

## **Article A: Introduction and Definitions**

### **Sec. 13-1-1 Authority.** (©)6/1/1976)

This Chapter is enacted under the authority of Secs. 59.69, 59.962, 87.30 and 281.31, Wis. Stats. (©)6/1/1976)

### **Sec. 13-1-2 Statement of Intent.** (©)6/1/1976)

Pollution of the lakes of Bayfield County and uncontrolled development adversely affect the public health, safety, convenience and general welfare. The natural beauty of our waterways and lands is threatened and fish and wildlife habitat is being impaired. The unplanned use of our lakes and lands lessens their appeal and impairs the property tax base of the County. The Legislature of Wisconsin has established the need for County action and this need is hereby recognized by the County. (©)6/1/1976)

### **Sec. 13-1-3 Statement of Purpose.** (©)6/1/1976)

This Chapter is adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish, and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shore cover and natural beauty, and to promote the better uses of scenic resources. (©)6/1/1976)

**Sec. 13-1-4 Definitions.** (D)3/31/1998); (D)9/30/2004); (D)5/30/2006); (D)4/9/2007)

(a) The following terms used in this Chapter have the meanings indicated:

- (1) **Accessory Structure.** A detached, subordinate structure which is clearly incidental to and customarily found in connection with the principal structure to which it is related, and which is located on the same lot as the principal structure. In the Shoreland Zone, accessory structure shall mean a subordinate structure which is devoted to a use incidental to the principal use of the property. Accessory structures in the shoreland include, but are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences, retaining walls, driveways, parking lots, sidewalks, detached stairways and lifts. (©)6/1/1976); (A)4/9/2007); (A)10/31/2017)

**Location of Accessory Structures.** An accessory structure to a conforming or nonconforming structure shall comply with the applicable setback set forth in Section 13-1-32 and 13-1-60 and shall be located at least 5 feet from the structure. (©)10/29/2013)

- (1a) **Access and Viewing Corridor.** A strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone. (©)10/31/2017)
- (2) **Advertising Sign.** Any structure or part thereof or device attached to or printed or represented thereon which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation which is intended, directly or indirectly, to promote the sale or use of a business, product, service, commodity, entertainment, or real or personal property. (©)6/1/1976); (A)3/31/1998)
- (2m) **Banquet Hall / Event Center.** A facility rented out for private events whether family, group or corporate in nature, where access by the general public is restricted. Banquet halls may allow live entertainment and dancing; however, such live entertainment or dancing shall not be the primary use of the facility. Alcoholic beverages may be served subject to state law requirements. Such events shall not include live entertainment or activities similar to those of a night club, concert hall or dance club as the primary activity. (©)12/10/2013)
- (3) **Bed and Breakfast.** Any place of lodging that provides eight (8) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (4) **Boathouse.** A permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts. (©)6/1/1976); (A)10/31/2017)

- (4d) **Bottling Plant.** A building or facility where beverages, including water, are put into containers for distribution. (Not including a dairy farm, local farm produced unfermented fruit juices, or other permitted facilities authorized under provisions contained in this Ordinance. (©)3/30/2021)
- (4h) **Brewery/Megabrewery.** A place too large or economically diversified to be a microbrewery. A building or establishment for commercially brewed beer or other malt liquors where milling, malting, mashing, lautering, boiling, fermenting, conditioning, filtering and filling occurs and produces more than 15,000 barrels of beer annually. A global business industry. (©)7/28/2015)
- (4k) **Brewpub.** A brewpub is a restaurant or pub that sells beverages brewed or distilled on the premises. (©)7/28/2015)
- (4m) **Buildable Core.** That internal area of a lot which meets all applicable setbacks, has no wetlands or other unbuildable areas, can accommodate the placement of a structure, and is greater than twenty (20) feet in width. (©)5/30/2006)
- (4x) **Bunkhouse/Guest Quarters.** A residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking or food preparation facilities; and no greater than 500 sq. ft. of enclosed dwelling space. (©)12/15/2009); (A)10/26/2010)
- (5) **Campground.** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind. (©©)6/1/1976)
- (6) **Camping Resort.** Any privately or municipally owned parcel of land accessible by automobile or other engine driven vehicle designed for the purpose of supplying accommodations for overnight use by recreational vehicles. (©©)6/1/1976)
- (7) **Class I Trout Streams.** Streams in this category are high-grade trout waters with conditions favorable for natural reproduction. (©©)6/1/1976)
- (8) **Clear Cutting.** The cutting of all or substantially all trees over six (6) inches in diameter at breast height over any ten (10) year cutting cycle. (©©)6/1/1976)
- (9) **Collection Station.** A solid waste facility or site at which refuse, and recyclables are collected, temporarily stored, and transferred to the site of ultimate processing or disposal. Collection stations are of less capacity than transfer stations and, although less intrusive, are also subject to those regulations contained in NR 500, Wis. Adm. Code.
- (9m) **Comprehensive Plan.** For a county, a development plan that is prepared or amended under §59.69(2) or (3). For a city or a village, or for a town with a master plan that is adopted or amended under §62.23(2) or (3). Contents of a comprehensive plan shall contain all of the following elements: issues

and opportunities element; housing element; transportation element; utilities and community facilities element; agricultural, natural and cultural resources element; economic development element; intergovernmental cooperation element; land use element; and implementation element. Wis. Stat. § 66.1001(1), (2). (©)3/27/2012)

- (10) **Conditional Use.** Uses of the land or structure which are considered by the Planning and Zoning Committee. In the Shoreland Zone, conditional use shall mean a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board. (©)6/1/1976); (A)7/30/2013); (A)10/31/2017)
- (11) **Condominium.** Any property subject to a condominium declaration established under Ch. 703, Wis. Stats. For purposes of this Chapter, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical development under a different form of ownership. (©)6/1/1976); (A)4/9/2007)
- (11m) **Consistent With.** Furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan. Wis. Stat. §66.1001(1)(am). (©)3/27/2012)
- (11t) **Curio, Souvenir, and Specialty Store.** A small store which specializes in a specific range of merchandise and related items considered novel, rare, or unusual (including groceries, antiques, arts and crafts) are sold. (©)3/30/2021)
- (12) **Directional Sign.** A structure displaying the name and distance to the specific interest of the traveling public which advertise a business activity, and area of interest or a service available at a specific location. (©)6/1/1976)
- (12a) **Dog Kennel.** A parcel of land (under common ownership), including any structures thereon, where 12 or more dogs over the age of five (5) months are kept. (©)7/29/2003)
- (13) **Driveway.** An access road serving one (1) residence or one (1) parcel of land. (©)6/1/1976)
- (14) **Duplex.** A structure consisting of two (2) dwelling units. For the purpose of this Chapter, a duplex shall not be construed as a multiple unit dwelling; provided, however, that thirty thousand (30,000) square feet of open space shall be provided for each duplex unit, except in the Unincorporated Village Overlay District, where such requirement may be reduced to five thousand (5,000) square feet per unit. (©)1/25/2000); (A)9/26/2000); (A)4/9/2007)
- (15) **Dwelling Unit.** A unit that is designed for independent human habitation, which includes sanitary and food preparation facilities. (©)1/25/2000); (A)9/26/2000)
- (16) **Enclosed Dwelling Space:** A space, measured by floor area, which is enclosed by walls (solid, windows, or screens) and covered by a roof, and

is measured for each story of a multi-story structure, but does not include basements or garages.

- (16l) **Equestrian Campground.** An area that offers special facilities to accommodate campers where horses are brought in to enjoy the adjoining riding trails. In addition to the camper pads, picnic tables, fire rings, bathrooms, and sometimes showers, of a regular campground, horse camping areas may include corrals, tie outs, lean-to style shelters for feed and tack, and additional parking areas for horse trailers. Equestrian campgrounds may offer arenas for roping and other equestrian activities. (©3/30/2021)
- (17) **Environmental Impact Analysis.** A document drafted by the developer describing the impact of the environment in the general vicinity of the development. (©6/1/1976)
- (18) **Erosion and Storm Water Runoff Control Measures. Best Management practices,** maintenance or operational procedures, structural devices, or technologies to prevent or reduce the negative impacts of snowmelt or ice runoff, surface runoff and drainage, and soil, sediment, or rock fragments detached from the earth's surface by wind, water, ice or gravity from depositing in areas of lower elevation and/or waters of Bayfield County. (©1/25/2000)
- (18a) **Existing Development Pattern.** An Existing Development Pattern means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline. (©10/31/2017)
- (19) **Expansion.** Any structural modification which increases the existing structure's envelope or footprint. (©1/25/2000)
- (20) **Exterior Improvement.** Upgrades in aesthetics, function, or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors, windows, or the replacement of basement/foundation walls and footings. (©1/25/2000); (A)1/18/2005)
- (21) **Farm.** Any building, structure, or use of land intended for the production of field or truck crops or the raising of livestock and livestock products for commercial gain. (©6/1/1976)
- (22) **Farm Operation.** Any activity conducted solely or primarily for the production of one or more agricultural communities in sufficient quantity to be capable of contributing materially to the operator's support.
- (22d) **Farm Store.** A building or buildings on a farm where food and fiber products of the farm, or other local farms within the county or adjacent counties are sold. (©3/30/2021)

- (22g) **Farm Winery.** A farm winery is a winery where the fruit, which is the source of the wine, is usually produced on the farm (crop failure may require a farm winery to outsource fruit). A farm winery may conduct tours and classes and contain a brewpub, tasting room, and sales room for associated merchandise. (©)7/28/2015)
- (22m) **Fire Wood Processing.** Any facility or operation, other than sawmills, where trees or timber are refined into firewood for commercial purposes if it is in excess of 30 face cords of wood. A face cord is defined as 4' x 8' x 16 inches. (©)7/30/2013)
- (23) **Floodplains.** Lands which have been or hereafter may be covered by flood water during the regional flood and the flood fringes as those terms are defined in Ch. NR 116, Wis. Adm. Code. (©)6/1/1976); (A)10/31/2017)
- (24) **Footprint.** That portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane. In the Shoreland Zone, footprint shall mean the following: The land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. (A)10/31/2017)
- (24a) **Generally Accepted Forestry Management Practices.** Forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the Department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226. (©)10/31/2017); (A)2/27/2018)
- (24c) **Foundation.** The portion of a building's structure that transfers the weight of the building into the ground; an underlying base or support; especially; the whole masonry substructure of a building; the lowest support of a structure (e.g. basement, cellar, crawl space, piers/posts, slab on grade) (©)12/15/2009)
- (24m) **Game Farm.** Land and any buildings there on where normally wild animals, including cervids, are kept, bred, raised for meat; or available for visitors to observe; or hunt for a fee or donation. (©)8/30/2016)
- (25) **Gravel Pit.** A place where stone, sand, gravel or minerals are extracted. (©)6/1/1976)
- (25m) **Hobby Farm.** The keeping of farm animals or livestock (including but not limited to llamas, alpacas, pigmy goats, ponies, pot belly pigs, ostrich, turkeys, geese, chicken roosters, etc.) for commercial or personal use in a zoning district other than Ag-1 or Ag-2 and excluding up to six (6) chicken hens. (©)1/29/2013)

- (26) **Hotel/Motel.** A building or series of attached, semi-attached sleeping units for the accommodation of transient guests for compensation. Multiple unit dwellings containing average floor areas of greater than four hundred (400) square feet per unit shall not be exempt from the open space provisions of Section 13-1-29(d). (©)6/1/1976); (©)4/9/2007); (©)8/28/2007)
- (27) **Home-Based Business.** A gainful occupation conducted by a member of the family within his/her place of residence, where the space is incidental to residential use, where the floor area does not exceed twenty-five percent (25%) of the total floor space or seventy-five (75%) of the floor space of an accessory structure and shall not employ more than two (2) nonresident employees or 80 hours of total employment per week for two (2) or more employees. (©)6/1/1976); (A)4/15/2003); (©)8/28/2007); (A)10/29/2013); (A)3/30/2021)
- (28) **Human Habitation.** That which provides sleeping, eating, sanitary or related facilities required for human needs. (©)6/1/1976)
- (29) **Impervious Surface.** An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious Surface" excludes, among other things, frozen soil and decks that have at least a ¼ inch space between deck boards with a previous surface below. "Impervious surface" includes, among other things, rooftops, sidewalks, driveways, parking lots, streets, shingles, concrete and asphalt. Roadways as defined in s. 340.01(54), Wis. Stats, or sidewalks as defined in s. 340.01(58), Wis. Stats, are not considered impervious surfaces. (©)7/31/2012); (A)10/31/2017)
- (30) **Intermittent Stream.** A non-navigable watercourse which has a bed and bank differentiated from adjacent upland by evidence of erosion, but which does not have a sufficient level or flow to support navigation on an annually occurring basis but does not include drainage ditches. (©)9/25/2001)
- (31) **Internal Improvement.** Upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components. (©)1/25/2000)
- (32) **Junk or Salvage Yard.** An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel not including the purchase or storage of used furniture and household equipment or used cars in operable condition; the storage of two (2) or more unlicensed and inoperable vehicles. (©)6/1/1976); (A)1/25/2000)
- (33) **Land Use and Development.** Any construction or other activity which materially changes the use or appearance of the land or structure. (©)6/1/1976)

- (34) **Livestock.** Domestic animals kept for use on a farm or raised for sale and profit. (©)6/1/1976)
- (35) **Lot.** A parcel of land under common ownership. Contiguous lands under common ownership shall constitute a single lot for purposes of this chapter (excluding lots and outlots established by certified survey map or plat). Land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title public road, state or federal highway or public lakebed shall not constitute a single lot.. (©)6/1/1976); (A)5/30/2006); (©)3/30/2021)
- (35a) **Lot of Record.** Any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations. (©)10/31/2017)
- (36) **Maintenance and Repairs.** Ordinary and routine actions necessary to continue or restore the safe use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, repair of exterior windows, sky lights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, the repair of walls, or the foundation, and internal improvements within the structural envelope without doing a structural alteration. (A)1/25/2000)
- (37) **Marina.** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair or storage of same. Such establishments may also provide travelift services, slip rental, gasoline, sanitary pumpout service and food, drink and transient lodging accommodations.
- (37m) **Microbrewery.** A microbrewery is a brewery that produces a small amount of beer less than 15,000 US beer barrels (475,000 US Gallons) annually. A microbrewery may conduct tours and classes and contain a brewpub, tasting room, and sales room for associated merchandise. (©)7/28/2015)
- (37p) **Micro-distillery.** A micro-distillery is a small distillery established to produce beverage grade alcohol in relatively small quantities. A micro-distillery may conduct tours and classes and contain a brewpub, tasting room, and sales room for associated merchandise. (©)7/28/2015)
- (37r) **Micro-winery.** A micro-winery is a small wine producer that does not necessarily have its own vineyard and may instead sources its fruit product from outside suppliers. A micro-winery may conduct tours and classes and contain a brewpub, tasting room, and sales room for associated merchandise. (©)7/28/2015)
- (38) **Mineral.** A naturally occurring element or combination of elements, metallic



or nonmetallic, that occur in the earth in a solid, liquid or gaseous state, but shall not include soil.

- (39) **Mining.** All or part of the processes involved in the extraction and processing of mineral materials. Mining activity shall normally be divided into four (4) distinct phases: a. **Exploration.** On-site geologic examination from the surface of an area by core, rotary, percussion, geophysical (including seismic operation-percussion or explosives), or other drilling for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling. b. **Prospecting.** Examination of an area for the purpose of determining the quality and quantity of minerals other than by exploration but including the obtaining of ore samples by physical means. c. **Operation.** The preparation for production and the mineral extraction and/or processing for commercial purposes, including the transportation thereof. d. **Reclamation.** Process by which an area physically or environmentally affected by mining is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.
- (40) **Mitigation.** Balancing measures that are designed, implemented and function to restore natural functions and values lost through development and human activities. (©)1/25/2000); (A)10/31/2017)
- (41) **Mobile Home.** A self-contained unit exceeding forty-five (45) feet in length, that is designated to be transported on its own wheels, or those of another vehicle, and may contain the same water supply, sewage disposal and electric system as immobile housing and is used for either permanent or seasonal occupancy. (©©)6/1/1976)
- (42) **Motor Home.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle. (©©)6/1/1976)
- (43) **Multiple Unit Dwelling.** An apartment, town house, triplex, or similar building consisting of multiple dwelling units. (©©)6/1/1976); (A)9/26/2000); (A)4/9/2007)
- (44) **Navigable waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters which are navigable under the laws of the state. Under s. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if such lands are not adjacent to a natural, navigable river or stream, those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching and do not apply to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body. A navigable body of water must have a bed differentiated from

adjacent uplands and flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. (©)6/1/1976); (A)9/26/2000); (A)10/31/2017)

- (45) **Nonconforming Uses or Structures.** A use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. (A)9/26/2000); (©)7/31/2012)
- (45a) **Nonconforming Structure.** A dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance. (©)7/31/2012)
- (46) **(Reserved for Future Use).** (©)6/1/1976); (D)10/31/2017)
- (47) **Open Space.** The area of a parcel exclusive of the land upon which the principal and nonrecreational accessory structures are located. Open space areas may be left in their natural state, or developed for recreational uses such as playgrounds, tennis courts, horticultural activities, or similar recreational amenities. (©)6/1/1976)
- (48) **Ordinary High Water Mark.** Ordinary high water mark means the point on the bank or shore up to which the presence and action of surface water is too 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. For the purpose of this Chapter, the terms "ordinary high water mark" and "normal high water mark" are synonymous.
- (49) **Parcel.** A piece of land of any size. (©)6/1/1976)
- (50) **Pickup Camper.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation. (©)6/1/1976)
- (51) **Planned Unit Development.** A land development project comprehensively planned as a unit within which a variety of compatible land uses, and structures may be developed providing flexibility in building, siting, mixture of uses, usable open spaces, and preservation of significant natural features.
- (52) **Principal Building.** A building in which is conducted the principal use of the lot or site on which it is located. (©)6/1/1976); (A)9/30/2004)
- (53) **Public Road.** An access road or street serving more than one (1) residence or serving more than one (1) parcel of land. (©)6/1/1976)
- (54) **Recreational Vehicle.** A vehicle or unit that is mounted on or drawn by another vehicle and is primarily designed for temporary living, including but not limited to, such items as travel trailers, motor homes, and pickup

campers.

- (55) **Regional Flood.** A flood determined to be representative of large floods known to have occurred generally in Wisconsin and which can be expected to occur on a particular stream, because of like physical characteristics, once in every 100 years. (©)6/1/1976); (A)10/31/2017)
- (56) **Replacement.** To restore to a former state or to provide an equivalent. (©)1/25/2000)
- (56m) **Residence.** A structure, or that part of a structure, which is arranged, designed, used or intended to be used as home, with one or more person(s). (©)10/26/2010)
- (57) **Resort.** A recreational development owned and managed by one person or family, partnership or corporation, including condominium ownership, in which two (2) or more units are rented and/or leased for set periods or seasons. (©)6/1/1976) (?)
- (57m) **Shipping Container/Intermodal Container.** A shipping container / intermodal container, is a large, standardized shipping container, designed and built for intermodal freight transport. Intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system. These containers are known under several names, such as simply container, cargo or freight container, ISO container, shipping, sea or ocean container, sea van or (Conex) box, container van, sea can, or c can. More than one Shipping Container/Intermodal Container on any lot requires a Conditional Use Permit (CUP) except for Lots Zoned Industrial where more than three (3) containers require a CUP. (©)3/30/2021)
- (57o) **Shipping Container/Intermodal Container Storage Facility.** A lot (or portion of a lot) controlled or operated by an individual or entity, with one or more Shipping Container/Intermodal Container (s) used for the storage of items for a fee or other compensation. (A Land Use Fee is required for each container). (©)3/30/2021)
- (58) **Shore Cover.** Trees and shrubbery. (©)6/1/1976)
- (59) **Shoreland Buffer Zone.** An area of natural vegetation types paralleling the shoreline of a water body, stream, or wetland. The buffer zone provides many ecological benefits including, but not limited to, minimizing impacts to the water resource from adjacent upland and landward activities through the filtration of sediment and runoff, uptake of nutrients, stabilization of the shoreland, provides food and cover for wildlife, and improves aesthetic qualities. (©)1/25/2000)
- (60) **Shorelands.** Shorelands means lands within the following distances from the ordinary high water mark of navigable water: One thousand (1,000) feet from a lake, pond or flowage and three hundred (300) feet from a river or

stream or to the landward side of the floodplain, whichever distance is greater. (66)6/1/1976)

- (60a) **Shoreland Setback, also known as Shoreland Setback Area.** An area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under s. 59.692, Wis. Stats. (66)10/31/2017)
- (61) **Shoreline Frontage.** The shortest horizontal straight line that can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a lake or stream. At least one point along the horizontal straight line must lie on the ordinary high water mark, and its entire extent must lie wholly within the lot or parcel. (66)6/1/1976); (A)5/28/2002; (A)1/27/2009)
- (61m) **Short-term Rental.** Rental for less than one month. (66)4/9/2007)
- (61s) **Short-term Rental Accommodation.** A building, or buildings on the same lot (including a building or buildings located on condominium property), with one to four units for human occupancy used for short-term rentals, but not including a Bed and Breakfast. (66)4/9/2007)
- (62) **Sign On Premises.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises. (66)6/1/1976)
- (63) **Site.** An area devoted to the location of an individual dwelling unit in a mobile home park, campground, or camping resort. The physical land surface area that is covered by a principal building or accessory structure. A piece of land considered for a certain purpose. (66)6/1/1976)
- (64) **Structural Alteration.** Any activity not considered ordinary maintenance and repair that results in a change to the internal framework, or the exterior silhouette or footprint of a structure. 1/25/2000)
- (65) **Structure.** Anything constructed or erected. In the Shoreland Setback Area, structure shall mean a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit. (66)6/1/1976); (A)10/31/2017)
- (66) **Substandard Lot.** A lot which does not meet the applicable lot size and dimensional requirements of this Chapter. (66)6/1/1976) (?)
- (67) **Temporary.** Not permanent; a period of time less than a year. (66)6/1/1976)
- (67a) **Trailhead.** An access point to recreational trails which may include parking areas, restrooms, warming buildings or shelters, concessions, and storage buildings. The access point is for the purpose of recreational activities such as cross-country skiing, dog sledding, riding of all-terrain vehicles, riding of snowmobiles, bicycling, hiking, walking and ski-joring. (66)1/31/2012)

- (68) **Transfer Station.** A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g. households, businesses, industries) and the site(s) of ultimate processing or disposal.
- (69) **Travel Trailer.** A vehicular portable structure built on a chassis which can be transported by a motor vehicle and is designated to be used as a temporary dwelling for travel, recreation, and vacation use, and which does not fall within the definition of a mobile home. (©)6/1/1976)
- (70) **Unit.** A principal building or part thereof which is intended to be used separately from other parts of the building or other buildings on the same property, such as a six-unit motel containing four (4) rental units, one (1) office and a restaurant. (A)9/26/2000)
- (70a) **Unnecessary Hardship.** That circumstance where special conditions, peculiar to the particular parcel of land in question, which were not self-created, affect the property and make strict conformity with restrictions of an ordinance unreasonable in light of the purposes of this ordinance. The hardship shall not be based solely on economic consideration and the granting of the variance shall not be detrimental to the public welfare or injurious to other property in the area. (©)10/31/2017)
- (70m) **Water Reservoir System & Regulating Facilities (Potable).** A publicly or privately owned facility designed to collect, treat, store, and distribute water, via piping, to a community. (©)3/30/2021)
- (71) **Wetlands:** Wetlands means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions. (©)6/1/1976) (?); (A)10/31/20107)
- (71a) **Wetland Zoning District.** A district with boundaries as identified in Sec. 13-3-21 of this Ordinance. (©)10/31/2017)
- (72) **Width.** The width at any point on a lot shall be the shortest horizontal distance between the lot side lines at that point. The width may be equal to, but not greater than, the depth of the lot. (©)6/1/1976); (A)10/31/2017)
- (72m) **Winery.** A winery is a building or property that produces wine, or a business involved in the production of wine. A winery may conduct tours and classes and contain a brewpub, tasting room, and sales room for associated merchandise. (©)7/28/2015)
- (73) **Zoning Administrator.** The Bayfield County Planning and Zoning Director. (©)2/28/2005)

- (74) **Zoning Committee.** The Bayfield County Planning and Zoning Committee. (©)2/28/2005)
- (75) **Zoning Agency.** The Bayfield County Planning and Zoning Agency. Whenever the terms Bayfield County Planning and Zoning Department or Planning and Zoning Agency appear in this code, said terms shall mean Bayfield County Planning and Zoning Agency (©)2/28/2005); (A)2/27/2018)
- (76) **Zoning District.** A geographical location dividing zones. (©©)6/1/1976)

**Secs. 13-1-5 through Sec. 13-1-19**

**Reserved for Future Use.**

## Article B: General Provisions

### Sec. 13-1-20 General Zoning Requirements.

- (a) **Jurisdiction.** The jurisdiction of this Chapter includes all the shorelands in the unincorporated areas of Bayfield County and in all the areas of the unincorporated civil towns of Bayfield County that have approved this Chapter. As required by s.59.692, Wis Stats., and Ch NR 115, for any area within the Shoreland, the jurisdiction of this Zoning Code includes all areas of Bayfield County. (©6/1/1976); (A)10/31/2017)
- (b) **Shorelands.** The shorelands shall include all lands in the unincorporated areas of Bayfield County, which are:
- (1) Within one thousand (1,000) feet landward of the ordinary high-water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Bayfield County shall be presumed to be navigable if they are listed in Wisconsin Department of Natural Resources' publication *Surface Water Resources of Bayfield County* or are shown on the United States Geological Survey Quadrangle Maps.
  - (2) Within three hundred (300) feet landward of the ordinary high-water mark of navigable rivers or streams or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Bayfield County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on the United States Geological Survey Quadrangle Maps. Flood boundary maps, flood insurance rate maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- (c) **Maps.** The maps designated below are hereby adopted and made part of this Chapter. They are on file at the Bayfield County Planning and Zoning Agency. (A)7/30/2013); (A)10/31/2017); (A)2/27/2018)
- (1) United States Geological Survey Quadrangle Maps for Bayfield County. (©10/31/2017); (D)10/31/17); (A)2/27/2018)
  - (2) Wisconsin Wetland Inventory Maps as reflected on the State of Wisconsin DNR Surface Water Data Viewer. (A)10/31/17); (A)2/27/2018)
  - (3) U.S. Department of Housing and Urban Development's Flood Hazard Boundary Map for Bayfield County dated September 1, 1988.
  - (4) Official Bayfield County Zoning District Maps.

The Bayfield County Zoning District Map pertaining to Section 18-43-7 in the Town of Cable, incorporated as part of the Bayfield County Zoning Ordinance by Section 13-1-20(c) thereof, is amended to re-zone areas located within the service area of the Cable Sanitary District, located in said

section, as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning on April 20, 2005.

- (d) **Compliance.** Every building or other structure hereafter erected or relocated shall be in compliance with the provisions of this Chapter and the applicable provisions of the Bayfield County Sanitary and Subdivision regulations. (6/1/1976);
- (e) **Approval.** Regulations within the shoreland areas, as hereinafter defined, shall not require the approval or be subject to disapproval of any town or town board. (6/1/1976)
- (f) **Facilities.** The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning requirement if the Department of Natural Resources has issued all required permits or approvals authorizing the construction or maintenance under Ch. 30, 31, 281 or 283, Wis. Stats. A “facility” means any property or equipment of a public utility, as defined in s. 196.01(5), Wis. Stats, or a cooperative association organized under Ch. 185, Wis. Stats for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power. (A)7/30/2013); (D)10/31/17); (C)10/31/2017)
- (g) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the County and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this Chapter is required by a standard in Ch. NR 115, Wis. Adm. Code, and where the Chapter provision is unclear, the provision shall be interpreted in light of the Ch. NR 115 standards in effect on the date of the adoption of this Chapter or in effect on the date of the most recent text amendment to this Chapter.



## Sec. 13-1-21 General Land Use Requirements.

- (a) **Land Use Classes.** For the purposes of this Chapter, there are five classes of land uses, namely, land uses that are prohibited, permitted by right, permitted as a Class A special use, permitted as a Class B special use, or permitted as a conditional use. (88)8/27/2002)
- (1) **Prohibited Land Uses.** Prohibited land uses (designated by a blank rectangle in Sec. 13-1-62) are not allowed in the indicated zoning district except as legal nonconforming uses (See Sec. 13-1-40). (88)8/27/2002)
  - (2) **Land Uses Permitted by Right.** Land uses permitted by right (designated by a “P” in Sec. 13-1-62) are allowed in indicated zoning districts (upon the issuance of a land use permit), provided these uses comply with all provisions of this Chapter and any and all other applicable county, state and federal regulations. (88)8/27/2002)
  - (3) **Land Uses Permitted as Special Uses.** Land uses permitted by a special use permit (either Class A or Class B, designated as “S-A” or “S-B”, respectively, in Sec. 13-1-62) are allowed only after adjoining landowners have been notified, a town board recommendation has been sought, and the Planning and Zoning Agency and/or Planning and Zoning Committee has determined whether any conditions need be imposed to allow the use. These categories of permit recognize that land uses vary in their degree of impact on surrounding areas. The potential impact of a special use is generally considered to be less than that of a conditional use but enough to require at least some review in determining whether a permit should be granted. Such review is governed by the provisions of Sec. 13-1-41A. (88)8/27/2002); (A)7/30/2013)
  - (4) **Land Uses Permitted as a Conditional Use.** Land uses permitted by conditional use permit (designated as “C” in Sec. 13-1-62) are allowed only after review, consideration, and approval by the County Planning and Zoning Committee. Conditional use review is governed by the provisions of Sec. 13-1-41. (88)8/27/2002); (A)7/30/2013)
- (b) **Land Use Permits.** (88)6/1/1976)
- (1) **Requirement.** A land use permit shall be required for any new residence, any building or structure erected, relocated, rebuilt or structurally altered (excepting alterations which do not increase the size or change the shape of a structure); any change in the use of the land; or where any use of the land is altered. A land use permit shall be obtained *prior* to the initiation of construction or a change in land use. No permit shall be issued if the applicant is in violation of the Bayfield County Zoning Ordinance, Sanitary and Private Sewage Code, Flood Plain Ordinance, Shoreland-Wetland Zoning Ordinance, or Subdivision Control Ordinance. (88)6/1/1976); (A)1/18/2005); (A)5/31/2005); (A)3/29/2007); (A)1/29/2013); (A)10/29/2013)

- (2) ***Ingress and Egress:*** Landings with steps shall not require a land use permit provided the landing area does not exceed 40 sq. ft., however; if landing is enclosed or covered a land use permit is required. (©)12/15/2009)
- (3) ***Improvements to Nonconforming Structures.*** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of decks, additions to decks, or new decks attached to non-conforming structures shall also require a land use permit. (©)1/25/2000); (A)1/18/2005); (A)3/29/2007); (A)10/29/2013); (A)2/27/2018)
- (4) ***Setback Compliance; Non-Habitable Structure Compliance.*** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A residential land use permit shall not be required for a non-habitable structure of less than two hundred (200) square feet in area, or for a private communication device, if not in a floodplain. A temporary structure of more than two hundred (200) square feet shall require a temporary permit. (D)5/29/2001; (A)1/27/2009); (A)5/25/2010)
- (5) ***Validity.*** A land use permit shall expire twenty-four (24) months from its date of issuance if the authorized building activity, land alteration or use has not begun within such time. (©)6/1/1976); (A)9/26/2000); (A)2/27/2018); (A)2/28/2023)
- An incomplete application shall expire four (4) months after written notice from the Zoning Agency to the applicant that the application is incomplete, if it is not completed within such time period. (©)1/29/2013); (A)2/27/2018)
- An incomplete or unfinished application shall expire twelve (12) months from the date received by the Planning and Zoning Agency, if not completed within such time period unless otherwise already expired. (©)3/27/2012); (A)1/29/2013); (A)2/27/2018)
- (6) ***Concurrent Jurisdiction Exemption.*** A permit under this Chapter may not be required where the Wisconsin Department of Natural Resources (DNR) has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency. (A)5/25/2010); (A)8/31/2010); (A)7/31/2018)
- (7) ***Shoreland Permits.*** Within the Shoreland, a permit shall be required for any and all structures and none of the above exceptions shall apply. (©)10/31/2017)
- (c) ***Application for Permit.*** All applications for a land use permit shall be submitted to the Planning and Zoning Agency, which shall issue a permit if the application conforms with this Chapter. (©)6/1/1976); (A)9/26/2000); (A)5/31/2005); (A)3/2/2006); (A)3/27/2012)
- (1) ***Use of Bayfield County Land Use Plan and Comprehensive Plan.*** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide, tool in making informed Zoning decisions by Department personnel. (©)3/27/2012)

(2) **Decision Making Considerations.** Review and base decision on the following: (©)3/27/2012)

- a. Zoning Ordinance and all other applicable laws. (©)3/27/2012)
- b. Consistency with Town Comprehensive Plan (more specific detail) (©)3/27/2012)
- c. Consideration of Town Board Recommendation if applicable or if any. (©)3/27/2012)
- d. Consistency with County Comprehensive and Land Use Plan (general overview). (©)3/27/2012)

(3) If a determination cannot be made by the Planning and Zoning Agency to either issue or deny a permit, the Department shall state the facts upon which it bases the conclusions of unsuitability in writing. The applicant may appeal the Planning and Zoning Agency's and/or the Planning and Zoning Committee's decision in denying the application as provided under Sections 13-1-102 and 13-1-102A.

