as well as certain other chapters of the Sauk Co. Code of Ordinances as provided therein. With respect to this chapter, the Zoning Administrator will 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, temporary permits, conditional uses, site plans, variances, appeals, inspections, interpretations, applications, and other official actions.
 - d)** Receive, file, and forward applications to the designated review and approval bodies, and provide related technical information or reports, or both, to assist such bodies in decision-making.
 - e)** Provide staff support to the Agency including the scheduling of public hearings, other meetings, and site visits, and the recording of the actions, recommendations, and minutes of such bodies.
 - f)** Issue land use permits.
 - g)** Review and approve site plans for land uses under this chapter prior to the issuance of land use or temporary permits for such uses, ensuring compliance with this and other applicable ordinances and any additional requirements of designated official review and approval bodies for associated rezoning, conditional use, or variance requests.
 - h)** Make interpretations regarding the provisions of this chapter in a manner that is consistent with the purpose of this chapter. All interpretations are subject to appeal to the Board of Adjustment in accordance with the procedures in this chapter.
 - i)** Make interpretations and final decisions regarding the permissibility of land uses in certain zoning districts where such land uses are not explicitly listed as permitted-by-right, or conditional uses, in accordance with the procedures and criteria of this chapter.
 - j)** Investigate all complaints made relating to the location and use of structures, lands, and waters; and fulfill enforcement functions prescribed by this chapter.

k) Any other duties or responsibilities delegated or assigned by the Agency and County Board.

7.152 LAND RESOURCES AND EXTENSION COMMITTEE; AGENCY: DESCRIPTION AND ROLES.

- 1) **ESTABLISHMENT.** The Sauk County Board hereby designates the Land Resources and Extension Committee as the county zoning agency, authorized to act in all matters pertaining to county planning and zoning.
- 2) **DUTIES AND RESPONSIBILITIES.** In addition to the duties and responsibilities specified under the Sauk Co. Code of Ordinances and the Rules of the Sauk County Board of Supervisors, the Agency will have the following specific duties and responsibilities pertaining to this chapter:
 - a) Conduct public hearings associated with petitions to amend the official zoning map and consider conditional uses.
 - b) Conduct public hearings and advise the county board on appropriate amendments to the text of this chapter or to the official zoning map, and initiate such amendments as it may deem desirable, all in a manner that is consistent with the Sauk County Comprehensive Plan, Sauk County Farmland Preservation Plan, other long range planning documents, the procedures established under Wis. Stat. § 59.69, and this chapter.
 - c) Conduct public hearings, review, and decide on requests for conditional uses in a manner that is consistent with the Sauk County Comprehensive Plan, the Sauk County Farmland Preservation Plan, and with this chapter.
 - d) Act on other development-related requests as may be specified under this chapter or other ordinances within the Sauk Co. Code of Ordinances.
 - e) Direct the preparation of the County Comprehensive Plan under Wis. Stat. § 66.1001.
 - f) Exercise such other duties and responsibilities as may be directed by the Sauk County Board of Supervisors.

7.153 BOARD OF ADJUSTMENT: DESCRIPTION AND ROLES.

- 1) **MEMBERS.** The chairperson of the Sauk County Board of Supervisors is hereby directed to appoint a board of adjustment according to Wis. Stat. § 59.694, consisting of 5 members, with allowance for payment of per diem and mileage, and 2 alternate members appointed in accordance with Wis. Stat. § 59.694(2)(bm).
 - a) One member from the board of supervisors, who is a resident of an unincorporated area which have approved the Sauk County Zoning Ordinance.
 - b) Three citizen members, residents, or officials of those townships within the county, which have approved the Sauk County Zoning Ordinance.
 - c) One member, resident of any unincorporated area.
 - d) Appointed board members will reside in separate townships, and all members must reside in unincorporated areas.
- 2) **POWERS AND DUTIES.** The Board of Adjustment will have the following powers:
 - a) To hear and decide appeals where it is alleged that there is error in any interpretation, order, requirement, decision, or determination made by the Zoning Administrator or any administrative official in the enforcement, administration, or interpretation of this chapter or of Wis. Stat. § 59.69.
 - b) To hear and decide appeals where it is alleged that there is an error in any decision of the Agency related to a conditional use request, with such review limited to determining whether the Agency's action considered the appropriate standards and met the requirements of this chapter.
 - c) To authorize such variances from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in unnecessary hardship, and so that the spirit of the ordinance must be observed, and substantial justice done.
- 3) **RECORDING OF ACTIONS.**
 - a) The Board of Adjustment must keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and must keep records of its examinations and other official actions, all of which must be filed by the Zoning Administrator and must be a public record.
 - b) The final disposition of an appeal or variance application to the Board of Adjustment must be in a form of a written decision signed by the chair of the Board of Adjustment.

4) RULES.

- a)** The Board of Adjustment will meet as needed at a fixed time and place as may be determined by the chair and at such other times as the Board of Adjustment may determine.
- b)** All meetings of the Board of Adjustment will be open to the public, unless there is a properly noticed closed session.
- c)** The Board of Adjustment must fix a reasonable time and place for the public hearing and give public notice thereof, including due notice to the parties in interest. Public notice must be publication of a class 2 notice under Wis. Stats. Ch. 985 and a copy of the notice to any lot within 1,500 feet of the proposed use measured from the edge of the property, except that notice does not have to be given if the dwelling is not within the jurisdiction of this ordinance. A failure to send notice to the above dwellings will not invalidate the public notice.
- d)** The Board of Adjustment will have power to call on any county Departments for assistance in the performance of its duties and it will be the duty of such other Departments to render all such assistance as may be reasonably required. The corporation counsel will provide legal counsel to the board or arrange for legal counsel in the event of a conflict.
- e)** The Board of Adjustment may adopt such additional rules as are necessary to carry into effect the regulations of the county board.

5) APPEALS.

- a)** Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, Department, board, or bureau of Sauk County affected by any decision of the Zoning Administrator. Such appeal must be taken within 30 days after receiving notice of the decision, by filing with the Zoning Administrator and the Board of Adjustment a notice of appeal specifying the grounds thereof. The Zoning Administrator will forthwith transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. An appeal will stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator will certify to the Board of Adjustment after the notice of appeal will have been filed with the Zoning Administrator that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such cases, the proceedings must not be stayed other than by a restraining order, which may be granted upon application to the Board of Adjustment or by petition to a court of record, with notice to the Zoning Administrator.
- b)** The Board of Adjustment must fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

- 6) CERTIORARI.** A person aggrieved by a decision of the Board of Adjustment, or a taxpayer, or any officer, Department, board, or bureau of the municipality, may, within 30 days after the filing of the decision in the Department, commence judicial review seeking the remedy available.

7.154 COMPLETENESS REVIEW

1) GENERAL REQUIREMENTS.

- a)** Applications filed under this ordinance must include the information required for applications noted for the specific uses or development regulations noted. All applications shall be made on forms provided by the Agency. Incomplete applications will not be processed.
- b)** An application is not complete until all required items are submitted.
- c)** Review for completeness of the application forms is solely to determine whether preliminary information required for submission with the application is sufficient to allow further processing. It does not constitute a decision as to whether an application complies with this ordinance.
- d)** An application is not complete unless it is accompanied by the required fee. The Board of Supervisors may establish fees for all applications required by this ordinance by resolution.

2) COMPLETENESS REVIEW PROCESS.

- a)** When applications are filed, the Agency will review them for completeness.
- b)** The time to process an application does not commence until the Zoning Administrator or their designee determines that the application contains all the information required on the initial checklist.
- c)** The Zoning Administrator or their designee will determine whether any additional information is needed to complete the review of the application and will transmit the determination to the applicant.

- d) If the Zoning Administrator or their designee determines that additional information is necessary, the Zoning Administrator or their designee will provide to the applicant a list and description of the information necessary to complete the review. The Zoning Administrator or their designee and the Agency are not obligated to further review the application until the required information is provided.
- e) The Zoning Administrator or their designee or the Agency may provide submission deadlines for materials required in support of any application provided for within this ordinance. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the Agency.

7.155 SITE PLAN REQUIREMENTS.

- 1) **PURPOSE.** The purpose of the site plan is to:
 - a) Ensure compliance with County adopted development regulations and other applicable regulations to which the department has enforce responsibility.
 - b) Promote safe, efficient, and harmonious use of land through the application of zoning standards.
 - c) Promote stormwater planning into the zoning review process when needed.
 - d) Protect and enhance the County's environmental and scenic qualities.
 - e) Prevent or mitigate adverse development impacts.
 - f) Aid the evaluation and coordination of land subdivision.
- 2) **APPLICABILITY.** A site plan is required for all land development applications.
- 3) **SITE PLAN REQUIREMENTS.** The property owner shall file with an application for development approval, a site plan consisting of information noted below. It should be noted that not all listed items are needed for every development request. However, the site plan should include as many existing and proposed site conditions and improvements, as follows:
 - a) Site boundaries and dimensions, lot lines, site acreage, and square footage, and approximate distance to the nearest cross street.
 - b) Location map, north arrow, and scale.
 - c) Topography in two-foot contours or less, referenced to sea level datum.
 - d) Natural features, include tree masses and anticipated tree loss, floodplains, wetlands, shorelands, drainage ways, streams, and other similar features.
 - e) Proposed and existing land use on-site and on adjacent properties.
 - f) Building locations and footprints, including dimensions, size, lot coverage, height, building lines, setbacks, etc.
 - g) Finished floor elevation of structures referenced to sea level datum.
 - h) Public streets, private drives, and fire lanes (if needed); pavement widths, rights-of-way, median openings, turn lanes (include storage and transition space), and driveways with dimensions, radii, and surface type.
 - i) Parking areas and structures, including the number of parking spaces, and layout of spaces, handicapped spaces, the location of ramps, crosswalks, and loading areas with dimensions and surface type.
 - j) Access easements, off-site parking, landbanked parking locations.
 - k) Waste disposal locations and screening.
 - l) Proposed dedications and reservations if land for public use, including, but not limited to, rights-of-way, easements, park land, open spaces, drainage ways, floodplain, and facility and utility locations.
 - m) Screening walls, fences, living screens, retaining walls, headlight screens, including height and type of construction and/or plan specifications.
 - n) Landscaping and open space areas with dimensions and total square footage.
 - o) Water and sanitary locations, easements, and dimensions.
 - p) Inlets, culverts, and other drainage structures onsite and immediately adjacent.
 - q) Locations of site intended stormwater quality areas.
 - r) Lighting information and locations.
 - s) Erosion control measures and locations.
 - t) Any other information as requested by the Zoning Administrator to verify compliance with development standards and regulations.