(d) **Temporary Permits.** The Planning and Zoning Agency and/or the Planning and Zoning Committee may issue temporary permits and attach conditions or requirements to the permit. Such permits shall not exceed one year in duration, except that for good cause shown, such a permit may be extended one time only for up to an additional six (6) months. (©)6/1/1976); (A)9/30/2004); (A)7/30/2013)

(e) **Fees.** (©)6/1/1976); (D)12/8/1998);(D)9/26/2000);(D)3/13/2002);(D)1/18/2005);(D)8/28/2007)

(1) **Fee Schedule.** Unless otherwise noted, all fees are referenced to estimated Fair Market Value (FMV) of the structure or land use and shall be interpreted to mean the best reasonable estimate of the market value of the structure or land use (including labor and material costs) when construction is completed or the use becomes fully operational. Market value shall not be affected by virtue of any reduced or donated actual costs for labor or materials. Municipalities are subject to all applicable fees. When a permit has been denied any portion of a fee (other than an application fee) paid over Fifty Dollars (\$50.00) shall be returned. Required fees are as follows: (A)3/13/2002); (A)1/18/2005)

a. Residences/Dwellings/Mobile Homes/Mobile Homes in Mobile Home Parks (new, converted, relocated, replaced); first (residential) structure on property; fee based on fair market value of structure: (©)6/1/1976); (A) 3/13/2002); (A)9/26/2006)

|    |                                   |                   |
|----|-----------------------------------|-------------------|
| 1. | 0—less than \$50,000 .....        | \$125.00          |
| 2. | \$50,000—less than \$100,000..... | \$250.00          |
| 3. | \$100,000+ .....                  | \$3.00/\$1,000.00 |

(A)12/8/1998); (A)1/18/2005)

b. Additions/Alterations to Residences—Dwellings

|   |  |   |      |               |
|---|--|---|------|---------------|
|   | 1.   | 0—less than \$25,000 .....  | \$   | 75.00         |
|   | 2.   | \$25,000+ .....   | \$   | 3.00/1,000.00 |
|   |  | <small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (A)3/28/2006); (A)9/26/2006); (D)3/29/2007)</small> |      |               |
| c.  | <b>Residential Accessory Structures</b>  |   |      |               |
|   | 1.   | 0—less than \$25,000 .....  | \$   | 75.00         |
|   | 2.   | \$25,000 .....  | \$   | 3.00/1,000.00 |
|   |  | <small>(A)12/8/1998); (A)3/13/2002); (A)3/13/2002); (A)1/18/2005); (A)1/29/2013)</small>                              |      |               |
| d.  | <b>Additions/Alterations to Residential Accessory Structures</b>   |   |      |               |
|   | 1.   | 0—less than \$25,000 .....  | \$   | 75.00         |
|   | 2.   | \$25,000+ .....   | \$   | 3.00/1,000.00 |
|   |  | <small>(A)12/8/1998); (A)1/18/2005); (A)3/28/2006); (A)9/26/2006); (D)3/29/2007); (A)1/29/2013)</small>               |      |               |
| e.  | <b>Commercial/Industrial/Municipal/Institutional--Principal Structures.....</b>                              |   |      |               |
|   |  |   | * \$ | 250.00        |
|   |  | <small>(©)6/1/1976); (A)12/8/1998); (A)1/18/2005); (A)1/29/2013)</small>  |      |               |
| f.  | <b>Commercial/Industrial/Municipal/Institutional--Additions/Alterations.....</b>                             |   |      |               |
|   |  |   | * \$ | 125.00        |
|   |  | <small>(©)6/1/1976); (A)12/8/1998); (A)1/18/2005)</small>   |      |               |
| g.  | <b>Commercial/Industrial/Municipal/Institutional--Accessory Structures.....</b>                              |   |      |               |
|   |  |   | * \$ | 125.00        |
|   |  | <small>(A)12/8/1998); (A)1/18/2005); (A)1/29/2013)</small>  |      |               |
| <p>[*The minimum commercial / industrial / municipal/institutional fee for a principal structures shall be \$250. For any principal structures exceeding \$100,000 in estimated Fair Market Value, the fee shall be \$2.50/\$1,000 of estimated Fair Market Value. The minimum commercial / industrial / municipal / institutional additions / alterations, accessory structures shall be \$125.00. For any commercial / industrial / municipal / institutional addition / alterations, accessory structures, exceeding \$50,000 in estimated Fair Market Value, the fee shall be \$2.50/1,000 of estimated Fair Market value.]</p> <p><small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)4/15/2003); (A)1/18/2005); (A)5/31/2005); (A)8/28/2007); (A)1/29/2013)</small></p> |  |   |      |               |
| h.  | <b>Temporary Permits.....</b>  |   |      |               |
|   |  |   | \$   | 50.00         |
|   |  | <small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005)</small>  |      |               |
| i.  | <b>On-Site Consultation (request for on-site information not involving pending permit application) .....</b> |   |      |               |
|   |  |   | \$   | 250.00        |
|   |  | <small>(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (A)3/28/2006)</small>                               |      |               |
| j.  | <b>Gazebo(s) .....</b>   |   |      |               |
|   |  |   | \$   | 215.00        |
|   |  | <small>(©)3/13/2002); (A)1/18/2005); (A)9/26/2006)</small>  |      |               |
| k.  | <b>Certified Soil Tests - Review &amp; Filing Fee .....</b>  |   |      |               |
|   |  |   | \$   | 50.00         |
|   |  | <small>(A)12/8/1998); (A)1/18/2005); (A)1/27/2009)</small>  |      |               |

|    |  |                 |
|----|--|-----------------|
| l. | Private Sewage System (Septic Tanks) .....   | \$ 400.00       |
|    | <small>(A)12/8/1998); (A)3/13/2002); (A)1/18/2005; (A)1/27/2009)</small>   |                 |
| m. | Private Sewage System (Holding Tanks).....   | \$ 400.00       |
|    | <small>(A)3/13/2002); (A)1/18/2005) (A)3/13/2002); (A)1/18/2005)</small>   |                 |
| n. | Mounds or Systems requiring Pre-Treatment .....  | \$ 500.00       |
|    | <small>(©)1/27/2009)</small>   |                 |
| o. | Private Sewage System Reconnection<br>And Private Interceptor .....  | \$ 50.00        |
|    | <small>(A)12/8/1998)</small>   |                 |
| p. | Sanitary Permit Transfer of Land Owner.....  | \$ 25.00        |
|    | <small>(A)12/8/1998); (A)3/13/2002)</small>  |                 |
| q. | Sanitary and Land Use Revisions .....  | \$ 25.00        |
|    | <small>(A)12/8/1998)(A)3/13/2002)</small>  |                 |
| r. | Return Inspection .....  | \$ 50.00        |
|    | <small>(A)12/8/1998); (A)1/18/2005); (©)9/26/2006); (D)1/27/2009)</small>  |                 |
| s. | County Sanitary Permit* (not including required soil verification for a<br>pit privy (A)12/8/1998); (A)1/18/2005); ((A))7/26/2011)   |                 |
|    | 1 .....  | \$ 150.00       |
|    | 2-5.....   | \$ 300.00       |
|    | 6-9.....   | \$ 450.00       |
|    | 10+.....   | \$ 600.00       |
|    | <small>(©)7/26/2011)</small>   |                 |
|    | Portable Restroom .....  | \$ 50.00        |
|    | <small>(©)12/15/12009); ((A)7/26/2011)</small>   |                 |
|    | (* Cost applies to the initial or first phase of development.<br>Subsequent phases must start over with fee schedule.) (©)7/26/2011) |                 |
| t. | Review of Subdivision Plat.....  | \$ 250.00       |
|    | <small>(©©)6/1/1976); (A)12/8/1998); (A)3/28/2006; (A)1/27/2009); (D-A)2/28/2023)</small>  |                 |
| u. | Sign Permit (per sign) *(except R-1, R-2, R-3 & R-4 districts,<br>where the Class A special use fee applies).....                    | \$ 50.00        |
|    | <small>(A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (D)8/28/2007)</small>  |                 |
| v. | Land Use Regulations Booklet.....  | \$ Cost+postage |
|    | <small>(A)12/8/1998)</small>   |                 |
| w. | Conditional Use Applications<br>(plus applicable land use fee) .....   | \$ 350.00       |
|    | <small>(©©)6/1/1976); (A)12/8/1998); (A)1/18/2005); (A)9/26/2006); (A)8/28/2007)</small>   |                 |
| x. | Special Use Applications<br>(plus applicable land use fee)   |                 |

|   |    |        |
|---|----|--------|
| Class A Special Use .....   | \$ | 175.00 |
| Class B Special Use .....   | \$ | 250.00 |
| <small>(A)12/8/1998); (A)1/18/2005); (A)9/26/2006); (A)8/28/2007);(D)2/28/2023)</small> |    |        |

y. Zoning Petition District Change..... (see below)  
(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)1/18/2005); (©)1/29/2008)

**Number of Separately Owned Lots and Commonly Owned but Not Contiguous Lots included in Proposed Change**

|                    |    |          |
|--------------------|----|----------|
| 1 .....            | \$ | 225.00   |
| 2 – 5 .....        | \$ | 325.00   |
| 6 – 10 .....       | \$ | 500.00   |
| 11 – 20 .....      | \$ | 1,050.00 |
| 21 – 30 .....      | \$ | 1,500.00 |
| 31 – 45 .....      | \$ | 2,250.00 |
| 46 – 60 .....      | \$ | 3,050.00 |
| More than 60 ..... | \$ | 5,050.00 |

z. Zoning Petition Text Change..... \$ 300.00  
(A)12/8/1998); (A)1/18/2005)

aa. Board of Adjustment Hearing .....

|                                   |    |        |
|-----------------------------------|----|--------|
| Variance or Appeal .....          | \$ | 800.00 |
| Refiling & Reopening* .....       | \$ | 800.00 |
| Reopening & Reconsideration ..... | \$ | 250.00 |

\* Transcript and any copy fees shall be paid by individual(s) whom make the request .....  
(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)9/30/2004); (A)1/18/2005); (A)3/28/2006); (A)1/27/2009); (A)5/25/2010); (A)7/30/2013); (D)5/28/2019)

bb. Special Planning and Zoning Committee or Board of Adjustment Meeting  
 (fee is in addition to any other applicable fee)..... \$ 325.00  
(©)6/1/1976); (A)12/8/1998); (A)3/13/2002); (A)9/30/2004); (A)7/30/2013)

cc. Miscellaneous

1. Change of use ..... \$Cost of Permit  
 (i.e. from residence to accessory building; accy building to residence, etc)
2. Failure to Obtain Permit Prior to Construction Double Fee  
 Possible Citation

(Doubling of fee may be waived by the Planning and Zoning Director).  
(©)5/31/2005); (D)10/26/2010); (A)5/27/2014)

dd. Permit Renewal

1. Sanitary Permit..... \$Cost of Permit
2. All other Permits ..... Non-renewable

(A)3/13/2002)

- ee. Photocopies/Faxes (A)5/28/2002)
  - 1. Per Page ..... \$ .25 + tax
  - 2. Faxes-1<sup>st</sup> Page ..... \$ 1.00 + tax
  - Each Additional Page ..... \$ .50 + tax

- ff. Refunds
  - 1. Fee(s) paid minus \$50.00 service fee.
  - 2. No refunds after permit(s) have been issued.
  - 3. No refunds after one (1) year duration on unissued permits.
  - 4. No refunds on public hearing applications after application deadline date.
  - 5. No refunds on special request applications after agenda deadline date.
  - 6. No refunds on after-the-fact permits.

(A)1/18/2005)

- gg. Permit Expiration
  - 1. State Sanitary Permits expire two (2) years from the issuance date and may be renewed per State policy.
  - 2. All other permits expire two (2) years from their issuance date, unless otherwise noted. (A)1/18/2005); (A)2/28/2023)

hh. Recreational Vehicle (RV) Placement Permit ..... \$ 75.00  
 (©)4/20/2004); (A)1/18/2005)

ii. Review of Condominium Plat ..... \$ 100.00  
 ..... Per Unit  
 (©)9/30/2004); (A)9/26/2006)

jj. Stairway to navigable waters ..... \$ 100.00  
 (©)3/13/2002); (A)1/18/2005); (A)7/29/2008)

- kk. Shoreland
  - 1. Impervious Surface. .... \$ 25.00
  - 2. Non-Conforming, etc. .... \$ 100.00  
 (©)8/28/2012); (A)2/28/2023)

ll. Boathouse ..... \$ 300.00  
 (©)1/26/2016)

mm. Refiling or Rehearing before Planning and Zoning Committee ..... \$ (see below)  
 (©)1/26/2016)

The fee shall be equal to the fee for the underlying application, as set forth in Section 13-1-21(e)(1)a-II) (©)1/26/2016)

(2) **Fair Market Value, Fee Basis.** When an applicant's estimated Fair Market

(FMV) is used in accepting a fee for issuance of a land use permit, and that FMV deviates by ten percent (10%) or more from the actual fair market value as determined from the tax rolls of the Town Assessor the year after project completion, and that deviation would have resulted in a different required fee, the applicant may request a refund for any overpayment and the Administrator may request an additional fee for underpayment. Where any such deviation exceeds one hundred percent (100%) of the applicant's estimated FMV and resulted in underpayment of fees, there shall be a presumption that the applicant either did not exercise reasonable diligence or misrepresented the estimated FMV to obtain a lower fee. In such cases, the Administrator may require that triple the additional fee be paid. Where any such additional fee is not paid thirty (30) days or more after a written request was sent, nor an appeal filed, the Administrator may issue a citation. If such additional fee is still not paid after another thirty (30) day period, the permit becomes void and other enforcement actions may be taken. (A)12/8/1998)

- (3) **Payment of Fees.** All required fees shall be paid in full. No partial payment, payment schedules, loans, or debts shall be accepted. If fees are paid by check, and the check is returned for insufficient funds, any issued permit reliant upon the unpaid fees shall be voidable until the fees have in fact been paid. Where the Administrator informs an applicant and ostensible permit holder of such unpaid fees, and requests payment, an added Twenty-five Dollar (\$25.00) check handling fee shall be required and the permit shall not become valid until cash is paid or a subsequent check is honored by the applicant's bank. When such unpaid fees are not paid thirty (30) days or more after a written request was sent, nor an appeal filed, the Administrator may issue a citation. If such unpaid fees are still not paid after another thirty (30) day period, the permit becomes void and other enforcement actions may be taken. (©)6/1/1976); (A)12/8/1998)
- (4) **Refunds.** Except as provided in Subsection (e)(2), the Administrator shall not be responsible for tracking, crediting, or refunding any fees paid more than one (1) year prior to permit issuance. Applicants seeking refunds of fees paid for unissued permits shall submit a request to the Administrator within one (1) year of payment. Refunds sought for fees incurred due to erroneous information provided by the Planning and Zoning Agency may be granted only by the Planning and Zoning Committee, in its sole discretion. (A)12/8/1998); (A)9/30/2004); (A)7/30/2013)
- (5) **Fee for Changes.** Where a permit is needed for a change in a land use or a change in the use of an existing structure, the fee shall be the same as that needed to initiate that new land use or to construct a structure of that estimated Fair Market Value for that new use. (A)12/8/1998)
- (6) **Sanitary Permit Fee.** The fee for renewal of a sanitary permit shall be the same as the fee to issue a new sanitary permit for that type of private sewage system. (A)12/8/1998)



**Sec. 13-1-22 Setbacks and Height Restrictions.** (A)5/28/2002**(a) Shoreline Setbacks.**

- (1) **[Setbacks.]** Except as otherwise provided in this subsection, setbacks for structures on shoreland lots shall be 75 feet from the ordinary high-water mark. (A)10/31/2017
- (2) **Reduced Principal Structure Setbacks.** (s. 59.692(1n), Wis. Stats.) A setback less than the 75' required setback from the ordinary high-water mark shall be permitted for a proposed principal structure and shall be determined as follows: (©)10/31/2017
  - a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met: (©)10/31/2017
    1. Both of the existing principal structures are located on adjacent lot to the proposed principal structure. (©)10/31/2017
    2. Both of the existing principal structures are located within 250' of the proposed principal structure. (©)10/31/2017
    3. Both of the existing principal structures are located less than 75' from the ordinary high-water mark. (©)10/31/2017
    4. The average setback shall not be reduced to less than 35' from the ordinary high-water mark of any navigable water. (©)10/31/2017
  - b. When a new principal structure qualifies for a reduced building setback, unenclosed accessory structures (functional appurtenances), such as open decks, or patios, if built in conjunction with the principal structure are allowed to be constructed at the reduced setback. (D)10/31/2017; (©)10/31/2017
- (3) **Increased Principal Structure Setback** (s. 59.692(1n)(c), Wis. Stats. A setback greater than the required 75' from the ordinary high-water mark shall be required for a proposed principal structure and determined as follows: (©)10/31/2017
  - a. Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high-water mark provided all of the following are met: (©)10/31/2017
    1. Both of the existing principal structures are located on adjacent lots to the proposed principal structure. (©)10/31/2017

2. Both of the existing principal structures are located within 200' of the proposed principal structure. (©)10/31/2017)
  3. Both of the existing principal structures are located greater than 75' from the ordinary high-water mark. (©)10/31/2017)
  4. Both of the existing principal structures were required to be located at a setback greater than 75' from the ordinary high-water mark. (©)10/31/2017)
  5. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built. (©)10/31/2017)
- (4) **Minor Structures Exempted.** Minor, innocuous structures whose presence on the setback area has no significant impact relating to the purpose of shoreland zoning as expressed in s 59.692, Wis. Stats and s. 281.31, Wis. Stats., and which meet all of the following criteria are exempted from the shoreline setback requirement: (A)10/31/2017); (D)2/27/2018-(4)a.); (A)2/27/2018)
- a. Construction shall involve minimal earth disturbing activities.
  - b. Construction shall not involve removal of any shoreland vegetation.
  - c. The structure shall not be visible from the adjacent waterway or from any public thoroughfare.
- (5) **Structures Exempt Under s. 59.692(1v) Wis. Stats.** As required by Section 59.692(1v), Wis. Stats., the shoreland setback requirements of this ordinance do not apply to the following structures proposed to be constructed or placed in a shoreland setback area (as defined by Sec. 59.692(1)(bn), Wis. Stats.): (A)10/31/2017); (A)2/27/2018)
- a. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area if all of the following requirements are met: (©)10/31/2017)
    1. The part of the structure that is nearest to the water is located at least thirty-five (35) feet landward from the ordinary high-water mark. (©)10/31/2017)
    2. The total cumulative floor area of all structures within the shoreland setback area of the lot upon which the structure is to be located shall not exceed two hundred (200) square feet, excluding boathouses and walkways. (A)1/26/2016); (A)10/31/2017)
    3. The structure has no sides or has open or screened sides. (A)10/31/2017)

4. The side yard setback shall be a minimum of fifteen (15) feet.  
(A)10/31/2017)
  5. The structure sidewall height shall not exceed ten (10) feet, with a maximum overhang of twenty-four (24) inches.  
(A) 7/28/2015); (A)10/31/2017)
  6. The Bayfield County Planning and Zoning Agency must approve a plan that will be implemented by the owner of the property to preserve or establish a shoreland buffer zone that covers at least seventy percent (70%) of the half of the shoreland setback area that is nearest to the water. The buffer zone shall comply with the following provisions: (A)7/30/2013); (A)10/31/2017)
    - i. The buffer zone shall include a tree canopy, a shrub layer and ground cover. (A)10/31/2017)
    - ii. There shall be no disturbance of land in the buffer zone, except to establish a buffer zone and except for Routine Maintenance of Vegetation. (A)10/31/2017)
    - iii. The buffer zone must have existed for at least three months prior to the issuance of a permit for the structure. Photographs documenting establishment of the buffer zone must be submitted to the Bayfield County Planning and Zoning Agency by the owner prior to the issuance of the permit. (A)7/30/2013); (A)10/31/2017)
  7. Any permit issued for a structure authorized by this section shall be recorded by affidavit with the Bayfield County Register of Deeds and shall include the conditions of this section. (A)10/31/2017)
- b. **Boathouse.** If all of the following requirements are met: (A)7/31/2012); (D)1/26/2016); (D)10/31/2017-g.)
1. Only boathouse construction activities which follow Best Management Practices (BMPs) and are done in a manner designated to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which are accomplished in conformity with all applicable federal, state and local laws are permissible in the shoreland. (©)1/26/2016); (A)10/31/2017)
  2. A Boathouse shall be designed, constructed and used solely for the storage of boats and/or related equipment and shall not include any habitable living area including but not limited to decks, patios, lean-tos or porches. (©)1/26/2016); (A)10/31/2017)
  3. A Boathouse shall not be equipped with a potable water

- supply, fireplaces, patio doors, food preparation equipment, furniture or any features inconsistent with the use of the structure exclusively as a boathouse. (©)1/26/2016); (A)10/31/2017)
4. A Boathouse shall have a gable roof with eaves not to exceed 24 inches. (©)1/26/2016); (A)10/31/2017)
  5. A Boathouse shall not be placed water ward beyond the ordinary high-water mark unless otherwise approved by the Department of Natural Resources. (©)1/26/2016); (A)10/31/2017)
  6. Only one boathouse is permitted, as an accessory structure, for each buildable lot. A boathouse may not be the first structure on the parcel. (©)1/26/2016); (A)10/31/2017)
  7. A Boathouse shall be entirely within the access and viewing corridor; due to the impacts of ice movement, must be setback a minimum of ten feet from the ordinary high-water mark, and shall be constructed in conformity with all floodplain zoning standards. (©)1/26/2016); (A)10/31/2017)
  8. A Boathouse shall not exceed one story. Maximum height from the boathouse floor to the top of the side wall shall not exceed 10 feet. The footprint shall not exceed 400 square feet. (©)1/26/2016) (A)10/31/2017)
  9. The maintenance and repair of existing nonconforming boathouse, which extend beyond the ordinary high-water mark, shall comply with the requirements of s. 30.121 Wis. Stats. (©)1/26/2016); (A)10/31/2017)
  10. Standards for removal of shoreline vegetation in Section 13-1-23 of this ordinance shall be complied with. (©)1/26/2016); (A)10/31/2017)
  11. A Boathouse must use exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site. (©)1/26/2016); (A)10/31/2017)
  12. A boathouse requires a land use permit and must include an impervious surface calculation form and associated fee(s). (©)1/26/2016); (A)10/31/2017)
  13. The roof of a boathouse may be used as a deck provided that the boathouse is an existing boathouse with a flat roof, the roof has no side walls or screens and the roof may have a railing that meets the Department of Safety and Professional Services standards.; (©)10/31/2017)

- c. Fishing rafts that are authorized on the Wolf River and Mississippi

River under s.30.126, Wis Stats. (©)10/31/2017)

- d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter. (©)10/31/2017)
- e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, Wis Adm. Code, and other utility structure that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure. (©)10/31/2017)
- f. Devices or systems used to treat runoff from impervious surfaces. (©)10/31/2017)
- g. **Stairways, Walkways or Rail Systems.** Stairways, elevated walkways and rail systems are exempted from the shoreline setback requirement provided: (A)10/31/2017)
  1. The structure is necessary to access the shoreline. (A)10/31/2017)
  2. The structure shall be located so as to minimize earth disturbing activities and shoreline vegetation removal during construction and to be visually inconspicuous as viewed from the adjacent waterway and public thoroughfares. (A)10/31/2017)
  3. The structure shall be no more than sixty inches (60") wide. (A)10/31/2017)
  4. Structures shall be inconspicuously colored. (A)10/31/2017)
  5. Railings are permitted only where required by safety concerns. (A)10/31/2017)
  6. Canopies and roofs on such structures are prohibited. (A)10/31/2017)
  7. Landings for stairways or docks are permitted only where required by safety concerns and shall not exceed forty (40) square feet. (A)10/31/2017)
  8. No stairway, landing, elevated walkway, or similar structure shall be constructed without a land use permit having been issued therefore, and any such structure shall be constructed in accordance with best management practices for minimizing adverse impact on the shoreland area and adjoining water. In determining whether a structure will comply with best management practices the Planning and Zoning Agency may

seek the assistance of the county land conservationist.  
 (A)7/30/2013); (A)10/31/2017)

9. Only one such structure will be allowed per lot. (©)10/31/2017)

(6) **Existing Exempt Structures.** Existing exempt structures may be maintained, repaired, replaced, restored, or rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Expansion of a structure beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements.  
 (©)10/31/2017); (A)2/27/2018)

(b) **Highway and Bluff or Bank Setbacks.** (®®)6/1/1976); (A)1/25/2000); (A)10/31/2017)

| Class of Highway | Setback from Centerline | Setback from Right of Way Line |
|------------------|-------------------------|--------------------------------|
| State & Federal  | 110'                    | 50' whichever is greater       |
| County           | 75'                     | 42' whichever is greater       |
| Town             | 63'                     | 30' whichever is greater       |

(1) **Reduced Setbacks.** A reduced structural setback shall be allowed where an existing building(s) within three hundred (300) feet on either side of the proposed site is less than the required setback. In such cases, the setback shall be the average of the nearest principal building on each side of the proposed site. If there is no principal building on one side, the setback shall be the average of the one existing principal building and the required setback. In no case shall it be less than one-half (1/2) the required setback from the right-of-way line. (®®)6/1/1976)

(1a) **Reduced Roadway, Rear Yard, Setbacks for Undeveloped and Redeveloped Lots of Record.** (©)2/27/2018)

a. **Nonconforming Plats.** If a lot of record is not deep enough to accommodate required roadway and rear yard setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. This provision shall not apply in the shoreland. (A)10/31/2017); (©)2/27/2018)

(2) **Private Road Setbacks.** Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.  
 (®®)6/1/1976); (A)3/28/2006)

(3) **Unincorporated Village Overlay District Setbacks.** Within the unincorporated village overlay district, a minimum setback distance of ten (10) feet from the right-of-way line of any street, road or alley shall be maintained. Special structural setback reductions will be permitted within unincorporated villages if there are at least three (3) existing principal

buildings, built to less than the required setback, within three hundred (300) feet on either side of the proposed site, the reduced setback may be equal to but no greater than, the setback of the closest adjacent principal building. (6/1/1976); (A)10/31/2017)

- (4) **Cul-de-sac Setback.** Setback of 75' from centerline of a cul-de-sac or 30' from ROW whichever is greater. (7/28/2015)
- (5) **Bluff or Bank Setback.** For lots having a bank or a bluff, the top of which is discernible due to evidence of erosion (including but not limited to exposed rock), the required setback shall be 75 feet back from the top edge of the bank or bluff, and if a lot is located in an area of active or potential erosion designated on the Wisconsin Shoreline Inventory and Oblique Viewer web site ([http://floodatlas.org/asfpm/oblique\\_viewer/](http://floodatlas.org/asfpm/oblique_viewer/)), a greater setback may be required as determined by the Planning and Zoning Committee or its duly designated agent, based upon projected shoreland recession rates. (10/31/2017)
- (c) **Greater Setbacks.** In cases of adverse soil to topographical conditions, the Planning and Zoning Administrator and/or Planning and Zoning Committee may require greater setbacks. (6/1/1976); (A)7/30/2013)
- (d) **Livestock Buildings, Feed Lots.** Buildings used for housing livestock, barnyards and feed lots, shall have a minimum setback distance of three hundred (300) feet from a commercial district or any residence on a non-farm lot and shall have a minimum setback distance of one hundred (100) feet from the normal high-water mark of any navigable water (subject to diversion dikes where needed to control runoff). (6/1/1976)
- (e) **Intermittent Streams.** No structure shall be constructed or placed within 25 feet of the top edge of the eroded bank of a non-navigable stream.
- (f) **Wetlands.** No structure shall be constructed or placed within 25 feet of a mapped wetland two acres or greater in area.
- (g) **Measurements.** All setbacks shall be measured horizontally. Structural setbacks shall be measured from the furthest extension of the structure (including eaves and decks) to the closest point of the line in question. (6/1/1976)
- (h) **Height Restrictions.** Within shoreland areas no structures may be constructed taller than 35 feet in height. The height of a structure shall be the difference in elevation between its highest point and its lowest point of intersection with ground level, exclusive of chimneys, communications, antennas, weather vanes, and lightning rods which do not extend more than five (5) feet above the highest point on the roof. Applications for land use permits for structures thirty (30) feet and more in height shall include elevational drawings accurately showing the height of the proposed structure as defined above. (A) 7/28/2015)
- (i) **Side and Rear Yard Setbacks.** Side and rear yard setbacks (other than shoreline and public road setbacks) shall be as set forth in Section 13-1-60.

(j) **Boundary Line Determinations.**

- (1) Prior to the placement or construction of a structure within ten (10) feet of the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner or marked by a licensed surveyor at the owner's expense.
- (2) Prior to the placement or construction of a structure more than ten (10) feet but less than thirty (30) feet from the minimum required setback, the boundary line from which the setback must be measured must be visible from one previously surveyed corner to the other previously surveyed corner, or verifiable by the Department by use of a corrected compass from a known corner within 500 feet of the proposed site of the structure, or must be marked by a licensed surveyor at the owner's expense.

- (k) **Setbacks on Properties Subject to Adverse Possession Claims.** In situations where there is a claim of adverse possession, setback requirements may be met or complied with by obtaining an easement from the adjacent property owner. Said easement shall specifically describe the easement parcel with a map of survey attached. Said easement does not eliminate any non-conforming status of the structure and expansion requests must comply with any other requirements of the Bayfield County Zoning Ordinance. For zoning purposes, any such easement shall be deemed to run with the land unless otherwise specifically stated or provided in the easement. The easement shall be reviewed and approved by the Bayfield County Planning and Zoning Agency and shall be recorded in the Bayfield County Register of Deeds Office. (©)1/31/2012)



## **Sec. 13-1-23 Shoreland-Upland Screening, Fencing and Vegetative Management.**

Regulation of screening, fencing, and vegetative management is necessary to minimize off-site nuisances, to control erosion, to protect the scenic beauty of an area, and, in the shoreland area, to reduce effluent and nutrient flow from the land to its receiving waters, as follows:

**(a) Shoreland Vegetation Protection and Vegetative Management Areas.**  
(A)10/31/2017)

- (1) There shall be a shoreland vegetation protection area on each lot adjoining or including navigable water extending from the ordinary high-water mark (OHWM) to a line that is 35 feet from the ordinary high-water mark. Within such area, the removal of trees, shrubs, and ground cover, and land disturbing activities are prohibited with the following exceptions: (A)10/31/2017)
  - a. One 35 foot wide viewing corridor for every one hundred feet (100') of frontage on a body of water may be established by pruning and selective removal of trees and shrubbery. Clear cutting, filling, grading, and other land disturbing activities are prohibited. Sufficient trees and shrubbery shall be retained to screen development from view from the water but provide a filtered view of the water. The viewing corridor(s) shall be more or less perpendicular to the shore and shall be set back at least ten (10) feet from each side lot line. For lots with less than 100 feet of frontage, the width of the viewing corridor shall be no more than 35% of the frontage. A viewing/access corridor may not be established where the absence of vegetation provides a similar naturally occurring opening. A viewing corridor may run contiguously for the entire maximum width allowed under this ordinance. (A)1/18/2005); (A)10/31/2017); (A)2/28/2018)
  - b. Plant removal and land disturbance are permitted to the extent, and only to the extent, that they are necessary in connection with the erection or placement of structures in the shoreland vegetation protection area which are authorized under Subsections 13-1-22(a) (7) or (8) of this Ordinance. (A)1/18/2005); (A)10/31/2017)
  - c. The county may allow routine maintenance of vegetation. (©)10/31/2017)
  - d. The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 125 (2)(b), Wis. Adm. Code, and described in Department publication “Wisconsin Forest Management Guidelines” (publication FR-226), provided that vegetation removal be consistent with these practices. (©)10/31/2017); (A)2/27/2018)

- e. The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable. (©)10/31/2017
  - f. The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area. (©)10/31/2017
- (2) No fences shall be allowed in the shoreland vegetation protection area.  
(A)12/12/2000
- (b) **Commercial Harvesting of Trees in Shoreland Areas.** From the inland edge of the shoreland vegetation protection area to the outer limits of the shorelands, the commercial harvesting of trees shall be allowed when accomplished under accepted forest management practices which are approved by the Soil Conservation Service, Bayfield County Forestry Department, Wisconsin Department of Natural Resources and U. S. Forest Service. The maintenance and improvement of water quality shall be emphasized in all timber harvesting operations.
- (c) **Shoreland and Upland Screening and Fencing.** Screening and/or fencing which may be required by this Chapter or by the Planning and Zoning Committee shall be subject to the following provisions: (A)7/30/2013
- (1) **Plan Required.** Any use, special use, or conditional use listed in this Chapter requiring screening or fencing shall be permitted only when authorized by the Planning and Zoning Committee and subject to its approval of a screening or fencing plan for that particular use. In all instances, the preferred screening material shall be vegetation natural to the region. (A)7/30/2013
  - (2) **Purposes.** Planting and other suitable screening, including fences and freestanding walls, shall be required when deemed necessary for screening or enclosure purposes by the Planning and Zoning Committee. Examples of uses which may necessitate screening include outdoor storage yards, industrial property lines, salvage yards, refuse disposal sites, quarries, mines, mobile home parks, trailer camps, and campgrounds. Such provisions shall be required to the extent needed to provide for: (A)7/30/2013
- a. Screening of objectionable views.

- b. Enclosure of storage materials.
- c. Public health and safety.
- d. A suitable setting for the particular use and other facilities.

(3) ***Screen Planting.***

- a. Screen plantings shall be adequate to screen objectionable views effectively within a reasonable time. In some cases, temporary screening devices may be required until suitable screen planting can be achieved.
- b. Other planting: For uses such as mobile home parks and campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy, minimize glare, and promote pleasant aesthetics.
- c. Existing planting: Existing planting is acceptable as required planting to the extent that it is equivalent, suitable, and preserved in good condition.
- d. Fences and walls shall be appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use.
- e. All screening, fences, and walls required by this Chapter shall be maintained so as not to provide an objectionable view by themselves.

**Sec. 13-1-24 Filling; Grading; Dredging; Lagooning** (©©6/1/1976)

- (a) **General Requirements.** Only filling, grading, dredging, lagooning, ditching, and excavating which is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and which is accomplished in conformity with all applicable federal, state and local laws is permissible in the shoreland.
- (b) **Lake Superior.** Except as provided in subsection (c), a Class A special use permit shall be required for excavating, grading, or filling of two hundred (200) square feet or more within one thousand (1,000) feet of the normal high-water mark of Lake Superior (roadway maintenance accepted).
- (c) **Filling.** A permit shall be required from the Department of Natural Resources under Ch. 30, Wis. Stats., or from any other state agency having jurisdiction. (©©6/1/1976); (©©)10/31/2017 (D)10/31/2017-(1)(2)
- (d) **Grading.** Except as provided in subsections (b) and (c), a Class A special use permit shall be required for the grading or filling of one thousand (1,000) square feet or more within a strip paralleling the shoreline of a navigable water and extending inland three hundred (300) feet from the ordinary high-water mark. (©©6/1/1976); (A) 7/28//2015
- (1) All farm lands are excluded from the provisions of this Section. (©©6/1/1976);
  - (2) A Class A special use permit shall be required for any grading in areas on slopes greater than twenty percent (20%). (©©6/1/1976)
  - (3) In passing upon a special use permit, the Planning and Zoning Agency and/or Planning and Zoning Committee may require the following information: (©©6/1/1976); (A)7/30/2013
    - a. A detailed description of the grading that is to be conducted and the proposed plans for handling of the spoils. (©©6/1/1976);
    - b. A detailed description, including a topographic map of the existing topographic features, the drainage patterns, the existing vegetation and the soil types of the area to be affected. (©©6/1/1976);
    - c. A detailed plot plan illustrating the manner and time frame for the restoration of the graded area.
  - (4) The following conditions may be required in addition to those specified under Section 13-1-41: (©©6/1/1976);
    - a. That the smallest amount of bare ground be exposed for the shortest time feasible. (©©6/1/1976);
    - b. That temporary ground cover, such as mulch be used and permanent cover be planted. (©©6/1/1976);

- (5) Routine road maintenance (but not significant upgrading or rebuilding) and grading incidental to approved construction activity are exempt from grading permit requirements.
- (e) **Dredging and Lagooning.** A Class B special use permit (see Section 13-1-41) shall be required for any dredging and lagooning. In addition, a permit shall be obtained from the Wisconsin Department of Natural Resources under Ch. 30, Wis. Stats. or any other state agency having jurisdiction: (©©6/1/1976);
- (1) In passing upon a special use permit, the Planning and Zoning Committee shall require the following information: (©©6/1/1976); (A)7/30/2013)
- a. A detailed description, including a map of the vegetation, bottom type and surrounding drainage patterns of the area to be affected. (©©6/1/1976);
  - b. A detailed description, including a map of the proposed alterations, with plans for the disposal of spoils. (©©6/1/1976);
  - c. Whether the area to be filled serves as a nesting or spawning area for wildlife or as a habitat for any rare or endangered plant or animal species. (©©6/1/1976);
- (2) The Planning and Zoning Committee may require the following conditions in addition to those specified under Section 13-1-41: (©©6/1/1976); (A)7/30/2013)
- a. That dredging to a firm bottom be carried out before filling. (©©6/1/1976);
  - b. That dredging be conducted in such a manner as to avoid fish trap conditions. (©©6/1/1976);
  - c. That walls of a channel or artificial waterways be constructed with side slopes of fifty percent (50%) or less, unless vertical bulk heading is provided (©©6/1/1976);.

**Sec. 13-1-25 Nonmetallic Mines.** (®®)6/1/1976); (®®)3/29/2007); (A)5/28/2019

- (a) **General Requirements.** The purpose of this Section is to ensure that all nonmetallic mining operations, including the removal of sand and gravel, are conducted at locations and in such a manner so as to be compatible with the uses of neighboring lands and to minimize environmental degradation. (®®)6/1/1976); (A)3/29/2007); (A)5/28/2019)
- (b) **Permit.** A conditional use permit shall be required before the commencement of any excavation or exploratory drilling, and an additional conditional use permit shall be required prior to any active mining or drilling operation in Bayfield County. Expressly allowed without a conditional use permit shall be nonmetallic mining sites that affect less than one (1) acre of total area over the life of the mine and preliminary exploration of potential sand and gravel sites when exploratory excavation is minimal, provided that there shall be immediate site restoration following such exploration. Applications for the post-exploration phase of mining of mineral deposits other than aggregates such as stone, sand and gravel, shall be accompanied with an Environmental Impact Analysis in accordance with Section 13-1-42. (®®)6/1/1976); (A)3/29/2007)
- (c) **Basis of Approval.** In passing upon a conditional use permit, the Planning and Zoning Committee shall consider the four (4) stages of a mining operation: exploration, prospecting, ongoing commercial operation (extraction and processing), and reclamation, their effects upon the factors listed under Section 13-1-41, and whether or not they are consistent with the purpose of this Section, In order to facilitate such considerations, the following information *shall* be required by the Planning and Zoning Committee: (®®)6/1/1976); (®®) /2008); (A)7/30/2013)
- (1) A legal description of the proposed site. (®®)6/1/1976)
  - (2) A detailed description of the topography and vegetative cover of the area to be mined. (®®)6/1/1976)
  - (3) The proposed setbacks that are to be observed and a description of the access to the area. (®®)6/1/1976)
  - (4) A description of all phases of the contemplated operation, including types of equipment that may be used, the extent of vegetation removal, proposed dispositions of spoils, planned precautions against various types of pollution and plans for ongoing reclamation and erosion prevention where the operation is to include sand and gravel washing, the estimated daily quantity of water to be used, its source, and its disposition. (®®)6/1/1976)
  - (5) A site restoration plan, which shall include detailed grading and re-vegetation plans, and a written statement indicating the timetable for such restoration; in accordance with ABDI Land Conservation Department recommended approval and Title 16 Bayfield County Nonmetallic Mining Reclamation Ordinance. (®®)6/1/1976); (A)3/29/2007)

**(d) Conditions of Approval.** (®®)6/1/1976); (D)3/29/2007)

- (1) The Planning and Zoning Committee shall require as conditions of the permit. (©)6/1/1976); (D)3/29/2007); (A)7/30/2013)
  - (a) A boundary survey of exterior boundaries. (©)3/29/2007); (A)3/30/2021)
  - (b) That appropriate setbacks and other dimensional requirements as set forth by the Planning and Zoning Committee be met. (©)6/1/1976); (A)7/30/2013)
  - (c) That appropriate measures be taken to avoid nuisance affecting surrounding uses, pollution of any sort, and erosion. (©)6/1/1976)
  - (d) That no more than a forty (40) acre parcel shall be permitted at any one time. (©)3/29/2007)
- (2) The Planning and Zoning Committee may require as conditions of the permit, as well as other conditions it determines to be necessary and appropriate pursuant to Section 13-1-41: (©)3/29/2007); (A)7/30/2013)
  - (a) That suitable landscaping, screening, and fencing be required. (©)6/1/1976); (©)3/29/2007)
  - (b) That a surety bond be posted to assure compliance with the provisions of the conditional use permit and to assure proper restoration or cleanup. (©)3/29/2007)
  - (c) That the applicant provide the Planning and Zoning Committee with all test methods and results as well as company interpretations of the test data including that obtained by drilling, coring and excavating. (©)3/29/2007); (A)7/30/2013)
  - (d) Designated hours and days of operation. (©)3/29/2007)
  - (e) An expiration date. (©)3/29/2007)
- (e) **Duration of Conditional Grant.** The initial grant to carry on a mining operation shall be effective for a period of time to be specified by the Planning and Zoning Committee. To extend the operation beyond the initial time period, a new conditional grant must be applied for and all new conditions must be met. (©)6/1/1976); (A)7/30/2013)
- (f) **Existing Quarry Operations.** The owners of quarry, mining, and/or drilling sites shall submit to the Bayfield County Planning and Zoning Committee the names of the quarry, mining, and/or drilling owners and operators, including all parties to farm out contracts. (©)6/1/1976); (A)7/30/2013)
- (g) **Prohibited Areas.** Drilling for oil or gas shall not be allowed in the following areas: (A)3/29/2007);(A)5/28/2019); (D)3/30/2021); (A)3/30/2021)
  - (1) Under lakes, rivers, creeks, or streams.

- (2) Within one (1) mile of Lake Superior or connected wetlands. (A)3/29/2007
  - (3) Within one (1) mile of any lake, river, creek, or stream.
- (h) **Prohibited Areas.** Nonmetallic mining shall not be allowed in the following areas:  
(©3/30/2021)
- (1) Under lakes, rivers, creeks, or streams. (©3/30/2021)
  - (2) Within one-quarter (1/4) mile of Lake Superior or connected wetlands.  
(©3/30/2021)



**Sec. 13-1-25A. Metallic Mineral Mining.** (@@6/1/1976); (©)5/28/2019)**(a) Definitions.** (©)5/28/2019)

Capitalized terms used in this Ordinance, unless otherwise specifically defined, are defined as follows: (©)5/28/2019)

- (1) **Any term not expressly defined in this Ordinance.** Shall have the meaning set forth in Wis. Stat. Chapter 293, and if not defined therein then as defined in Wis. Admin, Code Ch. NR 132, and if not defined therein then as defined in Wis. Admin. Code Ch. NR 182. (©)5/28/2019)
- (2) **Affiliate.** Means any Person that, directly or indirectly, controls, or is controlled by, or is under common control with a Person. “Control” (and the correlative meanings of the terms “controlled by” and “under common control with”) means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of such Person. (©)5/28/2019)
- (3) **Applicable Laws and Regulations.** Means any federal, State, municipal, regulatory or other governmental entity law, regulation, requirement, condition, restriction, or binding agreement applicable to Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, a Mining Site, Mining, a Mining Operation, or other provision contained within an Exploration Permit, Prospecting Permit, Bulk Sampling Permit or Mining Permit issued pursuant to this Ordinance. (©)5/28/2019)
- (4) **Applicant.** Means any Person that has or intends to submit an Application for a Mining Permit to Bayfield County pursuant to this Ordinance. (©)5/28/2019)
- (5) **Application.** Means an application filed or to be filed with Bayfield County by which the Applicant applies for a Mining Permit pursuant to this Ordinance and shall contain all the information required by the Ordinance, including, but not limited to, the information required pursuant to Section 13-1-25A(l) of this Ordinance or as may otherwise be reasonably required by the County. (©)5/28/2019)
- (6) **Buffer Area.** Means an undisturbed vegetated area measured from the property line of the Mining Site into the Mining Site, in which no Mining Operations, structures or roads can occur or be constructed except for the construction and maintenance of a vegetated berm or a berm constructed of materials acceptable to the County. (©)5/28/2019)
- (7) **Bulk Sampling.** Means the same definition as set forth in Wis. Stat. § 293.01(2m), as may be amended. (©)5/28/2019)
- (8) **Bulk Sampling Permit.** Means a permit issued pursuant to Section 13-1-25A(f) of this Ordinance. (©)5/28/2019)

- (9) **Bulk Sampling Site.** Means the entire area of land upon which Bulk Sampling will occur. (©)5/28/2019)
- (10) **Conditional Use Permit.** Means a permit issued pursuant to Section 13-1-25A(n) of this Ordinance. (©)5/28/2019)
- (11) **Conditional Use Permit/Mining Permit.** Means a Mining Permit issued by virtue of an approved and issued Conditional Use Permit. (©)5/28/2019)
- (12) **County.** Means the County of Bayfield. (©)5/28/2019)
- (13) **County Board.** Means the Bayfield County Board of Supervisors. (©)5/28/2019)
- (14) **County Board of Adjustments.** Means the Board of Adjustment of Bayfield County pursuant to Wis. Stat. § 59.694. (©)5/28/2019)
- (15) **County Zoning Ordinance.** Means the zoning and land use ordinance adopted by Bayfield County pursuant to Wis. Stat. § 59.69. (©)5/28/2019)
- (16) **County Planning and Zoning Committee.** Means the Bayfield County Planning and Zoning Committee of the Bayfield County Board of Supervisors, and the designated county zoning agency of Bayfield County pursuant to Wis. Stat. § 59.69(2). (©)5/28/2019)
- (17) **Exploration.** Means exploration as defined in Wis. Admin. Code Ch. NR 130, as may be amended. (©)5/28/2019)
- (18) **Exploration Permit.** Means the permit required pursuant to Section as a condition of engaging in Exploration. (©)5/28/2019)
- (19) **Exploration Site.** Means the entire area of land upon which Exploration will occur. (©)5/28/2019)
- (20) **Government Body or Agency.** Means any State, federal, municipal entity, department, agency, regulatory authority, or other government unit having jurisdiction or maintaining any other authority to regulate Exploration, an Exploration Site, Prospecting, a Prospecting Site, Bulk Sampling, a Bulk Sampling Site, Mining, a Mining Site, or Mining Operations. (©)5/28/2019)
- (21) **Local Agreement.** Means an agreement entered into pursuant to Wis. Stat. § 293.41. and approved pursuant to Section 13-1-25A(o) of this Ordinance. (©)5/28/2019)
- (22) **Local Agreement/Mining Permit.** Means a Mining Permit issued by virtue of an approved Local Agreement. (©)5/28/2019)
- (23) **Local Committee.** Is a committee created pursuant to Wis. Stat. § 293.33 and Section 13-1-25A(h) of this Ordinance. (©)5/28/2019)

- (24) **Mining or Mining Operation.** Means all or part of the process involved in the mining of nonferrous metallic minerals, on or as part of the Mining Site, other than for Exploration, Bulk Sampling, or Prospecting, including, but not limited to: (©)5/28/2019
- a. Extraction from the earth of mineral aggregates or minerals for off-site use or sale, including drilling and blasting, as well as associated activities such as excavation, grading and dredging of such materials. (©)5/28/2019
  - b. Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation or blending of the mineral aggregates or metallic minerals obtained by extraction from the mining site or with materials transferred from off-site. (©)5/28/2019
  - c. Manufacturing processes aimed at producing metallic or nonmetallic products for sale or use by the operator. (©)5/28/2019
  - d. Stockpiling or storage of metallic or nonmetallic products for sale or use off-site and stockpiling of waste materials. (©)5/28/2019
  - e. Transport of the extracted metallic or nonmetallic materials, finished products or waste materials to or from the extraction site. (©)5/28/2019
  - f. Disposal of waste materials. (©)5/28/2019
  - g. Reclamation of extraction site. (©)5/28/2019
  - h. Prospecting or Exploration for metallic minerals is not mining under the terms of this Ordinance. (©)5/28/2019
  - i. Commercial extraction, agglomeration, beneficiation, construction of roads, removal of overburden and the production of refuse. (©)5/28/2019
- (25) **Mining Permit.** Means either a Conditional Use Permit issued pursuant to Section of this Ordinance, or a Local Agreement negotiated, approved and issued pursuant to Wis. Stat. § 293.41 and Section 13-1-25A(o) of this Ordinance. (@@6/1/1976); (©)5/28/2019
- (26) **Mining Site.** Means the entire area of land upon which Mining Operations will occur, and shall include, but not be limited to, the surface area disturbed by a Mining Operation, the surface area from which the nonferrous metallic minerals or refuse or both have been removed, the surface area covered by the refuse, all lands disturbed by the Mining Operation or associated activities, the surface area covered by construction or improvement of haulage ways, and any surface areas in which processing facilities, structures, equipment, materials and any other activities associated with the Mining Operation are situated, operated, conducted or otherwise utilized. (©)5/28/2019

- (27) **Operator.** Means any Person who is engaged in, or who has applied for and been granted a Mining Permit to conduct Mining, Mining Operations, or other activities associated with Mining on a Mining Site or as part of a Mining Operation, whether individually, jointly or through subsidiaries, agents, employees or contractors. (©)5/28/2019)
- (28) **Ordinance.** Means this metallic mining ordinance adopted by Bayfield County and included in the County Zoning Ordinances as a use in the M-M District. (©)5/28/2019)
- (29) **Permittee.** Means any Person granted a Mining Permit pursuant to this Ordinance. (©)5/28/2019)
- (30) **Person.** Means any person, individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, State agency or federal agency. (©)5/28/2019)
- (31) **Prospecting.** Means the same definition as set forth in Wis. Stat. § 293.01(18) and Wis. Admin. Code Ch. NR 131, as each may be amended. (©)5/28/2019)
- (32) **Prospecting Permit.** Means a permit issued pursuant to Section 13-1-25A(e) of this Ordinance. (©)5/28/2019)
- (33) **Prospecting Site.** Means the entire area of land upon which Prospecting will occur. (©)5/28/2019)
- (34) **Retained Expert.** Means professional consultants, including, but not limited to, engineers, attorneys, planners, environmental specialists, and other consultants with skills relevant to reviewing, processing and acting upon applications for a Mining Permit or to issues associated with the inspection, monitoring and enforcing of approvals and requirements of a Mining Permit. (©)5/28/2019)
- (35) **Section.** Means a specific section of this Ordinance. (©)5/28/2019)
- (36) **State.** Means the State of Wisconsin. (©)5/28/2019)
- (37) **WI DNR.** Means the Wisconsin Department of Natural Resources. (©)5/28/2019)
- (38) **WI DNR Exploration License.** Means an exploration license issued by WI DNR pursuant to Wis. Stat. § 293.21(2). (©)5/28/2019)
- (39) **Zoning Administrator.** Means the administrator of the Bayfield County Zoning and Conservation Department. (©)5/28/2019)
- (b) **Findings, Purpose and Authority.** (©)5/28/2019)
- (1) **Findings.** (©)5/28/2019)

- a. Metallic mining is a permitted activity under State law and has the potential to both beneficially and adversely impact County residents, environments and economies. Metallic mining may provide employment opportunities, needed industrial materials and significant economic benefits to local communities. Metallic mining operations, however, have the potential to create nuisance conditions, negatively impact property values and present health and safety impacts to County residents if not properly designed and operated. (©)5/28/2019
- b. Exploration, Prospecting and Bulk Sampling are regulated by the State, yet it is appropriate for the County to reasonably regulate these uses and operations to the extent that such regulation generally falls within the County's jurisdiction, such as regulation of hours of operation, traffic and noise levels. (©)5/28/2019
- c. Many aspects of Mining Operations are subject to State and/or federal regulation. WI DNR is the unit of State government responsible for regulating any adverse impact of metallic mining and reclamation on the air, lands, water, plants, fish and wildlife in the State. The County is also authorized to regulate metallic mining so long as its regulation is not preempted by other Applicable Laws and Regulations. Accordingly, the County enacts this Ordinance to further the purposes stated above, which include, but are not limited to, the protection of people on neighboring properties to a Mining Site in the County, their domestic animals, structures, businesses and human endeavors and activities situated thereon, as well as the protection of County resident health, safety, convenience and general welfare from the potential adverse effects from metallic mineral mining, including, but not limited to:
  1. Sounds, noise, earth movement, shock, vibrations, cracks in structures and interference with the peace, quiet and enjoyment of life on neighboring properties resulting from mining activities. (©)5/28/2019
  2. Smells, odors, dust and particulates entering upon neighboring properties and impacting County residents. The County is not, by this Ordinance, regulating air or air quality, but seeks to protect neighboring properties, people and the County and activities therein from the adverse effects of smells, odors, dust and particles due to Mining Operations, whether transported or moved by gravity, vehicles, people, wind, weather, climatic condition or other forces. (©)5/28/2019
  3. Light and light pollution entering upon neighboring properties from a Mining Site or as a result of Mining Operations. (©)5/28/2019
  4. Damage to the County's property tax base. (©)5/28/2019

5. Damage to or destruction of public roads, public highways and bridges from vehicles and equipment used in or at the Mining Site or as part of Mining Operations. (©)5/28/2019)
  6. Adverse effects on educational, recreational and business facilities in the County. (©)5/28/2019)
  7. Adverse effects on agricultural, forestry, industry and business future growth in the County. (©)5/28/2019)
  8. Adverse effects on uses of land in the County in accordance with their character and adaptability. (©)5/28/2019)
  9. Adverse effects on the beauty and amenities of the neighboring landscape and the County's physical features. (©)5/28/2019)
  10. Adverse effects on healthy surroundings for citizens', residents' and visitors' quality of life. (©)5/28/2019)
- d. Given the potential effects of Mining Operations noted above and given the complexity and uniqueness of each proposed Mining Operation, the County requires a mechanism by which to control the local impacts of Mining Operations, without duplicating or conflicting with Applicable Laws and Regulations. (©)5/28/2019)
  - e. A Conditional Use Permit is a flexible planning and land use regulatory device designed to cope with situations, problems and hazards which may result from the specific metallic mineral mining project under consideration. (©)5/28/2019)
  - f. A Local Committee, created pursuant to Wis. Stat. § 293.33, presents an opportunity for the County, the Applicant, other units of government and other stakeholders to discuss and plan for the County's concerns associated with a proposed Mining Operation, and to develop solutions to address those concerns. The findings of a Local Committee may be a useful tool in negotiating a Local Agreement. (©)5/28/2019)
  - g. A Local Agreement, as statutorily permitted pursuant to Wis. Stat. § 293.41, provides the County flexibility in the approval process by allowing an Applicant and the County to negotiate terms prior to commencement of the actual approval process. Also, a Local Agreement acts as a specific exception to general zoning requirements, and therefore allows the County to set forth its approvals in one binding agreement with an Applicant. (©)5/28/2019)
  - h. There exist two separate and independent procedures by which an Applicant may obtain a Mining Permit under this Ordinance: (1) the

Applicant may apply for and the County may approve the issuance of a Conditional Use Permit pursuant to Section 13-1-25A(n) or (2) the Applicant and the County may enter into a Local Agreement pursuant to the terms of Wis. Stat. § 293.41 and Section 13-1-25A(o). A Local Agreement may include terms, conditions and provisions that the County may deem necessary to protect the health, welfare, safety and convenience of the County and its residents. The benefits of a Local Agreement include, but are not limited to, addressing the County's, Applicant's and Operator's concerns regarding the Mining Operation, the ability to modify or waive certain provisions of this Ordinance and any other County regulation, the inclusion of other parties or units of government in the Local Agreement, memorialize the findings of a Local Committee created pursuant to Wis. Stat. § 293.33, and memorialize the overall understanding of the parties in a binding agreement. A Conditional Use Permit shall be approved pursuant to Section 13-1-25A(n) and suspended, modified, amended or revoked pursuant to Section 13-1-25A(s) of this Ordinance. A Local Agreement shall be entered into and approved pursuant to Wis. Stat. § 293.41 and Section 13-1-25A(o), and may be suspended, modified, amended or revoked pursuant to its terms and Section 13-1-25A(s). (©)5/28/2019)

- i. This Ordinance is not intended to conflict with, defeat the purpose of, or violate the spirit of State or federal law. This Ordinance shall be interpreted and applied in a manner that complements, and does not conflict with, State law as set forth in Wis. Stat. § 293.41 or other Applicable Laws or Regulations. (©)5/28/2019)

(2) **Purpose.** The purpose of this Ordinance is to accomplish the following:  
(©)5/28/2019)

- a. To complement State law regulating Exploration, Prospecting and Bulk Sampling. (©)5/28/2019)
- b. To establish local minimum standards for Mining Operations conducted within the County, and a process by which to systematically consider Mining Permit Applications and Mining Operations in a manner that promotes the health, safety, welfare and convenience of the County and its residents. (©)5/28/2019)
- c. To minimize or prevent any adverse on- or off-site impacts resulting from Mining Operations, including, but not limited to, the potential impacts set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019)
- d. To set forth rules and procedures to govern Mining and Mining Operations within the County, establish procedures for the administration and enforcement of this Ordinance, and provide penalties for its violation. (©)5/28/2019)

- e. To specifically set forth the requirements for any Person desiring to engage in Mining or any Mining Operation in the County to first obtain a Mining Permit from the County and subsequently act and operate in accordance with the conditions on such Mining Permit so the County can, to the extent of the County's authority, promote the public health, safety, convenience and general welfare. (©)5/28/2019
- f. To encourage and ensure, to the greatest extent possible: (©)5/28/2019
  - 1. Planned and orderly land use development; (©)5/28/2019
  - 2. The protection of property values and the property tax base; (©)5/28/2019
  - 3. Careful planning and efficient maintenance of highway systems and other transportation infrastructure; (©)5/28/2019
  - 4. Adequate highway, utility, health, educational and recreational facilities; (©)5/28/2019
  - 5. The needs of agriculture, forestry, industry and business in future growth; (©)5/28/2019
  - 6. The use of land and other natural resources which are in accordance with their character and adaptability; (©)5/28/2019
  - 7. The protection of surface and groundwater resources; (©)5/28/2019
  - 8. The conservation of soil, water and forest resources; (©)5/28/2019
  - 9. The protection of the beauty and amenities of the landscape and physical features within the County; (©)5/28/2019
  - 10. Healthy surroundings for citizens' and visitors' enjoyment and lifestyles; and (©)5/28/2019
  - 11. The efficient and economical use of public funds. (©)5/28/2019
- g. To ensure that Mining Operations are permitted in Bayfield County only pursuant to a Mining Permit, issued by virtue of a Conditional Use Permit or a Local Agreement, and only after a Mining Permit is issued by the County in accordance with this Ordinance. (©)5/28/2019
- h. To ensure that the County may utilize a Local Agreement, as permitted in Wis. Stat. § 293.41, as a Mining Permit separate and apart from any procedure set forth for a conditional use. (©)5/28/2019
- i. To ensure that conditions placed on a Mining Permit granted as a Conditional Use Permit are crafted and tailored to address existing



and anticipated conditions and circumstances pertinent to the Mining Operation and impacts on the Mining Site and other areas that may be impacted by the Mining Operations throughout the County. (©)5/28/2019)

- j. To ensure that all conditions placed on a Mining Permit that is issued as a Conditional Use Permit are: (©)5/28/2019)
  - 1. Consistent with the purposes of this Ordinance; (©)5/28/2019)
  - 2. Within the jurisdiction of the County; (©)5/28/2019)
  - 3. Not arbitrary or unreasonable; (©)5/28/2019)
  - 4. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
  - 5. Supported by substantial evidence; and (©)5/28/2019)
  - 6. To the extent practicable, measurable. (©)5/28/2019)
- k. To ensure coordination with WI DNR and all other State and federal regulatory bodies of a Mining Operation in the County. (©)5/28/2019)
- l. To ensure consistency with Bayfield County Comprehensive Plan and/or Town Comprehensive Plans, as may be amended. (©)5/28/2019)

(3) **Authority.** This Ordinance is adopted under the authority of the powers set forth in Wis. Stat. Chapter 59, Wis. Stat. Chapter 66, Wis. Stat. Chapter 293, and any other authority granted to the County under State or federal law. (©)5/28/2019)

(c) **Applicability, Exemptions, Interpretation, and Effective Date** (©)5/28/2019)

(1) **Applicability.** This Ordinance shall apply to the use and proposed use of land within the unincorporated areas of the County that are subject to the County Zoning Ordinance, for the purpose of any proposed Mining Operation regardless of when such use is commenced and regardless of where such use is proposed within the County. (©)5/28/2019)

(2) **Exemptions.** This Ordinance does not apply to: (©)5/28/2019)

- a. Except as set forth in Sections 13-1-25A(i)(2) and 13-1-25A(o)(5) below, any Mining Operations made specifically exempt from any requirement in this Ordinance pursuant to a Local Agreement with the Operator under Wis. Stat. § 293.41. (©)5/28/2019)
- b. Except as set forth in Sections 13-1-25A(i)(2) and 13-1-25A(o)(5) below, any other requirements of the County Zoning Ordinance that may be modified or waived in a Local Agreement. (©)5/28/2019)

- (3) **Interpretation.** Except as set forth in Section 13-1-25A(t) of this Ordinance, this Ordinance is not intended to repeal, abrogate, annul, impair or interfere with any existing laws, regulations, ordinances, rules, standards or permits that are not specific to metallic mining previously adopted pursuant to other Wisconsin law. (©)5/28/2019
  - (4) **Severability.** Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional, invalid, unlawful or unenforceable by a final order of a court of competent jurisdiction, including, but not limited to, all applicable appeals, the remainder of this Ordinance shall remain in full force and effect. (©)5/28/2019
  - (5) **Effective Date of Ordinance.** Subject to Section 13-1-25A(t), this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. §59.14. (©)5/28/2019
  - (6) **Modification, Amendment, Suspension or Elimination of this Ordinance.** Any modification, amendment, suspension or elimination of this Ordinance, whether in part or in full, shall require a majority affirmative vote by the County Board. (©)5/28/2019
  - (7) **Impact on Existing County Zoning Ordinances.** This Ordinance shall amend the existing County Zoning Ordinances as set forth in Section 13-1-25A(t). In the event of any conflict between this Ordinance and any other County Zoning Ordinances or any other general County codes, regulations or ordinances, this Ordinance shall control. (©)5/28/2019
- (d) **Exploration Permit.** (©)5/28/2019
- (1) **Permit Required.** No person may commence any Exploration except in conformance with a valid Exploration Permit issued by the County pursuant to this Section 13-1-25A(d). Exploration may only be conducted as a permitted use within the M-M zoned district as set forth in the County Zoning Ordinance. The Exploration Permit issued by the County is a separate permit from the WI DNR Exploration License. (©)5/28/2019
  - (2) **Conditions on Exploration Permit.** The County shall grant an Exploration Permit if the applicant for the Exploration Permit can demonstrate satisfaction of the following conditions: (©)5/28/2019
    - a. Compliance with all terms and conditions of the WI DNR Exploration License for the duration of the WI DNR Exploration License. (©)5/28/2019
    - b. Compliance with all applicable County ordinances. (©)5/28/2019
    - c. Demonstrate to the satisfaction of the County that all other applicable and required federal, State and local permits and approvals required

for the Exploration have been or will be obtained prior to commencement of any Exploration. (©)5/28/2019)

- d. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Exploration Permit and during the term of the Exploration Permit. (©)5/28/2019)
- e. Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Exploration. (©)5/28/2019)
- f. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019)

**(3) The County shall impose conditions on the Exploration Permit related to the following:** (©)5/28/2019)

- a. Provide a Buffer Area or screening from the Exploration sites if the Exploration activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019)
- b. Establish a setback of at least 1,200 feet between any Exploration Site and any existing occupied structure. (©)5/28/2019)
- c. Conduct Exploration only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019)
- d. Limit night lighting if Exploration occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019)
- e. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019)
- f. All hazardous chemicals or substances kept on the Exploration Site or related to the Exploration shall be stored in State-approved storage containers and storage areas. (©)5/28/2019)
- g. Take necessary measures to control fugitive dust. (©)5/28/2019)
- h. Maintain compliance with all State and federal permits related to the Exploration, the suspension or revocation of which shall cause the automatic termination of the County Exploration Permit. (©)5/28/2019)
- i. Any other conditions that the County deems reasonable and necessary and that are: (©)5/28/2019)

1. Within the jurisdiction of the County; (©)5/28/2019)
  2. Not arbitrary or unreasonable; (©)5/28/2019)
  3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
  4. Supported by substantial evidence; and (©)5/28/2019)
  5. To the extent practicable, are measurable. (©)5/28/2019)
- (4) **Compliance.** Must be met at all times or the Exploration Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 13-1-25A(s). (©)5/28/2019)
- (5) **Duration of Exploration Permit.** The Exploration Permit shall be of the same duration as the WI DNR Exploration License, so long as the Exploration Permit holder complies with all required applicable laws and regulations, all permits, orders, conditions or other requirements set forth by any government body or agency, and suspension or revocation of the Exploration Permit does not occur pursuant to this Ordinance. (©)5/28/2019)
- (e) **Prospecting Permit.** (©)5/28/2019)
- (1) **Permit Required.** No person may commence any Prospecting except in conformance with a valid Prospecting Permit issued by the County pursuant to this Ordinance. Prospecting may only be conducted as a conditional use within the M-M zoned district as set forth in the County Zoning Ordinance. (©)5/28/2019)
  - (2) **Conditions on Prospecting.** The County shall grant a Prospecting Permit if the Applicant can demonstrate satisfaction of the following conditions: (©)5/28/2019)
    - a. Compliance with all applicable County Ordinances. (©)5/28/2019)
    - b. Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WI DNR permit for the same Prospecting activity, have been or will be obtained prior to commencement of any Prospecting. (©)5/28/2019)
    - c. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Prospecting Permit and during the term of the Prospecting Permit. (©)5/28/2019)
    - d. Compliance with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Prospecting. (©)5/28/2019)

- e. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019
- (3) **The County shall impose conditions** on the Prospecting Permit related to the following: (©)5/28/2019
- a. Provide a Buffer Area or screening from the Prospecting sites if the Prospecting activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019
  - b. Establish a setback of at least 1,250 feet between any Prospecting Site and any existing occupied structure. (©)5/28/2019
  - c. All hazardous chemicals or substances kept on the Prospecting Site or related to the Prospecting shall be stored in State-approved storage containers and storage areas. (©)5/28/2019
  - d. Conduct Prospecting only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019
  - e. Limit night lighting if Prospecting occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019
  - f. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019
  - g. Take necessary measures to control fugitive dust. (©)5/28/2019
  - h. Maintain compliance with all State and federal permits related to the Prospecting, the suspension or revocation of which shall cause the automatic termination of the Prospecting Permit. (©)5/28/2019
  - i. Any other conditions, including but not limited to additional buffers and screening, that the County deems reasonable and necessary and that are: (©)5/28/2019
    - 1. Within the jurisdiction of the County; (©)5/28/2019
    - 2. Not arbitrary or unreasonable; (©)5/28/2019
    - 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
    - 4. Supported by substantial evidence; and (©)5/28/2019

5. To the extent practicable, are measurable. (©)5/28/2019)
- (4) **Compliance.** Conditions established pursuant to the Prospecting Permit must be met at all times or the Prospecting Permit may be revoked or subject to enforcement, fines or penalties as provided in Section 13-1-25A(s). (©)5/28/2019)
- (5) **Duration of Prospecting Permit.** The Prospecting Permit shall be of the same duration as the Prospecting Permit issued by WI DNR for the same Prospecting activities, so long as all the Prospecting Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Prospecting Permit does not occur pursuant to this Ordinance. (©)5/28/2019)
- (f) **Bulk Sampling Permit.** (©)5/28/2019)
- (1) **Permit Required.** No person may commence any Bulk Sampling except in conformance with a valid Bulk Sampling Permit issued by the County pursuant to this Ordinance. Bulk Sampling may only be conducted as a conditional use within the M-M zoned district as set forth in the County Zoning Ordinance. (©)5/28/2019)
- (2) **Conditions on Bulk Sampling.** The County may set the following conditions on a Bulk Sampling Permit to ensure that any party engaging in Bulk Sampling shall: (©)5/28/2019)
- a. Comply with all applicable County Ordinances. (©)5/28/2019)
- b. Demonstrate, to the sole satisfaction of the County, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WI DNR permit for the same Bulk Sampling activity, have been or will be obtained prior to commencement of any Bulk Sampling. (©)5/28/2019)
- c. Submit a copy of all permits, approvals or waivers of permits to the County, both at the time of application for the Bulk Sampling Permit and during the term of the Bulk Sampling Permit. (©)5/28/2019)
- d. Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Bulk Sampling. (©)5/28/2019)
- e. Provide proof that any financial assurances required by a Government Body or Agency, if any, have been obtained as required by any Applicable Laws and Regulations. (©)5/28/2019)

- (3) **The County shall impose conditions on the Bulk Sampling Permit related to the following:** (©)5/28/2019
- a. Provide a Buffer Area or screening from the Bulk Sampling sites if the Bulk Sampling Permit activities would cause undue noise, dust, lighting, odors or other adverse impacts on neighboring properties. (©)5/28/2019
  - b. Establish a setback of at least 1,250 feet between any Bulk Sampling Site and any existing occupied structure. (©)5/28/2019
  - c. All hazardous chemicals or substances kept on the Bulk Sampling Site or related to the Bulk Sampling shall be stored in State-approved storage containers and storage areas. (©)5/28/2019
  - d. Conduct Bulk Sampling only on Monday through Friday, not earlier than 6:00 a.m. and not later than 9:00 p.m., and on Saturday not earlier than 6:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. (©)5/28/2019
  - e. Limit night lighting if Bulk Sampling occurs during hours of darkness to that which is minimally necessary for security and worker safety. (©)5/28/2019
  - f. Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners. (©)5/28/2019
  - g. Take necessary measures to control fugitive dust. (©)5/28/2019
  - h. Maintain compliance with all State and federal permits related to the Bulk Sampling, the suspension or revocation of which shall cause the automatic termination of the Bulk Sampling Permit. (©)5/28/2019
  - i. Any other conditions, including but not limited to additional buffers and screening, that the County deems reasonable and necessary and that are: (©)5/28/2019
    - 1. Within the jurisdiction of the County; (©)5/28/2019
    - 2. Not arbitrary or unreasonable; (©)5/28/2019
    - 3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019
    - 4. Supported by substantial evidence; and (©)5/28/2019
    - 5. To the extent practicable, are measurable. (©)5/28/2019

- (4) **Compliance.** Conditions established pursuant to the Bulk Sampling Permit must be met at all times or the Bulk Sampling Permit may be revoked or subject to enforcement, fines and penalties as provided in Section 13-1-25A(s). (©)5/28/2019)
- (5) **Duration of Bulk Sampling Permit.** The Bulk Sampling Permit shall be of the same duration as the Bulk Sampling permit issued by WI DNR so long as all the Bulk Sampling Permit holder complies with all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Bulk Sampling Permit does not occur pursuant to this Ordinance. (©)5/28/2019)
- (g) **Mining Permit Required.** (©)5/28/2019)
- (1) **Zoning Designation.** Mining Operations may only be conducted within the M-M zoned district and only after issuance of a Mining Permit, as required in this Ordinance. (©)5/28/2019)
- (2) **Mining Permit Requirement.** No person may commence construction of a Mining Site or engage in any Mining Operations in the County except in conformance with a valid Mining Permit issued by the County pursuant to this Ordinance and within an M-M zoned district. A Mining Permit shall be issued as a result of a Conditional Use Permit approved pursuant to Section 13-1-25A(n) or as a result of the approval and adoption of a Local Agreement pursuant to Section 13-1-25A(o). (©)5/28/2019)
- (3) **Duration of Mining Permit.** The Mining Permit shall last through all Mining Operations and reclamation of the Mining Site so long as the Operator complies with all provisions of this Ordinance, any condition imposed by a Conditional Use Permit/Mining Permit, the terms of a Local Agreement in a Local Agreement/Mining Permit, all required Applicable Laws and Regulations, all permits, orders, conditions or other requirements set forth by any Government Body or Agency, and suspension or revocation of the Mining Permit does not occur pursuant to this Ordinance. (©)5/28/2019)
- (h) **Local Committee.** (©)5/28/2019)
- (1) **Formation.** A Local Committee may be formed or convened pursuant to Wis. Stat. § 293.33. (©)5/28/2019)
- (2) **Powers of a Local Committee.** A Local Committee may: (©)5/28/2019)
- a. Facilitate communications between an Applicant, Operators and the County. (©)5/28/2019)
  - b. Analyze implications of the Mining Operations. (©)5/28/2019)
  - c. Review and comment on reclamation plans. (©)5/28/2019)



- d. Develop solutions to growth-induced issues caused by Mining Operations. (©)5/28/2019
  - e. Take other steps permitted by the County Planning and Zoning Committee. (©)5/28/2019
  - f. Take any other steps permitted to Wis. Stat. § 293.33. (©)5/28/2019
- (3) **Parties Included in a Local Committee.** The County Planning and Zoning Committee shall determine the size of the Local Committee and the parties that make up the Local Committee, in the County Planning and Zoning Committee's sole discretion, which may include: (©)5/28/2019
- a. Representatives of any town, village, city or tribal government representative that may be affected by the Mining Operations. (©)5/28/2019
  - b. Representatives of other industries or affected units of government that may be affected by Mining Operations, such as school districts, police/fire emergency responders, business and industry, economic development, and environmental and other interest groups or other interested parties. (©)5/28/2019
  - c. Other interested persons, including, without limitation, a representative of the Applicant and the Operator, which may be the same person if the Applicant shall be the Operator pursuant to the Mining Permit. (©)5/28/2019
- (4) **Parties Required in a Local Committee.** The following parties shall be included in a Local Committee: (©)5/28/2019
- a. At least one representative of the County Planning and Zoning Committee. (©)5/28/2019
  - b. At least one member of the County Board. (©)5/28/2019
  - c. The County Planning and Zoning Administrator or his or her designee. (©)5/28/2019
- (5) **Local Committee Findings and Recommendations.** A Local Committee's findings, recommendations or reports shall not be binding upon the County Planning and Zoning Committee in negotiating a Local Agreement, nor upon the County Board when reviewing and deciding upon an Application for Local Agreement/Mining Permit. (©)5/28/2019
- (i) **Local Agreement** (©)5/28/2019
- (1) **Local Agreement as Mining Permit.** A Local Agreement may be used as the basis to obtain a Mining Permit and shall be approved pursuant the

terms of Wis. Stat. § 293.41 and as set forth in Section 13-1-25A(o).  
(©)5/28/2019)

- (2) **Required Information.** A Local Agreement shall include the following information pursuant to Wis. Stat. § 293.41(2): (©)5/28/2019)
- a. A legal description of the land subject to the Local Agreement and the names of its legal and equitable owners. (©)5/28/2019)
  - b. The duration of the Local Agreement. (©)5/28/2019)
  - c. The uses permitted on the Mining Site. (©)5/28/2019)
  - d. A description of any conditions, terms, restrictions or other requirements determined to be necessary by the County or by any town, village, city or tribal government for the public health, safety and welfare of its residents. (©)5/28/2019)
  - e. Town, village, city or tribal government to enable the development to proceed. (©)5/28/2019)
  - f. The applicability or nonapplicability of any County, town, village, city or tribal government ordinances, approvals or resolutions. (©)5/28/2019)
  - g. A provision for the amendment of the Local Agreement. (©)5/28/2019)
  - h. Other provisions deemed reasonable and necessary by the parties to the Local Agreement. (©)5/28/2019)
  - i. Any other terms set forth in this Ordinance that require inclusion in the Local Agreement, including the terms set forth in Section 13-1-25A(o)(5). (©)5/28/2019)
- (3) **Modification of Zoning Requirements.** Except for the requirements set forth in Sections 13-1-25A(i)(2), 13-1-25A(o)(5) and 13-1-25A(s)(6)(b), and except for a requirement that mining activity may take place only within the M-M zoned district, a Local Agreement may modify, waive or alter the provisions of this Ordinance, the County Zoning Ordinance, and any other County regulations. Any Local Agreement/Mining Permit shall address the subjects of Sections 13-1-25A(p), 13-1-25A(q) and 13-1-25A(s); provided, however, the terms set forth in these Sections may be amended in a Local Agreement/Mining Permit if agreed to by the parties to the Local Agreement. In the event the terms of this Ordinance require specific votes or actions for such waiver, or amendment, waiver or amendment cannot occur absent such votes or specific action. (©)5/28/2019)
- (4) **Application.** An Applicant desiring to obtain a Local Agreement/Mining Permit shall follow the application requirements in Section 13-1-25A(k) and Section 13-1-25A(l). (©)5/28/2019)

- (5) **Negotiation.** The County Planning and Zoning Committee shall be the designated body to negotiate a Local Agreement on behalf of the County. The County Planning and Zoning Committee may consider input from any Local Committee convened pursuant to Wis. Stat. § 293.33 and Section 13-1-25A(h); however, the County Planning and Zoning Committee shall not be bound by any recommendations of the Local Committee or other local units of government when negotiating a Local Agreement. but should take local governments comments into consideration. (©)5/28/2019
  - (6) **Effective Date.** A Local Agreement/Mining Permit may not take effect until approved by the County Board as required in Wis. Stat. § 293.41(4) and Section 13-1-25A(o). (©)5/28/2019
  - (7) **Review and Decision Process.** An Application for a Local Agreement/Mining Permit shall follow the process set forth in Section 13-1-25A(o). (©)5/28/2019
  - (8) **Suspension or Revocation.** A Local Agreement/Mining Permit may be suspended or revoked as provided in the Local Agreement/Mining Permit. (©)5/28/2019
- (j) **Conditional Use Permit.** (©)5/28/2019
- (1) **Conditional Use Permit as Mining Permit.** A Conditional Use Permit may be used as the basis to obtain a Mining Permit and shall be approved pursuant the terms set forth in Section 13-1-25A(n). (©)5/28/2019
  - (2) **Application.** An Applicant desiring to obtain a Conditional Use Permit/Mining Permit shall follow the Application requirements in Section 13-1-25A(k) and Section 13-1-25A(l). (©)5/28/2019
  - (3) **Review and Decision Process.** A Conditional Use Permit/Mining Permit Application shall follow the review and decision process set forth in Section 13-1-25A(n). (©)5/28/2019
  - (4) **Suspension or Revocation.** A Conditional Use Permit/Mining Permit may be suspended or revoked as provided in the Conditional Use Permit/Mining Permit and pursuant to Section 13-1-25A(s). (©)5/28/2019
  - (5) **Requirements in a Conditional Use Permit.** A Conditional Use Permit/Mining Permit shall include the information required in Section 13-1-25A(n) and any other conditions warranted within the County Planning and Zoning Committee's discretion, subject only to Section 13-1-25A(j)(6). (©)5/28/2019
  - (6) **Conditions.** A Conditional Use Permit/Mining Permit may contain any terms and conditions that the County Planning and Zoning Committee deems necessary, and as described in Section 13-1-25A(n)(5), in light of the Mining Operations and in response to the specific issues presented by the proposed Mining Operations, and that are: (©)5/28/2019

- a. Within the jurisdiction of the County; (©)5/28/2019)
- b. Not arbitrary or unreasonable; (©)5/28/2019)
- c. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
- d. Supported by substantial evidence; and (©)5/28/2019)
- e. To the extent practicable, are measurable. (©)5/28/2019)

(k) **Procedures For Applying For a Mining Permit.** (©)5/28/2019)

- (1) **Application.** An Application for a Mining Permit shall be filed with the County Planning and Zoning Administrator and shall include an electronic copy and 20 paper copies of the Application, including the required components set forth in this Section 13-1-25A(k) and Section 13-1-25A(l). The Application shall not be deemed complete until the Applicant has submitted, and the Zoning Administrator has accepted, all required portions of the Application as set forth in this Section 13-1-25A(k) and Section 13-1-25A(l), and as otherwise required by the County. (©)5/28/2019)
- (2) **Statement of Application for Conditional Use Permit/Mining Permit or Local Agreement/Mining Permit.** The Application shall specifically state whether the Applicant seeks a Mining Permit by virtue of approval as a Conditional Use Permit pursuant to Section 13-1-25A(n) of this Ordinance, or by virtue of approval of a Local Agreement pursuant to Section 13-1-25A(o). (©)5/28/2019)
- (3) **Review and Determination.** If the Applicant seeks a Conditional Use Permit/Mining Permit, review and decision on the Application shall occur pursuant to Section 13-1-25A(n). If the Applicant seeks a Local Agreement/Mining Permit, review and decision shall occur pursuant to Section 13-1-25A(o). (©)5/28/2019)

(l) **Mining Permit Application Requirements.** (©)5/28/2019)

- (1) **General Requirements.** (©)5/28/2019)
  - a. Any Applicant for a Mining Permit shall submit the information and Application fee required by this Section 13-1-25A(l) and the fees required in Section 13-1-25A(m) in order for the County to properly review the Application. (©)5/28/2019)
  - b. The Applicant may provide the required Application information by reference to other documents submitted to another Government Body or Agency, including any information or documents submitted to a Local Committee as permitted pursuant to Wis. Stat. § 293.33.