7.156 ORDINANCE AMENDMENTS: REVIEW PROCEDURE AND STANDARDS.

- 1) **PURPOSE.** To provide the procedure for the review of proposed amendments of the official zoning map or amendments to the ordinance. Changes to the official zoning map have the effect of changing the district boundaries. The county board may, from time to time, amend the official zoning map or this chapter in the manner provided by Wis. Stat. § 59.69 and as specified in this section.
- 2) **REVIEW PROCESS.** Sauk County's process for each amendment to the official zoning map or the text of this chapter is as directed by Wis. Stat. § 59.69 and as follows. The following procedures must be applied in considering amendments:
 - a) A petition for amendment of this chapter may be made by a property owner in the area to be affected by the amendment, by the town board of any town in which the ordinance is in effect, or by any member of the county board or the Agency.
 - b) The petition must be filed with the county clerk who will refer the petition to the Agency. Immediate notice of the petition must be sent to the county supervisor of any affected district.
 - c) The Agency must prescribe a form for the petition.
 - (1) An accurate metes and bounds property description or certified survey map must be required to accompany the petition for amendments to the official zoning map.
 - d) A Town scheduling form noting the dates of the Town's meeting.
- 3) **APPLICATION AND NOTICE OF HEARING.** Application for petition of an ordinance amendment must be made to the Zoning Administrator on forms furnished by the Zoning Administrator and must include the following:
 - (1) Zoning Map Amendments.
 - (a) Name and addresses of applicant, owner of the property, and professional engineer as applicable.
 - (b) A narrative of the proposed zoning change with a description of the subject property by lot, block, recorded subdivisions, or metes and bounds description and address of the site if applicable.
 - (c) A map drawn to scale showing location of all existing structures, and roadways.
 - (2) Ordinance Text Amendments.
 - (a) A list of all ordinance sections proposed for amendments with the existing and the proposed text being petitioned for amendment.
- 4) **AGENCY HEARING AND NOTICE.** On receipt of the petition referred to it by the county clerk, the Agency must set a time and place for a public hearing on the petition and must publish notice of the public hearing as a class 2 notice under Wis. Stats. Ch. 985. A copy of the notice, application, petition, all maps, plans, and other documents submitted by the petitioner must be mailed by certified mail to the town clerk of each town affected by the proposed amendment at least 10 days prior to the date of such hearing. If the petition is for any change in an airport affected area as defined by Wis. Stat. § 62.23(6)(am)1.b., the notice must be mailed to the owner or operator of the airport bordered by the airport affected area. A copy of the notice will be sent to any landowner within 1,500 feet of the proposed use, measured from the edge of the property, except that notice does not have to be given to lands not within the jurisdiction of this ordinance. A failure to send notice to the above does not invalidate the public notice.
- 5) **TOWN ACTION ON THE PROPOSED AMENDMENT.** If a town affected by the proposed amendment or the town boards of a majority of the towns affected disapproves of the proposed amendment, the town board(s) may file an official town board resolution disapproving of the petition with the Agency before, at or within 10 days after the public hearing. A town may extend its time for disapproving any proposed amendment by 20 days if the town board adopts a resolution providing for an extension with the county clerk. The 20-day extension shall remain in effect until the town board files a resolution to rescind the extension.
 - a) If a town board of an affected area related to a zoning map amendment or the majority of the town boards affected in a text amendment file resolutions disapproving of the proposed amendment, the Agency may not recommend approval of the petition without change. Approval may only be recommended with change to the petition or the Agency may recommend disapproval.
- 6) **AGENCY ACTION ON THE PROPOSED AMENDMENT.** As soon as possible after the public hearing, the Agency will act on the petition by approving, modifying, and approving, or disapproving of it. If its action is favorable to granting the requested change or any modification thereof, it will cause an

ordinance to be drafted effectuating its determination and will submit the proposed ordinance directly to the county board with its recommendations. If the Agency after its public hearing, recommends denial of the petition it must report its recommendation directly to the county board with its reasons for the action.

a) Proof of publication of the notice of the public hearing held by the Agency and proof of the notice given to the town clerk for the hearing will be attached to such report. Notification of town board resolutions filed under Wis. Stat. § 59.69(5)(e)3 will be attached to such report.

7) ZONING AMENDMENT STANDARDS. In its review and action on petition for a zoning map amendment, the Agency must make findings with respect to the following criteria:

a) The proposed map amendment is consistent with the overall purpose and intent of this chapter.

b) The proposed map amendment is consistent with the Sauk County Comprehensive Plan and the Farmland Preservation Plan, if applicable.

c) Factors have changed from the time of initial ordinance adoption that warrant the map change, or an error, inconsistency, or technical problem administering this chapter as currently depicted has been observed.

d) The proposed map amendment is consistent with surrounding zoning districts.

e) The proposed map amendment is beneficial to the public rather than to the sole benefit of the applicant.

f) In rezoning land out of any exclusive agricultural district, the Agency must find all the following, after a public hearing:

(1) The land is better suited for a use not allowed in the exclusive agricultural district.

(2) The rezoning is consistent with the Sauk County Comprehensive Plan.

(3) The rezoning is substantially consistent with the Sauk County Farmland Preservation Plan.

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

8) COUNTY BOARD ACTION ON AGENCY RECOMMENDATION. The county board action on the Agency recommendation must be one of the following:

a) The board may adopt the ordinance as submitted by the Agency or with amendments.

b) The board may deny the petition for amendment.

c) The board may accept a motion to neither approve nor deny the petition as recommended by the Agency. In such event, the board must again refer the petition to the Agency with instructions to draft an ordinance to effectuate the petition and report the ordinance back to the county board, which may then adopt or reject the proposed ordinance.

d) *Petition Protest.* If a proposed amendment under this paragraph would make any change in an airport affected area, as defined under Wis Stat. § 62.23(6)(am)1.b., and the owner or operator of the airport bordered by the airport affected area files a protest against the proposed amendment with the clerk at least 24 hours prior to the date of the meeting of the board at which the report is to be considered, no ordinance which makes such a change may be enacted except by the affirmative vote of two-thirds of the members of the board present and voting.

9) NOTICE TO TOWN BOARDS OF ENACTMENT.

a) If an amendatory ordinance was enacted without any changes or disapproval from the affected area pursuant to subsection 5, it shall become effective on passage. The county clerk shall record in the clerk's office the date on which the ordinance becomes effective and notify the town clerk of all towns affected by the ordinance of the effective date and insert the effective date in the proceedings of the county board.

b) The county clerk shall submit a copy of any other amendatory ordinance within 7 days of its enactment by registered mail to the town clerk of each town in which lands affected by the ordinance are located. If after 40 days from the date of adoption a majority of the towns have not filed certified copies of resolutions disapproving the amendment with the county clerk, or if, within a shorter time a majority of the towns in which the ordinance is in effect have filed resolutions approving the amendment with the county clerk, the amendment must be in effect in all of the towns affected by the ordinance.

c) *Zoning Map Amendments.* Any ordinance relating to the location of boundaries or districts must within 7 days after adoption by the county board be transmitted by the county clerk by certified mail only to the town clerk of the town in which the lands affected by the change are located and will become effective 40 days after the adoption of the ordinance by the county board unless the town board, prior

to such date files a certified copy of a resolution disapproving of the ordinance with the county clerk. If such town board approves of the ordinance, the ordinance will become effective upon the filing of the resolution of the town board with the county clerk. The clerk must record in the clerk's office the date in which the ordinance becomes effective and notify the town clerk of all towns affected by such ordinance of effective date, and also make such report to the county board, which report will be printed in the proceedings of the county board.

10) ANNEXATION: JURISDICTION OF LANDS ANNEXED TO AN INCORPORATED MUNICIPALITY.

When any lands previously under jurisdiction of this ordinance will have been formally removed from such jurisdiction by reason of annexation to any incorporated municipality, and after the regulations imposed by this ordinance have ceased to be effective as provided in Wis. Stat. § 59.69(7), the county board may, on the recommendation of its zoning Agency, adopt such amendatory ordinances as will remove or delete such annexed lands from the official zoning map or written descriptions without following any of the procedures provided in this section and such amendatory ordinances will become effective upon passage and publication. A copy of such ordinance will be forwarded by the county clerk to the clerk of each town in which the lands affected were previously located. Nothing in this section will be construed to nullify or supersede the provisions of Wis. Stat. § 66.1031.