In cases of documentation by reference, the Applicant shall provide a copy of the referenced document and a specific cross-reference identifying where the information required by this Section 13-1-25A(l) is located in any referenced material. (©)5/28/2019

- c. A non-refundable Application fee in the amount of \$5,000.00 for costs and expenses to commence the Application review process. The application fee may be increased to cover the amount of any additional costs, expenses, fees or other amounts which the County may incur to commence the Application review process if those amounts are reasonably known to the County at the time the Application is submitted. (©)5/28/2019
- d. A Reimbursement Agreement and deposit, as described in Section 13-1-25A(m), including an acknowledgment that the Applicant shall be responsible for any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations. (©)5/28/2019
- e. If known at the time of Application, any applicable fees and any additional information that is provided to assist the Retained Experts with reviewing the Application on the County's behalf. (©)5/28/2019
- f. The Application shall contain a statement, signed and notarized by the Applicant that includes all of the following: (©)5/28/2019
  1. That the Applicant is duly authorized to bind itself, any Operator, and any Permittee to the conditions and provisions set forth in this Ordinance and in any Mining, Permit issued for the Mining Operations contemplated in the Application. (©)5/28/2019
  2. That all statements, representations, documents and information which are set forth in or accompany the Application are true, correct, accurate and complete. (©)5/28/2019
  3. That the Applicant, Operator and Permittee, while engaged in metallic mining activities and in reclamation activities, agree to abide by all of the provisions and requirements of its Mining Permit, this Ordinance, and all other Applicable Laws and Regulations. (©)5/28/2019
  4. That the Applicant's representations and statements made in the Application shall continue to exist and survive after a Mining Permit is issued to the Applicant by the County, and that the Applicant is duly authorized to bind itself, any Operator, and any Permittee for future compliance with the terms of the Mining Permit. (©)5/28/2019

5. That the Applicant grants permission and consent to the County, its officers, employees, agents, consultants, contractors and representatives to enter the real property subject to the Application and the anticipated Mining Site for purposes of inspecting, measuring, observing and any other verification that the information contained in the Application is true and correct. (©)5/28/2019

(2) **Ownership Information and Operator Information.** (©)5/28/2019

- a. The name, address, phone number, and email address of the Applicant. (©)5/28/2019
- b. The name, address, phone number and email address of the Operator. (©)5/28/2019
- c. The name, address, phone number, and email address of all owners or lessors of the land on which the Mining Operation will occur. (©)5/28/2019
- d. If the Applicant is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity: (©)5/28/2019
  1. The name and address of each director, partner or member of the Applicant. (©)5/28/2019
  2. The name, address and position held by each officer or member of the Applicant. (©)5/28/2019
  3. A list of the Applicant's, or any Affiliate of the Applicant, experience in mine projects, a list of current mine projects and the status of compliance at each project site. (©)5/28/2019
- e. Proof that all local taxes, special charges, special assessments, fees, and forfeitures (and any interest or penalties thereon) owed by the landowner and/or Operator of the proposed Mining Site are current. (©)5/28/2019
- f. If the Operator is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity: (©)5/28/2019
  1. The name and address of each director, partner, or member of the Operator. (©)5/28/2019
  2. The name and address and position held by each officer or member of the Operator. (©)5/28/2019

3. A list of the Operator's, or any Affiliate of the Operator, experience in mine projects, a list of current mine projects and the status of compliance at each project site. (©)5/28/2019

**(3) Site Information and Maps.** (©)5/28/2019

- a. As to each parcel of real estate which is to be a part of the proposed Mining Site and included in the use of any Mining Operation:  
(©)5/28/2019
  1. The legal description of the parcel. (©)5/28/2019
  2. The name, address and telephone number of each owner of an interest in the parcel along with a statement of the interest in that parcel held by that owner. (©)5/28/2019
  3. The tax parcel identification number of the parcel. (©)5/28/2019
  4. A statement as to what structures, improvements and roadways will be situated on such parcel. (©)5/28/2019
  5. How such parcel will be used as part of the Mining Operation.  
(©)5/28/2019
  6. If the parcel is subject to a lease, the parties to such lease should be identified and a summary of its terms should be stated. (©)5/28/2019
  7. A description of any utilities (public or private) or transportation facilities on the parcel. (©)5/28/2019
  8. A description of any buildings or existing structures that will be removed to accommodate any Mining Operations.  
(©)5/28/2019
- b. Any planned assemblage of parcels for any portion of the Mining Site or to be used as part of the Mining Operation. (©)5/28/2019
- c. Any other anticipated County or other Government Body or Agency land use approvals necessary to commence Mining Operations.  
(©)5/28/2019
- d. Approximate dates that Mine construction or other preliminary work on the Mining Site is expected to begin, when Mining Operations will commence, and when Mining Operations are anticipated to end.  
(©)5/28/2019
- e. The Applicant's best estimate and explanation of the life expectancy of the Mine. (©)5/28/2019

- f. A list of all minerals and materials to be extracted from the Mining Site. This should include, but not be limited to, amounts of non-metallic and metallic materials to be extracted. (©)5/28/2019)
- g. Survey maps and parcel identification numbers of all contiguous parcels owned by the same landowner/lessor on which the Mining Operation will be located and any additional contiguous parcels on which the landowner/lessor has secured a right of first refusal. (©)5/28/2019)
- h. An aerial photo of the proposed site at a scale of not less than 1-inch equals 660 feet. (©)5/28/2019)
- i. A topographic map of the Mining Site extending one mile beyond the Mining Site boundaries at contour intervals no wider than 10 feet showing the boundaries of the Mining Site, the location and total acreage of the Mining Site, and the name of all roads within one mile of the Mining Site. (©)5/28/2019)
- j. A site plan for the Mining Site showing the location of all existing and proposed buildings and other structures, equipment, stockpiles, storage and parking areas, road access points, driveways, and Buffer Areas along bordering properties and public roads. (©)5/28/2019)
- k. A plan for staking or marking the borders of the entire Mining Site and for securing the Mining Site by appropriate measures, which may include fencing or alternative measures consistent with Mine safety and security and in accordance with all Applicable Laws and Regulations. (©)5/28/2019)
- l. A map on which all residential, agricultural and municipal wells within one mile of the boundaries of the Mining Site in all directions are marked and given a numerical identification of the location. (©)5/28/2019)
- m. The location and name of all surface waters, including, but not limited to, lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns, and other water features on the site and within one mile of the Mining Site. (©)5/28/2019)
- n. A description of the distribution, depth and type of topsoil for the Mining Site. The description shall include the geological composition, depth and width of the metallic deposit, and the location of slopes greater than 20% and highly erodible soils. (©)5/28/2019)
- o. A map identifying the location of all other non-contiguous sites within the County or adjacent towns, cities, or villages, if any, that will contribute material to the Mining Operation. (©)5/28/2019)



- (4) **Operation Plan.** The Application shall include a written narrative description of the Mining Operation in sufficient detail to allow the County and the public to understand and assess the size and scope of the proposed Mining Operation and potential impacts of the Mining Operation on public health, safety, convenience and general well-being within the County. The operation plan is intended to provide the information necessary to determine what information and conditions shall be set forth in the Mining Permit. Each part of the operation plan shall be prepared and verified by an appropriate professional expert in the field described in the operation plan. The operation plan shall include a description of all significant aspects of the proposed Mining Operation, including, but not limited to, the following: (©)5/28/2019)
- a. A summary of planned facilities for excavating, extracting, mining, milling, ore-processing, transportation, tailings disposal, other waste disposal, sedimentation, settling, retention and detention ponds, office buildings and other structures, roads, railroad lines and utilities and the proposed location of each. (©)5/28/2019)
  - b. Maps showing the maximum lateral extent and minimum and maximum depth of underground or open pit workings and the location of primary shafts, tunnels and other primary underground workings. Any map submitted to satisfy this requirement shall be updated on an annual basis. (©)5/28/2019)
  - c. An estimate of the maximum number of people directly employed at the mine site during each phase and an estimated breakdown by job classification of all such employees, where such employees will park their vehicles, eat, and what facilities are available for their use. (©)5/28/2019)
  - d. Types of Mining equipment to be used. (©)5/28/2019)
  - e. Plans for visual screening of mining activities around the perimeter of the Mining Site and on the sides of any public highway. (©)5/28/2019)
  - f. Plans for lighting on site and measures to limit light pollution, including a description and analysis of the ambient noise audible in half-mile increments within a five-mile radius of the proposed Mining Site. (©)5/28/2019)
  - g. Radiation levels anticipated in waste rock. (©)5/28/2019)
  - h. A plan describing the methods for preventing access to all underground Mine workings after Mine closure. (©)5/28/2019)
  - i. Dates of the planned commencement and cessation of the Mining Operation. (©)5/28/2019)

- j. Description of hours of any Mining Operation on any portion of the Mining Site, including all times when any vehicles will enter or leave any portion of the Mine Site. (©)5/28/2019
- k. Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations. (©)5/28/2019
- l. Estimated volume of material to be extracted over the life of the Mine and for the next calendar year. (©)5/28/2019
- m. Identification of all proposed off-site trucking routes, if any, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the Mining Site; a description of the types of vehicles to be used on public roads and their respective weights, lengths, widths, axle numbers and spacing, and ESAL ratings both when empty and legally loaded; an assessment, which shall include core sampling, of the adequacy of roads within proposed off-site trucking routes and a description of any proposed alterations or improvements to such roads; and a description of any traffic control or other measures needed to protect public safety. (©)5/28/2019
- n. A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water used or falling on the Mining Site, including, but not limited to, methods used for infiltration and control of run-off. (©)5/28/2019
- o. A listing of any hazardous materials, including, but not limited to, stored or operational fuel supplies that will be used or located on the Mining Site and a description of measures to be used for securing and storing these materials. The operation plan shall also include a written plan for the use of any hazardous materials at the Mining Site and procedures for responding to spills of these materials and fuels on the Mining Site and the frequency of regular drills for responding to spills on the Mining Site. (©)5/28/2019
- p. An erosion control plan, which shall describe what the Operator will do to prevent material from the Mining Site from eroding, migrating or moving onto neighboring properties or into other areas off the Mining Site. (©)5/28/2019
- q. A plan to control particles, which shall describe what the Operator will do to prevent/limit/minimize the volume of particles entering onto neighboring properties from the Mining Site and from vehicles and equipment engaged in the Mining Operation. (©)5/28/2019

- r. A noise plan, which shall describe what the Operator will do to keep the noise from Mining Operations below the decibel limits set forth in Section 13-1-25A(p)(6). (©)5/28/2019
- s. A blasting plan, which shall describe under what circumstances blasting will be used, what type and volume of explosives which will be used, with what frequency blasting will occur, between what hours blasting will occur, and what steps the Operator will undertake to minimize the effects of the noise and vibration from blasting on neighboring properties and the public. (©)5/28/2019
- t. A tailings and waste products plan, which shall set forth what projected volume of tailings or other waste products or materials will be generated each year, an indication of on what parcels of land such tailings and waste materials will be situated, how the tailings and waste products will be moved, and what steps the Operator will undertake to minimize the amount of particulate matter entering on neighboring properties or other areas outside of the Mining Site. This plan shall address specifically what the Operator will do if the Mining Operations encounter radioactive materials, radon, or other hazardous substances or materials. (©)5/28/2019
- u. A utilities plan, which shall describe the public utility and public service requirements for the Mining Operation and describe the manner in which all utility services will be provided at the Mining Site and the potential system upgrades which the Mining Operation may require. (©)5/28/2019
- v. A roadway and traffic analysis of all reasonably foreseeable roadway needs arising in the County due to the Mining Operations and reasonably foreseeable secondary impacts of the Mining Operation which may result in the demand for additional roadway improvements. With respect to roads in the County, the analysis shall identify and describe the anticipated needs for roadway modifications resulting from the likely mine-related traffic impacts, including both primary and secondary impacts, and shall fully describe the existing reasonably foreseeable mine-related changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions. Such analysis shall set forth in detail exactly what the Operator will do in the event of any damage or destruction to public roads, highways and bridges, or other infrastructure, as well as private roads, bridges and infrastructure, resulting from Mining Operations or activities affiliated with the Mining Operations, whether conducted on the Mining Site or off the Mining Site. (©)5/28/2019
- w. A fencing plan with a diagram depicting and describing where perimeter fencing will be installed and maintained to prevent injury to persons and animals from entry onto the Mining Site. (©)5/28/2019

- x. A County impact summary report, which shall include a thorough narrative description of the Mining Operations in sufficient detail to allow the County to assess probable physical, environmental and developmental impacts of the proposed Mining Operations, and assess and summarize the potential and estimated impacts on the human health, safety and welfare of residents of the County, based on the potential environmental, socioeconomic and other impacts of the proposed Mining Operation. The report shall include, but shall not be limited to, the likely and potential impacts of the proposed Mining Operations with respect to each of the following baselines: (©)5/28/2019)
1. A life-of-mine analysis of impacts upon social and environmental baseline parameters through completion of reclamation, including any impact market conditions may have on Mining Operations. (©)5/28/2019)
  2. A traffic impact analysis that discusses all reasonably foreseeable roadway construction and maintenance needs arising in the County from the proposed Mining Operation and reasonably foreseeable secondary impacts of the Mining Operation that may result in the demand for additional roadway or other infrastructure improvements, repairs or additional maintenance needed as a result of the Mining Operations, including a description of the anticipated needs for roadway modifications resulting from the Mining Operations, both primary and secondary, and shall fully describe the existing reasonably foreseeable changes to traffic patterns, traffic volume, the class of roadways associated with those patterns, and any load-related needs and restrictions. (©)5/28/2019)
  3. The impacts of Mining Operations on employment, economic activity and tax base within the County. (©)5/28/2019)
  4. The impacts of Mining Operations on the County's population and housing stock, including the availability of such housing stock. (©)5/28/2019)
  5. The impacts of the Mining Operations on the need for additional government services, including, but not limited to, infrastructure, utilities, schools, fire protection, emergency medical services, and police. (©)5/28/2019)
  6. The expected changes in land use within the County, including the percentage of lands devoted to each use currently and in the future environmental impacts resulting from Mining Operations. (©)5/28/2019)

7. A description of the current environmental characteristics of the Mining Site, including wildlife, vegetation and physical parameters of groundwater quality and quantity, and surface water quality and quantity, including wetlands as compared to the same environmental characteristics after the Mining Operations commence. (©)5/28/2019
  8. A description of the topographical and aesthetic features of the proposed Mining Site, including other geographical vegetative conditions. (©)5/28/2019
  9. A description of the cultural features of the proposed Mining Site, including, but not limited to, an inventory and analysis of all historical and cultural sites and landmarks. (©)5/28/2019
  - y. Copies of other submittal or application documents for the Mining Operation to any other Government Body or Agency. (©)5/28/2019
  - z. Copies of Approvals from any Government Body or Agency for the Mining Operation. (©)5/28/2019
  - aa. Any other information deemed necessary by the County in order for the County to make an informed and educated decision on the Application and to determine any appropriate conditions or terms to be set forth in the Mining Permit. (©)5/28/2019
- (m) **Reimbursement Agreement, Administration Deposit, Fees and Costs**  
(©)5/28/2019
- (1) **This Section 13-1-25A(m) is not intended to generate excess revenues** for the County's use for purposes not related to an Application or any Mining Operation, but the County, and hence its taxpayers, shall not be required to bear the financial burden and obligations associated with the costs and expenses the County incurs in connection with an Application or any Mining Operations. To that end, this Section 13-1-25A(m) provides that the Applicant shall be responsible for reimbursement of all costs and expenses incurred by the County in connection with the Application. (©)5/28/2019
  - (2) **At the time an Application is filed with the County Planning and Zoning Administrator**, the Applicant shall execute for the benefit of the County a Reimbursement Agreement, which shall require the Applicant and any other Person associated with the proposed Mining Operation to pay any costs or expenses incurred by the County in its review and determination of the Application, and provide adequate security guaranteeing payment of the cost of the investigation, review and processing of the Application, including, but not limited to, Retained Expert fees, attorneys' fees, administrative costs, expenses of disseminating information to the public, expenses incurred to conduct required public hearings, and other matters compelled by the need to review and respond to the Application as provided by this Ordinance. The Reimbursement Agreement shall require the Applicant and

any other Person associated with the Mining Operations to be responsible for payment of any costs or expenses incurred by the County in its review and determination of the Application, regardless of whether a Mining Permit is actually issued to the Applicant or Operator for the Mining Operations. The Reimbursement Agreement shall also detail the Operator and Permittee's ongoing obligation and responsibility for payment of any costs and expenses incurred by the County in connection with the Mining Permit, including, but not limited to, costs of Retained Experts to ensure ongoing compliance with the Mining Permit. (©)5/28/2019)

- (3) **The Applicant shall initially deposit \$50,000.00 with the County to be deposited in an administrative fee account for Application** and proposed Mining Operations so such funds are available to be withdrawn by the County and used to reimburse the County for the costs and expenses the County incurs in connection with Application review and Mining Operations. If the initial deposit of \$50,000.00 falls below \$25,000.00, the County will notify the Applicant or Operator and the Applicant or Operator will make an additional deposit into such administrative fee account within 15 days of receipt of such notice so that the remaining balance in the administrative fee account never remains below \$25,000.00 for more than 15 days. (©)5/28/2019)
- (4) **The Applicant shall be responsible for all costs and expenses incurred by the County as a result of the Application and request for a Mining Permit**, whether such costs and expenses are incurred before or after the actual Application filing. Actual costs may include, but are not limited to, Retained Expert Fees, County staff time, travel expenses, professional fees, review fees, and equipment and material costs. Such costs shall not exceed those which are reasonably charged for the same or similar services by licensed professionals of the type retained. (©)5/28/2019)
- (5) **The County shall use standard cost and time accounting practices to document its time and expenses** in performing any work and purchasing any equipment and services that will be billed to the Applicant. The Applicant may review the accounting records upon written request at least five (5) business days in advance to the County Planning and Zoning Administrator or its designee. (©)5/28/2019)
- (6) **Costs and expenses** the County incurs under this Section 13-1-25A(m) shall be billed to the Applicant for reimbursement to the County on a monthly basis and shall be deducted from the initial deposit amount set forth in Section 13-1-25A(m)(3) within 30 days of such billing. The County may elect to have any costs and expenses billed directly to the Applicant by any Retained Expert or other party performing services on behalf of the County in reviewing the Application. Should the initial deposit fail to cover any costs and expenses, and the Applicant fails or refuses to pay costs within 30 days upon request or demand from the County, the County may stop processing the Application and deny any Mining Permit that has not been issued. A

Mining Permit shall not be issued until any fees or actual costs incurred by the County prior to issuance have been paid in full. (©)5/28/2019)

- (7) If an Applicant withdraws its Application at any time after the Application is submitted to the County, all fees and charges assessed for work to that point in time by the County shall be paid by the Applicant. Any balance remaining of the deposit, after the payment of all fees and charges incurred by the County, shall be refunded to the Applicant. (©)5/28/2019)
- (n) **Review Process for Conditional Use Permit/Mining Permit Applications**  
(©)5/28/2019)
- (1) **Application for Conditional Use Permit/Mining Permit.** The process set forth in this Section 13-1-25A(n) shall apply to an Application that requests the grant of a Conditional Use Permit/Mining Permit. (©)5/28/2019)
  - (2) **Initial Review.** Upon receipt of a Conditional Use Permit/Mining Permit Application, the County Planning and Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Planning and Zoning Administrator's acceptance of an Application does not render the Application complete. The County Planning and Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this Ordinance and other applicable County regulations and all other Applicable Laws and Regulations, as applicable and as determined by appropriate State and federal authorities on matters relating to State and federal law and regulation. (©)5/28/2019)
  - (3) **Notice of Receipt.** Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a class 2 notice under Wis. Stat. Chapter 985 indicating that the Application has been filed and transmitted to the County Planning and Zoning Committee. A copy of the Application shall be made available for public review. (©)5/28/2019)
  - (4) **Additional Information.** The County Planning and Zoning Committee may request the Applicant to submit additional information if the County Planning and Zoning Committee determines that the Application is incomplete, or if the County Planning and Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Planning and Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Planning and Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Planning and Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application, which time period may be extended for a period of time up to an additional 90 days in the County Planning and Zoning Committee's sole and absolute discretion. If the

County Planning and Zoning Committee determines that no additional information or expertise is necessary, the Application shall be deemed complete. (©)5/28/2019)

- (5) **Conditions.** The County Planning and Zoning Committee may place conditions of approval upon the Conditional Use Permit/Mining Permit based on the following considerations or addressing the following concerns: (©)5/28/2019)
- a. Any minimum operational standards for the Mining Operations, as set forth in Section 13-1-25A(p). (©)5/28/2019)
  - b. Any reporting requirements, as set forth in Section 13-1-25A(q). (©)5/28/2019)
  - c. Any change in operation requirements, as set forth in Section 13-1-25A(r). (©)5/28/2019)
  - d. Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions. (©)5/28/2019)
  - e. Any notification requirements regarding notices or violations issued by any other Government Body or Agency. (©)5/28/2019)
  - f. Reimbursement of all County costs and expenses as described in Section 13-1-25A(m) or as may otherwise be incurred. (©)5/28/2019)
  - g. Duration or phasing of the Conditional Use Permit/Mining Permit. (©)5/28/2019)
  - h. Any conditions to address concerns of adverse effects of the Mining Operations as set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019)
  - i. Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations. (©)5/28/2019)
  - j. Any other conditions that the County Planning and Zoning Committee may deem reasonable and necessary and that are: (©)5/28/2019)
    1. Within the jurisdiction of the County; (©)5/28/2019)
    2. Not arbitrary or unreasonable; (©)5/28/2019)
    3. Have a substantial relation to public health, safety, convenience and/or general welfare; (©)5/28/2019)
    4. Supported by substantial evidence; and (©)5/28/2019)
    5. To the extent practicable, are measurable. (©)5/28/2019)



- (6) **Retained Expert Findings.** To the extent practical and within the area of expertise of a Retained Expert, a Retained Expert shall provide a written verification that any conditions imposed by the County Planning and Zoning Committee are related to the purpose of this Ordinance and are based upon facts and information that would support the imposition of the condition. (©)5/28/2019
- (7) **Public Hearing and Determination by County Planning and Zoning Committee.** Within 120 days of receipt of the complete Application, the County Planning and Zoning Committee shall hold a public hearing on the Application following a class 2 notice under Wis. Stat. Chapter 985. Within 180 days of receipt of the complete Application, and any additional information requested by the County Planning and Zoning Committee, and following the public hearing (which may be adjourned from time to time in the County Planning and Zoning Committee's sole and absolute discretion) the County Planning and Zoning Committee shall make findings of fact and determination of whether to grant the Application's request for a Conditional Use Permit/Mining Permit, or deny the Application's request for a Conditional Use Permit/Mining Permit. (©)5/28/2019
- (8) **Approval and Issuance of Mining Permit.** Upon the County Planning and Zoning Committee's approval of the Application's request for a Conditional Use Permit/Mining Permit, the approved Conditional Use Permit shall be deemed the Mining Permit. (©)5/28/2019
- (9) **Remedies on Denial.** If the County Planning and Zoning Committee denies the Conditional Use Permit/Mining Permit request, an Applicant may exercise any remedies available under the County's ordinances or at law, including, but not limited to, an appeal to the County's board of adjustment pursuant to Wis. Stat. § 59.694(4). The County's board of adjustment shall apply the common law certiorari standard of review in rendering its decision and may elect to accept additional evidence, within the board of adjustment's discretion. In addition, the Applicant may re-submit its Application in accordance with this Ordinance, and re-submittal shall constitute an Application in conformance with all provisions of this Ordinance, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied. (©)5/28/2019
- (o) **Review and Approval Process for Local Agreement/Mining Permit** (©)5/28/2019
- (1) **Application for Mining Permit by Local Agreement.** The process set forth in this Section 13-1-25A(n) shall apply to an Application that requests the grant of a Mining Permit by virtue of the County Board's approving and adopting a Local Agreement pursuant to Wis. Stat. § 293.41. (©)5/28/2019

- (2) **Initial Review.** Upon receipt of an Application for Local Agreement/Mining Permit, the County Planning and Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The County Planning and Zoning Administrator's acceptance of an Application does not render the Application complete. The County Planning and Zoning Administrator may retain the services of Retained Experts to assist in determining whether the Application is complete and complies with the requirements of this Ordinance and other applicable County regulations. (©)5/28/2019
- (3) **Notice of Receipt.** Within 30 days of receipt of the complete Application, the County Clerk shall also publish or post a class 2 notice under Wis. Stat. Chapter 985 indicating that the Application has been filed and transmitted to the County Planning and Zoning Committee. A copy of the Application shall be made available for public review. (©)5/28/2019
- (4) **Additional Information.** The County Planning and Zoning Committee may request the Applicant submit additional information if the County Planning and Zoning Committee determines that the Application is incomplete, or if the County Planning and Zoning Committee determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The County Planning and Zoning Committee may also retain the services of Retained Experts to review the Application and report to the County Planning and Zoning Committee whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The County Planning and Zoning Committee shall make a determination regarding the need for additional information or expertise within 90 days after receiving the Application. If no additional information or expertise is deemed necessary, the Application shall be deemed complete. The County Planning and Zoning Committee is designated as the sole and exclusive agent of the County Board in relation to the negotiation of a Local Agreement. When an Application is deemed complete, the County Planning and Zoning Committee shall establish dates and locations for meetings to negotiate a Local Agreement. (©)5/28/2019
- (5) **Requirements in a Local Agreement.** A Local Agreement shall include the following information and terms: (©)5/28/2019
  - a. The requirements set forth in Wis. Stat. § 293.41(2) and in Sections 13-1-25A(i)(2), 13-1-25A(i)(3) and 13-1-25A(s)(6)(b). Minimum operation standards such as those set forth in Section 13-1-25A(p). (©)5/28/2019
  - b. Reporting requirements such as those set forth in Section 13-1-25A(q). (©)5/28/2019
  - c. Change in operation requirements such as those set forth in Section 13-1-25A(r). (©)5/28/2019

- d. Inspection, enforcement, procedures and penalties such as those set forth in Section 13-1-25A(s), including a forfeiture schedule. The County Board may delegate its enforcement powers under the Local Agreement to the County Planning and Zoning Committee. Section 13-1-25A(s)(6)(b) may not be modified in a Local Agreement/Mining Permit. (©)5/28/2019
  - e. The process of reimbursement of all County expenses incurred as a result of the Application review process and the negotiation process of the Local Agreement. (©)5/28/2019
  - f. Other consideration for impacts of a Mining Operation paid to the County or other units of government. (©)5/28/2019
- (6) **Optional Contents of Local Agreement.** The County Planning and Zoning Committee may consider the specific provisions in the Local Agreement related to the following, without limitation: (©)5/28/2019
- a. Any conditions, requirements or restrictions needed to adequately address concerns of adverse effects of the Mining Operations as set forth in Section 13-1-25A(b)(1)(c). (©)5/28/2019
  - b. Any conditions, requirements or restrictions needed to adequately address concerns of specific environmental impacts and effects on natural resources, whether those natural resources are located entirely within the County or partially within the County. (©)5/28/2019
  - c. Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations. (©)5/28/2019
  - d. Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions, including notifications to the Operator for mining operations located outside of the County. (©)5/28/2019
  - e. Any notification requirements regarding notices or violations issued by any other Government Body or Agency. (©)5/28/2019
  - f. Requirements to minimize the impact of Mining Operations on roads, bridges or other transportation infrastructure. (©)5/28/2019
  - g. Reimbursement of all County costs and expenses incurred by the County, its agents and any Retained Experts in the review and negotiation of the Local Agreement and in the review and determination of whether to issue the Local Agreement/Mining Permit. (©)5/28/2019
  - h. Duration or phasing of the Local Agreement/Mining Permit. (©)5/28/2019

- i. Any recommendations or information provided by the Local Committee, other Government Body or Agency, or relating to other Applicable Laws and Regulations. (©)5/28/2019
  - j. Any other conditions that the County Planning and Zoning Committee may deem reasonable and necessary. (©)5/28/2019
- (7) **Modification of Zoning Ordinance Requirements.** Except for the requirements set forth in Sections 13-1-25A(i)(2), 13-1-25A(i)(3), and 13-1-25A(s)(6)(b), a Local Agreement may modify, waive or alter the provisions of this Ordinance and any other County regulations; provided, however, that if the terms of this Ordinance require specific votes or specific action for such waiver, waiver cannot occur absent such votes or specific action. (©)5/28/2019
- (8) **Recommendation to the County Board.** Upon completion of negotiations, the County Planning and Zoning Committee shall either recommend that the County Board grant the Application's request for approval of the Local Agreement/Mining Permit or recommend that the County Board deny the Application's request for approval of the Local Agreement/Mining Permit. The County Planning and Zoning Committee's recommendation shall not be binding upon the County Board. (©)5/28/2019
- (9) **Decision by the County Board.** (©)5/28/2019
- a. **Notice and Hearing.** Upon recommendation by the County Planning and Zoning Committee, the County Clerk shall place the County Planning and Zoning Committee's recommendation on the agenda for the next regular meeting of the County Board. At that meeting, the County Board shall set a date for a public hearing. At least 15 days prior to the public hearing, the County Clerk shall publish or post a class 2 notice under Wis. Stat. Chapter 985. At the public hearing, the County Board shall take public comment on the Application and proposed Local Agreement/Mining Permit. (©)5/28/2019
  - b. **County Board Decision.** Within 30 days following the public hearing, the County Chairperson shall set a date for a County Board meeting to consider a final decision on the Application and Local Agreement/Mining Permit. At that meeting, the County Board shall review the complete Application, any Local Committee reports or information, any reports or information from other units of government or parties that participated in the Local Committee or may be party to the Local Agreement, any Retained Experts' reports, public comments made, and information provided at the public hearing, and any other information deemed necessary by the County Board. Consideration of the Local Agreement/Mining Permit may be adjourned from time to time as the County Board may determine in its sole and absolute discretion. (©)5/28/2019

- c. Approval and Issuance of Mining Permit. Upon the County Board's approval of the Application for Local Agreement/Mining Permit and adoption of the Local Agreement, the Local Agreement shall be deemed the Mining Permit. (©)5/28/2019
  - d. Effective Date. A Local Agreement/Mining Permit shall be effective after all of the County Board, and the governing body of any other county, town, village, city or tribal government which is identified as a party to the Local Agreement approve the Agreement in a public meeting. (©)5/28/2019
  - e. Remedies on Denial. If the County Board fails to approve the Local Agreement/Mining Permit, an Applicant may re-submit its Application in accordance with this Ordinance, and re-submittal shall constitute an Application in conformance with all provisions of this Ordinance, provided that any differences between the original Application and the new Application shall be summarized by the Applicant in a document entitled "Explanation of Reasons for Re-Submittal." An Application received by re-submittal may be denied for any reason that any original Application may be denied. (©)5/28/2019
  - f. Recording. Upon approval of a Local Agreement/Mining Permit, the County Clerk shall record a copy of the Local Agreement/Mining Permit against any parcel of real property upon which the Mining Site sits or is used as part of the Mining Operation. The Applicant shall secure all required approvals and permissions to record the Local Agreement/Mining Permit from the necessary property owners in order to comply with this Section 13-1-25A(o)(9)(f). (©)5/28/2019
- (p) **Minimum Operational Standards Applicable to All Mining Permits** (©)5/28/2019
- (1) **The standards set forth in this Section 13-1-25A(p) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit.** The standards set forth in Section 13-1-25A(p) shall be deemed the minimum operational standards and no Mining Permit may allow standards below those set forth in this Section 13-1-25A(p) unless set forth otherwise in a Local Agreement. (©)5/28/2019
  - (2) **General Standards.** (©)5/28/2019
    - a. The borders of the entire Mining Site will be appropriately staked or marked, and the Mining Site will be secured by appropriate measures which may include fencing or other alternative measures consistent with mine safety and security as set forth by any Government Body or Agency. (©)5/28/2019
    - b. The Operator shall demonstrate to the satisfaction of the County that all other Applicable Laws and Regulations of any Government Body

or Agency required for the Mining Operation have been or will be obtained prior to commencement of any Mining Operation. The Applicant shall also deliver copies of any applications, notices, reports, approvals or waivers from any Government Body or Agency regarding the Mining Operations' compliance with Applicable Laws and Regulations prior to commencing any Mining Operations. (©)5/28/2019)

- c. The Operator shall provide proof that it has provided the financial assurances as required under Wis. Stat. Chapter 293 or any other Applicable Laws and Regulations. (©)5/28/2019)
- d. The Operator shall agree to comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Mining Operations. (©)5/28/2019)

(3) **Buffer Areas.** The Operator shall provide a Buffer Area from the boundaries of the Mining Site to protect bordering properties from noise, dust, lighting, odors, blasting and other adverse impacts of the Mining Operation along bordering property lines and public roadways. (©)5/28/2019)

- a. The Buffer Area shall provide a setback of one mile from the Mining Site to the property line of any adjacent property owner unless a landowner consents to a lesser distance, but not less than 2000 feet. If consent is provided for a lesser distance, a copy of such consent agreement shall be recorded against the property at the register of deeds office for the county in which the land is located and a copy of the agreement shall be provided to the County Clerk. (©)5/28/2019)
- b. The Buffer Area shall provide a setback of one-half mile from the Mining Site to any school, medical facility, nursing home, or community based residential facility. (©)5/28/2019)
- c. The Operator shall screen the Mining Operations from public view. Screening may be achieved through the use of berms, additional setbacks or other measures deemed adequate by the County Planning and Zoning Committee and the County Board. (©)5/28/2019)

(4) **Hours of Operation.** The Operator shall limit normal hours of operations at the Mining Site to 9 hours a day Monday through Friday not earlier than 7:00 a.m. and not later than 8:00 p.m. and on Saturday not earlier than 8:00 a.m. and not later than noon, to avoid substantial or undue impacts on neighboring properties and County residents. During any Mining Operations occurring after sunset, the Operator shall use white noise or lighted backup alarms on equipment. Operations on-site shall not occur on Sundays or legal holidays. (©)5/28/2019)

(5) **Control of Light.** The Operator shall limit night lighting on a Mining Site to that which is minimally necessary for security and worker safety. Every

effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties. At a minimum such measures shall include the following: (©)5/28/2019)

- a. The use of full cutoff shrouds on all lights. (©)5/28/2019)
- b. Portable lighting shall be used only as necessary to illuminate temporary work areas. (©)5/28/2019)
- c. The use of berms of sufficient height coupled with other methods of visual screening to block light from the Mining Site to neighboring properties. (©)5/28/2019)
- d. The design and location of access roads, driveways and other access points to the Mining Site to minimize lights from traffic and operations to neighboring properties. (©)5/28/2019)

(6) **Control of Noise.** (©)5/28/2019)

- a. The Operator shall control off-site noise levels to avoid adverse impacts to neighboring landowners. The noise levels at the boundaries of the mining or processing site shall not exceed 65 dB. The noise levels at the boundaries of any school, medical facility, nursing home, or community based residential facility shall not exceed 60 dB. Decibels shall be based on dB(A), which is the unit of sound level expressed in decibels (dB) and A-weighted as described in ANSI § 1.4-1983 and shall be measured in accordance with accepted protocols. (©)5/28/2019)
- b. Noise levels shall be monitored at the Mining Site's property boundary by an independent testing company. The tests shall occur for a 10-day period at least once per quarter. The results shall be reported to the County within 30 days of the last test result. (©)5/28/2019)

(7) **Blasting Requirements.** In addition to all other applicable provisions of this Ordinance and any other Applicable Laws or Regulations, the Operator shall comply with the following requirements when engaging in any blasting activity as part of the Mining Operations: (©)5/28/2019)

- a. Blasting may only occur between the hours of 10:00 a.m. and 2:00 p.m., Monday through Friday. Blasting may not occur on weekends or outside of the hours set forth herein. (©)5/28/2019)
- b. No later than 30 days prior to blasting, the Operator shall provide written notice of its intended blasting to the County Administrator and to each property owner whose property is located within two miles of the perimeter of the Mining Site. (©)5/28/2019)

- c. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, prior to any blasting activities on the Mining Site. The Zoning Administrator, either upon request of an impacted landowner or by the Zoning Administrator's discretion, may require that any structure lying within a two-mile radius of the perimeter of the Mining Site be surveyed by an independent third party, the cost of which shall be paid by the Operator, after any blasting activities on the Mining Site to determine whether the blasting activities caused property damage to any structures or other property within the two-mile radius of the perimeter of the Mining Site. (©)5/28/2019)
- d. The Operator shall comply with all Applicable Laws and Regulations when conducting blasting activities. (©)5/28/2019)
- (8) **Well Monitoring and Impact on Groundwater Quality.** In order to ensure compliance with the Applicable Laws and Regulations regarding groundwater quality, the Operator shall monitor all private and public wells (to the extent access can be secured), at the Operator's sole cost and expense, located within three miles of the perimeter of the Mining Site in order to provide baseline data concerning quantity and quality of water. The Operator shall comply with the requirements of this Section 13-1-25A(p)(7) for a period of two years prior to commencement of construction of any portion of the Mining Site or commencement of any Mining Operation, and during the period of the Mining Operation, and continuing for no less than five years after the completion of the Mining Site reclamation. The wells shall be monitored quarterly for lead, arsenic, turbidity, total dissolved solids, chlorides, nitrates, specific conductivity and any toxic substance that may reasonably be believed to be present in the ore deposit proposed to be mined. Well monitoring required under this Ordinance shall be performed by an independent consultant agreeable to both the County and the Operator. All test and monitoring results shall be reported to the County within 30 days of completion. Mining Operations shall not cause an exceedance of groundwater quality standards in Wis. Admin. Code Ch. NR 140 or as otherwise may be set forth in any Applicable Law or Regulation. Any test or monitoring result showing that groundwater quality standards have not been met as set forth in Wis. Admin. Code Ch. NR 140 or any other Applicable Law or Regulation shall be cured by the Operator at the Operator's sole cost and expense. (©)5/28/2019)
- (9) **Fugitive Dust Control.** In addition to any ambient air monitoring required by WI DNR, the Operator shall comply with best management practices for control of off-site fugitive dust, including, but not limited to, use of truck covers, watering roads and equipment, and stabilizing stock piles. (©)5/28/2019)
- (q) **Reporting** (©)5/28/2019)



- (1) **Considerations.** The standards set forth in this Section 13-1-25A(q) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit. (©)5/28/2019
  
- (2) **Ongoing Reporting Requirements.** (©)5/28/2019
  - a. The Operator shall provide notice to the County of any notices of violations, citations, or other enforcement actions taken by any other Government Body or Agency as a result of the Mining Operation or any activity on the Mining Site. The Operator shall provide notice to the County of such actions within 15 days after receiving such notice from the Government Body or Agency. (©)5/28/2019
  
  - b. All monitoring data, sampling results and any other test results required by this Ordinance shall be undertaken at the Operator's expense and provided to the County Clerk. Unless otherwise specified in this Ordinance, all monitoring data sampling results and any other test results shall be provided to the County Clerk within 30 days of receipt of the results by the Operator. (©)5/28/2019
  
- (3) **Annual Report.** (©)5/28/2019
  - a. No later than October 1 of each calendar year, the Operator shall submit an annual report to the County Planning and Zoning Committee for all active and intermittent Mining Sites and Mining Operations for which the Operator has a Mining Permit in Bayfield County. The County Planning and Zoning Committee may require that the Operator appear at a County Planning and Zoning Committee meeting to present the annual report and answer questions from the County Planning and Zoning Committee. The County Board may also require that the Operator appear at a County Board meeting to present the annual report and answer questions from the County Board. The reporting period shall be from the date of the issuance of the first Operator's Mining Permit to August 31, and thereafter from September 1 to August 31. (©)5/28/2019
  
  - b. The annual report shall include the following information: (©)5/28/2019
    1. An identification of the Operator and location of the Mining Site. (©)5/28/2019
  
    2. A map or drawing of the entire Mining Site accurately showing each use, activity and area associated with all Mining Operations. (©)5/28/2019
  
    3. A map or drawing accurately showing the area of excavation, the unclaimed area and the reclaimed area, including a calculation of the number of acres for each type. (©)5/28/2019

4. A written description of activities, including ore extraction and waste material production and operations on the Mining Site for the previous calendar year, including the cubic yards each of material extracted, processed, and waste material produced. (©)5/28/2019
  5. A written description of all activities and operations on the Mining Site, including ore extraction and waste material production or processing anticipated for the following calendar year. (©)5/28/2019
  6. A written report demonstrating how the Operator has been in compliance with all terms and conditions of its Mining Permit and this Ordinance. The report shall include all groundwater, surface water and other monitoring results, as well as a copy of all annual reports or other reports submitted to any other Government Body or Agency. (©)5/28/2019
  7. A summary of all areas of non-compliance, a plan for bringing non-compliant areas into compliance, and any actions taken by any Government Body or Agency as a result of any alleged or actual non-compliance. (©)5/28/2019
  8. A signed certification by the Operator to the effect that: "I certify that this information is true and accurate, and except as expressly set forth herein, the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated \_\_\_\_\_ complies with all conditions of the County ordinances and codes, and all other governmental or other regulatory authority requirements, laws, regulations and requirements and is in compliance with any applicable permits, requirements, conditions and approvals required for operation of the metallic mineral mining site and operations described herein and for which the County issued the Mining Permit dated \_\_\_\_\_." (©)5/28/2019
  9. Any other materials required in this Ordinance that may not have been already submitted at the time of the annual report. (©)5/28/2019
  10. Any other materials or information that the Zoning Administrator, County Planning and Zoning Committee or County Board deems necessary. (©)5/28/2019
- c. Quarterly Inspection Summary. The Operator shall submit to the County Clerk, within 30 days following the close of each calendar quarter, a report summarizing the results of the following inspections: (©)5/28/2019

1. **Daily Inspections.** The Operator shall inspect any tailings ponds and any other waste lagoons on a daily basis for evidence and indications of any phenomenon, activity or process which might affect the integrity of any tailings pond or dike. (©)5/28/2019
  2. **Monthly Inspections.** The Operator shall designate one or more qualified senior personnel to inspect any tailings ponds and any other waste lagoons on a monthly basis and prepare, sign and date a report. If the person or persons making the monthly inspections is not a Wisconsin registered professional engineer, then the Operator shall also provide for quarterly inspections as required herein by a Wisconsin registered professional engineer. (©)5/28/2019
  3. **Natural Event Inspections.** The Operator shall inspect any tailings ponds and any other waste lagoons after any unusual natural occurrence, including, but not limited to, the following: earthquake, tornado, flood, storm event exceeding the 100-year storm threshold, or any other natural event which the Operator should reasonably expect could affect the integrity of the tailings pond, dike or other areas of the Mining Site. (©)5/28/2019
- d. **Inspection Logs.** All daily, monthly and quarterly inspection observations shall be recorded in a log and maintained on the premises of the Mining Site and be made available for inspection by County officials during regular business hours. The Operator shall submit copies of inspection logs to the County upon request. (©)5/28/2019
- (r) **Changes in Operation.** (©)5/28/2019
- (1) **Considerations.** The standards set forth in this Section 13-1-25A(r) shall be considered as conditions in a Conditional Use Permit/Mining Permit or as the foundation of negotiations in developing the terms of a Local Agreement/Mining Permit. (©)5/28/2019
  - (2) **Expansion.** Expansion of the Mining Site or any Mining Operation that is not specifically allowed by or is inconsistent with any limitation or parameters of the Mining Permit is prohibited and is a violation of this Ordinance. Performance of activities not described in, or activities not expressly allowed by the Mining Permit shall be considered an unlawful expansion and a violation of this Ordinance. The movement of any waste, ore or concentrate to a Mining Site from a location outside the boundary of that Mining Site shall be deemed an unlawful expansion of Mining Operation unless such movement is specifically and expressly authorized in a Mining Permit issued pursuant to this Ordinance. (©)5/28/2019
  - (3) **Suspension or Termination of Mining.** (©)5/28/2019

- a. An Operator must provide notice to the County as soon as possible of any temporary halt of Mining Operations lasting more than 180 days, including, but not limited to, a statement showing projected loss of employment. Notice shall include the reason for the temporary suspension as well as plans to ensure continued compliance of all Applicable Laws and Regulations throughout the suspension period. (©)5/28/2019
  - b. The Operator must provide notice of its intent to permanently terminate any or all Mining Operations at the Mining Site no later than one year before the proposed Mining Operation, or any portion of the Mining Operation, is terminated. The Operator must provide notice by the end of each calendar year of any significant change in the anticipated timing of each major phase of the Mining Operation as originally detailed in the plan of operation submitted as part of the Application pursuant to this Ordinance and explain any reasonably foreseeable changes to the overall Mining Operation lifetime based on such changes. (©)5/28/2019
  - c. Upon receipt of a notice of temporary halt in mining or upon a cessation lasting more than 180 days, whichever is sooner, the County Planning and Zoning Committee may require that the Operator take additional measures to ensure that public health, safety and welfare are protected during the temporary cessation of Mining Operations, including, but not limited to, a temporary cap on tailing facilities, additional security measures, additional erosion control measures, and other site stabilization measures. (©)5/28/2019
  - d. A suspension longer than two years shall be considered a permanent abandonment and require the Operator to commence closure and reclamation. The Operator may request the County Planning and Zoning Committee re-evaluate this requirement based on exceptional circumstances. The County Planning and Zoning Committee shall not be obligated to grant the request for re-evaluation. The County Planning and Zoning Committee's determination of the Operator's request for re-evaluation is not subject to appeal or other additional review. (©)5/28/2019
- (4) **Major Conditional Use Permit/Mining Permit Modifications or Amendment.** If a Conditional Use Permit/Mining Permit has been issued, both the County and the Operator may pursue an amendment to that Conditional Use Permit/Mining Permit during the Conditional Use Permit/Mining Permit term pursuant to this Section 13-1-25A(r)(4) and Section 13-1-25A(s)(7)(b). (©)5/28/2019
- a. The County reserves the right to reopen and modify any Conditional Use Permit/Mining Permit if it is determined by the County Planning and Zoning Committee, upon the basis of newly discovered evidence, including, but not limited to, evidence presented that any

Mining Operation or any part of the Mining Operation by any Government Body or Agency, such Mining would, without further conditions placed on the Mining Permit, substantially endanger the environment, public health, safety or welfare of the community. Any action to reopen a Mining Permit shall be done by hearing with at least 30 days' notice to the Operator. In order to reopen the Mining Permit and modify any terms and conditions, the County Planning and Zoning Committee must determine that there is reasonable cause to believe that the newly discovered evidence demonstrates a threat to the environment, public health, safety or welfare. (©)5/28/2019)

- b. Should the Operator desire to modify the Conditional Use Permit/Mining Permit in any way, it may request modification by submitting a written application and evidence supporting such modification to the County Clerk. Such application shall be in substantially the same form as the original Application for the Conditional Use Permit/Mining Permit, with the same level and substance of information required, although it shall be permissible to incorporate by reference any portions of the original Application that still pertain to the re-opening request. Upon receipt of the application to modify the Conditional Use Permit/Mining Permit, the County shall follow the procedures outlined in this Ordinance for review of an application for a Conditional Use Permit/Mining Permit as set forth in Section 13-1-25A(n). (©)5/28/2019)

- (5) **Minor Conditional Use Permit/Mining Permit Modifications and Amendments.** Upon request by either the County or the Operator for a minor modification to the Conditional Use Permit/Mining Permit, the County Planning and Zoning Committee has the discretion to determine that a proposed Mining Permit modification is so inconsequential in scope or limited in proposed duration that the Mining Permit modification procedures outlined under Section 13-1-25A(r)(4) are unnecessary and therefore inapplicable. If such a determination is made, the County Planning and Zoning Committee may act on the proposed minor Conditional Use Permit/Mining Permit modification at a properly noticed County Planning and Zoning Committee meeting. The County Planning and Zoning Committee's decision shall require a majority vote by the County Planning and Zoning Committee. (©)5/28/2019)

- (6) **Local Agreement/Mining Permit Modification and Amendment.** (©)5/28/2019)

- a. The County or the Operator may request to modify or amend a Local Agreement/Mining Permit according to the procedures set forth in the Local Agreement/Mining Permit. (©)5/28/2019)
- b. The Local Agreement/Mining Permit may address both major modifications and amendments and minor modifications or amendments. (©)5/28/2019)

- c. Any modification or amendment to a Local Agreement/Mining Permit shall be executed by all parties thereto and shall be approved according to the requirements set forth in Wis. Stat. § 293.41(4), Section 13-1-25A(i)(3) and Section 13-1-25A(o)(6). (©)5/28/2019
  - d. The County Board may delegate its authority to modify, amend, suspend or revoke a Local Agreement/Mining Permit pursuant to this Section 13-1-25A(s)(6)(c) to the County Planning and Zoning Committee. (©)5/28/2019
- (7) **Transfer of Mining Permit.** When one Operator succeeds to the interest of another in a Mining Site, the County shall release the current Operator of the responsibilities imposed by the Mining Permit only if all the following conditions are met, pursuant to the County's reasonable discretion: (©)5/28/2019
- a. Both the Operator and the successor Operator are in compliance with the requirements and standards of this Ordinance and all other Applicable Laws and Regulations. (©)5/28/2019
  - b. The successor Operator assumes the responsibility of the current Operator in writing and agrees to operate, complete and reclaim the Mining Operations in accordance with the Mining Permit and all other Applicable Laws and Regulations. (©)5/28/2019
  - c. The successor Operator shows proof of financial responsibility in the same manner and amount as the current Operator and the successor Operator agrees to maintain any instrument of financial assurance at the same level as the current Operator. (©)5/28/2019
  - d. The County Planning and Zoning Committee makes a written finding that all conditions of the existing Mining Permit will be complied with by the successor Operator. (©)5/28/2019
  - e. The Local Agreement, if any, is amended to reflect the change in Operator and Persons responsible under the Local Agreement. (©)5/28/2019
- (8) **Commencement of Reclamation.** Reclamation of any Mine shall begin within one year after cessation of Mining Operations, whether temporary or permanent, in accordance with the reclamation plan as set forth in Wis. Stat. Chapter 293 and as may be required by any Government Body or Agency. (©)5/28/2019
- (s) **Inspection, Enforcement, Procedures and Penalties Associated with a Mining Permit.** (©)5/28/2019
- (1) **Application of Section 13-1-25A(s).** The provisions of this Section 13-1-25A(s) apply to a Conditional Use Permit/Mining Permit. The provisions of this Section 13-1-25A(s) shall be considered for inclusion in a Local

Agreement/Mining Permit provided, however, that the terms set forth in Section 13-1-25A(s)(6) are required elements of a Local Agreement unless otherwise agreed by majority vote of the County Board. (©)5/28/2019

(2) **Inspection of Mining Operation.** (©)5/28/2019

- a. Upon issuance of a Conditional Use Permit/Mining Permit, the Operator is deemed, as a condition of the Conditional Use Permit/Mining Permit issuance, to have consented to allow inspections of the Mining Site and all Mining Operations by the County Planning and Zoning Committee or its designee(s) for the purpose of determining compliance with the provisions of this Ordinance and the terms and conditions of the Conditional Use Permit/Mining Permit. Inspections may occur pursuant to this Section 13-1-25A(s). (©)5/28/2019
- b. All required records to demonstrate lawful operation of the Mining Operation shall be maintained by the Operator at the Mining Site and made available within a reasonable time to the County Planning and Zoning Committee or its designee(s) to assist the County Planning and Zoning Committee to determine compliance with the provisions of this Ordinance. (©)5/28/2019
- c. The Operator shall provide access to the Mining Site and Mining Operations to allow the County Planning and Zoning Committee or its designee(s) to inspect for the purpose of investigating any complaint against the Operator alleging a condition that negatively impacts the public health, safety or welfare. (©)5/28/2019
- d. If, as a result of any inspections or investigations, the County Planning and Zoning Committee determines that any Retained Expert should undertake any further inspections or investigations, the County may hire a Retained Expert, the expense of which shall be paid by the Operator pursuant to Section 13-1-25A(m). If the Operator fails to provide access for the inspections or investigations, or provide payment of the County's expenses, the County may take enforcement action under this Section 13-1-25A(s) or as otherwise set forth in this Ordinance. (©)5/28/2019

(3) **Violations.** In addition to failure to comply with any provision of this Ordinance, the following are specific violations under this Ordinance: (©)5/28/2019

- a. Failure to comply with any term or condition set forth in the Conditional Use Permit/Mining Permit. (©)5/28/2019
- b. Failure to comply with any Applicable Law or Regulation, or failure to comply with any permit, approval, order, condition, directive or requirement issued by a Government Body or Agency. (©)5/28/2019

- c. Engaging in any Mining Operation or any activities associated with metallic mining without a Mining Permit granted by the County pursuant to this Ordinance. (©)5/28/2019)
  - d. Failure to comply with the applicable minimum standards and other terms of this Ordinance, all other County ordinances and codes, and any Applicable Law or Regulation, or failure to comply with any applicable permits, approvals or conditions required for the Mining Operation as set forth by a Government Body or Agency. (©)5/28/2019)
  - e. Making an incorrect or false statement in the information and documentation submitted as part of the Application, Mining Permit approval process, or during inspection of the Mining Operation by the County or its designees or other duly appointed representative. (©)5/28/2019)
  - f. Failure to timely file the annual operational report under Section 13-1-25A(q). (©)5/28/2019)
  - g. Failure to comply with any conditions of approving the Application or any agreements entered into as a condition of approving the Application and issuing the Mining Permit. (©)5/28/2019)
  - h. Failure to provide or maintain any financial assurance required as a condition to issuing the Mining Permit. (©)5/28/2019)
  - i. Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance, or other order issued by the County. (©)5/28/2019)
- (4) **Notice of Violation.** The County Planning and Zoning Committee or its designee may issue a notice of violation and order for curing the violation upon a violation of any term of this Ordinance or upon any violation of the terms and conditions of a Conditional Use Permit/Mining Permit pursuant to the following provisions. (©)5/28/2019)
- a. The County Planning and Zoning Committee shall issue a notice of violation within 30 days of the County's obtaining knowledge of the violation by service upon the Operator. The notice of violation may include an order, proposed work plan or other remediating steps to cure the violation. The Operator shall have 30 days from the Operator's receipt of the notice of violation and order to complete all necessary work to cure the violations to the County's satisfaction. (©)5/28/2019)
  - b. Any Person affected by a notice and order issued in connection with the enforcement of this Ordinance may request and shall be granted a hearing on the notice of violation and order before the County Planning and Zoning Committee, provided such person shall file with the County Clerk a written petition requesting the hearing and setting



forth the person's name, address, telephone number and a brief statement of the grounds for the hearing, the requested relief, or for the mitigation of the order. Such petition shall be filed within 30 days of the date the notice and order are served upon the Operator. Upon receipt of the petition for hearing, the County Clerk shall set a time and place for a hearing before the County Planning and Zoning Committee and shall give the petitioner written notice thereof. In the event the petitioner is not the Operator, the County shall provide notice of the hearing to the Operator. (©)5/28/2019)

- c. After the hearing, the County Planning and Zoning Committee by a majority vote, shall sustain, modify or withdraw the notice, or modify the order, depending on the County Planning and Zoning Committee's findings, as to whether the provisions of this Ordinance have been complied with. The petitioner shall be notified within 10 days of the County Planning and Zoning Committee's issuance of its findings and any modification of the order. In the event the petitioner is not the Operator, the County shall provide a copy of the County Planning and Zoning Committee's findings of fact and any modification of the County's order to the Operator. (©)5/28/2019)
  - d. The proceedings of the public hearing, including the findings and decision of the County Planning and Zoning Committee and the reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the County Clerk. Such record shall also include a copy of every notice and order issued in connection with the case. (©)5/28/2019)
  - e. If the Operator fails to correct or cure the violation to the County Planning and Zoning Committee's satisfaction in accordance with any compliance schedule, order or other findings approved by the County Planning and Zoning Committee, the County Planning and Zoning Committee may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures. (©)5/28/2019)
  - f. Prior to the County's issuance of a notice and order, and prior to the public hearing set forth in Section 13-1-25A(s)(4)(b) above, the County may take such action as necessary in order to protect the public's health, welfare and safety, including, but not limited to, the remedies set forth in Section 13-1-25A(s)(5) in the event of any violation of this Ordinance or the Mining Permit. (©)5/28/2019)
- (5) **Remedies.** The County Planning and Zoning Committee may take any appropriate action or proceeding against any Person in violation of this Ordinance or in violation of the terms of the Conditional Use Permit/Mining Permit, including, but not limited to, the following: (©)5/28/2019)
- a. Issue a stop work order for all Mining Operations. (©)5/28/2019)

- b. Issue a notice of violation and order that specifies the action to be taken to remedy a violation. (©)5/28/2019
  - c. Issue a citation in accordance with the County's citation ordinance or pursuant to the County's general authority. (©)5/28/2019
  - d. Refer the matter to legal counsel for consideration and commencement of legal action, including, but not limited to, the assessment of forfeitures under Section 13-1-25A(s)(9) and injunctive relief. (©)5/28/2019
  - e. Suspend or revoke the Conditional Use Permit/Mining Permit pursuant to Section 13-1-25A(s)(6) or Section 13-1-25A(s)(7). (©)5/28/2019
- (6) **Suspension or Revocation of Mining Permit Issued Pursuant to Section 13-1-25A(o) as a Local Agreement/Mining Permit.** (©)5/28/2019
- a. Upon receipt of a notice of violation as set forth in Section 13-1-25A(s)(4), and after giving notice and conducting a hearing if requested pursuant to Section 13-1-25A(s)(4)(b), the County Board may suspend or revoke a Local Agreement/Mining Permit for a violation of this Ordinance or the terms of the Local Agreement/Mining Permit. A Local Agreement/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of mining as defined under Wis. Stat. § 293.61. (©)5/28/2019
  - b. Any suspension or revocation of a Local Agreement/Mining Permit, whether in part or in full, shall require a majority vote by the County Board. (©)5/28/2019
  - c. The County Board may delegate its authority to suspend or revoke a Local Agreement/Mining Permit pursuant to this Section 13-1-25A(s)(6)(c) to the County Planning and Zoning Committee. If the County Board delegates its authority to the County Planning and Zoning Committee pursuant to this Section 13-1-25A(s)(6)(c), any reference to the County Board in Section 13-1-25A(s) shall also include the County Planning and Zoning Committee. (©)5/28/2019
- (7) **Suspension or Revocation of Conditional Use Permit/Mining Permit.** (©)5/28/2019
- a. Upon receipt of a notice of violation as set forth in Section 13-1-25A(s)(4) and after giving notice and conducting a hearing if requested pursuant to Section 13-1-25A(s)(4)(b), the County Planning and Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit for a violation of this Ordinance or the terms of the Conditional Use Permit/Mining Permit.

A Conditional Use Permit/Mining Permit may also be revoked if it is determined after notice and a hearing that there has been an abandonment of mining as defined under Wis. Stat. § 293.61. Notwithstanding the terms of this Section 13-1-25A(s)(7), the County Planning and Zoning Committee may suspend or revoke a Conditional Use Permit/Mining Permit pursuant to the terms of Section 13-1-25A(s) if such suspension or revocation is necessary to protect public health, welfare and safety. (©)5/28/2019)

- b. Any modification, amendment, suspension or elimination of a Conditional Use Permit/Mining Permit, whether in part or in full, shall require a majority affirmative vote by the County Board. (©)5/28/2019)
- c. The County Board may delegate its authority to modify, amend, suspend or revoke a Conditional Use Permit/Mining Permit pursuant to this Section 13-1-25A(s)(7)(c) to the County Planning and Zoning Committee. If the County Board delegates its authority to the County Planning and Zoning Committee pursuant to this Section 13-1-25A(s)(7)(c), any reference to the County Board in Section 13-1-25A(s) shall also include the County Planning and Zoning Committee. (©)5/28/2019)

(8) **General Revocation Provisions Applicable to All Mining Permits.** The following shall apply to revocation of any Mining Permit: (©)5/28/2019)

- a. Revocation of any Mining Permit shall terminate the Operator's right and authority to continue Mining Operations pursuant to this Ordinance but shall not affect the Operator's obligation to comply with any continuing obligations of the Operator under the terms of the Mining Permit or any agreement to which the County is a party. (©)5/28/2019)
- b. Revocation of any Mining Permit shall not terminate any obligation set forth in this Ordinance or in the Mining Permit, whether existing or a future obligation, of the Operator or any Person associated with the Mining Operation. (©)5/28/2019)

(9) **Penalties.** Any Person or Operator who violates this Ordinance or any of the provisions contained herein shall forfeit not less than \$10 or more than \$10,000 for each violation, as reasonably determined by the County Planning and Zoning Committee. Each day of violation is a separate offense. (©)5/28/2019)

- a. The County Planning and Zoning Committee shall, promptly after verifying any violation of any provision of a Mining Permit, notify the Operator in writing of such violation and require the Operator to report to the County Clerk within 10 days. (©)5/28/2019)

- b. The County shall be entitled to recover from the violator the reasonable and necessary expenses associated with prosecution of the violation. (©)5/28/2019
  - c. All funds recovered pursuant to this Section 13-1-25A(s) will be placed in an assigned account established by the County and used at the County Planning and Zoning Committee's sole discretion consistent with achieving the intent of this Ordinance. (©)5/28/2019
  - d. The remedies provided herein shall not be exclusive of other remedies. (©)5/28/2019
  - e. If the Operator fails to correct or cure the violation to the County Planning and Zoning Committee's satisfaction in accordance with any compliance schedule approved by the County Planning and Zoning Committee, the County Planning and Zoning Committee may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures. (©)5/28/2019
- (10) **Non-Waiver.** A failure by the County to take action on any past violation(s) shall not constitute a waiver of the County's right to take action on any present or future violations. (©)5/28/2019
- (t) **Effective Date and Revisions to Existing County Zoning Ordinance.** This Ordinance shall become effective as provided in Section 13-1-25A(c)(5) upon its adoption and publication by the Bayfield County Board of Supervisors. (©)5/28/2019
- (u) **Prohibited Areas.** Metallic mining, and/or drilling for oil or gas shall not be allowed in the following areas: (©)5/28/2019
- (1) Under lakes, rivers, creeks, or streams. (©)5/28/2019
  - (2) Within one (1) mile of Lake Superior or connected wetlands. (©)5/28/2019
  - (3) Within one (1) mile of any lake, river, creek, or stream. (©)5/28/2019

**Sec. 13-1-26 Substandard Lots of Record.** (©6/1/1976); (D)2/17/2018-(e)

- (a) **Substandard Lots of Record.** The following substandard lots of record, if recorded in the Bayfield County Register of Deeds, Office, may be used as building sites, subject to the provisions set forth in subsection (b), below: (©6/1/1976); (©)10/31/2017)
- (1) A non-shoreland substandard lot or contiguous lots of record which is or are not serviced by a public sanitary sewer and which is or are at least 10,000 sq. ft. in area and 65 ft. in width at the building line. (©6/1/1976); (©)10/31/2017)
  - (2) A non-shoreland substandard lot or contiguous lots of record which is or are served by a public sanitary sewer and which is or are at least 7500 sq. ft. in area and 50 ft. in width at the building line; (©)10/31/2017)
- (b) Substandard lots of record must comply with the following provisions in order to be used as building sites: (©)10/31/2017)
- (1) The proposed use of the site is permitted in the zoning district in which it is located. (©6/1/1976);
  - (2) All applicable setback requirements of this ordinance and all provisions of the Bayfield County Sanitary and Private Sewage Ordinance are complied with.
- (c) **Buildings Sites on Substandard Shoreland Lots.** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply: (©)7/31/2012); (A)10/31/2017)
- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel. (©)7/31/2012)
  - (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel. (©)7/31/2012)
  - (3) The substandard lot or parcel is developed to comply with all other Bayfield County Zoning Ordinance requirements. (©)7/31/2012)
- (d) **Other Substandard Lots.** A building permit for the improvement of a lot having lesser dimensions than those described in subsections (a) and (b) above, or a shoreland lot having lesser dimensions than those described in subsection (c) above or in Subsection 13-1-32(d) of this Ordinance, shall be issued only after the granting of a variance by the Board of Adjustment. (©6/1/1976); (A)10/31/2017)

**Sec. 13-1-27 Mobile Homes.** (6/1/1976)

- (a) **Permits.** In any town in which the town board adopts an ordinance regulating mobile homes under the provisions of Sec. 66.058, Wis. Stats., and in which the town board has approved the County Zoning Ordinance, a permit shall be obtained from the town and the county for the establishment of any mobile home residence, or mobile home park. (6/1/1976)
- (b) **Mobile Home Parks.** A conditional use permit (see Section 13-1-41) and an environmental impact analysis (see Section 13-1-42) shall be required. The following regulations shall apply to any mobile home residence, or mobile home park: (6/1/1976)
- (1) The minimum size of a mobile home park shall be three (3) acres. (6/1/1976)
  - (2) Minimum dimensions of a mobile home site shall be fifty (50) feet wide by one hundred (100) feet long. (6/1/1976)
  - (3) The minimum frontage for lots on the outer edge of a curved street shall be thirty (30) feet, and the lot area shall be large enough to include a rectangle with dimensions of fifty feet by one hundred feet (50' x 100). (6/1/1976)
  - (4) All driveways, parking areas, and walkways shall be compacted sand, graveled, or paved, and maintained in good condition. (6/1/1976)
  - (5) There shall be minimum yard setback of forty (40) feet at all lot lines of the mobile home park. (6/1/1976)
  - (6) Mobile home parks shall conform to regulations of Ch. ADM 65, Wis. Adm. Code. (6/1/1976); (A)9/26/2000)
  - (7) There shall be five thousand (5,000) square feet of open space for playgrounds, exclusive of streets, for every ten (10) mobile home sites. (6/1/1976)
  - (8) Any basic unit shall be no closer than twenty (20) feet nor any accessory structure shall be no closer than five (5) feet to the site's lot line. (6/1/1976)
  - (9) There shall be two (2) automobile parking spaces for each mobile home. (6/1/1976)
  - (10) Unless opaquely screened by existing vegetative cover, mobile home parks shall be screened by a temporary planting of fast-growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting such as Norway pine, the individual trees to be such a number as so arranged that within ten (10) years they will have formed a screen equivalent in opaque to a solid fence or wall. Such permanent planting shall be grown or maintained to a height of not less than fifteen (15) feet. (6/1/1976)

- (11) No mobile home sales office or other business or commercial use shall be located within the mobile home park site other than as permitted per Ch. ADM 65, Wis. Adm. Code. Where shoreline access is to be provided for a mobile home park, there must be at least one hundred fifty (150) feet of frontage for every four (4) dwelling units in the park: (66)6/1/1976; (A)9/26/2000
- a. The minimum lake frontage shall be six hundred (600) feet. (66)6/1/1976
  - b. Tree cutting provisions of Section 13-1-23 shall apply except that the maximum clear-cut opening shall not exceed fifty (50) feet for any park. (66)6/1/1976
- (c) **Principal Building (Mobile Homes).** (66)6/1/1976
- (1) Any mobile home located outside of a state or county approved mobile home park shall meet the specific dimensional setback and sanitary requirements of a principal building. (66)6/1/1976
  - (2) The placement of such mobile homes within the boundaries of the unincorporated village overlay district established pursuant to Section 13-1-61(m) shall require a "Class B" special use permit. (A)9/26/2000; (A)9/30/2004; (A)8/28/2007
- (d) **Foundation Required.** Every mobile home shall be provided with either a foundation or a mobile home stand.
- (e) **Foundation to Conform.** It is recommended that mobile home foundations be constructed in a manner conforming to the provisions of the State of Wisconsin One- and Two-Family Dwelling Code.
- (f) **Mobile Home Stand.** The mobile home stand shall be constructed with concrete, asphalt, gravel, crushed stone, or other suitable material sufficient to adequately support the mobile home in such a manner to prevent heaving, shifting, or uneven settling forces which occur as a result of frost, poor drainage, vibration, wind, or other forces acting on the structure.
- (g) **Skirting.** All mobile homes shall be boxed in or skirted with suitable materials to promote visual attractiveness and to prevent excessive wind loading, heat loss, and freezing.
- (h) **Ground Anchors.** Every mobile home site shall be provided with, and the mobile home affixed to, ground anchors to prevent rocking and overturn. Tie downs and anchors shall be installed in accordance to the mobile home manufacturer's installation manual.
- (i) **Special Land Use Permit Required.**
- (1) The use of a mobile home as a storage or accessory structure shall require a Class B Special Land Use Permit. (A)4/20/2004; (A)1/27/2009

- (j) **Pre-June 15, 1976, Mobile Homes Prohibited.** Placement or relocation of any mobile home manufactured prior to June 15, 1976, is prohibited (provided that this provision does not apply to such placements or relocations legally made prior to April 20, 2004), nor shall any mobile home including parts thereof, manufactured prior to such date be used for human occupation, storage, or any other purpose after the 31<sup>st</sup> day of May, 2005, unless such use qualifies as legally pre-existing. (D)4/20/2004; (C)4/20/2004; (A)5/31/2005)



## Sec. 13-1-28 Campgrounds and Camping Resorts; (6/1/1976); (A)4/20/2004 Recreational Vehicles

- (a) **Permits.** A conditional use permit (see Section 13-1-41) and an Environmental Impact Analysis (see Section 13-1-42) shall be required to establish a campground or camping resort. (6/1/1976)
- (b) **Creation and Management.** The following requirements shall apply to the creation and management of all parks: (6/1/1976)
- (1) The minimum size of a campground or camping resort shall be three (3) acres. (6/1/1976)
  - (2) The maximum number of sites shall be ten (10) per acre and the maximum number of camping units shall be one (1) per site, except that ten percent (10%) of the total number of sites can be constructed and used as dual sites. (6/1/1976)
  - (3) Each site shall be plainly marked and surfaced with compacted sand, gravel, blacktop, or concrete, except for tent sites. (6/1/1976)
  - (4) Each camping unit shall be separated from other camping units by a yard not less than fifteen (15) feet. (6/1/1976)
  - (5) There shall be one (1) automobile parking space for each site, plus one extra parking space for every three (3) sites. (6/1/1976)
  - (6) Unless opaquely screened by existing vegetative cover, all parks shall be screened by a temporary planting of fast-growing material capable of reaching a height of fifteen (15) feet or more, such as hybrid poplar, and a permanent evergreen planting such as Norway pine, the individual trees to be such a number and so arranged that within ten (10) years of planting to be such a number and so arranged that within ten (10) years of planting they will have formed an opaque screen. Such permanent planting shall be grown or maintained at a height of no less than fifteen (15) feet. (6/1/1976)
  - (7) All campgrounds and camping resorts shall conform to the requirements of Ch. ATCP 79, Wis. Adm. Code. (6/1/1976); (D)10/31/2017; (A)10/31/2017-(8)
- (c) **Campground and Park Setbacks.** There shall be a minimum yard setback of forty (40) feet at all lot lines of the park and the park shall conform to the normal setback for permanent structures from highways, roads, and shorelines. This setback shall not apply to internal access roads within a park. (6/1/1976)
- (d) **Recreational Vehicles.**
- (1) No recreational vehicle shall be used as a permanent residence or as a storage accessory structure. (6/1/1976);

- (2) Any recreational vehicle located outside a state or county approved park shall: (6/1/1976);
- a. Require an RV placement permit issued by the Bayfield County Planning and Zoning Agency prior to the unit being placed on an undeveloped parcel if placed more than twenty-one (21) days. The RV shall be permitted to be used for temporary dwelling purposes for an aggregate time period of up to four (4) months per calendar year in all zoning districts except Commercial, Forestry-2, Agricultural-2, Conservancy, and Industrial. Any such unit that is to be used for temporary dwelling purposes and which is located on an undeveloped site for a period of time greater than four (4) months per annum shall require a Class A special use permit. (6/1/1976); (A)7/30/2013)
  - b. Meet all of the dimensional and setback requirements of the district in which it is located. (6/1/1976);
  - c. If placed for more than twenty-one (21) days, be provided with a pit privy, or other waste disposal system meeting the requirements of the Bayfield County Sanitary Ordinance. (6/1/1976);
  - d. Such units shall be permitted to be stored within a garage, carport, or accessory structure or in the rear or side yard areas of developed parcels of land, provided setback standards are met. The placement or storage of more than three (3) units shall require a conditional use permit. Units shall not be stored on undeveloped parcels. (6/1/1976);
- (3) A time limit of not less than fifteen (15) days shall be given in the order for the removal of any recreational vehicle not complying with the provisions of this Section.
- (4) Within one (1) year after the adoption of this amendment, all nonconforming recreational vehicles shall comply with the terms of this Section.

## Sec. 13-1-29 Multiple Unit Developments.

- (a) **Introduction.** A Multiple Unit Development is a development on a single lot consisting of three or more units. It may be a condominium (in which case the lot consists of the condominium property); or a lot improved with a multiple unit dwelling; or a lot improved with a hotel/motel; or a lot improved with three or more units of other types. It requires a conditional use permit under Sec. 13-1-41 and an environmental impact analysis under Sec. 13-1-42, and shall also meet the following requirements: (®®4/9/2007)
- (b) **Requirements.**
- (1) Multiple Unit Developments shall be designed and developed to maximize preservation of existing tree cover and native vegetation; to minimize impervious surfaces; to reduce to the extent practicable their impact on the natural environment, resource uses, and other adjacent land uses; and to minimize the disruption of the wooded and rural character of Bayfield County, by utilizing clustering, landscaping, screening, vegetation protection areas, and/or other conservation design techniques. Site restoration plans may be required for such purposes. (®®4/9/2007)
  - (2) Multiple Unit Developments providing shoreline access to navigable waters shall be at least two acres in size or have a minimum of 200 feet of frontage on a navigable water. (®®4/9/2007); (A)10/31/2017)
  - (3) Multiple Unit Developments shall have a minimum of 30,000 square feet of open space per unit, with the following exceptions: (A)10/31/2017)
    - a. In an unincorporated village overlay district the minimum open space requirement may be waived or reduced if adequate public open space is available elsewhere, off-site, within the district. (®®4/9/2007); (A)10/31/2017); (A)2/28/2023)
    - b. If the development is to be served by a public sewer system but is not located in an unincorporated village overlay district, the minimum open space requirement may be reduced to 15,000 square feet per unit, except that such reduction shall not apply within the Town of Bayfield. (®®4/9/2007)
    - c. A Multiple Unit Development in an R-3 zoning district shall have a minimum open space requirement of two acres (87,120 sq. ft.) per unit. (®®4/9/2007); (©)10/26/2010)
    - d. A Multiple Unit Development in an F-1, A-1, or R-2 zoning district shall have a minimum open space requirement of 4.5 acres (196,020 sq. ft.) per unit. (©)10/26/2010)
    - e. The Planning and Zoning Committee may adjust or waive the open space requirements when reviewing applications to make a non-conforming use and/or structure conforming. In considering whether

to adjust or waive the requirements, the committee shall consider the following: (©5/29/2018); (A)6/28/2022)

- i. The length of time the non-conforming use and/or structure has been in existence. (©5/29/2018); (A)6/28/2022)
  - ii. Relevant public input. (©5/29/2018)
  - iii. Whether the non-conforming use was active and actual prior to the application to waive the open space requirements and not merely casual and occasional or incidental. (©5/29/2018)
  - iv. Whether waiving or adjusting the open space requirements will allow for repurposing of existing structures and prevent additional land disturbance. (©5/29/2018)
- f. The Planning and Zoning Committee may adjust or waive the open space requirements when reviewing applications sponsored by the Housing Authority. In considering whether to adjust or waive requirements the Committee shall consider the following: (©)6/28/2022)
- i. The presence of public sewer and/or water systems. (©)6/28/2022)
  - ii. Relevant public input. (©)6/28/2022)
- (4) The number of units allowed in a Multiple Unit Development may be restricted, through the conditional use permit process, to fewer units than would be allowed under the minimum open space requirements in paragraph (3), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any unit(s) in the development other than dwelling units, such as a restaurant, office, conference center, or bar. (©©4/9/2007)
- (5) Open space in a Multiple Unit Development shall be legally protected by recorded conditions of its conditional use permit, conservation easement, restrictive covenant, declaration, and/or similar legal arrangement, which shall expressly authorize enforcement by Bayfield County. Open space shall be within the boundaries of the lot(s) to be developed except as provided in 1-13-29 b(3)(a). (©©4/9/2007)
- (6) No use shall be allowed in a Multiple Unit Development that is not allowed (as a permitted, special, or conditional use) under Sec. 13-1-62 in the zoning district in which the Multiple Unit Development is located. (©©4/9/2007)
- (7) Multiple Unit Developments shall not be allowed in A-2, or F-2 zoning districts and Multiple Unit Developments of more than three units shall not be allowed in A-1 or F-1 zoning districts. A single lot in an A-1 or F-1 zoning district requesting more than three units shall require a rezone. (©©4/9/2007); (A)10/26/2010)

- (8) If a Multiple Unit Development is to be located in more than one zoning district, each portion of the development shall be subject to the open space requirements of the zoning district in which it is to be located. (4/9/2007)

**Sec. 13-1-29A Conservation Subdivisions** (©4/9/2007)

- (a) **Introduction.** A Conservation Subdivision is a division of land subject to the Bayfield County Subdivision Control Ordinance under Sec. 14-1-21(a), which is permitted to use more flexible lot standards (as set forth or referred to below) than would otherwise be applicable, in order to provide more open space, preserve desirable natural features, and otherwise enhance the division and use of the land. It requires a conditional use permit under Sec. 13-1-41 and an environmental impact analysis under Sec. 13-1-42, and shall also meet the following requirements: (©4/9/2007)
- (b) **Requirements.** (©4/9/2007)
- (1) A Conservation Subdivision shall be created by plat or, if it consists of four or fewer lots, by certified survey map, prepared in accordance with and approved pursuant to the Bayfield County Subdivision Control Ordinance (Title 14, Chapter 1 of the Bayfield County Code of Ordinances). (©4/9/2007)
  - (2) Each lot in a Conservation Subdivision shall be subject to restrictions limiting improvements thereon to one unit (with allowable accessory structures) (a “developable lot”); or, if the lot is to be preserved for open space, to restrictions prohibiting improvements thereon except for walkways, docks, benches, or other minor improvements, if approved in the issuance of a conditional use permit (an “open space lot”). (©4/9/2007)
  - (3) Conservation Subdivisions shall be designed and developed to maximize preservation of existing tree cover and native vegetation; to minimize impervious surfaces; to reduce to the extent practicable their impact on the natural environment, resource uses, and other adjacent land uses; and to minimize the disruption of the wooded and rural character of Bayfield County, by utilizing clustering, landscaping, screening, vegetation protection areas, and/or other conservation design techniques. Site restoration plans may be required for such purposes. (©4/9/2007)
  - (4) Conservation Subdivisions shall have a minimum of 30,000 square feet per developable lot, with the following exceptions: (©4/9/2007); (D)10/31/2017; (A)10/31/2017
    - a. In an unincorporated village overlay district the minimum area requirement may be reduced to 5,000 square feet per developable lot if adequate public open space is available elsewhere, off-site, within the district. (©4/9/2007); (A)10/31/2017; (A)3/30/2021)
    - b. If the development is to be served by a public sewer system not in an unincorporated village overlay district, the minimum area requirement may be reduced to 15,000 square feet per developable lot, except that such reduction shall not apply within the Town of Bayfield. (©4/9/2007); (A)3/30/2021)

- c. A Conservation Subdivision in R-3 zoning district shall have a minimum of two acres (87,120 sq. ft.) per developable lot. (©4/9/2007); (A)3/30/2021)
  - d. A Conservation Subdivision in an F-1, A-1, or R-2 zoning district shall have a minimum of 4.5 acres (196,020 sq. ft.) per developable lot. (©4/9/2007); (A)3/30/2021)
- (5) The number of lots allowed in a Conservation Subdivision may be restricted, through the conditional use permit process, to fewer lots than would be allowed under the minimum area requirements in paragraph (2), depending on the topographical and natural features of the property to be developed, adjacent land uses, and the nature of any lot(s) in the subdivision improved with units other than dwelling units, such as a restaurant, office, conference center, or bar. (©4/9/2007); (A)10/31/2017)
  - (6) Open space lots in a Conservation Subdivision shall be legally protected by recorded conditions of the conditional use permit authorizing the Subdivision, conservation easement, restrictive covenant, and/or similar legal arrangement, which shall expressly authorize enforcement by Bayfield County. Open space shall be within the boundaries of the lot(s) to be developed except as provided in Subsection 13-1-29A b(5)(a) of this Ordinance. (©4/9/2007); (A)10/31/2017)
  - (7) No use shall be allowed in a Conservation Subdivision that is not allowed (as a permitted, special, or conditional use) under Sec. 13-1-62 in the zoning district in which the Conservation Subdivision is located. (©4/9/2007); (A)10/31/2017)
  - (8) Conservation Subdivisions shall not be allowed in A-2, or F-2 zoning districts and Conservation Subdivisions requesting more than three lots shall not be allowed in A-1 or F-1 zoning districts. More than three lots in an A-1 or F-1 zoning district shall require a rezone. (©4/9/2007); (A)10/26/2010); (A)10/31/2017)
  - (9) If a Conservation Subdivision is to be located in more than one zoning district, each portion of the subdivision shall be subject to the area requirements of the zoning district in which it is to be located. (©4/9/2007); (A)10/31/2017)

**Sec. 13-1-30 Junk and Salvage Yards.** (6/1/1976)**(a) Permits Required.**

- (1) A conditional use permit (see Section 13-1-41), and an Environmental Impact Analysis (see Section 13-1-42) shall be required for a junk or salvage yard. Junk and salvage yards shall not be located in the shoreland and floodplain protection districts. (6/1/1976)
- (2) No new accumulation or storage of junked automobiles or parts thereof shall be allowed within two thousand (2,000) feet outside the corporate limits of a city, or within seven hundred fifty (750) feet of the centerline of any county trunk, state trunk highway, or within five hundred (500) feet of the centerline of any town road and shall have minimum side and rear yards of one hundred (100) feet each, except upon a permit issued in accordance with Ch. 175.25, Wis. Stats. (6/1/1976)

**(b) Screening.** Junk or salvage materials shall be enclosed by a suitable fence or vegetation screen so that materials are not visible from other property in the vicinity of the junk yard, nor from a public right-of-way. (6/1/1976)

**(c) Vertical Height.** Junk or salvage materials shall not be piled higher than the height of the fence. (6/1/1976)

**(d) Fire Protection.** An unobstructed fire break shall be maintained inside the fence, twenty (20) feet in width and completely surrounding the salvage or junk yard. (6/1/1976); (A)3/2/2006

**(e) Grace Period.** Within one (1) year after adoption of this Chapter, unlicensed existing junk and salvage yards shall submit a plan to the Planning and Zoning Committee, meeting the requirements of this Chapter. (6/1/1976); (A)7/30/2013

**(f) Solid and Hazardous Waste Disposal Sites.** Where deemed in the public interest, design standards for solid and/or hazardous waste disposal sites may be more stringent than minimum state and federal standards.