11) EFFECT OF DENIAL. No application that has been denied under this subsection will be resubmitted for a period of 365 days from the date of final county board action, except on grounds of new evidence or proof of change of factors found valid by the Agency.

7.157 CONDITIONAL USE: REVIEW PROCEDURE AND STANDARDS.

1) PURPOSE.

a) The development of this ordinance is based upon the division of the County into various zoning districts. Within each of these districts, the use of land and buildings as well as the location and bulk of those buildings and structures in relation to the land are compatible and uniform. Certain uses, because of their unusual nature, public facilities, environmental or general welfare concerns, warrant special consideration and review. With appropriate limitations on siting, development, and operation, such uses may be compatible with other land uses in a particular zoning district. These uses are considered conditional uses and are subject to the provisions of this section.

b) To provide the procedures and standards for the review of conditional use and amendments to conditional uses previously granted in addition to standards referenced under Subchapters IV and V of this ordinance. Lawful uses existing at the time of adoption of this chapter that require a conditional use may continue as a legal nonconforming use.

2) AUTHORITY. The authority to approve a conditional use is hereby delegated by the Sauk County Board of Supervisors to the Agency. The Agency, after a public hearing, must, within a reasonable time, grant or deny any application for a conditional use. Prior to granting or denying a conditional use, the Agency must make findings of fact based on the evidence presented, issue a determination whether the standards prescribed in the ordinance are met, and require additional conditions as needed. The standards include the applicable primary and secondary standards, the standards found in pars. (5) and (6) below, or any other standards found in this ordinance.

3) APPLICATION REQUIREMENTS. Application for approval of a conditional use must be made to the Zoning Administrator on forms furnished by the Zoning Administrator. Only complete applications will be accepted. The application shall be accompanied by such plans and other information as required by this section, by requirements for uses or as prescribed by the Zoning Administrator. Failure to submit a complete application as determined by the Zoning Administrator, by the application deadline set by the Agency does not guarantee that the conditional use request will be placed on any subsequent public hearing agenda. At a minimum, the application materials must include the following:

a) Names and addresses of the applicant, owner of the property, architect, and professional engineer, as applicable.

b) The applicant must provide a written statement and adequate evidence to demonstrate that the proposed use conforms to the development standards, use standards, and any additional standards for the base zoning district; and any overlay districts pertaining to the property.

c) The applicant shall provide a written legal description accurately describing the specific area of the property where the conditional use will operate and be effective. Conditional use permit areas should

be the minimum size necessary to accommodate the proposed use, and need not conform to lot, zoning lot, or tax parcel boundaries.

d) A site plan must accompany all conditional use permit applications demonstrating that the proposal meets the standards of this ordinance.

e) Operational plan. All applications must be accompanied by an operational plan that describes, at a detail acceptable to the Zoning Administrator, the following characteristics of the operation, as applicable:

(1) Hours of operation.

(2) Number of employees, including both full-time equivalents and maximum number of personnel to be on the premises at any time.

(3) Anticipated noise, odors, dust, soot, runoff or pollution and measures taken to mitigate impacts to surrounding properties.

(4) Descriptions of any materials stored outside and any activities, processing or other operations taking place outside an enclosed building.

(5) Sanitary facilities, including adequate private onsite wastewater treatment systems and any manure storage or management plans in accordance with County Ordinance provisions.

(6) Facilities for managing and removal of trash, solid waste, and recyclable materials.

(7) Anticipated daily traffic types, weights of vehicles, and any provisions, intersection or road improvements or other measures to accommodate increased traffic.

(8) A listing of hazardous, toxic, or explosive materials stored on site, and any spill containment, safety or pollution prevention measures taken.

(9) Outdoor lighting and measures taken to mitigate light-pollution impacts to neighboring properties pursuant to s. 7.103.

(10) Signage, consistent with subchapter VIII of this ordinance.

(11) Compliance with all other chapters of the Sauk Co. Code of Ordinances.

f) If necessary, if expertise is not available from County staff, public academic institutions or from appropriate regional, state, or federal agencies; the Agency may consult with a third party to effectively evaluate a conditional use permit application. The Zoning Administrator, or their designee, will select the consultant. The applicant for the conditional use permit shall bear all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw a pending conditional use permit application if they choose not to pay consultant fees. Withdrawal of an application may result in any application fees being forfeited.

g) If the applicant for the conditional use permit is not the property owner, the applicant must provide signature(s) of the property owner(s) on the application form or a written statement from the property owner(s) granting authorization to proceed with the conditional use permit application.

4) PUBLIC HEARING NOTICE.

a) Upon receipt of a complete and acceptable application, the Agency shall hold a public hearing on each application for conditional use. The Agency may establish by rule, a regular schedule and location for public hearings. The Agency may prescribe or amend rules for the conduct of the hearing and preserving the publicly accessible recording of the proceedings.

b) Public hearings must follow a completed application for a conditional use. The Zoning Administrator must fix a reasonable time and place for the public hearing on the conditional use and give public notice thereof. Public notice must include publication of a class 2 notice under Wis. Stats. Ch. 985 and a copy of the notice to any landowner within 1,500 feet of the proposed use measured from the edge of the property. A failure to send notice to the above will not invalidate the public notice.

5) REVIEW AND APPROVAL. The following procedures must apply to conditional uses:

a) The Zoning Administrator will mail to the clerk of the town within which the conditional use is proposed, a copy of the application, all maps, plans, and other documents submitted by the applicant and notice of the time and place of the public hearing to be held on the proposed conditional use. This information will be provided at least 10 days prior to the date of the public hearing by postal mail or electronic mail to the clerk.

b) The town board may, at the hearing or earlier, indicate its recommendation regarding granting, denying, and granting in part or with conditions, the conditional use. Town recommendations for approval or denial must be accompanied by appropriate written findings of fact. Failure of the town to submit findings of fact will constitute their recommendation for unconditional approval of the conditional

use. Findings must, at a minimum, address whether the conditional use is consistent with adopted town plans, plan elements, and any adopted ordinances, compatibility or non-compatibility with adjacent land uses, and any specific substantiated objections.

c) Failure of the town board to communicate its recommendation either at the public hearing or earlier will be taken as an approval by the Agency. If the town board or its representative requests an extension of time in which to determine its position, the conditional use application will be postponed until the next regularly scheduled public hearing of the Agency.

d) The Agency will transmit a copy of its decision, signed by the chairperson of the Agency, to the applicant and town within a reasonable time after the public hearing at which the decision is made.

e) Approval of a conditional use does not eliminate the requirement to obtain the appropriate land use permit.

6) CONDITIONAL USE STANDARDS. In reviewing the conditional use, and prior to approving any conditional use permit, the Agency must find through substantial evidence that all the following conditions are met.:

a) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare.

b) The uses and enjoyment of other property in the surrounding neighborhood for purposes already permitted must in no foreseeable manner be substantially impaired or diminished by the establishment, maintenance, or operation of the conditional use.

c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

d) That adequate access roads, drainage and other necessary site improvements have been or are being made.

e) That the site has adequate utilities, including acceptable disposal systems.

f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in right-of-ways.

g) That the conditional use shall conform to all the applicable regulations of the zoning district in which it is located.

h) That the conditional use is consistent with the adopted town and county comprehensive plans.

i) If the conditional use is in an exclusive agricultural district, the town and Agency must also make findings described in s. 7.104 of this ordinance.

7) STANDARD CONDITIONS. The Agency shall impose at a minimum, the following conditions on any approved conditional use permit:

a) Any conditions listed for the specific uses identified in subchapter IV of this ordinance.

b) The physical development and operation of the conditional use permit must conform, in all respects to the approved site plan, operational plan, or phasing plan.

c) New and existing buildings proposed to house a conditional use must be constructed and maintained to meet the current requirements of the application section of the Wisconsin Commercial Building Code or Uniform Dwelling Code.

d) The application shall apply for, receive, and maintain all other legally required and applicable local, county, state, and federal permits. Copies of approved permits or other evidence of compliance will be provided to the Zoning Administrator upon request.

e) Any ongoing business operations must obtain and continue to meet all legally required and applicable local, county, state, and federal licensing requirements. Copies of approved licenses or other evidence of compliance will be provided to the Zoning Administrator upon request.

f) Existing wastewater sewage disposal systems, if any, serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 25 of Sauk County ordinance.

g) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.

h) Off street parking and loading shall meet the requirements of s. 7.105 of this ordinance.

i) If the Sauk County Highway Department, WisDOT, or the Town Engineer determine that the road intersection improvements are necessary to safely accommodate the conditional use, the costs of such

improvements shall be borne by the landowner. Cost born by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.

j) The Zoning Administrator or their designee may enter the premises of the operation to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards at the site.

k) The owner or operator must keep a copy of the conditional use permit, including the list of conditions, on the site, available for inspection to the public during normal business hours.

l) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for the revocation of the conditional use permit. The holder of a conditional use permit shall be given reasonable opportunity to correct violations prior to revocation by the Agency.

m) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.