**Sec. 13-1-31 Back Lot Access to Waters.**

Except for waterfront lots on Lake Superior in RRB or Commercial zoning districts, the use of waterfront lots to provide shoreline access to navigable waters from back lots is specifically prohibited, and no land division shall be recorded and no land use permit(s) shall be issued for a waterfront parcel unless the minimum lot area, buildable core and water frontage are provided for each dwelling unit which is located or proposed to be located on the waterfront parcel. (A)2/27/2018)

## Sec. 13-1-32 Inland Lake Classification and Shoreland Lot Development Requirements. (D)7/31/2012

### (a) Classification of Inland Lakes.

- (1) To achieve the following objectives the inland lakes of Bayfield County are classified as set forth in paragraph (2) into the following classes:

**Class 1 (Most Developed Lakes). Objectives:** Preserve and enhance water quality to provide conditions for recreational use and aesthetics; retain existing natural shorelines and encourage restoration; acknowledge a mix of natural and developed shorelines; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; promote peace and quiet; balance public and riparian interests in recreational uses.

**Class 2 (Moderately Sensitive Lakes and Moderately Developed). Objectives:** Preserve and enhance water quality to provide conditions for recreational use and aesthetics; balance the current level of development with the sensitivity of these lakes to maintain and protect water quality; maintain and restore natural shoreline aesthetics and encourage restoration; identify and protect current natural and undeveloped areas; promote peace and quiet; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; balance public and riparian interests in recreational uses.

**Class 3 (Most Sensitive Developed and Undeveloped Lakes). Objectives:** Maintain and protect water quality; protect or restore the natural/wild appearance of shorelines and lands visible from the water; promote a quiet and peaceful experience; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; discourage commercial use.

- (2) The lakes in each of the above classes are as follows:

| Class 1 Lakes     |          |      |
|-------------------|----------|------|
| Lake Name         | Location | Rank |
| Atkins            | 19-44-5  | 14   |
| Birch             | 4-44-9   | 13   |
| Bony              | 4-44-9   | 15   |
| Buskey Bay        | 28-47-8  | 14   |
| Devils            | 16-44-9  | 14   |
| Diamond           | 29-44-6  | 15   |
| Eagle             | 3-46-8   | 14   |
| Hart              | 27-47-8  | 13   |
| Hilder            | 2-46-8   | 14   |
| Lower Eau Claire  | 25-44-9  | 17   |
| Middle Eau Claire | 17-44-9  | 15   |
| Millicent         | 28-47-8  | 15   |
| Namekagon         | 10-43-6  | 15   |
| Owen              | 14-44-7  | 14   |

| <b>Class 1 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Siskiwit             | 21-50-6         | 13          |
| Swett                | 35-45-9         | 13          |
| Trapper              | 27-44-6         | 13          |
| Twin Bear            | 33-47-8         | 14          |
| Upper Eau Claire     | 10-44-9         | 14          |

| <b>Class 2 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Ahmeek               | 26-47-9         | 10          |
| Angus                | 10-47-8         | 10          |
| Balsam Pond          | 19-45-7         | 10          |
| Bark Bay Slough      | 35-51-7         | 10          |
| Bass                 | 28-46-7         | 11          |
| Bellevue             | 29-46-7         | 11          |
| Bibon                | 29-50-8         | 10          |
| Birch                | 22-45-5         | 10          |
| Buffalo              | 35-43-5         | 10          |
| Bullhead             | 8-46-7          | 10          |
| Cable                | 12-43-8         | 12          |
| Camp One             | 4-46-7          | 10          |
| Camp Two             | 4-46-7          | 11          |
| Chippewa             | 15-43-5         | 12          |
| Cisco                | 21-45-7         | 10          |
| Club                 | 13-44-6         | 11          |
| Coffee               | 24-44-5         | 10          |
| Cranberry            | 34-44-6         | 11          |
| Crystal              | 15-47-9         | 12          |
| Crystal              | 32-44-6         | 10          |
| Deep                 | 14-47-9         | 10          |
| Dells                | 27-43-5         | 10          |
| Delta                | 7-46-7          | 12          |
| Drummond             | 29-45-7         | 11          |
| Duck                 | 13-43-5         | 10          |
| Ellison              | 30-45-9         | 11          |
| Esox                 | 21-45-7         | 10          |
| Everett              | 18-46-7         | 11          |
| Hammil               | 25-44-8         | 11          |
| Hay                  | 7-46-7          | 10          |
| Hollibar             | 17-46-7         | 10          |
| Iron River Flowage   | 12-47-9         | 10          |
| Iron                 | 24-47-9         | 12          |
| Island               | 18-45-9         | 12          |
| Jackman              | 33-48-8         | 10          |
| Jackson              | 33-44-6         | 11          |

| <b>Class 2 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Kelly                | 26-45-9         | 10          |
| Kern                 | 27-46-7         | 10          |
| Knotting             | 21-44-6         | 10          |
| Little Hidden        | 1-44-7          | 10          |
| Little Star          | 11-45-7         | 10          |
| Long                 | 2-47-8          | 11          |
| Marengo              | 34-45-5         | 12          |
| McCarry              | 28-47-8         | 12          |
| Muskellunge          | 4-46-8          | 12          |
| Nymphia              | 14-45-7         | 10          |
| Ole                  | 27-43-8         | 11          |
| Orienta Flowage      | 10-49-9         | 12          |
| Overby               | 21-45-7         | 10          |
| Perch                | 21-47-8         | 10          |
| Perch                | 5-45-7          | 10          |
| Pickerel             | 5-44-9          | 12          |
| Pond                 | 14-45-8         | 10          |
| Porcupine            | 17-44-6         | 10          |
| Richardson           | 23-47-9         | 10          |
| Robinson             | 4-44-9          | 12          |
| Rust Flowage         | 5-44-7          | 10          |
| Ruth                 | 31-47-8         | 11          |
| Samoset              | 36-44-8         | 10          |
| Sand Bar             | 20-45-9         | 12          |
| Sawmill              | 9-46-7          | 10          |
| Shunenberg           | 2-44-9          | 11          |
| Smith                | 2-44-9          | 10          |
| Spider               | 19-47-8         | 12          |
| Spirit               | 12-46-8         | 11          |
| Star                 | 10-45-7         | 11          |
| Tahkodah             | 34-44-7         | 11          |
| Tars Pond            | 12-44-9         | 11          |
| Tomahawk             | 20-45-9         | 10          |
| Totogatic            | 32-43-8         | 12          |
| White Bass           | 25-43-5         | 10          |
| Wiley                | 1-43-8          | 11          |

| <b>Class 3 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Adeline              | 7-44-6          | 8           |
| Anderson             | 1-45-8          | 7           |
| Anodanta             | 15-45-7         | 9           |
| Armstrong            | 20-45-7         | 7           |
| Arrowhead            | 16-45-7         | 8           |

| <b>Class 3 Lakes</b>        |                 |             |
|-----------------------------|-----------------|-------------|
| <b>Lake Name</b>            | <b>Location</b> | <b>Rank</b> |
| Bailey                      | 26-48-8         | 7           |
| Barnes                      | 24-44-9         | 9           |
| Bass                        | 13-44-7         | 8           |
| Bass                        | 16-47-9         | 8           |
| Bass                        | 24-44-6         | 9           |
| Bass                        | 33-44-7         | 9           |
| Bass                        | 33-47-8         | 7           |
| Bass                        | 6-45-9          | 7           |
| Basswood                    | 13-46-8         | 9           |
| Bear Pond                   | 1-45-8          | 8           |
| Bear                        | 6-46-7          | 8           |
| Bearsdale<br>Spring (lower) | 8-44-8          | 6           |
| Bearsdale<br>Spring (lower) | 8-44-8          | 6           |
| Beaver House                | 2-47-8          | 8           |
| Beaver                      | 32-46-7         | 6           |
| Bell                        | 12-46-8         | 9           |
| Big Brook                   | 28-44-8         | 9           |
| Bismark                     | 19-47-8         | 9           |
| Bladder                     | 31-48-7         | 8           |
| Blazer Creek Springs        | 34-44-5         | 8           |
| Blue                        | 7-45-9          | 8           |
| Bog                         | 2-46-8          | 6           |
| Breakfast                   | 7-45-9          | 8           |
| Buck                        | 19-47-7         | 7           |
| Bufo                        | 6-45-7          | 8           |
| Bullhead                    | 20-45-7         | 9           |
| Bullhead                    | 29-44-5         | 6           |
| Camp Eleven                 | 28-47-9         | 5           |
| Camp Nine                   | 8-45-8          | 7           |
| Camp Two                    | 6-46-8          | 8           |
| Camp                        | 20-44-8         | 7           |
| Canthook                    | 15-46-8         | 8           |
| Carroll                     | 20-47-9         | 7           |
| Carson Pond                 | 17-46-7         | 8           |
| Casper                      | 20-43-5         | 8           |
| Castle Creek Springs        | 34-44-5         | 8           |
| Cat                         | 28-47-8         | 9           |
| Claire                      | 5-45-8          | 7           |
| Clay                        | 8-45-7          | 8           |
| Connor                      | 14-44-9         | 8           |
| Cranberry                   | 30-44-9         | 7           |
| Cranberry                   | 3-45-7          | 9           |
| Crane                       | 15-44-7         | 7           |

| <b>Class 3 Lakes</b>       |                 |             |
|----------------------------|-----------------|-------------|
| <b>Lake Name</b>           | <b>Location</b> | <b>Rank</b> |
| Crooked                    | 26-47-8         | 8           |
| Crystal                    | 10-49-6         | 7           |
| Dawn                       | 9-43-8          | 8           |
| De Champs Creek Spring     | 33-48-8         | 9           |
| Deep                       | 4-46-7          | 8           |
| Deer                       | 27-45-6         | 6           |
| Dinner Camp                | 25-44-8         | 7           |
| Dry Well                   | 7-45-7          | 8           |
| Ducetts                    | 4-45-9          | 7           |
| Duck                       | 26-47-8         | 7           |
| East Davis                 | 11-44-6         | 8           |
| East Eightmile             | 35-46-9         | 9           |
| Egg                        | 29-45-7         | 9           |
| Eighteen Mile Creek Spring | 18-44-6         | 7           |
| Eko                        | 36-49-6         | 7           |
| Erick                      | 34-47-9         | 8           |
| Finger                     | 32-47-7         | 9           |
| Fire                       | 5-47-8          | 7           |
| Fish Creek Flowage         | 27-47-7         | 9           |
| Fish Creek Spring          | 10-47-5         | 8           |
| Five Island                | 34-47-8         | 7           |
| Five                       | 34-43-5         | 9           |
| Flakefjord                 | 5-45-7          | 6           |
| Flynn                      | 30-45-7         | 9           |
| Flynn                      | 3-46-8          | 9           |
| Friedbauer                 | 27-44-6         | 9           |
| Frog                       | 25-46-8         | 7           |
| Fuller                     | 33-43-8         | 7           |
| George                     | 18-45-9         | 9           |
| Getsey                     | 6-46-7          | 8           |
| Ghost                      | 20-43-5         | 9           |
| Half Moon                  | 17-47-8         | 8           |
| Half Moon                  | 24-44-8         | 7           |
| Happles                    | 9-46-8          | 8           |
| Hay                        | 18-45-9         | 7           |
| Heart                      | 7-46-7          | 8           |
| Henderson                  | 33-45-9         | 8           |
| Henry                      | 1-43-8          | 8           |
| Hicks                      | 11-47-8         | 7           |
| Hobbs                      | 3-47-8          | 7           |
| Hoist                      | 2-48-7          | 7           |
| Holly                      | 25-44-8         | 8           |
| Honey                      | 18-47-7         | 7           |

| <b>Class 3 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Horseshoe            | 13-48-7         | 6           |
| Horseshoe            | 19-44-7         | 5           |
| Hostrassers          | 14-47-9         | 8           |
| Hyatt Spring         | 5-44-8          | 7           |
| Idlewild             | 6-44-9          | 9           |
| Inch                 | 3-46-8          | 9           |
| Indian               | 23-45-5         | 9           |
| Island               | 24-47-8         | 7           |
| Jesse                | 26-47-9         | 7           |
| JoAnn                | 15-43-7         | 8           |
| Johnson Spring       | 22-45-7         | 7           |
| Johnson              | 2-47-8          | 9           |
| Jones                | 22-47-9         | 5           |
| Lamereau             | 6-45-8          | 7           |
| Lee                  | 12-45-8         | 8           |
| Lemon                | 8-46-7          | 9           |
| Lenawee              | 12-49-7         | 8           |
| Lerche               | 22-43-8         | 7           |
| Lester               | 1-46-8          | 9           |
| Lindgren             | 21-47-9         | 7           |
| Line                 | 33-46-7         | 7           |
| Little Bass          | 7-43-5          | 8           |
| Little Island        | 21-45-9         | 7           |
| Little Siskiwit      | 22-50-6         | 9           |
| Lizzy                | 15-44-6         | 8           |
| Long                 | 6-48-5          | 7           |
| Loon                 | 12-47-8         | 8           |
| Lost                 | 21-47-8         | 9           |
| Louise               | 10-47-6         | 9           |
| Lund                 | 5-45-7          | 8           |
| McCloud              | 31-43-5         | 9           |
| McGinnis             | 24-48-6         | 7           |
| Mimi                 | 20-44-9         | 9           |
| Mirror               | 16-45-7         | 7           |
| Mirror               | 6-47-7          | 9           |
| Moon                 | 18-47-8         | 9           |
| Moose                | 5-48-6          | 8           |
| Motyka               | 32-44-7         | 6           |
| Mountain             | 28-45-8         | 8           |
| Mud Flat             | 6-46-7          | 7           |
| Mud                  | 35-44-7         | 8           |
| Mullenhoff           | 20-47-8         | 9           |
| Muskie Springs       | 34-43-5         | 9           |
| Mystery              | 6-46-7          | 8           |
| Nancy                | 6-45-8          | 7           |

| <b>Class 3 Lakes</b>     |                 |             |
|--------------------------|-----------------|-------------|
| <b>Lake Name</b>         | <b>Location</b> | <b>Rank</b> |
| Nelson                   | 18-45-7         | 9           |
| Nokomis                  | 30-47-7         | 7           |
| Northeast                | 26-44-7         | 8           |
| Ole                      | 18-45-9         | 8           |
| Olson                    | 20-45-5         | 7           |
| Osborn                   | 33-45-6         | 9           |
| Patsy                    | 20-47-7         | 7           |
| Perch                    | 22-50-6         | 8           |
| Peterson                 | 16-47-8         | 9           |
| Perry                    | 17-43-7         | 8           |
| Phantom                  | 6-46-7          | 9           |
| Physa                    | 6-45-7          | 7           |
| Picture                  | 31-44-7         | 7           |
| Pigeon                   | 34-45-8         | 9           |
| Pike                     | 21-47-8         | 9           |
| Pine                     | 10-48-7         | 7           |
| Pine                     | 22-47-8         | 8           |
| Planorbis                | 5-45-7          | 8           |
| Pond                     | 17-44-8         | 6           |
| Porter                   | 9-43-7          | 9           |
| Pot                      | 27-45-7         | 8           |
| Preemption Creek<br>Pond | 11-44-6         | 8           |
| Price                    | 8-43-7          | 7           |
| Priest                   | 19-45-9         | 9           |
| Rainbow                  | 36-46-8         | 9           |
| Rana                     | 20-45-7         | 9           |
| Range Line               | 36-43-5         | 8           |
| Ree                      | 28-44-6         | 8           |
| Reynard                  | 7-45-7          | 8           |
| Rib                      | 2-48-7          | 8           |
| Rock                     | 29-43-6         | 8           |
| Roger                    | 10-44-7         | 9           |
| Roger                    | 30-47-8         | 8           |
| Rosa                     | 6-44-7          | 8           |
| Russell                  | 22-47-9         | 7           |
| Ryberg                   | 23-44-7         | 7           |
| Sage                     | 6-44-6          | 7           |
| Sawdust                  | 8-47-7          | 8           |
| Shunenberg Springs       | 4-44-8          | 6           |
| Siegal                   | 22-44-6         | 8           |
| Silver Sack              | 26-48-8         | 9           |
| Silver                   | 9-46-8          | 9           |
| Simpson                  | 11-47-9         | 8           |
| Siskiwit Springs         | 24-50-6         | 6           |



| <b>Class 3 Lakes</b> |                 |             |
|----------------------|-----------------|-------------|
| <b>Lake Name</b>     | <b>Location</b> | <b>Rank</b> |
| Sixteen              | 16-44-8         | 6           |
| Smear                | 36-44-8         | 8           |
| Southwest            | 31-44-6         | 6           |
| Spider               | 22-47-7         | 9           |
| Spring               | 11-47-9         | 8           |
| Spring               | 32-43-6         | 8           |
| Spruce               | 27-44-5         | 8           |
| Square               | 22-46-8         | 7           |
| Steckbaur            | 3-47-8          | 8           |
| Steelhead            | 15-46-8         | 9           |
| Stewart              | 18-44-7         | 8           |
| Swede                | 12-46-8         | 9           |
| Tank                 | 11-43-6         | 8           |
| Tank                 | 20-45-6         | 5           |
| Taylor               | 30-44-5         | 9           |
| Tea Cup              | 29-46-7         | 9           |
| Toothpick            | 31-47-7         | 7           |
| Topside              | 12-47-8         | 6           |
| Tower                | 25-46-8         | 9           |
| Travers              | 6-45-8          | 7           |
| Trout                | 4-46-8          | 8           |
| Tub                  | 32-47-7         | 8           |
| Turtle               | 17-45-9         | 8           |
| Twin (East)          | 36-49-6         | 7           |
| Twin (North)         | 17-43-6         | 9           |
| Twin (Northeast)     | 17-47-7         | 8           |
| Twin (Northwest)     | 17-47-7         | 8           |
| Twin (South)         | 20-43-6         | 7           |
| Twin (Southwest)     | 17-47-7         | 8           |
| Twin (West)          | 36-49-6         | 9           |
| Twin                 | 25-45-9         | 5           |
| Two                  | 19-46-7         | 8           |
| Wabigon              | 13-45-8         | 8           |
| Wanoka               | 20-47-7         | 8           |
| Wentzel              | 13-47-8         | 7           |
| West Davis           | 10-44-6         | 7           |
| West Eightmile       | 34-46-9         | 7           |
| West                 | 14-46-8         | 6           |
| West                 | 22-43-8         | 8           |
| Wilderness           | 6-45-8          | 9           |
| Wilipyro             | 36-44-8         | 8           |
| Wishbone             | 8-45-7          | 7           |
| Wolf                 | 4-46-7          | 9           |
| Wright               | 27-47-9         | 5           |

***UnNamed Lakes that have private lands bordering them.***

| <b>Class 3 Lakes-<br/>UnNamed</b>                    |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                       | <b>Location</b> | <b>Area</b> |
| SW $\frac{1}{4}$                                     | 23-43-5         | 4.6         |
| SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -NW $\frac{1}{4}$ | 21-43-6         | 3.0         |
| NE $\frac{1}{4}$                                     | 23-43-6         | 5.5         |
| NW $\frac{1}{4}$                                     | 23-43-6         | 7.5         |
| NW $\frac{1}{4}$                                     | 3-43-7          | 29.1        |
| SE $\frac{1}{4}$                                     | 5-43-7          | 6.3         |
| NE $\frac{1}{4}$                                     | 16-43-7         | 11.7        |
| SE $\frac{1}{4}$                                     | 16-43-7         | 19.6        |
| NW $\frac{1}{4}$                                     | 25-43-7         | 2.8         |
| NE $\frac{1}{4}$                                     | 1-43-8          | 13.8        |
| SW $\frac{1}{4}$                                     | 1-43-8          | 2.2         |
| NE $\frac{1}{4}$                                     | 5-43-8          | 2.0         |
| SW $\frac{1}{4}$                                     | 9-43-8          | 4.5         |
| NW $\frac{1}{4}$                                     | 10-43-8         | 6.0         |
| NE $\frac{1}{4}$ -NW- $\frac{1}{4}$                  | 12-43-8         | 8.4         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 12-43-8         | 3.1         |
| SE $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 12-43-8         | 2.1         |
| NE $\frac{1}{4}$                                     | 14-43-8         | 3.6         |
| SW $\frac{1}{4}$                                     | 14-43-8         | 4.7         |
| NE $\frac{1}{4}$                                     | 15-43-8         | 3.8         |
| NE $\frac{1}{4}$                                     | 22-43-8         | 2.9         |
| SW $\frac{1}{4}$                                     | 22-43-8         | 2.4         |
| NE $\frac{1}{4}$                                     | 24-43-8         | 2.0         |
| SE $\frac{1}{4}$                                     | 24-43-8         | 2.9         |
| SW $\frac{1}{4}$                                     | 35-43-8         | 10.6        |
| SW $\frac{1}{4}$                                     | 3-43-9          | 8.3         |
| NE $\frac{1}{4}$                                     | 5-43-9          | 3.5         |
| NW $\frac{1}{4}$                                     | 19-44-5         | 11.2        |
| NW $\frac{1}{4}$                                     | 23-44-5         | 5.9         |
| NW $\frac{1}{4}$                                     | 16-44-6         | 8.6         |
| NW $\frac{1}{4}$                                     | 28-44-6         | 2.1         |
| NE $\frac{1}{4}$                                     | 7-44-7          | 5.2         |
| SW $\frac{1}{4}$                                     | 29-44-7         | 3.5         |
| SW $\frac{1}{4}$                                     | 30-44-7         | 2.0         |
| SW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 30-44-7         | 2.4         |
| SE $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 30-44-7         | 2.7         |
| NE $\frac{1}{4}$                                     | 31-44-7         | 2.1         |
| SW $\frac{1}{4}$                                     | 23-44-8         | 3.8         |
| SW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 24-44-8         | 2.3         |
| SE $\frac{1}{4}$                                     | 36-44-8         | 7.2         |
| SW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 1-44-9          | 2.1         |
| SE $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 1-44-9          | 2.1         |

| <b>Class 3 Lakes-<br/>UnNamed</b>                    |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                       | <b>Location</b> | <b>Area</b> |
| SW $\frac{1}{4}$                                     | 13-44-9         | 3.0         |
| NE $\frac{1}{4}$                                     | 29-44-9         | 31.0        |
| SE $\frac{1}{4}$                                     | 31-44-9         | 2.3         |
| SW $\frac{1}{4}$                                     | 22-45-5         | 2.8         |
| NE $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 23-45-5         | 4.0         |
| NW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 23-45-5         | 2.1         |
| NE $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 24-45-5         | 5.2         |
| NW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 24-45-5         | 12.3        |
| SW $\frac{1}{4}$                                     | 27-45-5         | 8.2         |
| NE $\frac{1}{4}$                                     | 30-45-5         | 23.7        |
| SW $\frac{1}{4}$                                     | 32-45-5         | 3.9         |
| SE $\frac{1}{4}$                                     | 32-45-5         | 12.3        |
| NW $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 19-45-6         | 3.3         |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$                    | 19-45-6         | 5.1         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 19-45-6         | 10.5        |
| SE $\frac{1}{4}$                                     | 20-45-6         | 2.2         |
| SW $\frac{1}{4}$                                     | 28-45-6         | 4.2         |
| SE $\frac{1}{4}$                                     | 28-45-6         | 4.6         |
| NE $\frac{1}{4}$                                     | 30-45-6         | 3.0         |
| NE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 33-45-6         | 2.0         |
| NW $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 33-45-6         | 6.7         |
| NW $\frac{1}{4}$                                     | 33-45-6         | 2.8         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ | 36-45-6         | 3.5         |
| SE $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ | 36-45-6         | 5.2         |
| SE $\frac{1}{4}$                                     | 24-45-8         | 8.2         |
| SW $\frac{1}{4}$                                     | 34-45-8         | 2.9         |
| SW $\frac{1}{4}$                                     | 5-45-9          | 17.1        |
| SW $\frac{1}{4}$                                     | 7-45-9          | 3.6         |
| NE $\frac{1}{4}$                                     | 9-45-9          | 7.2         |
| SW $\frac{1}{4}$                                     | 17-45-9         | 2.0         |
| NE $\frac{1}{4}$                                     | 18-45-9         | 3.0         |
| NE $\frac{1}{4}$                                     | 19-45-9         | 10.8        |
| NE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 20-45-9         | 9.5         |
| SE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 20-45-9         | 10.5        |
| NW $\frac{1}{4}$                                     | 21-45-9         | 3.0         |
| NE $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 22-45-9         | 2.9         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 22-45-9         | 2.4         |
| SW $\frac{1}{4}$ -SW $\frac{1}{4}$                   | 24-45-9         | 7.1         |
| SE $\frac{1}{4}$ -SW $\frac{1}{4}$                   | 24-45-9         | 2.2         |
| NW $\frac{1}{4}$                                     | 25-45-9         | 2.8         |
| NE $\frac{1}{4}$                                     | 30-45-9         | 2.2         |
| NW $\frac{1}{4}$                                     | 35-45-9         | 4.3         |
| SW $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 36-45-9         | 2.1         |
| SE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 36-45-9         | 2.7         |

| <b>Class 3 Lakes-<br/>UnNamed</b>                    |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                       | <b>Location</b> | <b>Area</b> |
| SW $\frac{1}{4}$                                     | 4-46-7          | 5.3         |
| NE $\frac{1}{4}$                                     | 6-46-7          | 4.5         |
| NE $\frac{1}{4}$                                     | 8-46-7          | 5.9         |
| SE $\frac{1}{4}$                                     | 9-46-7          | 10.9        |
| NW $\frac{1}{4}$                                     | 33-46-7         | 6.3         |
| SW $\frac{1}{4}$                                     | 33-46-7         | 3.7         |
| SE $\frac{1}{4}$                                     | 33-46-7         | 4.2         |
| NE $\frac{1}{4}$                                     | 1-46-8          | 8.7         |
| SW $\frac{1}{4}$                                     | 1-46-8          | 23.1        |
| SE $\frac{1}{4}$                                     | 1-46-8          | 2.8         |
| NE $\frac{1}{4}$                                     | 2-46-8          | 2.7         |
| SE $\frac{1}{4}$                                     | 2-46-8          | 3.8         |
| SE $\frac{1}{4}$                                     | 4-46-8          | 3.5         |
| SW $\frac{1}{4}$                                     | 9-46-8          | 3.8         |
| SE $\frac{1}{4}$                                     | 11-46-8         | 3.0         |
| NW $\frac{1}{4}$                                     | 13-46-8         | 6.2         |
| SW $\frac{1}{4}$                                     | 13-46-8         | 2.0         |
| NE $\frac{1}{4}$                                     | 14-46-8         | 3.1         |
| NW $\frac{1}{4}$                                     | 15-46-8         | 3.6         |
| NW $\frac{1}{4}$                                     | 34-46-9         | 8.7         |
| NE $\frac{1}{4}$                                     | 1-47-5          | 13.9        |
| NW $\frac{1}{4}$                                     | 1-47-5          | 22.8        |
| NW $\frac{1}{4}$                                     | 18-47-5         | 4.1         |
| NW $\frac{1}{4}$                                     | 7-47-7          | 14.0        |
| NW $\frac{1}{4}$                                     | 19-47-7         | 8.9         |
| NE $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$ | 33-47-7         | 3.0         |
| SW $\frac{1}{4}$ -NE $\frac{1}{4}$ -NE $\frac{1}{4}$ | 33-47-7         | 3.3         |
| NW $\frac{1}{4}$                                     | 35-47-7         | 2.0         |
| NE $\frac{1}{4}$                                     | 2-47-8          | 13.9        |
| SE $\frac{1}{4}$                                     | 2-47-8          | 14.3        |
| NW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$ | 7-47-8          | 2.4         |
| SE $\frac{1}{4}$                                     | 8-47-8          | 9.1         |
| NW $\frac{1}{4}$                                     | 12-47-8         | 3.8         |
| NE $\frac{1}{4}$                                     | 13-47-8         | 5.0         |
| NE $\frac{1}{4}$                                     | 17-47-8         | 2.0         |
| SW $\frac{1}{4}$                                     | 17-47-8         | 10.0        |
| NW $\frac{1}{4}$ -SW $\frac{1}{4}$ SE $\frac{1}{4}$  | 17-47-8         | 2.8         |
| SW $\frac{1}{4}$ -SW $\frac{1}{4}$ -SE $\frac{1}{4}$ | 17-47-8         | 2.1         |
| NW $\frac{1}{4}$ -SE $\frac{1}{4}$ -SE $\frac{1}{4}$ | 17-47-8         | 2.0         |
| SE $\frac{1}{4}$                                     | 20-47-8         | 8.2         |
| SE $\frac{1}{4}$                                     | 23-47-8         | 3.8         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 25-47-8         | 4.9         |
| SW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 25-47-8         | 4.4         |
| NE $\frac{1}{4}$                                     | 26-47-8         | 8.5         |

| <b>Class 3 Lakes-<br/>UnNamed</b>  |                 |             |
|------------------------------------|-----------------|-------------|
| <b>Section</b>                     | <b>Location</b> | <b>Area</b> |
| NE $\frac{1}{4}$                   | 27-47-8         | 2.3         |
| NW $\frac{1}{4}$                   | 33-47-8         | 2.5         |
| SE $\frac{1}{4}$                   | 33-47-8         | 5.8         |
| NW $\frac{1}{4}$ -SW $\frac{1}{4}$ | 35-47-8         | 4.7         |
| SE $\frac{1}{4}$ -SW $\frac{1}{4}$ | 35-47-8         | 2.7         |
| SE $\frac{1}{4}$                   | 35-47-8         | 6.6         |
| NE $\frac{1}{4}$                   | 7-47-9          | 4.8         |
| SE $\frac{1}{4}$                   | 24-47-9         | 2.0         |
| NE $\frac{1}{4}$ -SE $\frac{1}{4}$ | 25-47-9         | 5.5         |
| SW $\frac{1}{4}$ -SE $\frac{1}{4}$ | 25-47-9         | 3.0         |
| NW $\frac{1}{4}$                   | 28-47-9         | 3.2         |
| NE $\frac{1}{4}$                   | 29-47-9         | 10.0        |
| NE $\frac{1}{4}$                   | 35-48-5         | 3.2         |
| NE $\frac{1}{4}$                   | 31-48-7         | 2.9         |
| SW $\frac{1}{4}$                   | 35-48-8         | 4.6         |
| NE $\frac{1}{4}$                   | 29-49-5         | 4.1         |
| SW $\frac{1}{4}$                   | 5-49-9          | 11.0        |
| SW $\frac{1}{4}$ -SE $\frac{1}{4}$ | 5-50-7          | 7.3         |
| SE $\frac{1}{4}$ -SE $\frac{1}{4}$ | 5-50-7          | 3.0         |
| SE $\frac{1}{4}$                   | 20-50-8         | 20.2        |
| SW $\frac{1}{4}$                   | 21-50-8         | 16.6        |
| SE $\frac{1}{4}$                   | 7-51-3          | 3.0         |
| NW $\frac{1}{4}$                   | 20-51-3         | 17.2        |
| SE $\frac{1}{4}$                   | 29-52-4         | 2.6         |
| SW $\frac{1}{4}$                   | 36-52-5         | 10.3        |

### UnNamed lakes surrounded by Public Lands

| <b>Class 3 Lakes-<br/>UnNamed</b>                    |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                       | <b>Location</b> | <b>Area</b> |
| NW $\frac{1}{4}$                                     | 3-43-5          | 2.4         |
| SW $\frac{1}{4}$                                     | 3-43-5          | 2.2         |
| SW $\frac{1}{4}$                                     | 22-43-5         | 4.8         |
| SW $\frac{1}{4}$                                     | 26-43-5         | 2.0         |
| NE $\frac{1}{4}$                                     | 30-43-5         | 2.4         |
| NE $\frac{1}{4}$                                     | 34-43-5         | 5.7         |
| NW $\frac{1}{4}$                                     | 18-43-6         | 2.9         |
| NW $\frac{1}{4}$                                     | 20-43-6         | 3.6         |
| SE $\frac{1}{4}$                                     | 27-43-6         | 4.2         |
| SW $\frac{1}{4}$ -NW $\frac{1}{4}$ -SW $\frac{1}{4}$ | 29-43-6         | 5.0         |
| SW $\frac{1}{4}$ -SW $\frac{1}{4}$                   | 29-43-6         | 2.0         |

| <b>Class 3 Lakes-<br/>UnNamed</b>                    |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                       | <b>Location</b> | <b>Area</b> |
| SE $\frac{1}{4}$                                     | 29-43-6         | 2.1         |
| NE $\frac{1}{4}$                                     | 31-43-6         | 11.0        |
| SW $\frac{1}{4}$                                     | 31-43-6         | 4.4         |
| SE $\frac{1}{4}$                                     | 31-43-6         | 8.9         |
| NW $\frac{1}{4}$                                     | 32-43-6         | 9.0         |
| SE $\frac{1}{4}$                                     | 27-43-7         | 2.5         |
| NE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 34-43-7         | 15.2        |
| SW $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 34-43-7         | 2.4         |
| SE $\frac{1}{4}$ -NE $\frac{1}{4}$                   | 34-43-7         | 5.0         |
| NW $\frac{1}{4}$                                     | 29-44-5         | 10.1        |
| SW $\frac{1}{4}$                                     | 29-44-5         | 2.3         |
| NW $\frac{1}{4}$                                     | 33-44-5         | 2.2         |
| NW $\frac{1}{4}$                                     | 14-44-6         | 4.9         |
| SW $\frac{1}{4}$                                     | 14-44-6         | 13.2        |
| SE $\frac{1}{4}$                                     | 15-44-6         | 2.0         |
| NE $\frac{1}{4}$                                     | 19-44-6         | 9.6         |
| SW $\frac{1}{4}$                                     | 2-44-7          | 2.9         |
| SE $\frac{1}{4}$                                     | 9-44-7          | 3.0         |
| NE $\frac{1}{4}$                                     | 11-44-7         | 2.2         |
| SW $\frac{1}{4}$                                     | 11-44-7         | 4.3         |
| NW $\frac{1}{4}$                                     | 12-44-7         | 5.7         |
| NW $\frac{1}{4}$                                     | 18-44-7         | 2.8         |
| SW $\frac{1}{4}$                                     | 18-44-7         | 2.5         |
| SW $\frac{1}{4}$                                     | 23-44-7         | 2.5         |
| SE $\frac{1}{4}$                                     | 23-44-7         | 10.1        |
| SW $\frac{1}{4}$                                     | 24-44-7         | 13.5        |
| NW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$ | 25-44-7         | 2.1         |
| SW $\frac{1}{4}$ -SW $\frac{1}{4}$ -NE $\frac{1}{4}$ | 25-44-7         | 2.7         |
| NW $\frac{1}{4}$                                     | 25-44-7         | 9.5         |
| SW $\frac{1}{4}$                                     | 25-44-7         | 4.1         |
| SE $\frac{1}{4}$                                     | 26-44-7         | 3.5         |
| NW $\frac{1}{4}$                                     | 31-44-7         | 2.4         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 15-44-8         | 4.0         |
| SW $\frac{1}{4}$ -NW $\frac{1}{4}$                   | 15-44-8         | 5.9         |
| NE $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 17-44-8         | 3.8         |
| NW $\frac{1}{4}$ -SE $\frac{1}{4}$                   | 17-44-8         | 14.7        |
| NE $\frac{1}{4}$                                     | 20-44-8         | 7.6         |
| NW $\frac{1}{4}$                                     | 20-44-8         | 2.8         |
| SE $\frac{1}{4}$                                     | 20-44-8         | 3.8         |
| NW $\frac{1}{4}$                                     | 21-44-8         | 2.0         |
| NW $\frac{1}{4}$                                     | 36-44-8         | 2.3         |
| SE $\frac{1}{4}$                                     | 28-44-9         | 5.7         |
| NW $\frac{1}{4}$                                     | 3-45-7          | 6.5         |
| NW $\frac{1}{4}$                                     | 4-45-7          | 2.1         |

| <b>Class 3 Lakes-<br/>UnNamed</b>                  |                 |             |
|--|-----------------|-------------|
| <b>Section</b>                                     | <b>Location</b> | <b>Area</b> |
| NE $\frac{1}{4}$                                   | 5-45-7          | 3.2         |
| NE $\frac{1}{4}$ -NW $\frac{1}{4}$                 | 5-45-7          | 8.6         |
| NW $\frac{1}{4}$ -NW $\frac{1}{4}$                 | 5-45-7          | 2.7         |
| SE $\frac{1}{4}$ -NW $\frac{1}{4}$                 | 5-45-7          | 2.8         |
| NW $\frac{1}{4}$                                   | 7-45-7          | 2.0         |
| SE $\frac{1}{4}$                                   | 8-45-7          | 16.6        |
| SW $\frac{1}{4}$                                   | 10-45-7         | 5.1         |
| NW $\frac{1}{4}$                                   | 16-45-7         | 6.3         |
| NW $\frac{1}{4}$                                   | 17-45-7         | 4.1         |
| NE $\frac{1}{4}$ -NE $\frac{1}{4}$                 | 18-45-7         | 9.8         |
| NW $\frac{1}{4}$ -NE $\frac{1}{4}$                 | 18-45-7         | 7.3         |
| SW $\frac{1}{4}$                                   | 18-45-7         | 6.0         |
| NW $\frac{1}{4}$                                   | 19-45-7         | 8.7         |
| SW $\frac{1}{4}$                                   | 20-45-7         | 2.5         |
| SW $\frac{1}{4}$                                   | 28-45-7         | 4.4         |
| SE $\frac{1}{4}$                                   | 30-45-7         | 2.3         |
| SE $\frac{1}{4}$                                   | 35-45-7         | 4.0         |
| NW $\frac{1}{4}$                                   | 36-45-7         | 7.2         |
| SE $\frac{1}{4}$                                   | 12-45-8         | 4.7         |
| NE $\frac{1}{4}$                                   | 14-45-8         | 2.9         |
| NW $\frac{1}{4}$                                   | 31-45-8         | 2.4         |
| NW $\frac{1}{4}$ SW $\frac{1}{4}$                  | 31-45-8         | 7.3         |
| SW $\frac{1}{4}$ SW $\frac{1}{4}$                  | 31-45-8         | 10.1        |
| SW $\frac{1}{4}$                                   | 34-45-8         | 2.0         |
| SW $\frac{1}{4}$                                   | 4-45-9          | 2.7         |
| NW $\frac{1}{4}$                                   | 8-45-9          | 6.1         |
| NW $\frac{1}{4}$                                   | 9-45-9          | 2.7         |
| NW $\frac{1}{4}$                                   | 12-45-9         | 2.5         |
| NE $\frac{1}{4}$ NE $\frac{1}{4}$                  | 16-45-9         | 3.3         |
| SW $\frac{1}{4}$ NE $\frac{1}{4}$                  | 16-45-9         | 7.3         |
| NW $\frac{1}{4}$                                   | 16-45-9         | 2.8         |
| SE $\frac{1}{4}$                                   | 17-45-9         | 7.5         |
| NE $\frac{1}{4}$                                   | 31-46-7         | 7.1         |
| NW $\frac{1}{4}$                                   | 6-46-8          | 5.2         |
| SW $\frac{1}{4}$                                   | 18-46-8         | 5.0         |
| NW $\frac{1}{4}$ NW $\frac{1}{4}$                  | 22-46-8         | 2.6         |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$                  | 22-46-8         | 2.1         |
| SE $\frac{1}{4}$                                   | 23-46-8         | 2.3         |
| NE $\frac{1}{4}$                                   | 24-46-8         | 5.0         |
| SE $\frac{1}{4}$                                   | 24-46-8         | 2.5         |
| SW $\frac{1}{4}$                                   | 36-46-8         | 3.0         |
| NW $\frac{1}{4}$                                   | 4-46-9          | 2.8         |
| NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 4-46-9          | 21.6        |
| SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ | 4-46-9          | 8.6         |

| <b>Class 3 Lakes-<br/>UnNamed</b> |                 |             |
|-----------------------------------|-----------------|-------------|
| <b>Section</b>                    | <b>Location</b> | <b>Area</b> |
| SW ¼                              | 27-46-9         | 4.0         |
| NW ¼                              | 5-47-7          | 3.7         |
| NE ¼                              | 6-47-7          | 5.3         |
| NE ¼ NW ¼                         | 6-47-7          | 3.0         |
| NE ¼ SW ¼ NW ¼                    | 6-47-7          | 2.4         |
| SE ¼ SW ¼ NW ¼                    | 6-47-7          | 3.5         |
| NE ¼ SE ¼ NW ¼                    | 6-47-7          | 2.5         |
| SE ¼                              | 6-47-7          | 10.1        |
| SW ¼                              | 17-47-7         | 3.6         |
| SW ¼                              | 18-47-7         | 6.6         |
| SW ¼                              | 27-47-7         | 4.9         |
| NW ¼                              | 32-47-7         | 3.2         |
| SW ¼                              | 33-47-7         | 2.3         |
| NE ¼                              | 1-47-8          | 2.6         |
| SE ¼                              | 1-47-8          | 2.5         |
| NW ¼                              | 9-47-8          | 2.1         |
| NE ¼                              | 11-47-8         | 14.0        |
| NW ¼                              | 12-47-8         | 7.5         |
| NE ¼                              | 24-47-8         | 7.7         |
| SW ¼                              | 24-47-8         | 2.3         |
| SE ¼                              | 24-47-8         | 8.4         |
| NE ¼                              | 26-47-8         | 5.1         |
| NE ¼                              | 32-47-8         | 11.2        |
| NE ¼ SW ¼                         | 32-47-8         | 2.3         |
| NW ¼ SW ¼                         | 32-47-8         | 16.1        |
| NW ¼                              | 8-47-9          | 9.9         |
| SE ¼                              | 18-47-9         | 2.1         |
| SE ¼                              | 19-47-9         | 2.0         |
| NE ¼                              | 20-47-9         | 2.0         |
| SW ¼ NW ¼ SE ¼                    | 20-47-9         | 4.0         |
| SE ¼ NW ¼ SE ¼                    | 20-47-9         | 3.0         |
| SW ¼ SE ¼                         | 20-47-9         | 3.3         |
| SE ¼                              | 21-47-9         | 4.5         |
| NE ¼                              | 22-47-9         | 3.2         |
| SE ¼                              | 22-47-9         | 2.0         |
| SW ¼                              | 23-47-9         | 5.0         |
| NE ¼                              | 28-47-9         | 3.2         |
| NW ¼                              | 28-47-9         | 12.0        |
| NW ¼ SW ¼                         | 28-47-9         | 7.0         |
| SW ¼ SW ¼                         | 28-47-9         | 14.8        |
| SE ¼ SW ¼                         | 28-47-9         | 7.2         |
| SE ¼                              | 28-47-9         | 2.3         |
| SE ¼                              | 29-47-9         | 5.2         |
| NE ¼                              | 32-47-9         | 4.0         |



| <b>Class 3 Lakes-<br/>UnNamed</b> |                 |             |
|-----------------------------------|-----------------|-------------|
| <b>Section</b>                    | <b>Location</b> | <b>Area</b> |
| NE ¼                              | 33-47-9         | 9.3         |
| SE ¼                              | 33-47-9         | 6.0         |
| NE ¼ NE ¼                         | 34-47-9         | 4.5         |
| SW ¼ NE ¼                         | 34-47-9         | 2.5         |
| NW ¼                              | 34-47-9         | 3.0         |
| NW ¼                              | 35-47-9         | 2.3         |
| SW ¼                              | 5-48-6          | 3.5         |
| NE ¼                              | 12-48-6         | 3.5         |
| SE ¼                              | 19-48-6         | 2.7         |
| SW ¼                              | 10-48-7         | 2.2         |
| NE ¼                              | 12-48-7         | 3.4         |
| NW ¼                              | 14-48-7         | 2.3         |
| SW ¼                              | 30-48-7         | 11.7        |
| SE ¼                              | 31-48-7         | 9.2         |
| NW ¼ NW ¼ NW ¼                    | 32-48-7         | 4.8         |
| SE ¼ NW ¼ NW ¼                    | 32-48-7         | 10.3        |
| NW ¼                              | 25-48-8         | 2.1         |
| NW ¼                              | 34-48-8         | 6.1         |
| SE ¼ NW ¼ NE ¼                    | 35-48-8         | 2.6         |
| SE ¼ NE ¼                         | 35-48-8         | 2.8         |
| SW ¼ SE ¼                         | 35-48-8         | 3.6         |
| SE ¼ SE ¼                         | 35-48-8         | 2.5         |
| NW ¼                              | 36-48-8         | 6.3         |
| NE ¼ SW ¼                         | 36-48-8         | 8.4         |
| SE ¼ SW ¼                         | 36-48-8         | 11.1        |
| SE ¼                              | 36-49-6         | 9.7         |
| NW ¼                              | 7-50-5          | 5.3         |
| NE ¼                              | 32-51-6         | 15.1        |
|                                   |                 |             |

- (3) **Reclassification.** Inland lakes [ and portions thereof with at least one-half mile of contiguous shoreline] may be reclassified by amendment of Section 13-1-32(a)(2), containing the lake classification list, pursuant to this provision and in accordance with Section 59.69(5)(e) Wis. Stats., containing the statutory procedure for amending county zoning ordinances. A petition for reclassification to a more restrictive class should be based on one or more of the following factors and should list each and every such factor upon which it is based. The petitioner should be prepared to demonstrate to the Planning and Zoning Committee and County Board that each factor listed in the petition does in fact exist with respect to the lake [or portion thereof] proposed to be reclassified: (A)7/30/2013)

a. **Water Quality**

1. The waterway is sensitive to phosphorous loading based on its physical characteristics.
2. Water quality is good to excellent based on average summer secchi disk readings.
3. Dense stands of aquatic macrophytes or algal blooms that impair ecological or recreational values are absent from the waterway.
4. Significant impacts of point or nonpoint source pollution are absent from the watershed.

**b. Environmental Significance**

1. The shoreline is largely natural or undeveloped shoreline or shorelands are designated wilderness, scientific or natural areas.
2. The watershed is largely natural or undisturbed.
3. There are unique visual features such as inlands, bluffs or expansive viewsheds.
4. There are important botanical features such as extensive wild rice beds, rare or endangered species or unique community assemblages.

**c. Fisheries Significance**

1. The waterway has the ability to support a cold water fishery.
2. There are excellent sport fish population levels.
3. There is a significant crop of sport fish of large/trophy size.
4. There is significant use by rare, endangered, threatened or watch list aquatic species.

**d. Wildlife and Recreational Significance.**

1. The waterway provides high quality, multiple use or unique recreational experiences.
2. There is significant waterfowl or furbearer production.
3. The waterway provides significant use by rare, endangered, threatened or watch list species.

4. The waterway provides significant migratory habitat for water birds.
- (b) **Application of Stricter Standards.** If more than one requirement with respect to setback, lot area, or lot dimension applies to a parcel, the most restrictive requirement(s) shall be applied. (D)10/31/2017-(b)(c)(d)(dg)(dm); (©)10/31/2017)
- (c) **Impervious Surface Standards.** For any riparian lot or parcel and any non-riparian lot or parcel located entirely within 300 feet of the ordinary high-water mark of any navigable waterway, the construction, reconstruction, expansion, replacement or relocation of any impervious surface must meet the following requirements: (dp10/29/2013); (D)10/31/2017-(e)(em)(f); (©)10/31/2017-(g)
- (1) **Lots or Parcels with 15% or Less Impervious Surface.** Up to 15% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface without the need for mitigation. (dp10/29/2013)
  - (2) **Lots or Parcels with More than 15% but no More than 30% Impervious Surface.** Between 15% and 30% of the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark may consist of impervious surface provided that the landowner obtains a permit and provided that the mitigation measures of Sec. 13-1-40, subsection (f) paragraph (9) of this Ordinance shall apply. (dp10/29/2013); (A)10/31/2017)
  - (3) **Existing Impervious Surfaces.** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the standards in paragraphs (1) and (2) above, the property owner may do any of the following: (dp10/29/2013); (D)10/31/2017-(3); (A)10/31/2017)
    - a. Maintenance and repair of all impervious surfaces; (dp10/29/2013)
    - b. Replacement of existing impervious surfaces with similar surfaces within the existing building envelope; (dp10/29/2013)
    - c. Relocation or modification of existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed at the effective date of the Bayfield County Shoreland Zoning Ordinance, and meets the applicable setback requirements in s. NR 115.05 (1) (b), Wisconsin Administrative Code. (dp10/29/2013); (A)10/31/2017)
  - (4) **Treated Impervious Surfaces:** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations. (©)10/31/2017)
    - a. The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems. (©)10/31/2017)

- b. The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil. (©)10/31/2017)
- (5) **Calculation of Percentage of Impervious Surface:** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel and multiplied by 100. (©)10/31/2017)
- (d) **For the Town of Pilsen.** The following minimum lot sizes in the shoreland area shall apply: (©)10/31/2017-(d)
  - (1) **Sewered Lots:** the minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet. (©)10/31/2017)
  - (2) **Unsewered Lots:** the minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet. (©)10/31/2017)
- (e) **Relationship to Other Provisions.** Subsections (b) and (c) above are subject to the provisions of Sec. 13-1-22 (a) (modifying setbacks for certain structures), Sec. 13-1-26 (pertaining to substandard lots of record), and Sec. 13-1-40 (pertaining to nonconforming uses and structures) of this Ordinance. (©)9/30/2001); (A)7/31/2012); (A)10/31/2017)

**Sec. 13-1-33 Multiple Structures.** (©6/1/1976); (©12/15/2009)

- (a) **Multiple Residences.** A conditional use permit shall be required for more than one (1) residence on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one residence may be located on a substandard lot. (©6/1/1976); (©5/28/2002); (A)9/30/2004; (©3/28/2006); (A)1/29/2008; (A)2/27/2018)
- (b) **Multiple Bunkhouse/Guest Quarters.** A conditional use permit shall be required for more than one (1) bunkhouse/guest quarter on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No bunkhouse/guest quarters may be located on a substandard lot. (©12/15/2009)

**Sec. 13-1-34 Home Occupations.** (©2/25/2020)

- (a) **Introduction.** Some types of work can be conducted at home with little or no effect on the surrounding neighborhood. The Home Occupation regulations of the Bayfield County Zoning Ordinance are intended to permit residents to engage in certain Home Occupations while ensuring that such Home Occupations will not be a detriment to the character and livability of the surrounding area. It is important to note that Home Occupations are different from Home-Based Businesses. The activities associated with Home-Based Businesses generally have more traffic and potential for land use conflict than a Home Occupation. A Home-Based Business requires the approval of a Special Use Permit by the Bayfield County Planning and Zoning Committee. (©2/25/2020)
- (b) **Purpose.** The purpose of this section is to provide limited and reasonable accommodation for the owner or tenant of a residence to engage in an occupation within their residence without the necessity of obtaining additional permitting while also balancing the interests of the residential users. Bayfield County establishes, by ordinance, certain home occupations that are allowed provided the occupation is conducted by a resident of the home and there are not more than four patrons per visitation nor more than six visitations per day. Uses that are not identified as Home Occupations under this section may be conducted, if allowed, upon the issuance of a permit in accordance with Section 13-1-62. (©2/25/2020)
- (c) **Home Occupations.** The following home occupations are allowed to occur within a residence without the need for a permit provided the conditions set forth in subsection (d), below, are complied with: (©2/25/2020)
- (1) Telecommuting (©2/25/2020)
  - (2) Home office (contractor, consultant, author, lawyer, accountant, etc.) (©2/25/2020)
  - (3) Artist workshop (excluding gallery where exhibits or sales occur) (©2/25/2020)

- (4) Dressmaking, seamstress and/or tailoring (©2/25/2020)
  - (5) Secretarial services or administrative assistance (©2/25/2020)
  - (6) Computer repair, programming or web design (©2/25/2020)
  - (7) Instruction (music, dance, educational, etc.) of no more than four pupils at a time (©2/25/2020)
  - (8) Transcription (medical, insurance, legal, etc.) (©2/25/2020)
  - (9) Nursing services provided via telephone or online (©2/25/2020)
- (d) **Requirements and Standards for Home Occupations.** A Home Occupation must comply with the following: (©2/25/2020)
- (1) The Home Occupation shall be conducted solely within the principal or accessory structures. (©2/25/2020)
  - (2) The nature of the Home Occupation shall be clearly secondary and incidental to the use of the property as a residence. (©2/25/2020)
  - (3) No person may be engaged in the business on the premises other than those who customarily reside on the premises. (©2/25/2020)
  - (4) There may be no more than four patrons per visitation nor more than six visitations per day. (©2/25/2020)
  - (5) Exterior displays or signs, exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted. (©2/25/2020)
  - (6) No home occupation shall be noticeable from adjacent properties or right-of-way nor constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of traffic, noise, glare, odor, electrical interference, magnetic interference, radio and television interference, laser beams, vibration, dust and other nuisance or safety hazards or other factors that may affect neighbors. (©2/25/2020)
  - (7) No home occupations shall adversely affect government facilities and services, including roads, sanitary sewers, city water, storm drainage, garbage service, police service and fire service. (©2/25/2020)
  - (8) No home occupations shall adversely affect sensitive environmental features, including lakes, surface water, underground water supply and quality, wetlands, slopes, soils or factors as found relevant by the county staff or County Board. (©2/25/2020)

- (9) No home occupations shall involve the use of hazardous materials or activities. (©2/25/2020)
- (10) Deliveries shall be by single rear axle straight trucks normally used by package delivery services in residential neighborhoods. No more than three delivery/pickup trips per day are allowed. (©2/25/2020)
- (11) The Home Occupation shall not cause a noticeable increase in traffic congestion on the lot containing the Home Occupation or on the streets adjacent thereto as compared to that generated by a typical family in a dwelling. Commercial vehicles associated with the Home Occupation shall make no more than three trips to/from the lot per day. (©2/25/2020)
- (12) No more than one motor vehicle or trailer or commercial vehicle associated with the Home Occupation may be parked on the lot outside a garage. (©2/25/2020)
- (13) Commercial vehicles larger than one ton associated with the Home Occupation may not be parked or stored on the lot. (©2/25/2020)
- (14) No exterior storage of equipment or materials associated with the Home Occupation is permitted at any time. (©2/25/2020)
- (15) Customer visits at the site of the Home Occupation must be by appointment only. (©2/25/2020)

**Secs. 13-1-35 through Sec. 13-1-39**

**Reserved for Future Use.**

## **Article C: Nonconforming Uses and Structures; Special and Conditional Uses; Environmental Impact Analysis; Handicap-Disability Permits** (D)7/31/2012

### **Sec. 13-1-40 Nonconforming Uses and Structures.** (66)6/1/1976

- (a) **General Provision.** The lawful use of a building, structure or property which existed at the time this Chapter, or an applicable amendment to this Chapter, took effect and which is not in conformity with the provisions of this Chapter, including the routine maintenance of such a building or structure, may be continued, subject to subsections (b)-(j). (66)6/1/1976; (A)7/31/2012; (A)10/31/2017
- (b) **Definitions.** In this section, the following terms are defined as follows: (7)7/31/2012
- (1) **“Nonconforming Use”** means a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with the use restrictions in the current ordinance. (7)7/31/2012; (D)10/31/2017-(1); (A)10/31/2017
- (2) **“Nonconforming Structure”** means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the development regulations in the current zoning ordinance. (7)7/31/2012; (A)10/31/2017
- (c) **Non-Shoreland Nonconforming Uses.** (A)7/31/2012
- (1) **Burden of Proof.** A property owner claiming a nonconforming use and exemption from application regulations shall prove by a preponderance of the evidence that:
- a. The use was legally established.
  - b. The use predated zoning provisions with which it does not comply.
  - c. The use was active and actual prior to adoption of such provisions and not merely casual and occasional or incidental to the principal use of the property in which case no vested right to continue use shall have been acquired.
- (2) **Prohibited Expansion.** The alteration of, or addition to, or repair in excess of fifty percent (50%) of the assessed value of any non-shoreland existing building, premises, structure or fixture for the purpose of carrying on a nonconforming use is prohibited. (see Sec. 59.69 (10) (am) Wis. Stats.) (66)6/1/1976; (7)7/31/2012



- (3) **Exceptions to Prohibited Expansion.** If the alteration, addition or repair of a non-shoreland building or structure with a nonconforming use is prohibited because it is in excess of fifty percent (50%) of the assessed value of the existing building, premises, structure or fixture, the property owner may still make the proposed alteration, addition or repair if: (A)7/31/2012
- a. A nonconforming use is permanently changed to a conforming use.
  - b. The property owner appeals the determination of the Planning and Zoning Administrator(s) and County Board of Adjustment or the Circuit Court finds in favor of the property under Sec. 59.694(4) or 59.597(10), Wis. Stats. (A)7/30/2013
  - c. The property owner successfully petitions to have the property rezoned by amendment of this Chapter and Sec. 59.69(5)(e), Wis. Stats.
- (4) **Discontinuance.** If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter. (A)6/1/1976; (A)7/31/2012
- (5) **Temporary Structures.** If the nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced. (A)7/31/2012
- (6) **Nuisances.** Uses that are nuisances shall not be permitted to continue as nonconforming uses. (A)6/1/1976; (A)7/31/2012
- (d) **Non-Shoreland Nonconforming Structures.** (A)7/31/2012
- (1) **Intent.** As specified in the following paragraphs, it is the intent of these provisions to balance the public objectives of this Chapter with the interests of owners of nonconforming buildings and structures by:
    - a. Treating buildings and structures, which are most nonconforming and therefore most contrary to the objectives of this Chapter, more restrictively than buildings and structures which are more nearly in compliance with the provisions of this Chapter.
    - b. By allowing the improvement or limited expansion of principal buildings and structures essential to the reasonable use of a property provided the adverse effects of such improvements or expansion are adequately mitigated.
  - (2) **Improvement or Expansion of Non-Shoreland Nonconforming Structures.** Non-shoreland nonconforming structures may be improved internally, externally, rebuilt or expanded provided that: (A)12/15/202009; (A)12/13/2011; (A)7/31/2012; (A)3/30/2021
    - a. A structure that is nonconforming as to structural or dimensional

standards may not be expanded or enlarged so as to increase its dimensional nonconformity.

- b. Where practicable, additions to non-shoreland nonconforming structures shall conform to all applicable provisions of this Chapter. (A)7/31/2012
- c. The lifetime total of all expansions shall not exceed fifty percent (50%) of the structure's footprint that existed at the time the structure became nonconforming; an owner shall provide documentation of the footprint of a structure at the time it became nonconforming, and any expansion shall be documented by recorded affidavit; and (A)7/31/2012
- d. The property owner obtains a land use permit. (D)5/29/2018); (©)5/29/2018)

- (3) **Non-shoreland Nonconforming Buildings and Structures in Planned Unit Developments, Condominium Developments, or other Developments.** Nonconforming buildings and structures in planned unit developments, condominium developments, or other developments, including multiple unit dwellings, hotels, motels and resorts, that are not on shoreland lots shall be subject to paragraphs (d)(1) and (d)(2) above. (©)7/31/2012

(e) **Shoreland Nonconforming Uses.** (©)7/31/2012)

- (1) **Compliance with Nonconforming Structure Provisions.** Any shoreland building, structure, premises or fixture that constitutes a nonconforming use and is also a nonconforming structure must adhere to the provisions set forth in subsection (f) for nonconforming shoreland structures. (©)7/31/2012
- (2) **Prohibited Expansion.** The alteration of, or addition to, or repair in excess of fifty percent (50%) of the assessed value of any existing building, premises, structure or fixture for the purpose of carrying on a nonconforming use is prohibited. (see Sec. 59.69(10) (am) Wis. Stats.) (©)7/31/2012
- (3) **Exceptions to Prohibited Expansion.** If the alteration, addition or repair of a shoreland building or structure with a nonconforming use is prohibited because it is for the purpose of carrying on a nonconforming use and is in excess of fifty percent (50%) of the assessed value of the existing building, premises, structure or fixture, the property owner may still make the proposed alteration, addition or repair if the property owner meets all provisions set forth in subsection (f) for nonconforming shoreland structures and:
  - (a) The alteration, addition or repair is not for the purpose of carrying on a nonconforming use. (©)7/31/2012)
  - (b) A nonconforming use is permanently changed to a conforming use. (©)7/31/2012)

- c. The property owner appeals the determination of the Planning and Zoning Administrator(s) and County Board of Adjustment or the Circuit Court finds in favor of the property under Secs. 59.694(4) or 59.597(10), Wis. Stats. (©)7/31/2012)
  - d. The property owner successfully petitions to have the property rezoned by amendment of this Chapter and Sec. 59.69(5)(e), Wis. Stats. (©)7/31/2012)
- (4) **Discontinuance.** If a shoreland nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure or property shall conform to this Chapter. (©)7/31/2012)
- (5) **Temporary Structures.** If the shoreland nonconforming use of a temporary structure is discontinued, such nonconforming use may not be recommenced. (©)7/31/2012)
- (6) **Nuisances.** Uses that are nuisances shall not be permitted to continue as nonconforming uses. (©)7/31/2012)
- (f) **Shoreland Nonconforming Structures.** (A)12/13/2011); (®®)7/31/2012)
- (1) **Shoreland Setback.** Except as provided in paragraphs (f)(4), (f)(5a) and (f)(5b) below, a setback of seventy-five (75) feet from the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures. (©)7/31/2012); (A)10/31/2017)
- (2) **Nonconforming Structures Located Less than Thirty-five (35) Feet from the Ordinary High-Water Mark.** Structures located less than thirty-five (35) feet from the ordinary high-water mark may be rebuilt, maintained, repaired, replaced, restored, or remodeled within its footprint or expanded vertically provided that: (A)7/31/2012); (A)10/31/2017)
- a. The resulting structure shall not exceed thirty-five (35) feet in height, as defined in Ch. NR 115.05(1)(f), Wisconsin Administrative Code. (®®)10/31/2017)
  - b. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met. (®®)10/31/2017)
  - c. If a nonconforming use of the structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter. (®®)10/31/2017)
  - d. A lateral expansion is allowed to that portion of any structure that is beyond 75 feet of the ordinary high-water mark, provided the owner obtains a land use permit. (®®)10/31/2017)

- (3) **Nonconforming Structures Located Thirty-five (35) Feet or More but less than Seventy-five (75) Feet from the Ordinary High-Water Mark.** A nonconforming structure located thirty-five (35) or more feet but less than seventy-five (75) feet from the ordinary high-water mark may be rebuilt within its existing building envelope, expanded vertically, or expanded laterally provided that: (A)12/15/202009) (A)10/26/2010); (A)12/13/2011); (©©)7/31/2012); (A)10/31/2017); (A)2/27/2018)
- a. The resulting structure shall not exceed thirty-five (35) feet in height, as defined in Ch. NR 115.05(1)(f), Wisconsin Administrative Code. (A)7/31/2012)
  - b. The property owner obtains a land use permit. (©)7/31/2012) (A)2/27/2018)
  - c. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met. (©)7/31/2012)
  - d. If a non-conforming use of the structure has been discontinued for a period of twelve (12) months or more, any further use of the structure shall conform to this chapter. (©)7/31/2012); (A)10/31/2017)
  - e. The lateral expansion is to a principal structure, is limited to a maximum of 200 square feet over the life of the structure, and no portion of the expansion is closer to the ordinary high-water mark than the closest point of the existing principal structure. However, the property owner must fulfil the mitigation requirements of paragraph (g) below. (©)10/31/2017)
  - f. A lateral expansion is allowed to that portion of any structure that is beyond 75 feet of the ordinary high-water mark, provided the owner obtains a land use permit. (©)10/31/2017); (A)2/27/2018)
- (4) **Expansion of a Nonconforming Structure beyond the 75' setback.** Except as provided in paragraph (f) subs. (5a) and (5b) below, an existing structure that was lawfully placed when constructed but that does not comply with the required building setback under subs. (f)(1) may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements in subs. (f)(1) and that all other provisions of the Bayfield County Shoreland Zoning Ordinance are met. (©)7/31/2012); (A)10/31/2017)
- (5) ***Additional Requirements for Nonconforming Buildings and Structures in Planned Unit Developments and Other Multiple Unit Developments.*** (A)7/31/2012); (D)10/31/2017-(5)a-c); (A)10/31/2017)
- a. **General Setback Requirements.** Buildings and structures in planned unit developments, condominium developments, or other developments, multiple unit dwellings, hotels, motels, or resorts. which are nonconforming with respect to shoreline setback shall be

subject to the provisions of Sec. 13-1-40 (f) (1), (2) and (3) above, except that: (A)7/31/2012); (A)10/31/2017)

1. The expansions and improvements permitted under said provisions shall be permitted even if the development is nonconforming with respect to open space requirements. (A)7/31/2012); (D)10/31/2017-2.3); (A)10/31/2017)

b. **Lots in Planned Unit Developments.** A non-riparian lot may be created provided that: (©)7/31/2012)

1. A plat or certified survey map including that lot within the planned unit development has been approved and recorded by the county; (©)7/31/2012)

2. The planned unit development contains at least two (2) acres or two hundred (200) feet of frontage; and (©)7/31/2012)

3. The reduced non-riparian lot sizes are allowed in exchange for larger shoreland buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. (©)7/31/2012)

(6) ***Additional Requirements for Certain Nonresidential Buildings on Shoreland Lots.*** A non-conforming building or portion thereof which is not used for human habitation or a use ancillary thereto is subject to the provisions of paragraph (f) sections (1-4). (A)7/31/2012); (A)10/31/2012); (A)10/31/2017)

(7) **Relocation of Nonconforming Principal Structure.** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under paragraph (f)(1) may be relocated on the property provided all of the following requirements are met: (©)7/31/2012); (A)10/31/2017); (A)2/27/2018)

a. The use of the structure has not been discontinued for a period of twelve (12) months or more. (©)7/31/2012)

b. The existing principal structure is at least thirty-five (35) feet from the ordinary high-water mark. (©)7/31/2012); (A)2/27/2018)

c. No portion of the replaced or relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure. (©)7/31/2012)

d. The county determines that no other location is available on the property to build a structure of a comparable size to the structure proposed for replacement or relocation that will result in compliance with the shoreland setback requirement in paragraph (f)(1). (©)7/31/2012); (A)10/31/2017)

- e. The mitigation requirements of paragraph (g) below are complied with if the relocated structure is the principal structure. (©)7/31/2012); (A)10/31/2017); (A) 2/27/2018)
  - f. The county shall issue a permit that requires all other structures on the lot or parcel that do not comply with the shoreland setback requirement in subs. (f) paragraph (1) and are not exempt under NR 115.05(1)(b)1m, Wisconsin Administrative Code to be removed by the date specified in the permit. (©)7/31/2012)
  - g. All other provisions of the Bayfield County Shoreland Zoning Ordinance shall be met. (©)7/31/2012);(A)2/27/2018)
- (8) **Compliance with Most Restrictive Zone Standards.** Nonconforming buildings and structures which are located in more than one setback zone shall comply with the standards of the more restrictive zone. (D)7/31/2012)-(8); (D)10/31/2017-(9); (A)10/31/2017)
- (g) **Mitigation Measures.** As specified in the following provisions, the objective of these mitigation requirements is to compensate for adverse environmental effects when development is permitted to occur within designated shoreline setback areas. The mitigation measures shall be proportional to the amount and impacts of the activity being permitted in some circumstances, a storm water management plan may be the only and most critical proportional measure. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the Planning and Zoning Agency and/or Land and Water Conservation Department prior to issuance of the related land use permit(s). When the amount and impact of the activities being permitted merit mitigation measures beyond a storm water management plan, the mandatory mitigation measures shall include: (A)7/30/2013); (A)10/31/2017); (A)2/27/2018)
- (1) Evaluation and upgrading of any existing sanitary system on the subject property to comply with SPS 383, Wis. Adm. Code, and the Bayfield County Sanitary and Private Sewage Ordinance. (A)10/31/2017)
  - (2) Implementation of erosion and storm water runoff control measures in accordance with best management practices. (A)10/31/2017)
  - (3) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Bayfield County Register of Deeds. (©)7/31/2012); (D)10/31/2017-d.); (A)10/31/2017)
  - (4) Accumulating at least four (4) points from among the following proposed or current practices: (A)10/31/2017); (A)10/31/2017); (A)2/27/2018)
    - a. Restoration or maintenance of a shoreline vegetation protection area within twenty-five (25) feet of the ordinary high-water mark (OHWM) (1 point). (A)10/31/2017)

- b. Restoration or maintenance of a shoreline vegetation protection area within forty (40) feet of the OHWM (2 points). (A)10/31/2017)
  - c. Restoration or maintenance of a shoreline vegetation protection area within seventy-five (75) feet of the OHWM (3 points). (A)10/31/2017)
  - d. Restoration of native vegetation along both side yards (1 point).
  - e. Removal of nonconforming accessory buildings from the shore setback area (1 point per building). (A)10/31/2017)
  - f. Use of exterior building materials or treatments that are inconspicuous and blend with the natural setting the site (½ point). (A)10/31/2017)
  - g. Other practices agreed upon by the Planning and Zoning Agency (seawall removal, removal of excessive dockage and mooring, removal of artificial sand beaches, etc.) (Points as determined by the Planning and Zoning Agency). (A)7/30/2013); (D)10/31/2017-7); (A)10/31/2017)
- (h) **Wetland Setbacks.** A nonconforming principal building or structure whose only nonconformity is its setback from a wetland not adjoining or constituting a part of a navigable water or from an intermittent stream may be improved and expanded upon the issuance of a land use permit to the same extent as if it were a conforming structure provided that: (A)7/31/2012); (D)10/31/2017-(8); A)10/31/2017)
- (1) The use of the structure has not been discontinued for a period of twelve (12) months or more. (A)7/31/2012); (A)10/31/2017)
  - (2) The addition or expansion does not increase the nonconformity. (A)7/31/2012); (A)10/31/2017)
- (i) **MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE.** A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Expansion beyond the existing footprint may be allowed if the expansion is necessary to comply with applicable state or federal requirements. (A)10/31/2017); (D)2/27/2018-(1)&(2); (A)2/27/2018)

**Sec. 13-1-41 Conditional Uses.** (66)6/1/1976; (66)8/27/2002)**(a) General Provisions.** (66)6/1/1976; (66)8/27/2002); (A)3/27/2012)

- (1) **Purpose.** Some uses may be necessary or desirable in a particular zoning district, but certain conditions may need to be imposed to make them compatible with the basic uses in that district or an adjoining district. Uses classified as conditional uses are allowed only after consideration by the Planning and Zoning Committee and by meeting conditions that make the use compatible with other allowable uses within the district. (66)6/1/1976); (66)3/27/2012)
- (2) **Authority.** The Planning and Zoning Committee has been established pursuant to Section 59.69 (2) of the Wisconsin Statutes and assumes thereby, all responsibilities, duties and powers as provided therein. (66)3/27/2012);

**(b) Procedure.** (66)8/27/2002)

- (1) **Notice of Application.** Upon receipt of an application for a conditional use permit, the Planning and Zoning Agency shall give written notice thereof to all adjoining landowners and owners of land within 300 feet of the proposed use (whose names and addresses shall be included in the application) and the town clerk of the town in which the property is located, and the town clerk of any other town within 300 feet of the proposed use, and shall request the town board's recommendation with respect to the application on a form provided by the Planning and Zoning Agency for that purpose. Such notice shall be sent by first class mail at least seven (7) days prior to a regularly scheduled town board meeting to be held prior to the Planning and Zoning Committee hearing and/or meeting at which the application is to be considered, Adjoining landowners, owners of land within 300 feet of the proposed use, or any citizen shall be given a deadline of noon of the day prior to the next regularly scheduled Planning and Zoning Committee Meeting to respond thereto. The Town shall be given a deadline of noon of the day of the next regularly scheduled Planning and Zoning Committee Meeting to respond thereto. For good cause shown, the Planning and Zoning Committee may grant the town additional time to respond. (66)6/1/1976); (66)8/27/2002); (A)9/30/2004); (A)3/27/2012); (A)12/10/2013); (A)2/27/2018)
- (1a) **In the Shoreland.** The Planning and Zoning Agency shall send written notice to the appropriate office of the Department of Natural Resources at least 10 days prior to any hearing on a proposed variance or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review and shall also send the same office copies of any decision on a variance or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance. (66)10/31/2017); (A)2/27/2018); (A)5/28/2019)
- (2) **Additional Information.** At the request of the Planning and Zoning Agency the applicant may be required to provide such additional information as the



Planning and Zoning Agency deems necessary for adequate review and consideration of the application by the Planning and Zoning Committee, and may be required to meet with the Planning and Zoning Agency for such purpose prior to consideration of the application by the Planning and Zoning Committee. Such additional information may include, without limitation: (66)6/1/1976); (66)8/27/2002); (A)3/27/2012); (A)2/27/2018)