8) **OTHER APPLICABLE CONDITIONS.** In addition to the above standard conditions, the Town may recommend, and the Agency may approve at their discretion, to impose any other conditions as necessary to meet the standards for approval noted in section 7.157(7) above, including but not limited to:

a) Limits on the hours or days of operation, or number of events each year.

b) Limits on the number of employees.

c) Limits on the total number of people, vehicles, or animals on the premises at any one time.

d) Limits on total quantity or volume of product on the premises at any one time.

e) Limits on square footage of buildings or outdoor areas devoted to the proposed use.

f) Requirements for berms, screening, or minimum setbacks as necessary to minimize disturbance to neighboring properties.

g) Controls, limits, or setbacks to control odor or fumes.

h) Surety bonds or other financial guarantee, to dismantle equipment, buildings, or structures that may pose a hazard or nuisance after a conditional use permit is abandoned or revoked. Unless otherwise required under applicable state statute or administrative code:

(1) Any bond or other financial instrument shall expressly state that it will remain in full force and effect for a period of at least 365 days after the surety provides Sauk County written notification of expiration or termination of the surety's obligation under the bond.

(2) Applicant shall remove any equipment or structure placed or erected pursuant to the conditional use permit no less than 30 days prior to the termination or expiration of the guarantee.

(3) Bonds or other financial instruments shall not exceed \$20,000 unless it is conclusively demonstrated that a higher amount is necessary to protect the public health, safety and welfare.

9) **APPEALS OF AGENCY DECISION ON CONDITIONAL USE.** Proceedings for an appeal of the Agency's decision may be initiated by any person's aggrieved or by any officer, Department, board, or bureau of the county affected by the Agency's decision. An appeal must be made not more than 30 days from the date of the decision. The appeal must be initiated by an application to the Zoning Administrator and will be heard by the Board of Adjustment. The Board of Adjustment must review whether the Agency followed the standards and criteria in this chapter.

10) **APPLICATION, RECORDING, AND ADHERENCE TO CONDITIONS.** The Agency will have the authority to attach such conditions and restrictions on the establishment, location, maintenance, and operation of the conditional use as it deems necessary to ensure the conditional use adheres to the purpose and review criteria of this chapter. If applicable, prior to commencing the authorized activity on the site and obtaining any necessary land use permits, the Zoning Administrator may require the property owner to record notice against the property of the approved use, applicable plans, and conditions of approval with the county register of deeds.

11) **TIME LIMITS ASSOCIATED WITH CONDITIONAL USE.** If the conditional use is not initiated by securing a land use permit within 365 days of the date of the approval, the conditional use will be considered void. The applicant may apply, without a fee, and the Agency may grant a one-time 365-day extension provided that a written request for extension is submitted to the Zoning Administrator before the original expiration date. Such extension shall be based on the finding that the owner or permit holder

is actively working towards meeting the conditions of their permit and obtaining a land use permit. If a use or activity associated with a previously approved conditional use ceases for 365 days or more after first being established on the property, the use will be deemed to have been terminated and the property owner or authorizing agent must reapply and obtain another conditional use before recommencing the use or activity.

- 12) **PERMIT TRANSFER.** The conditional use permit shall run with the land and the conditions shall be binding upon the applicants and their heirs, legal representatives and successors and assigns. Upon transfer of the land, the conditional use permit shall be transferred to the property owner.
- 13) **EFFECT OF DENIAL.** No application that has been denied under this section may be resubmitted for a period of 365 days from the date of final Agency action, except on grounds of new evidence or proof of changes of factors found valid by the Agency.
- 14) **MONITORING AND POTENTIAL REVOCATION OF A CONDITIONAL USE.** The Agency or Zoning Administrator may require evidence and guarantees as necessary as proof that approved plans are being followed, required conditions are being met, and review criteria are being satisfied for conditional use at all times. If the Agency or Zoning Administrator finds that the review criteria of this section or the conditions attached to the permit are not complied with, the Zoning Administrator may suspend the permit and require an additional public hearing to alter or revoke the conditional use.
- 15) **MODIFICATION.** The Agency or Zoning Administrator may require or allow modifications if it finds that due to changing conditions, the property is no longer in compliance with this ordinance, or may improve upon the purpose to protect public health, welfare, and safety.
 - a) If the property owner desires to modify the conditional use permit, a request for modification must be submitted in writing. The request will be assessed for approval or denial pursuant to the standards of this chapter. The Zoning Administrator shall make the determination for whether the request is considered a minor or comprehensive modification.
 - (1) Minor modifications including but not limited to additional permitted uses that do not expand the physical footprint shall be reviewed by the Department.
 - (2) All other modifications, including expansion shall go before the Agency for review.
- 16) **EXPANSION OF CONDITIONAL USE.** The expansion of any use approved by a conditional use will require an application and review by the Agency. Expansion of use will be determined by the Zoning Administrator, but shall include but not be limited to the following:
 - a) Structural additions.
 - b) Additional land area being utilized.
 - c) More intense use or activity.
 - d) An increase in traffic or customer base greater than 25% of the original.
 - e) Future phases to be implemented.

7.158 VARIANCES.

- 1) **APPLICATION.** Landowners may apply, on a form approved by the Zoning Administrator, for a variance from the standards of this ordinance.
- 2) **HEARING ON APPLICATION.** Upon receipt of a complete application, the Board of Adjustment must hold a public hearing on each variance appeal. The Board of Adjustment must establish, by rule, a regular schedule and location for public hearings. The Board of Adjustment may prescribe or amend rules for the conduct of the hearing and preserve a publicly accessible recording of the proceedings.
- 3) **DECISIONS.** The Board of Adjustment may approve, conditionally approve, or deny a variance after a public hearing.
- 4) **MAJORITY VOTE.** The concurring vote of a majority of a quorum of the Board of Adjustment is required to grant a variance.
- 5) **FINDINGS OF FACT.** The decision of the Board of Adjustment must include findings of fact, related to the conditions of the site, the standards for approval of a variance and any impacts on the purpose of this ordinance.
- 6) **CONDITIONS ON VARIANCES.** The Board of Adjustment may impose conditions on the use, development, or activities subject to the variance. The Board of Adjustment may require the conditions to comply with the standards in this section, to mitigate the effect of the variance on other property in the neighborhood, and to better carry out the general intent of this ordinance.

- a) The conditions of the variance shall run with the land and the conditions shall be binding upon the applicants and their heirs, legal representatives and successors and assigns. Upon transfers of the land, the approval shall be transferred to the property owner.
- 7) **STANDARDS FOR APPROVAL.** The Board of Adjustment shall not grant a variance unless it finds that all the following standards are met for an area or use variance:
- a) To authorize upon appeal in specific cases variances from the terms of the ordinance that will not be contrary to the public interest.
- b) Where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.
- c) A property owner bears the burden of proving “unnecessary hardship,” as that term is used in this paragraph, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance. In all circumstances, a property owner bears the burden of proving that the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner.
- 8) **EFFECT OF DENIAL.** If the Board of Adjustment denies a variance, the same or substantially similar variance cannot be resubmitted for a period of 365 days from the date of denial. The Board may waive this requirement if it finds there is valid new evidence or proof of change of conditions.
- 9) **TIME LIMITS ON CONSTRUCTION.**
- a) The landowner must obtain a land use permit for any construction authorized by variance within one year from the date the Board of Adjustment approved the variance.
- b) Failure to obtain appropriate permits within one year will render the variance null and void.
- c) The Board of Adjustment may, upon request, extend the timeframe for a specific period, without another public hearing.

7.159 LAND USE PERMITS: REVIEW PROCEDURE AND STANDARDS.

- 1) **PURPOSE.** The purpose of this section is to specify the requirements and procedures for the issuance of land use permits. Land use permits are issued by the Zoning Administrator for structures and uses specified in this chapter to verify compliance with the provisions of this chapter. A land use permit is not a substitute for a building permit, which is instead issued by the affected town. In certain cases, other land use approvals including but not limited to rezoning, conditional use, or variance approval, are required before a land use permit may be issued.
- 2) **APPLICABILITY.** Except as exempted under this subsection, a land use permit is required from the Zoning Administrator in the following instances:
- a) Before a structure is erected, affixed, moved, or structurally altered.
- b) Before the construction of any foundation.
- c) Before any substantial alteration which would affect or change the use of an existing site or structure.
- d) Before any permitted or conditional use commences operation.
- e) Before the commencement of any structural modification or structural repair of an existing, nonconforming structure, or to a structure housing a nonconforming use.
- f) No building or other structure or any part of a building or structure may be built, enlarged, structurally altered, located, or moved within the area subject to the provisions of this chapter until a land use permit has been obtained. Before the use of any building or structure is changed from that originally permitted.
- g) Before any sign that requires a sign land use permit under subchapter VIII is erected, relocated, structurally altered, or reconstructed.
- h) Failure to obtain a permit or violation of an existing permit will be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.
- i) Any other instances that have been indicated in other parts of this ordinance.
- 3) **FEES, FORMS, & PROCEDURES.**

- a) The County Board of Supervisors may establish a schedule of fees as needed to recoup the costs related to administration of the ordinance.
 - b) The zoning administrator may establish procedures, forms, or standards with regard to content, format, graphics, and number of copies that constitute an application. The published forms, procedures, and standards have the same force and effect as these provisions.
- 4) **EXEMPTIONS.**
- a) Unless otherwise required pursuant to the Sauk Co. Code of Ordinances, no land use permit is required for any accessory structure of 120 square feet of floor area or less or any wind tower less than 25 feet in height provided that such structure conforms with all applicable zoning district minimum required yard setbacks, other standards of this ordinance and all other Sauk County Ordinances.
 - b) Any other use or structure as specifically identified as exempt within this ordinance.
- 5) **UNRESOLVED VIOLATIONS.** The Zoning Administrator shall not issue a land use permit for any property upon which there are:
- a) Unresolved violations of this ordinance or any other ordinance administered by the Department unless a land use permit is required to gain compliance with this ordinance or any other county ordinance.
 - b) Delinquent real estate property taxes as kept on file with the Sauk County Treasurer.
- 6) **APPLICATION FOR A LAND USE PERMIT.** An application for a land use permit must be made to the Zoning Administrator. Such application must include the property owner's signature, acknowledging the land use permit being requested. If the application is not complete, the Zoning Administrator must notify the owner within 10 working days. To be determined complete by the Zoning Administrator, the application must include:
- a) A completed form, provided by the Zoning Administrator and signed by the owner, including information on the owner and project to ensure compliance with this chapter. If the permit is applied for by someone other than the property owner, including, but not limited to a contractor, surveyor, or family member, it shall include contact information of the applicant along with the signed acknowledgement of the property owner.
 - b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds, or a copy of the deed.
 - c) A site plan, drawn in accordance with s. 7.155.
 - d) If applicable, a narrative of the proposed use that includes the following:
 - (1) A narrative of the operation, which includes, the goods or services involved, equipment used, hours of operation, and number of employees.
 - (2) A waste disposal plan that addresses any hazardous wastes or recyclables.
 - (3) Transportation and deliveries of any goods or services with the operation shall be addressed in the narrative and site plan.
 - e) If applicable, a septic plan for any additional amenities being added or new structures that meets the standards of Chapter 25 of the Sauk Co. Code of Ordinances and all state statute requirements.
 - f) If applicable, a landscape plan showing an overhead view of all existing and proposed landscaping on the site including the location, species, size at time of planting, and mature size for all new plantings.
 - g) If applicable, a lighting plan showing the location, height, type, orientation, and power of all proposed exterior lighting.
 - h) Written approval for highway access from the appropriate highway authority.
 - i) The required permit application fee.
 - j) Any application materials required by other applicable chapters of the Sauk Co. Code of Ordinances.
 - k) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use or structure meets the requirements of this chapter or other applicable chapters of the Sauk Co. Code of Ordinances.
- 7) **LAND USE PERMIT REVIEW CRITERIA.** No land use permit may be granted or will become effective until all applicable requirements of this chapter, conditions of any preceding county approval related to the project, the remaining chapters in the Sauk Co. Code of Ordinances and all applicable Wisconsin Statutes and rules are met.
- 8) **TIME LIMITS ASSOCIATED WITH LAND USE PERMITS.** Once issued, each land use permit must 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

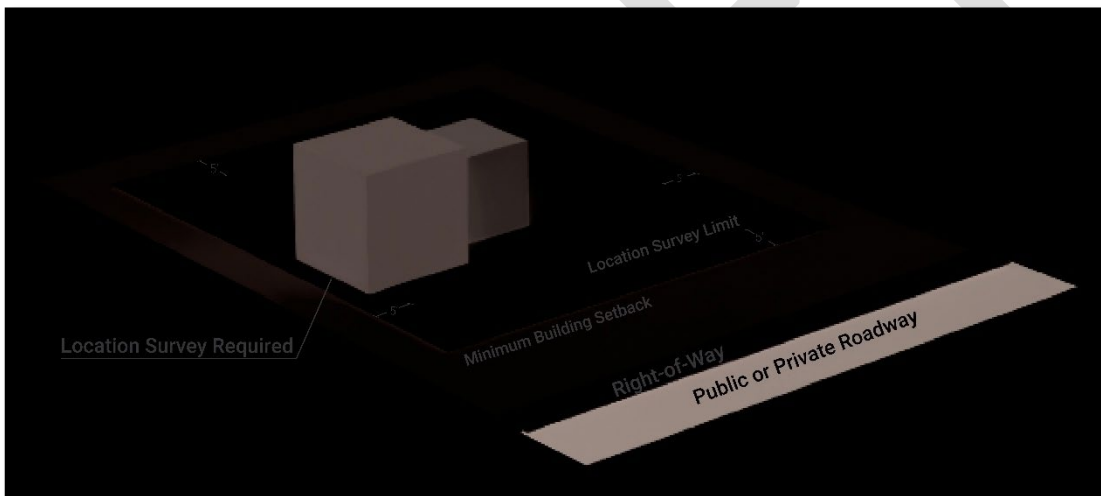
date of the approval, the land use permit approval will be considered void. The applicant may apply for, and the Zoning Administrator may grant, a one- time, 24-month extension provided that a written extension request is submitted before the original expiration date on a form provided by the Agency.

9) **PERMIT TRANSFER.** The land use permit shall run with the land and the conditions shall be binding for the duration of the permit.

10) **LOCATION SURVEY.** Where a land use permit is issued for a structure and it is proposed to be located within 5 feet of any minimum required yard area or setback under this chapter or another chapter of the Sauk Co. Code of Ordinances, or in other cases where the Zoning Administrator cannot, with confidence, determine compliance with the provisions of county ordinances, immediately upon completion of the construction of footings, concrete slab, or other foundations, the owner must cause a professional land surveyor to prepare a location survey showing the locations, boundaries, and dimensions of the lot and the permitted structure and any structure it is attached to, including the new slab, footing, or other foundation, and including the relationships and distances of the structures to lot lines, and must immediately file such location survey with the Zoning Administrator. The Zoning Administrator will compare the location of all new or extended foundations with the requirements of this chapter. If a zoning violation is determined, the owner must move the construction or structure or must adjust the lot line to conform to this chapter or other chapters of the Sauk Co. Code of Ordinances. Failure to comply with the requirements of this subsection will be grounds for the issuance of a stop-work order or enforcement pursuant to this ordinance.

a) Fences and signs are exempt from requiring survey.

b) **FIGURE 7.159(10)(b)**



7.160 TEMPORARY STRUCTURE & USE PERMITS: REVIEW PROCEDURE AND STANDARDS.

1) **PURPOSE.** The purpose of this section is to specify the requirements and procedures for the issuance of temporary land use permits. Temporary land use permits are issued by the Zoning Administrator for structures and uses specified in this chapter to verify compliance with the provisions of this chapter.

2) **APPLICABILITY.** Except as exempted under this subsection, a temporary land use permit is required from the Zoning Administrator in the following instances:

a) Before a temporary structure is erected, affixed, moved, or structurally altered.

b) Before a new temporary use commences on the property.

c) Prior to any special or outdoor event as defined in s. 7.011(150).

d) Failure to obtain a permit or violation of an existing permit will be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.

e) Any other instances that have been indicated in other parts of this chapter.

3) **APPLICATION FOR A TEMPORARY PERMIT.** An application for a temporary land use permit must be made to the Zoning Administrator. Such application must be made by the owner of the property on which the land use permit is requested. If the application is not complete, the Zoning Administrator

must notify the owner within 10 working days. To be determined complete by the Zoning Administrator, the application must include:

- a) A completed form, provided by the Zoning Administrator and signed by the owner, including information on the owner and project to ensure compliance with this chapter. If the permit is applied for by someone other than the property owner, including, but not limited to a contractor, surveyor, or family member, it shall include contact information of the applicant along with the signed acknowledgement of the property owner.
 - b) A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds description, or a copy of the deed.
 - c) A site plan in accordance with s. 7.155.
 - d) A timeline for the proposed temporary use or structure, not to exceed 365 days.
 - e) If applicable, a landscape plan showing an overhead view of all existing landscaping on the site.
 - f) If applicable, a lighting plan showing the location, height, type, orientation, and power of all proposed exterior lighting.
 - g) The required permit application fee.
 - h) Other pertinent information as requested by the Zoning Administrator to determine if the proposed use or structure meets the requirements of this chapter.
- 4) **TEMPORARY PERMIT REVIEW CRITERIA.** No temporary land use permit may be granted or will become effective until all applicable requirements of this chapter, conditions of any preceding county approval related to the project, the remaining chapters in the Sauk Co. Code of Ordinances and all applicable Wisconsin Statutes and rules are met.
- 5) **TIME LIMITS ASSOCIATED WITH TEMPORARY USE PERMITS.** Once issued, each temporary land use permit must be posted in a prominent place on the premises prior to and during the period of construction, alteration, movement, or use. Temporary land use permits shall be valid only for the time conditioned on the permit or as conditioned in Subchapter IV. The applicant may apply for, and the Zoning Administrator may grant, a one- time, extension for 50% of the time of the original request, not to exceed 365 days, provided that a written extension request is submitted before the original expiration date on a form provided by the Agency.
- a) An applicant shall only apply for the same temporary use on the same property two times within a 365-day period unless otherwise noted in the use regulations.

7.161 SPECIAL EVENT PERMITS: REVIEW PROCEDURE AND STANDARDS.

- 1) **PURPOSE.** The purpose of this section is to specify the requirements and procedures for the issuance of a temporary permit for special event(s). Temporary special event permits are issued by the Zoning Administrator for structures and uses specified in this ordinance to verify compliance with the provisions of this ordinance. In certain cases, other land use approvals including but not limited to rezoning, conditional use, land use permit, or variance approval, are required before a temporary permit for a special event permit may be issued.
- 2) **REQUIREMENTS.** Except as exempted under this subsection, a special event permit is required from the Zoning Administrator in the following instances:
 - a) At a minimum of at least 30 days prior to any special event as defined in s. 7.011(150) taking place and prior to the event being advertised.
 - b) Before any event signage that requires a land use permit under subchapter VIII is erected, relocated, structurally altered, or reconstructed.
 - c) Failure to obtain a permit or violation of an existing permit will be grounds for the issuance of a stop-work order or enforcement pursuant to this subchapter.
 - d) Any other instances that have been indicated in other parts of this ordinance.
- 3) **EXEMPTIONS.**
 - a) Unless otherwise required pursuant to the Sauk Co. Code of Ordinances, no special event permit is required for any event that is less than 100 people total throughout the duration of the event and the conforms with other standards of this chapter and all other Sauk County Ordinances.
 - b) Any event or assembly of 1,000 or more people which continues or can reasonably be expected to continue for 18 or more consecutive hours, whether on public or private property shall be covered under Chapter 12 Open Air Assembly of the Sauk County Code of Ordinances.

- 4) APPLICATION FOR A SPECIAL EVENT PERMIT.** An application for a temporary permit must be made to the Zoning Administrator. To be determined complete by the Zoning Administrator, the application must include:
- a)** A completed form, provided by the Zoning Administrator and signed by the owner, including information on the owner and project to ensure compliance with this chapter. If the permit is applied for by someone other than the property owner, including, but not limited to a contractor, surveyor, or family member, it shall include contact information of the applicant along with the signed acknowledgement of the property owner.
 - b)** A legal description of the subject site by lot, block, and recorded subdivision or certified survey map, or by metes and bounds description, or a copy of the deed.
 - c)** A site plan in accordance with s. 7.155.
 - d)** A narrative which includes a detailed description of the proposed event(s); estimated number of attendees; a description of all materials to be utilized and brought on-site; summary and timeline of events including promotional signage, event set-up, proposed start, end, and event clean-up; plan in case of inclement weather or other emergency occurrence; and if applicable a back-up day in case of inclement weather.
 - e)** If applicable, a structure plan showing an overhead view of all existing structures and proposed temporary structures on the site including the location, size and distance from property lines and sanitary facilities.
 - f)** If applicable, a lighting plan showing the location, height, type, orientation, and power of all proposed lighting.
 - g)** A plan for any signage on or off the property including signage materials, locations, and timeframe of placement and removal.
 - h)** Written permission for highway access from the appropriate highway authority. A traffic and parking plan shall be provided showing the proposed number of parking spaces available, areas of ingress and egress, proposed routes on public right-of-ways, and an estimated amount of added traffic based on proposed attendance.
 - i)** If applicable, a safety and emergency plan shall be created and reviewed by the appropriate fire Department, sheriff's office, and emergency services stating precautionary measures in case of inclement weather; conditions in which the event would be canceled; main point of contact for an emergency situation, and a communications plan to notify attendees in case of an emergency.
 - j)** The required permit application fee.
 - k)** Other pertinent information as requested by the Zoning Administrator to determine if the proposed event meets the requirements of this ordinance.
- 5) SPECIAL EVENT PERMIT REVIEW CRITERIA.** No temporary permit for a special event may be granted or will become effective until all applicable requirements of this ordinance, conditions of any preceding county approval related to the project, the remaining chapters in the Sauk Co. Code of Ordinances and all applicable Wisconsin Statutes and rules are met.
- a)** If the application is not complete, the Zoning Administrator shall notify the applicant and owner within 10 working days. Upon notification of an incomplete application, the applicant has 60 days to complete the application, or it shall be denied.
 - b)** If a permit is denied, the Zoning Administrator shall notify the applicant and owner in writing, listing the reason(s) for the denial.
 - c)** The zoning administrator shall approve a special event permit when the applicant has completed all requirements set forth in this chapter, Sauk Co. Code of Ordinances and all applicable Wisconsin Statutes. A copy of the permit will be supplied to the applicant to be kept on-site from the time of event set-up through take-down.
 - d)** Upon approval of a special event, the applicant shall send a copy of the plans to the following entities:
 - (1) Sheriff's Office
 - (2) Township
 - (3) County Supervisor
 - (4) Department of Public Health
 - (5) Department of Emergency Management
 - (6) County Highway Department
 - (7) Emergency Services

- 6) **TIME LIMITS ASSOCIATED WITH SPECIAL EVENT PERMITS.** All special event permits shall be valid for the time-period as noted on the permit for event(s) set-up and take-down. An extension of the permit may be granted in case of inclement weather if a make-up date is set prior at the time of application.

7.162 ADULT ESTABLISHMENT (SEXUALLY ORIENTED BUSINESS) LICENSE: REVIEW, PROCEDURE AND STANDARDS

- 1) A license, under this section, shall be required for the establishment of a sexually oriented business and it shall be a violation of this ordinance section for any person to operate a sexually oriented business without a valid sexually oriented business license issued by the County under this section and each day that the operation continues is to be considered a separate and distinct violation subject to civil forfeiture.
- 2) Applicability. Any sexually oriented business as defined in section 7.011(6) of this ordinance lawfully operating before (date of adoption) shall be deemed a legal pre-existing use, is not subject to the requirements of section 7.052 and may be continued although such use does not conform with the provisions of section 7.052, subject to the conditions of this subsection. Nothing in this subsection shall be construed as allowing the establishment of a new sexually oriented business on the premises or within the structure of a legal pre-existing use.
- 3) Burden of proof. The property owner shall have the burden to prove that:
 - a) The legal pre-existing use or structure was legally established and in existence at the time the applicable provision of this ordinance became effective.
 - b) The use of the property prior to the effective date of the ordinance provision was so active and actual and was not merely casual and occasional, or incidental to the principal use, such that the property owner has acquired a "vested interest" in the continuance of such a use.
- 4) Legal Pre-Existing Uses and Structures. No structural alteration to, addition to, or repair of any building or structure with a legal pre-existing sexually oriented business use over the life of the building or structure, shall exceed 100 percent of its current building footprint at the time it became a legal pre-existing use unless it is permanently changed to conform to the requirements of this ordinance.
- 5) Permitting. An application with respect to the structural alteration of, addition to, or repair of a building or structure with a legal pre-existing sexually oriented business use must be made on a form provided by the Department. Within thirty (30) days after receipt of such a completed application, the Department shall approve or deny the issuance of a license to the applicant. The county shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that the proposed structural alteration or addition to, or repair of the building or structure would be non-compliant with any applicable laws and ordinances other than section 7.052 of this ordinance. If any such application is denied, the Zoning Administrator shall, within five (5) days of denial, issue to the applicant a written notification as to why the license was denied.
- 6) An application for a license must be made on a form provided by the County.
- 7) All applicants must be qualified according to the provisions of this ordinance. The application may request, and the applicant shall provide such information to enable the County to determine whether the applicant meets the qualifications established by this ordinance.
- 8) All persons who wish to operate a sexually oriented business must sign the application for a license as an applicant. If a person other than an individual wishes to operate a sexually oriented business, all persons legally responsible for the operation of the sexually oriented business or who have power to control or direct its operations must sign the application for a license as applicant. Such persons include, but are not limited to, general partners, corporate officers, corporate directors, and controlling shareholder(s). Each application must be qualified under the following section and each applicant shall be considered a licensee if a license is granted. If the applicant is not the landowner, the application must also be signed by the landowner of record.
- 9) The completed application for a sexually oriented business license shall contain the following information and shall be accompanied by the following documents:
 - a) If the applicant is:
 - (1) An individual, the individual shall state his/her legal name and any aliases and submit proof that he/she is 18 years of age or older.
 - (2) A corporation, the corporation shall state its complete name, the date and state of its incorporation, evidence that the corporation is in good standing under the laws of its state of

incorporation, the names and capacity of all officers, directors and controlling stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.

(3) A partnership, joint venture, limited liability entity, or other type of business organization where two (2) or more persons have a financial interest, the entity shall state its complete name, the type of entity, and the names of persons having a financial interest in the entity.

b) If the applicant intends to operate the sexually oriented business under a name other than that of the applicant; he or she must state (1) the fictitious name of the sexually oriented business and (2) submit the required registration documents.

c) The single classification of license for which the applicant is filing.

d) The location of the proposed sexually oriented business, including a legal description of the property, street address, and telephone number(s), if any.

e) The applicant's mailing address or registered agent's mailing address.

f) A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

g) A current certificate and straight-line drawing prepared within thirty (30) days prior to application by a plat of survey depicting the property lines and the structures containing any existing sexually oriented business within 1000 feet of the property to be certified; the property lines of any established religious institution/synagogue or school within 1000 feet of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

h) If an applicant wishes to operate a sexually oriented business, which shall exhibit on the premises, in a viewing room or booth of less than one hundred fifty (150) square feet of floor space, films, video cassettes, other video reproductions, or live entertainment which are distinguished or characterized by their emphasis on the depiction of specified sexual activities or specified anatomical areas, then the applicant shall comply with the application requirements of 7.052(3)(b).

10) Issuance of License.

a) A license granted pursuant to this section shall be subject to bi-annual renewal upon the written application of the applicant, using the standard adult business permit application provided by the Department and a finding by the County that the applicant has not committed any act during the existence of the previous license, which would be grounds to deny the initial application as set forth in b. below. Sexually oriented business owners shall be required to seek a renewal license every two years after the date of issuance of their sexually oriented business license, and two years after each renewal is granted. A completed renewal application must be submitted to the Department no later than thirty (30) days prior to the expiration of the license in question. The renewal of the license shall be subject to the payment of the fee as set forth in the Department Fee Schedule.

b) Within 30 days after receipt of a completed sexually oriented business application or renewal application, the Department shall approve or deny the issuance of a license to an applicant. The county shall approve the issuance of a license to an applicant unless it is determined by a preponderance of the evidence that one or more of the following findings is true:

(1) An applicant under eighteen (18) years of age.

(2) An applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application form.

(3) The premises to be used for the sexually oriented business have not been found by the health department, fire department, Land Resources Department or appropriate building official as being non-compliant with applicable laws and ordinances.

(4) The fee required by the Department Fee Schedule has not been paid.

(5) An applicant of the proposed establishment is otherwise in violation of or is not in compliance with any of the provisions of this ordinance.

c) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, the address of the sexually oriented business and the classification for which the license is issued. All licenses shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that they may be easily read at any time.

d) The health department, fire department, planning and zoning, or appropriate building official shall complete their certification that the premises complies or is not in compliance with applicable laws and ordinances within twenty (20) days of receipt of the completed application by the county. If such certification is not completed within 20 days, the premises shall be deemed to be complying for the purposes of issuing the license for the provisions of this chapter.

e) A sexually oriented business license shall be issued for only one classification as noted in section 7.052 of this ordinance.

f) If any application is denied, the Zoning Administrator shall within 30 days of the county's receipt of the completed application, issue to the applicant written notification as to why the license was denied.

11) Fees. All license application and inspection fees shall be provided in accordance with the amount as established by the Sauk County Board of Supervisors fee schedule.

12) Inspection

a) An applicant or licensee shall permit representatives of local law enforcement, health department, fire department, the Agency, or other county departments or agencies to inspect those portions of the premises of a sexually oriented business that patrons or customers are permitted to occupy for the purpose of insuring compliance with the law, at any time it is occupied or open for business.

b) A person who operates a sexually oriented business or their agent or employee commits a violation of this ordinance if they refuse to permit such lawful inspection of the premises at any time it is open for business. Each day that such violation continues will be considered a separate and distinct violation subject to civil forfeiture.

13) Expiration of License

a) Each license shall expire every two years from the date of issuance and may be renewed only by making application as provided in this section. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

b) When the County denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, after denial, the county finds that the basis for denial of the renewal license has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the denial became final.

14) Suspension

a) The county shall suspend a license for a period not to exceed thirty (30) days if it determines that a licensee or an employee of a licensee has:

(1) Violated or is not in compliance with any section of this ordinance; or

(2) Refused to allow an inspection of the sexually oriented business premises as authorized by the ordinance; or

(3) If any license is suspended by the Zoning Administrator, within 15 days the Department shall issue to the license holder written notification of why the license is suspended.

b) If the Department determines that facts exist warranting the suspension of a license under this Ordinance, the Department shall notify the licensee, in writing and by personal delivery or certified mail, of the Department's intent to suspend the license, including the grounds for such suspension. Within five (5) business days of receipt of such notice, the licensee may provide to the Department, in writing, a response that shall include a statement of reasons why the license should be not suspended.

(1) If the licensee provides no such written response to the Department within the time above, the Department shall notify the licensee in writing and by personal delivery or certified mail, that the license has been suspended and the reasons for said suspension. Such notice shall include a statement advising the licensee of the right to challenge the suspension in a court of competent jurisdiction pursuant to Section 16 below. If the licensee provides a timely written response, the Department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Agency a hearing to consider the suspension of the license and notify the licensee in writing of the date and time of the hearing before the Committee.

(2) A hearing pursuant to that described above shall be conducted within fourteen (14) days of the Department's receipt of a licensee's written response to a notice of intent to suspend. At said hearing, the Department shall present such evidence and witnesses as it believes warrant a suspension of the license. At said hearing the licensee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine

witnesses presented by the Department. At said hearing the Agency shall determine if sufficient grounds exist to warrant the suspension of the license. If the committee determines that such grounds exist and determines to suspend the license, the committee shall provide notice to the licensee, in writing and by personal delivery or by certified mail, of the fact of the suspension and the grounds for the suspension. Such notice shall include a statement advising the licensee of the right to challenge the suspension in a court of competent jurisdiction. All notifications to the licensee described herein shall be directed to the most current business address of the licensee on file with the Department.

15) Revocation.

a) The county shall revoke a license if a cause of suspension in section 14 occurs, and the license has been suspended within the preceding 365 days.

b) The county shall also revoke a permit if it determines that:

(1) A licensee gave false or misleading information in the material submitted during the application process or omits material facts.

(2) A licensee has knowingly allowed possession, use or sale of controlled substances on the premises.

(3) A licensee is knowingly allowed prostitution on the premises.

(4) A licensee knowingly operated the sexually oriented business during a period of time when the licensee's permit was suspended.

(5) A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the permitted premises.

(6) A licensee is delinquent in payment to the town, county, or state for any fees past due required under this ordinance.

(7) The licensee has become ineligible to obtain a license.

c) When the county revokes a license, the revocation shall continue for 365 days, and the licensee shall not be issued a sexually oriented business license for one 365 days from the date the revocation became effective. If, subsequent to revocation, the county finds that the basis for the revocation has been corrected or abated, the applicant may be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective.

(1) If the Department determines that facts exist warranting the revocation of a license under this ordinance, the Department shall notify the licensee, in writing and by personal delivery or certified mail, of the Department's intent to revoke the license, including the grounds for revocation. Within five (5) business days of receipt of such notice, the licensee may provide to the Department, in writing, a response that shall include a statement of reasons why the license should not be revoked.

(2) If the licensee provides no such written response to the Department within the time specified above, the Department shall notify the licensee, in writing and by personal delivery or certified mail, that the license has been revoked and the reasons for said revocation. Such notice shall include a statement advising the licensee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section 16 of this ordinance. If the licensee provides a timely written response, the Department shall, within three (3) business days of its receipt of said response, place on the agenda for a meeting of the Agency a hearing to consider the revocation of the license and notify the licensee in writing of the date and time of the hearing before the Committee.

(3) A hearing pursuant to that described above shall be conducted within fourteen (14) days of the Department's receipt of a licensee's written response to a notice to revoke. At said hearing, the Department shall present such evidence and witnesses as it believes warrants a revocation of the license. At said hearing, the licensee shall have the opportunity to be represented by counsel, to present evidence and witnesses on his or her behalf, and to cross-examine witnesses presented by the Department. At said hearing, the Committee shall determine if sufficient grounds exist to warrant the revocation of the license. If the Committee determines that such grounds exist and determines to revoke the license, the committee shall provide notice to the licensee, in writing and by personal delivery or certified mail, of the fact of the revocation and the grounds for the revocation. Such notice shall include a statement advising the licensee of the right to challenge the revocation in a court of competent jurisdiction pursuant to section 16 of this ordinance. All notifications to the licensee described herein shall be directed to the most current business address of the licensee on file with the Department.

- 16) **Judicial Review.** After denial of an application, or denial of a renewal of an application, or suspension or revocation of any license, the applicant or licensee may seek prompt judicial review by statutory or common law writ of certiorari of such administration action in any court of competent jurisdiction. The Sauk County Board of Adjustment is not competent to review the denial, suspension, or revocation of sexually oriented business licenses. The administrative action shall be promptly reviewed by the court.
- 17) **Transfer of License.** A licensee shall not transfer ownership or control of his/her license to operate a sexually oriented business under this ordinance section to another, nor shall a licensee operate a sexually oriented business under the authority of a license issued with this ordinance section at any place other than the address designated on the license.
- 18) **Responsibilities of the Licensee.** Any act or omission of an employee constituting the violation of the provisions of this ordinance shall be deemed the act of omission of the licensee for the purposes of determining whether the licensee's license shall be revoked, suspended, or renewed.
- 19) **Injunction.** A person who operates or causes to be operated a sexually oriented business without a valid license or otherwise in violation of this ordinance is subject to a suit for injunction as well as prosecution for criminal violations. Such violations shall be punishable by a fine. Each day a sexually oriented business so operates is a separate offense or violation.

7.163 NONMETALLIC MINING: REVIEW PROCEDURE, STANDARDS, AND APPLICATION. The application for a conditional use permit must be accompanied by the following information:

- 1) **OWNERSHIP AND MANAGEMENT DATA.** The location of the proposed site of operation, legal description, ownership of the land, leasehold, license and other property interests, and the identity of all individuals, partnerships, associations, or corporations which are involved with the proposed operation.
- 2) **SITE PLAN.** Provide a scaled site plan in accordance with 7.155 and also including:
 - a) Complete site erosion control plan and finished grade plan
 - b) Proposed location, acreage, and depth of intended operation.
 - c) Proposed location of mineral extraction site, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities, or other permanent or temporary facilities used in the mining process.
 - d) Surface drainage of the property.
 - e) Location and names of all streams, roads, railroads, utility lines, and pipelines on or adjacent to the proposed site.
 - f) Location and description of the surface land use and vegetation including all pertinent physical characteristics of the extraction site and adjacent properties including agricultural, archaeological, historical, and educational features.
 - g) Any additional information as requested by the Zoning Administrator or Agency.
- 3) **OPERATIONS PLAN.** The operations plan must address the following factors: A timetable for the commencement and cessation of mining operations, and if seasonal operations are intended, the months of operation must be identified.
 - a) Estimated quantity in tons per year to be extracted, specified by phase.
 - b) The anticipated number of years of operation.
 - c) A description of the extraction and processing procedures, phasing, and equipment to be used. A description of operating hours, days of operation, blasting and crushing hours, and hauling hours.
 - d) Proposed plan must include the effect and mitigation measures of the operation on the quality and quantity of groundwater.
 - e) A description of the measures to be taken to control dust, noise, and vibration.
 - f) The proposed mode of transport and the route used to move materials.
 - g) Proposed earth bank, berm or landscaping were deemed practicable to conceal the mining operation from view.
 - h) A description of on-site safety measures including fencing and signage.
- 4) **RECLAMATION PLAN.** The reclamation plan must be provided as pursuant to Wis. Admin. Code. § N.R. 135 and Sauk Co. Code Ch. 24. The Zoning Administrator may require the submittal of additional information as may be necessary to determine the nature of the mining operation and proposed reclamation.
- 5) **TOPSOIL MANAGEMENT PLAN.** The operator must submit a topsoil management plan that includes the following:

- a) Description of the plans for topsoil salvage and storage.
 - b) Description of topsoil stripping, salvaging, stabilization, and conservation methods that will be used during replacement.
 - c) Description of the topsoil and topsoil substitute material to be provided as specified in the reclamation plan to achieve the approved post-mining land use. Verification that the removal of on-site topsoil and topsoil substitute material, when specified in the reclamation plan, must be performed prior to any mining activity associated with any specific phase of the mining operation.
 - d) Description of where the operator will obtain the amount of topsoil or topsoil substitute required to perform final reclamation on-site or by obtaining material off-site, or both.
 - e) Verification that once removed, on-site topsoil or topsoil substitute material must, as required by the reclamation plan, either be used in progressive reclamation or stored in an environmentally acceptable manner. The location of stored topsoil or topsoil substitute material must protect the material from washing away, eroding, disturbing, or contaminating the area. Runoff must be diverted around stored topsoil or topsoil substitute material.
- 6) GROUNDWATER MAINTENANCE AND MANAGEMENT PLAN.** For sites with planned excavation lower than the groundwater table, the operator must submit a detailed hydrogeological report. The operator will be required to reimburse the county for the expense of professional work or opinions in review of a hydrogeological report if recommended by staff or the Agency or Department. The hydrogeological report must provide the following information, as well as a description, and justification of all hydrologic methods used:
- a) Existing conditions to establish baseline data, including but not limited to:
 - (1) Analysis of groundwater quality on the mining site consistent with Wis. Admin. Code § NR 140.20.
 - (2) Identification of all known contaminated groundwater resources within one-half mile of the mining site.
 - (3) Identification of all karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures within one-half mile of the mining site.
 - (4) Identification and elevation of all surface waters and headwaters within a minimum of one half-mile of the mining site. Elevations must include the existing water level, as well as the ordinary high-water mark where applicable.
 - (5) Identification of all existing groundwater users (such as neighboring private water-supply wells, wellhead protection areas, municipal wells, and irrigation wells) within 1,200 feet of the mining site consistent with Wis. Admin. Code Ch. N.R. 812. Well construction reports including well location, well depth, depth of casing, depth to water, and aquifers penetrated must be identified.
 - (6) Elevation of the groundwater table, groundwater flow directions, and groundwater velocities.
 - (7) All information in subd. 1 to 6, above, must be presented in the form of contour maps and multiple geologic cross-sections passing through the proposed excavation and all areas of concern.
 - b) Proposed operational data including, but not limited to:
 - (1) Elevation of the lowest point of mining and dewatering activities below groundwater.
 - (2) Description of the means planned to prevent surface water running into the excavation.
 - (3) Where dewatering is proposed, provide pumping rates and times, elevations of the groundwater draw down level, and identification of groundwater discharge locations and quantities.
 - (4) A groundwater-monitoring program to ensure compliance with pars. (a) and (b) of this subsection (6). Such program should include the installation of monitoring wells near the site perimeter of the proposed area of excavation to measure groundwater elevations, quality, flow directions, and velocities.
 - c) The Agency may require the applicant to provide additional relevant hydrogeological studies, such as groundwater modeling, if any of the following apply:
 - (1) Dewatering is proposed at the mining site.
 - (2) Known contaminated groundwater resources exist within one-half mile of the mining site.
 - (3) Known karst features such as sinkholes, stream sinks, springs, caves, joints, or fractures exist within one-half mile of the mining site.
 - (4) Exceptional, outstanding, or impaired waters listed by the Wisconsin Department of Natural Resources under the Clean Water Act § 303d exist within one-half mile of the mining site.
 - (5) Existing wells using the same or a shallower aquifer exist within 1,200 feet of the mining site.

- d) If groundwater modeling is required, the following minimum information must be provided:
- (1) Description and justification of all input data to groundwater models.
 - (2) Calibration of all groundwater models.
 - (3) Sensitivity analysis for all groundwater models.
 - (4) Detailed output from the hydrologic methods including the elevation of the water, elevation of the cone of depression caused by dewatering, groundwater flow directions, groundwater velocities, mounding elevations, and any potential effects on nearby surface water, springs, or users of surface and groundwater.
 - (5) Description of the possible existence of fractures or solution cavities in the geologic material and their effect on groundwater flow and land stability.

7.164 ENFORCEMENT AND PENALTIES.

- 1) **INVESTIGATION AND NOTICE OF VIOLATION.** The Zoning Administrator or designee is responsible for conducting the necessary inspection and investigation to ensure compliance with this ordinance and documenting the presence of violations.
 - a) Any land disturbing activity, development, redevelopment, 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.
- 2) **ENFORCEMENT OF VIOLATIONS.**
 - a) Violations of a permit or other approval issued under this ordinance, or any condition or approved plan associated with such permit or other approval, will be deemed a violation of this ordinance and will constitute grounds for revocation of the permit as well as fines, forfeitures, and any other available remedies. A permit or other approval may be revoked only by action of the body that initially granted the permit or other approval, following procedures required for its initial issuance to the extent practical. The decision of the appropriate body will be furnished to the permit holder in writing, stating the reasons thereof. A permit may be revoked by the Zoning Administrator if any of the below has occurred.
 - (1) The permit or other approval legally issued under this ordinance has been issued three separate notices of violation in writing within 365 days, or five notices of violations for the duration of the permit.
 - (2) The same violation has occurred for a consecutive six months.
 - (3) The permit or approval legally issued under this ordinance was not developed in accordance with the approved plans.
 - b) Whenever the Zoning Administrator, or designee, finds that any development activity does not comply with the provisions of this ordinance or Chapters 8, 9, 25, or 51 of the Sauk Co. Code, the Zoning Administrator or designee shall post a stop work order in a conspicuous place on the premises. Once a stop work order is issued, all development activities on the premises must cease until all activities are complying.
 - (1) The stop work order card must provide the following information: date of issuance, reason for posting, and the signature of the inspector posting the card.
 - (2) It will be a violation of this ordinance for anyone to remove a stop work-order card from the premises without specific authorization from the Zoning Administrator or designee.
 - c) A permit or other approval issued in violation of this ordinance, other ordinances of the Sauk Co. Code of Ordinances, Wisconsin Administrative Code, or Wisconsin Statutes, gives the permit holder no vested right to continue the activity authorized by the permit, and the permit is considered voidable.
 - d) The Sauk County corporation counsel may bring an action to enforce this ordinance and seek any remedy, legal or equitable, subject to prosecutorial discretion. The corporation counsel may seek an order to enjoin, remove, or vacate any violation of this ordinance; or any use, erection, moving or structural alteration of any building, or use in violation of this ordinance and seek fines as provided herein.
- 3) The provisions of this ordinance will be enforced under the direction of the Sauk County Board of Supervisors, through the Agency, the Zoning Administrator, law enforcement officers, and the corporation counsel. Any person, firm, company, or corporation who violates, disobeys, omits, neglects, or refuses to comply with; or who resists the enforcement of any of the provisions of this ordinance; will

be subject to a fine of not less than \$50 or more than \$200 (exclusive of court costs) per offense if the violation exists; together with the costs of action. Each section of the ordinance that is in violation and each day that the violation exists shall constitute a separate offense. This ordinance may be enforced by any remedy, legal or equitable. Actions may be brought by the corporation counsel or by the owner of land within the zoning district affected by the regulations of this ordinance. 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. Stats. § 59.69(11).

March 19, 2002 – Ordinance No. 55-02. Amended by the Sauk County Board of Supervisors on August 20, 2002 – Ordinance No. 146-02. Amended by the Sauk County Board of Supervisors on September 23, 2003 – Ordinance No. 136-03. Amended by the Sauk County Board of Supervisors on February 19, 2004 – Ordinance No. 28-04. Amended by the Sauk County Board of Supervisors on May 16, 2006 – Ordinance No. 54-06. Amended by the Sauk County Board of Supervisors on March 17, 2009 – Ordinance No. 35-09. Amended by the Sauk County Board of Supervisors on August 18, 2009 – Ordinance No. 105-09. Amended by the Sauk County Board of Supervisors on October 20, 2009 – Ordinance No. 137-09. Amended by the Sauk County Board of Supervisors on June 15, 2010 – Ordinance No. 72-10. Amended by the Sauk County Board of Supervisors on March 15, 2011 – Ordinance No. 31-11. Amended by the Sauk County Board of Supervisors on January 17, 2012 – Ordinance No. 128-11. Amended by the Sauk County Board of Supervisors on August 21, 2012 – Ordinance No. 12-12. Repealed and recreated by the Sauk County Board of Supervisors on February 18, 2014 – Ordinance No. 2-2014. Amended by the Sauk County Board of Supervisors on December 16, 2014 – Ordinance No. 10-14. Amended by the Sauk County Board of Supervisors on July 21, 2015 – Ordinance No. 7-15. Amended by the Sauk County Board of Supervisors on Oct. 20, 2015 – Ordinance No. 14-15. Amended by the Sauk County Board of Supervisors on Mar. 21, 2017 – Ordinance No. 3-1