- a. A plan of the area showing contours, soil types, normal high water mark, groundwater conditions, bedrock, slope and vegetative cover. (66)6/1/1976); (66)8/27/2002)
- b. Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping. (66)6/1/1976); (66)8/27/2002)
- c. Site plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations thereof. (66)6/1/1976); (66)8/27/2002)
- d. The estimated number of persons to be living near or using the site, the estimated cost for providing public services. (66)6/1/1976); (66)8/27/2002)
- e. Specifications for areas of proposed filling, grading, lagooning or dredging. (66)6/1/1976); (66)8/27/2002)
- f. Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter. (66)6/1/1976); (66)8/27/2002)

(3) **Hearing.** After the deadline specified in paragraph 1 above and prior to acting upon an application, the Planning and Zoning Committee shall hold a public hearing on an application; notice of which shall be given by Class 2 notice. (66)8/27/2002); (A)9/20/2004); (A)3/27/2012)

(4) **Decision of the Planning and Zoning Committee.** (66)8/27/2002); (A)3/27/2012)

- a. The Planning and Zoning Committee shall act upon an application at a public meeting of the Planning and Zoning Committee following the public hearing thereon: (66)6/1/1976); (66)8/27/2002); (A)3/27/2012)
- b. **Use of Bayfield County Land Use Plan and Comprehensive Plan.** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide and tool in making informed zoning decisions, by the Planning and Zoning Committee. (66)6/1/1976); (66)8/27/2002); (A)5/31/2005); (A)3/27/2012)

(c) **Decision Making Considerations.** The Planning and Zoning Committee shall act upon an application and review and base its decision on the following: (66)6/1/1976); (66)3/27/2012)

(1) Zoning Ordinance and all other applicable laws. (66)3/27/2012)

- (2) Consistency with Town Comprehensive Plan (more specific detail) (©)3/27/2012)
  - (3) Consideration of the Town Board Recommendation (©)3/27/2012)
  - (4) Consistency with County Comprehensive and Land Use Plan (general overview) (©)8/27/2002); (A)3/27/2012)
  - (5) Relevant Public Input (©)3/27/2012)
  - (6) Consideration of the Departmental file report and site specifics (©)3/27/2012)
  - (7) The maintenance of safe and healthful conditions. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (8) The community or general welfare and economic impacts of the proposal. (©)8/27/2002); (©)3/27/2012)
  - (9) The prevention of the overcrowding of a natural resource, such as a lake, river or stream. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (10) The prevention and control of water pollution (including sedimentation), air pollution and noise. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (11) Existing topographic, drainage features and vegetative cover on the site. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (12) The location of the site with respect to floodplains and floodways of rivers or streams. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (13) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (14) The location of the site with respect to existing or future access roads. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (15) The amount of liquid wastes to be generated and the adequacy of the proposed waste disposal systems and water supply systems. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (16) The demand for public services, such as police and fire protection, solid waste disposal, schools, road maintenance, sewer and water facilities, etc., which would be affected by the proposed use and the adequacy of existing services to meet the increased demand. (©)6/1/1976); (©)8/27/2002); (©)3/27/2012)
  - (17) The potential impact of the proposed use on other lands and land uses in the vicinity and the extent to which it would be compatible or incompatible therewith. (©)8/27/2002); (©)3/27/2012)
- (d) Upon consideration of the factors listed in subparagraph c, the Planning and Zoning Committee may grant the application, deny the application, grant the

application with or without conditions that it deems necessary in furthering the purpose of this Chapter, or grant the application in part, with or without conditions, and deny it in part. Any conditions in addition to those required elsewhere in this Chapter, may include, duration, property ownership, hours of operation, parking restrictions, limits regarding; equipment, product lines, livestock, employees, etc. without limitation, requirements for type of shorecover, increased setbacks and yards, specified sewage disposal and water supply facilities, parking and signs, type of construction, granting or denial of lake access and boat docks to off-lake developments, The Planning and Zoning Committee may also require that any permit or license required for the proposed use from another governmental entity or agency be obtained before the issuance of a conditional use permit. The Planning and Zoning Agency; shall notify the applicant in writing of the Planning and Zoning Committee's decision within fifteen (15) days thereafter. (©6/1/1976); (©3/27/2012); (A)2/27/2018)

- (e) The Planning and Zoning Committee shall state its reasons and rationale for its decision in writing. (©3/27/2012)
- (f) **Compliance.** If a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted, and prior to the issuance of the permit the Planning and Zoning Agency shall record with the Bayfield County Register of Deeds an affidavit prepared by the Planning and Zoning Agency setting forth the terms and conditions of the permit and a legal description of the property to which they pertain. The terms and conditions of the permit shall be binding upon and inure to the benefit of all current and future owners of such property unless otherwise expressly provided by the permit, or unless the permit terminates under subsection (d) of this section. The recording fee for the affidavit shall be paid by the applicant to the Planning and Zoning Agency within ninety (90) days after notice thereof has been sent to the applicant by the Agency. If the applicant fails to do so, the Conditional Use Permit shall not be issued and the Planning and Zoning Committee's approval thereof shall become null and void. (©6/1/1976); (A)3/13/2002); (A)5/28/2002); (A)5/31/2005); (A)3/27/2012); (A)2/27/2018)
- (g) **Termination.** (A)3/27/2012)
- (1) A conditional use permit shall automatically terminate twenty-four (24) months from its date of issuance if the authorized building activity, land alteration or use has not begun within such time. (©9/26/2000); (©8/27/2002); (A)2/28/2023)
  - (2) If a conditional use is discontinued for 36 consecutive months, the conditional use permit authorizing it shall automatically terminate, and any future use of the building, structure, or property to which the permit pertained shall conform to this Chapter.
  - (3) Conditional uses with conditions shall be reviewed periodically by the Planning and Zoning Agency. Where such a use does not continue in conformity with the conditions of the original approval the permit shall be terminated, and such noncompliance shall constitute a violation under this Chapter. (A)7/30/2013); (A)2/27/2018)

(h) **Bonding.** (©)6/1/1976); (©)8/27/2002); (A)3/27/2012)

- (1) A bond, cash deposit or other security may be required by the Planning and Zoning Committee as a condition for the issuance of a conditional use permit to secure compliance with the conditions of the permit. (©)6/1/1976); (©)8/27/2002); (A)7/30/2013)
- (2) The form and amount of such security shall be at the discretion of the Planning and Zoning Committee and may be equal to, but not exceed, the amount estimated to cover the costs of meeting those conditions it secures. (©)6/1/1976); (©)8/27/2002); (A)7/30/2013)
- (3) The applicant may file with the Planning and Zoning Committee a request for release of the security at such time as the applicant believes that all conditions have been satisfactorily met. Such request shall include the name and address of the applicant, the conditional use permit number, and a legal description of the area for which the release is requested. Upon receipt of such a request: (©)6/1/1976); (©)8/27/2002); (A)7/30/2013)
  - a. The Planning and Zoning Agency shall inspect the designated lands and publish a Class 2 notice of the request, specifying a 30-day period for filing of objections thereto with the Planning and Zoning Agency. (©)6/1/1976); (©)8/27/2002); (A)7/30/2013) (A)2/27/2018)
  - b. The Planning and Zoning Committee shall hold a public hearing on any objections filed within the 30-day time period, and determine on the basis of the request, the Planning and Zoning Agency's inspection, and any objections and hearing thereon, whether the conditions have been sufficiently complied with for release of all or a part of the security. If the request is denied in whole or in part, the Committee shall provide the applicant with written reasons for its decision, including a statement of what further actions must be taken for the request to be granted. If the request is granted, the security shall be released in accordance with the Committee's decision. (©)6/1/1976); (©)8/27/2002); (A)7/30/2013) (A)2/27/2018)
- (4) Nothing in this subsection shall be construed to infringe upon the Planning and Zoning Committee's authority to take appropriate actions on bonds, or other security, including forfeiture of all or part of the security for cause. (©)6/1/1976); (©)8/27/2002); (A)7/30/2013)

(i) **Refilings; Reconsiderations and Rehearings.** (©)2/28/17)

- (1) **Refiling Rule.** No Conditional Use Permit that has been previously acted upon by the Committee shall be considered upon a new application unless one or more of the following applies: (©)2/28/17)
  - a. Thirty-Six (36) consecutive calendar months have expired from the date of the final decisions denying the earlier application. (©)2/28/17)

- b. The application does not contain the original or a substantially similar request for specific use. (©2/28/17)
  - c. Substantial change in the use of adjacent property has occurred since the previous application was heard. (©2/28/17)
  - d. The previous application was closed without a hearing because the applicant was not present at the time such situation/circumstance was scheduled for a meeting and the applicant demonstrates to the satisfaction of the Committee that his or her absence was due to excusable neglect. (©2/28/17)
  - e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply: (©2/28/17)
    - 1. The evidence has come to the moving party's notice after the initial hearing. (©2/28/17)
    - 2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it. (©2/28/17)
    - 3. The evidence is material and not cumulative. (©2/28/17)
    - 4. The new evidence would probably change the result. (©2/28/17)
- (2) **Reconsideration.** There shall be no reconsideration of any Planning and Zoning Committee decision approving or denying a conditional use permit except that the Planning and Zoning Committee, by its own motion and by a simple majority vote taken at the hearing in which a decision to grant or deny a conditional use permit is made, or at very next meeting of the Committee, shall be sufficient to reconsider a previous decision. If the Planning and Zoning Committee decides to reconsider the granting or denial of a conditional use permit after the close of the hearing at which the original grant or denial is voted upon, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing. (©2/28/17)
- (3) **Closure of Application.** An application will be considered as heard and closed at such time as the Committee approves or rejects an application or appeal by motion. No subsequent request for reconsideration by the applicant shall be considered. (©2/28/17)
- (4) **Filing fee(s) for a refiling** will not be refunded in the event the Committee or Board decides to deny the application. (©2/28/17)

**Sec. 13-1-41A. Special Uses.**

- (a) **Classes of Special Uses.** There are two classes of special uses, Class A special uses (designated as “S-A” in Sec. 13-1-62) and Class B special uses (designated as “S-B” in Sec. 13-1-62).
- (b) **Procedure.**
- (1) **Class A Special Use Applications.**
- a. Upon filing an application for a Class A special use permit, with the Planning and Zoning Agency, the applicant shall give written notice thereof to the town clerk of the town in which the property is located, and shall request the town board’s recommendation with respect to the application on a form provided by the Planning and Zoning Agency for that purpose. (A)7/30/2013) (A)2/27/2018)
- b. The Planning and Zoning Agency may proceed to issue a Class A special use permit without review by the Planning and Zoning Committee if all of the following conditions are met: (A)7/30/2013); (A)2/27/2018)
1. The town board has recommended approval of the application in writing.
2. The Planning and Zoning Agency determines, after considering the factors listed in Sec. 13-1-41, that the permit may be granted without conditions, or with conditions agreeable to the applicant. (A)7/30/2013); (A)2/27/2018)
- c. If both of the conditions in (1) b. have not been met within thirty (30) days of the filing of the application, the application shall be considered pursuant to the procedure for consideration of Class B Special Use Permit Applications set forth in paragraphs (2) through (5) of this subsection, and a Class B permit fee shall be required, provided that the applicant’s payment of the Class A permit fee shall be credited towards the Class B permit fee.
- (2) **Class B Special Use Applications.** Upon receipt of an application for a Class B special use permit, the Planning and Zoning Agency shall give written notice thereof to all adjoining landowners (whose names and addresses shall be included in the application) and the town clerk of the town in which the property is located, and shall request the town board’s recommendation with respect to the application on a form provided by the Planning and Zoning Agency for that purpose. Such notice shall be sent by first class mail at least seven (7) days prior to a regularly scheduled town board meeting to be held prior to the Planning and Zoning Committee hearing and/or meeting at which the application is to be considered. Adjoining landowners, owners of land within 300 feet of the proposed use, or any citizens shall be given a deadline of noon the day prior to the next

regularly scheduled Planning and Zoning Committee Meeting to respond thereto. The town shall be given a deadline of noon of the day of the next regularly scheduled Planning and Zoning Committee meeting. For good cause shown, the Planning and Zoning Committee may grant the town additional time to respond. (A)7/30/2013); (A)12/10/2013); (A)2/27/2018)

- (3) **Planning and Zoning Committee Review.** Applications for Class B special uses and applications for Class A special uses not meeting the criteria of paragraph (1)b above shall be acted upon by the Planning and Zoning Committee after the time period for receiving objections and town board recommendations has expired. A public hearing on the application shall not be required but may be held at the discretion of the committee upon a Class 1 or Class 2 notice of the hearing as determined by the committee. (A)7/30/2013)
  - (4) **Basis for Decision; Conditions.** The Planning and Zoning Committee's decision on an application shall be based on a consideration of the factors listed in Sec. 13-1-41. The committee may attach such conditions to the permit as it determines to be necessary to further the purpose of this Chapter. (A)7/30/2013)
  - (5) **Conditional Use Requirements.** If, after taking into account the factors listed in Sec. 13-1-41 and the purposes of this Chapter, the Planning and Zoning Committee determines that the potential impact of a proposed special use is sufficient to warrant application of the requirements for a conditional use, the committee may apply such requirements to the proposed special use. (A)7/30/2013)
- (c) **Compliance.** If a special use permit is approved with conditions, an appropriate record shall be made of the land use and structures permitted, and prior to the issuance of a Class B permit the Planning and Zoning Agency shall record with the Bayfield County Register of Deeds an affidavit prepared by the Planning and Zoning Agency setting forth the terms and conditions of the permit and a legal description of the property to which they pertain. The terms and conditions of a special use permit of either class shall be binding upon and inure to the benefit of all current and future owners of the property to which it pertains unless otherwise expressly provided by the permit, or unless the permit terminates under subsection (d) of this section. The recording fee for the affidavit shall be paid by the applicant to the Planning and Zoning Agency within ninety (90) days after notice thereof has been sent to the applicant by the Agency. If the applicant fails to do so, the Class B Permit shall not be issued and the Planning and Zoning Committee's approval thereof shall become null and void.(A)7/30/2013);(A)5/27/2014); (A)2/27/2018)
- (d) **Termination.**
- (1) A special use permit shall automatically terminate twenty-four (24) months from its date of issuance if the authorized building activity, land alteration or use has not begun within such time. (A)2/28/2023)

- (2) If a special use is discontinued for 36 consecutive months, the special use permit authorizing it shall automatically terminate, and any future use of the building, structure, or property to which the permit pertained shall conform to this Chapter.
- (3) Special uses with conditions shall be reviewed periodically by the Planning and Zoning Agency. Where such a use does not continue in conformity with the conditions of the original approval the permit shall be terminated and such noncompliance shall constitute a violation under this Chapter.  
(A)7/30/2013); (A)2/27/2018)
- (e) **Refilings; Reconsiderations and Rehearings.** (©2/28/17)
- (1) **Refiling Rule.** No Special Use Permit that has been previously acted upon by the Committee shall be considered upon a new application unless one or more of the following applies: (©2/28/17)
- a. Thirty-Six (36) consecutive calendar months have expired from the date of the final decisions denying the earlier application. (©2/28/17)
  - b. The application does not contain the original or a substantially similar request for specific use. (©2/28/17)
  - c. Substantial change in the use of adjacent property has occurred since the previous application was heard. (©2/28/17)
  - d. The previous application was closed without a hearing because the applicant was not present at the time such situation/circumstance was scheduled for a meeting and the applicant demonstrates to the satisfaction of the Committee that his or her absence was due to excusable neglect. (©2/28/17)
  - e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply: (©2/28/17)
    1. The evidence has come to the moving party's notice after the initial hearing. (©2/28/17)
    2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it. (©2/28/17)
    3. The evidence is material and not cumulative. (©2/28/17)
    4. The new evidence would probably change the result. (©2/28/17)
- (2) **Reconsideration.** There shall be no reconsideration of any Planning and Zoning Committee decision approving or denying a special use permit except that the Planning and Zoning Committee, by its own motion and by



a simple majority vote taken at the hearing in which a decision to grant or deny a special use permit is made, or at very next meeting of the Committee, shall be sufficient to reconsider a previous decision. If the Planning and Zoning Committee decides to reconsider the granting or denial of a special use permit after the close of the hearing at which the original grant or denial is voted upon, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing. (©2/28/17)

- (3) **Closure of Application.** An application will be considered as heard and closed at such time as the Committee approves or rejects an application or appeal by motion. No subsequent request for reconsideration by the applicant shall be considered. (©2/28/17)
- (4) **Filing fee(s) for a refiling** will not be refunded in the event the Committee or Board decides to deny the application. (©2/28/17)

**Sec. 13-1-42 Environmental Impact Analysis.** (6/1/1976)

- (a) **Purpose.** The purpose of an Environmental Impact Analysis is to evaluate proposed actions very carefully in order to assure safe, healthful, productive and aesthetically pleasing surroundings and to discourage ecologically unsound practices. An E.I.A. should inform public decision makers and private individuals of the environmental and economic effects of actions that have been proposed, increase the exchange of information among interested parties, lead environmentally and economically sound projects, and be used as a planning tool for broad aspects of decision making. (6/1/1976)
- (b) **Uses Requiring an E.I.A.** An Environmental Impact Analysis shall be required for: (6/1/1976)
- (1) Any subdivision consisting of twenty-five (25) lots or more. (6/1/1976)
  - (2) Any resort, condominium, planned unit development, motel, hotel or multi-unit dwelling. (6/1/1976)
  - (3) Any mobile home park, campground or camping resort. (6/1/1976)
  - (4) Any junk or salvage yard. (6/1/1976)
  - (5) Post-exploration phase of mining of mineral deposits as required by Section 13-1-25(b).
  - (6) Metallic mining.
  - (7) Nonmetallic mining. (A)3/30/2021
  - (8) Any solid waste disposal or landfill site.
- (c) **Evaluation Procedures.** (6/1/1976);
- (1) In order for the Committee to consider the permit, an E.I.A. must be submitted along with the application for conditional use.
  - (2) Before passing upon the application for a conditional use permit, the Planning and Zoning Committee shall hold a public hearing. Notice of such a public hearing, specifying the time, place, and matters to come before the Planning and Zoning Committee shall be given in the manner specified in Section 13-1-41(e). (6/1/1976)
  - (3) The Planning and Zoning Agency and Planning and Zoning Committee may request review of an E.I.A. by the Wisconsin Department of Natural Resources; the Bayfield County Land and Water Conservation Department; or a private consultant. (6/1/1976); (A)2/27/2018
  - (4) The Planning and Zoning Committee may, in writing, waive the requirement

that the applicant provide an E.I.A. where the proposed development is located within the boundary of an unincorporated village established pursuant to Section 13-1-62(n) or in those unique instances where this tool is deemed unnecessary to aid in the decision making process. (A)7/30/2013)

(d) **Required Content of Environmental Impact Analysis.** (©©/1/1976)

(1) **Summary Statement.** What is the overall anticipated impact of the projects on the environment? Based on this question, prepare a summary statement from the results of the following impact analysis. (©©/1/1976)

(2) **The Nature of the Site and Surrounding Area.** (©©/1/1976)

- a. Characterize the local and regional topography and geology, especially those factors pertinent to the proposed development. (©©/1/1976)
- b. Describe the soil types of the area to be developed and include a soils map from the Soil Conservation Service. (©©/1/1976)
- c. Provide the results of percolation tests and core samples and list all foreseen limitations for streets and roads, dwellings and foundations. (©©/1/1976)
- d. Describe the water resources of the region, including pertinent information on lakes [size, shape, location, important chemical-physical data if requested], streams and groundwater. (©©/1/1976)
- e. Characterize the existing vegetation of the area to be developed, showing the distribution of the vegetative types on an attached map. (©©/1/1976)
- f. Summarize present land use patterns, indicating both the nature and the extent of land use in the proposed site and in the surrounding area. (©©/1/1976)

(3) **The Proposed Development and Planned Alterations.** (©©/1/1976)

- a. Provide a map showing the proposed lot locations and boundaries, as well as other important data such as locations of proposed buildings, roads, and easements. (©©/1/1976)
- b. Describe in detail, all proposed land alterations and provide a large scale topographic map [contour interval ten (10) feet or less, preferably two (2) feet] of those proposed alterations. The following points should be considered: (©©/1/1976)
  1. Landscaping details. List all provisions for limiting soil erosion. (©©/1/1976)
  2. Draining or filling of wetlands. (©©/1/1976)

3. Shoreland alterations. (©©/1/1976)
  4. Do the proposed alterations comply with this Chapter?  
(©©/1/1976)
    - c. Describe proposed alterations of the existing vegetation, and include any provisions being made to preserve or supplement the existing vegetation. (©©/1/1976)
    - d. Describe plans to dispose of storm and melt water runoff. (©©/1/1976)
    - e. Describe the proposed waste disposal system: (©©/1/1976)
      1. What type of sewage disposal system is anticipated? (©©/1/1976)
      2. What is the anticipated volume of sewerage to be generated?  
(©©/1/1976)
      3. What are the proposed plans for solid waste disposal?  
(©©/1/1976)
    - f. Describe the locations and estimated demands of proposed wells.  
(©©/1/1976)
- (4) ***Impact of the Development on the Natural Surroundings.*** (©©/1/1976)
- a. List the species of fish, fowl, or land animals common to the area and their required habitats. What measures will be taken to preserve these habitat areas? (©©/1/1976)
  - b. If the site has frontage on navigable water: (©©/1/1976)
    1. What allowances will be made for natural erosion processes?  
(©©/1/1976)
    2. What provisions will be made to retard shoreline or bank erosion? (©©/1/1976)
    3. What provisions will be made to avoid enrichment of the water bodies due to sewerage or runoff? (©©/1/1976)
    4. How will surplus runoff from fertilized lawns or fields or from roads be directed off the property? (©©/1/1976)
    5. List any irreversible or irretrievable commitments or of resources that would be involved. (©©/1/1976)
- (5) ***Alternatives to Proposed Action.*** Possible alternatives to potentially problem causing aspects of the project should be discussed. The feasibility of the alternatives should also be brought out. (©©/1/1976)

(©©/1/1976)

(6) **Economic-Social Impact.**

- a. **Population.** (©©/1/1976)
  1. What is the maximum anticipated population of the development? (©©/1/1976)
  2. Estimate the total user days per year. (©©/1/1976)
- b. **Economic Benefits.** Assessment of the expected economic benefits the community will receive, such as: (©©/1/1976)
  1. Inputs into construction trade. (©©/1/1976)
  2. Increases in assessed property values. (©©/1/1976)
  3. Total anticipated tax revenue. (©©/1/1976)
  4. Increased retail sales. (©©/1/1976)
- c. **Services.** This Section will assess some of the costs and consequences of servicing the proposed development, such as: (©©/1/1976)
  1. Total length of proposed roads. (©©/1/1976)
  2. Estimated annual cost of snow plowing. (©©/1/1976)
  3. Assessment of potential traffic loads on roads leading from the subdivision to commercial centers. (©©/1/1976)
  4. Estimated annual amount of solid waste generated. (©©/1/1976)
  5. Estimated annual cost for schools. (©©/1/1976)
  6. Distance from the nearest hospital, responsible fire department, and full-time police headquarters. (©©/1/1976)
  7. Assessment of the potential pressure placed on public recreational facilities and any provisions for reducing such pressure within the development itself. (©©/1/1976)
- d. **Assessment.** Assessment of effects resulting from the changing of present land use patterns. (©©/1/1976)

**Sec. 13-1-43 Mobile Tower Siting Regulations.** (©)1/29/2002); (®®)12/10/2013)

- (a) **Purpose and Intent.** The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities. (©)1/29/2002); (®®)12/10/2013)

It is intended that the County shall apply these regulations to accomplish to the greatest degree possible the following: (©)1/29/2002); (®®)12/10/2013)

- (1) Minimize adverse effects of mobile service facilities and mobile service support structures. (©)1/29/2002); (®®)12/10/2013)
- (2) Maintain and ensure that a non-discriminatory, competitive and broad range of mobile services and high quality mobile service infrastructure consistent with the Federal Telecommunications Act of 1996 and provided to serve the community, as well as serve as an important and effective part of Bayfield County's police, fire, and emergency response network. (©)1/29/2002); (®®)12/10/2013)
- (3) Provide a process of obtaining necessary permits for mobile service facilities and support structures while at the same time protecting the legitimate interests of Bayfield County citizens. (©)1/29/2002); (®®)12/10/2013)
- (4) Encourage the use of alternative support structures, co-location of new antennas on existing support structures, camouflaged mobile service support structures, and construction of support structures with the ability to locate three (3) or more providers. (©)1/29/2002); (®®)12/10/2013)

Furthermore, this section is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additionally, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by Sec. 59.69(4d), or its successor sections, of the Wisconsin Statutes or as permitted by Federal Law. (©)1/29/2002); (®®)12/10/2013)

- (b) **Definitions.** (©)1/29/2002)

- (1) All definitions contained in s. 66.0404(1), Wisconsin Statutes are hereby incorporated by reference. (©)1/29/2002); (®®)12/10/2013)
- (2) For the purpose of this section, the following terms and phrases shall be defined as: (©)1/29/2002); (®®)12/10/2013)
  - a. **Camouflaged Mobile Service Support Structure:** Any mobile service support structure that due to design or appearance hides, obscures, or conceals the presence of the mobile service support structure. (©)1/29/2002); (®®)12/10/2013)

- b. **Satellite Dish:** A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn or cornucopia shaped and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas. (©)1/29/2002); (®®)12/10/2013)
- (c) **Exempt from Permitting.** The following shall be exempt from the requirement to obtain a land use permit, unless otherwise noted. (©)1/29/2002); (®®)12/10/2013)
- (1) The use of all receive-only television antenna and satellite dishes. (©)1/29/2002); (®®)12/10/2013)
- (2) Amateur Radio and/or Receive-Only Antennas. This ordinance shall not govern the installation of any antenna that is owned and/or operated by a federally licensed amateur radio operator and is used for amateur radio purposes or is used exclusively for receive-only purposes. (©)1/29/2002); (®®)12/10/2013)
- (3) Mobile services providing public information coverage of news events of a temporary or emergency nature. (©)1/29/2002); (®®)12/10/2013)
- (d) **Siting and Construction of any New Mobile Service Support Structure and Facilities and Class 1 Collocation.** (©)1/29/2002); (®®)12/10/2013)
- (1) **Application Process.** (©)1/29/2002); (®®)12/10/2013)
- a. A land use permit is required for the siting and construction of any new mobile service support structure and facilities and for Class 1 Collocation. (©)1/29/2002); (®®)12/10/2013)
- b. A written permit application must be completed by any applicant and submitted to the Planning and Zoning Agency. The application must contain the following information: (©)1/29/2002); (®®)12/10/2013); (A)2/27/2018)
1. The name and business address of, and the contact individual for, the applicant. (©)1/29/2002); (®®)12/10/2013)
  2. The location of the proposed or affected support structure. (©)1/29/2002); (®®)12/10/2013)
  3. The location of the proposed mobile service facility. (©)1/29/2002); (®®)12/10/2013)
  4. If the application is to substantially modify an existing support structure, a construction plan which 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.  
(©)1/29/2002); (®)12/10/2013)

5. If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure 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. (©)1/29/2002); (®)12/10/2013)
  6. If an 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 an individual who has responsibility over the placement of the mobile service support structure 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 to the mobile service provider. (©)1/29/2002); (®)12/10/2013)
- c. A permit application will be provided by the Planning and Zoning Agency upon request to any applicant. (©)1/29/2002); (®)12/10/2013); (A)2/27/2018)
- (2) **Completed Applications.** If an applicant submits to the Planning and Zoning Agency an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Planning and Zoning Agency shall consider the application complete. If the Planning and Zoning Agency does not believe that the application is complete, the Planning and Zoning Agency shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete. (©)1/29/2002); (®)12/10/2013); (A)2/27/2018)
- (3) **County Responsibilities.** Within 90 days of its receipt of a complete application, the Planning and Zoning Agency shall complete all of the following or the applicant may consider the application approved, except that the applicant and the Planning and Zoning Agency may agree in writing to an extension of the 90 day period: (©)1/29/2002); (®)12/10/2013); (A)2/27/2018)
- a. Review the application to determine whether it complies with all applicable aspects of the county's building code and, subject to the limitations in this section, zoning ordinances. (©)1/29/2002); (®)12/10/2013)
  - b. Make a final decision whether to approve or disapprove the application. (©)1/29/2002); (®)12/10/2013)



- c. Notify the applicant, in writing, of its final decision. (©)1/29/2002); (®)12/10/2013)
- d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision. (©)1/29/2002); (®)12/10/2013)
- (4) **Disapproval.** The Planning and Zoning Agency may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under paragraph (d)(1)b.vi. (©)1/29/2002); (®)12/10/2013); (A)2/27/2018)
- (5) **Application of Set Back/Fall Zone.** If an applicant provides the Planning and Zoning Agency with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the Planning and Zoning Agency provides the applicant with substantial evidence that the engineering certification is flawed. (©)1/29/2002); (®)12/10/2013); (A)2/27/2018)
- (6) **Fees.** The fee for the permit is \$3,000. (©)1/29/2002); (®)12/10/2013)
- (7) **Limitations.** Land Use Permits for Siting and Construction of any new mobile service support structure and facilities and land use permits for Class 1 Colocations shall only be granted provided the following conditions exist: (©)1/29/2002); (®)12/10/2013)
- a. If the location of the proposed mobile service support structure or mobile service facility is on leased land, the lease agreement does not preclude the lessee from entering into leases on the site with other provider(s) and there is no other lease provision operating as a bar to collocation of other providers. (©)1/29/2002); (A)12/15/2009); (®)12/10/2013)
- b. The applicant has obtained Federal Communications Commission (FCC) license numbers and registration numbers if applicable. (©)1/29/2002); (®)12/10/2013)
- c. The applicant and/or agent have copies of Findings of No Significant Impacts (FONI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable. (©)1/29/2002); (®)12/10/2013)
- d. The applicant and/or agent have copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, if applicable. (©)1/29/2002); (®)12/10/2013)
- e. The applicant and/or agent have plans indicating security measures (i.e. access, fencing, lighting, etc.). (©)1/29/2002); (®)12/10/2013)

- f. For new mobile service support structures, 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 additional antennas. (©)1/29/2002); (®®)12/10/2013)
- g. The applicant and/or agent have proof of liability coverage. (©)1/29/2002); (®®)12/10/2013)
- h. The applicant and/or agent have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site have been notified via certified mail. (©)1/29/2002); (®®)12/10/2013)
- i. The Facility or collocation is designed to promote site sharing, such that space is reasonably available to colocators and such that telecommunication towers and necessary appurtenances, including but not limited to parking areas, access road, and utilities, are shared by site users whenever possible. (©)1/29/2002); (®®)12/10/2013)

(e) **Class 2 Collocation.** (©)1/29/2002); (®®)12/10/2013)

(1) **Application Process.** (©)1/29/2002); (®®)12/10/2013)

- a. A land use permit is required for a class 2 collocation. A class 2 collocation is a permitted use, but still requires the issuance of the permit. (©)1/29/2002); (®®)12/10/2013)
- b. A written permit application must be completed by any applicant and submitted to the Planning and Zoning Agency. The application must contain the following information: (©)1/29/2002); (®®)12/10/2013); (A)2/27/2018)
  - 1. The name and business address of, and the contact individual for, the applicant. (©)1/29/2002); (®®)12/10/2013)
  - 2. The location of the proposed or affected mobile service support structure. (©)1/29/2002); (®®)12/10/2013)
  - 3. The location of the proposed mobile service facility. (©)1/29/2002); (®®)12/10/2013)
- c. A permit application will be provided by the Planning and Zoning Agency upon request to any applicant. (©)1/29/2002); (®®)12/10/2013); (A)2/27/2018)

(2) **Requirements.** A class 2 collocation is subject to the same requirements for the issuance of a land use permit to which any other type of commercial development or land use development is subject, except that the maximum fee for a land use permit shall be \$500. See Sec. 13-1-21 of the Bayfield County Zoning Ordinances. (©)1/29/2002); (®®)12/10/2013)

- (3) **Completed Applications.** If an applicant submits to the Planning and Zoning Agency an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the Planning and Zoning Agency shall consider the application complete. If any of the required information is not in the application, the Planning and Zoning Agency shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete. (©)1/29/2002); (©©)12/10/2013); (A)2/27/2018)
- (4) **County Requirements.** Within 45 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 45 day period: (©)1/29/2002); (©©)12/10/2013)
- a. Make a final decision whether to approve or disapprove the application. (©)1/29/2002); (©©)12/10/2013)
  - b. Notify the applicant, in writing, of its final decision. (©)1/29/2002); (©©)12/10/2013)
  - c. If the application is approved, issue the applicant the relevant permit. (©)1/29/2002); (©©)12/10/2013)
  - d. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision. (©)1/29/2002); (©©)12/10/2013)
- (5) **Fees.** The fee for the permit is as set forth in Bayfield County Zoning Ordinance Sec. 13-1-21, except that the maximum fee for the land use permit shall be \$500. (©)1/29/2002); (©©)12/10/2013)
- (f) **Information Report.** The purpose of the report under this subsection is to provide the County with accurate and current information concerning the mobile service facility owners and providers who offer or provide mobile services within the County, or that own or operate mobile service facilities within the County, to assist the County in enforcement of this subsection, and to assist the County in monitoring compliance with local, state and federal laws. (©)1/29/2002); (©©)12/10/2013)
- (1) **Information Report.** All mobile service support structure owners of any new mobile service support structure shall submit to the Zoning Agency a Telecommunications Facility Information Report (the "Report") within forty-five (45) days: (1) following land use approval; (2) of receipt of a written request from the Zoning Agency; and (3) of any change in occupancy of the mobile service facility. The Report shall include the mobile service support structure owner's name(s), address(es), phone number(s), contact person(s), and proof of bond as security for removal. The support structure owner shall supply the mobile service support structure height or current occupancy, if applicable, the number of colocation positions designated,

occupied or vacant. This information shall be submitted on the County form provided and designated for such use, and shall become evidence of compliance. (©)1/29/2002; (©©)12/10/2013; (A)2/27/2018)

(g) **Removal/Security for Removal.** (©)1/29/2002; (©©)12/10/2013)

(1) It is the express policy of Bayfield County and this ordinance that mobile service support structures be removed once they are no longer in use and not a functional part of providing mobile service and that it is the mobile service support structure owner's responsibility to remove such mobile service support structures and restore the site to its original condition or a condition approved by the Bayfield County Zoning Agency. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the mobile service support structure down to 5 feet below the surface. After a mobile service support structure is no longer being used for mobile service that is in operation, the mobile service support structure owner shall have one hundred eighty (180) days to effect removal and restoration unless weather prohibits such efforts. Permittee shall record a document with the Bayfield County Register of Deeds showing the existence of any subsurface structure remaining below grade. Such recording shall accurately set forth the location and describe the remaining structure. (©)1/29/2002; (©©)12/10/2013) (A)2/27/2018)

(2) **Security for Removal.** The owner of any mobile service support structure other than a municipality or other unit of government shall provide to Bayfield County, prior to the issuance of the land use permit, a performance bond in an amount based on a written estimate of a qualified remover of said types of structures, or Twenty Thousand Dollars (\$20,000), whichever is less, to guarantee that the mobile service support structure will be removed when no longer in operation. Bayfield County will be named as obligee in the bond and must approve the bonding company. The County may require an increase in the bond amount after five (5) year intervals to reflect increases in the Consumer Price Index, but at no point shall the bond amount exceed Twenty Thousand Dollars (\$20,000). The provider shall supply any increased bond within a reasonable time, not exceeding sixty (60) days, after the County's request. A permittee may submit a letter of credit in the amount set forth above, or, in the alternative, a permittee with several sites in the County may submit a master bond to cover all of said sites. A master bond or a letter of credit may, in the Committee's discretion, be in an amount sufficient to secure removal from one site if the master bond or letter of credit provides for replenishing any amount used as the master bond or letter of credit covers any other site in the County. (©)1/29/2002; (©©)12/10/2013)

(h) **Structural, Design and Environmental Standards.** (©)1/29/2002; (©©)12/10/2013)

(1) **Mobile Service Support Structure, Antenna and Facilities Requirements.** All mobile service facilities and mobile service support structures, except exempt facilities as defined in subsection (c), shall be

designed to reduce the negative impact on the surrounding environment by implementing the measures set forth below: (©)1/29/2002; (®®)12/10/2013)

- a. Mobile Service support structures shall be constructed of metal or other nonflammable material, unless specifically permitted by the County to be otherwise. (©)1/29/2002; (®®)12/10/2013)
  - b. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their functions. (©)1/29/2002; (®®)12/10/2013)
  - c. Equipment compounds shall be constructed of nonreflective materials (visible exterior surfaces only). Equipment compounds shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility. (©)1/29/2002; (®®)12/10/2013)
  - d. Mobile service facilities, support structures and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, Bayfield County Subdivision Ordinance, Bayfield County Sanitation Ordinance, Electronic Industries Association (EIA), American National Steel Institute Standards (ANSI), and American National Standards Institute (ANSI) in effect at the time of manufacture. (©)1/29/2002; (®®)12/10/2013)
  - e. Mobile service facilities and support structures shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the County. (©)1/29/2002; (®®)12/10/2013)
- (2) **Site Development.** A leased parcel intended for the location of new mobile service facilities, mobile service support structures, and equipment compounds shall be located so as to permit expansion for mobile service facilities to serve all potential colocators. (©)1/29/2002; (®®)12/10/2013)
- (3) **Vegetation protection and facility screening.** (©)1/29/2002; (®®)12/10/2013)
- a. Except exempt facilities as defined in subsection (c), all mobile service facilities shall be installed in a manner to as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility, where necessary. For purposes of this section, “mature landscaping” shall mean trees, shrubs or other vegetation of a minimum initial height of five (5) feet that will provide the appropriate level of visual screening immediately upon installation. (©)1/29/2002; (®®)12/10/2013)

- b. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping as long as a telecommunication facility is maintained on the site. (©)1/29/2002; (®®)12/10/2013)
- (4) **Fire prevention.** All mobile service facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention. (©)1/29/2002; (®®)12/10/2013)
- (5) **Noise and Traffic.** All mobile service facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end the following measures shall be implemented for all mobile service facilities, except exempt facilities as defined in subsection (c): (©)1/29/2002; (®®)12/10/2013)
- a. Noise producing construction activities shall take place only on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair, and (©)1/29/2002; (®®)12/10/2013)
- b. Backup generators, if present, shall be operated only during power outages and for testing and maintenance purposes. (©)1/29/2002; (®®)12/10/2013)
- (6) **Separation Requirements.** Mobile service support structures shall be separated by a minimum of 2640 feet, except that: (©)1/29/2002; (®®)12/10/2013)
- a. Two (2) mobile service support structures may be permitted to be located within 100 feet of each other subject to approval of the Bayfield County Zoning Committee. (©)1/29/2002; (®®)12/10/2013)
- b. Camouflaged mobile service support structures are exempt from the separation between mobile service support structures requirement listed above. (©)1/29/2002; (®®)12/10/2013)
- (i) **Compliance/Penalties.** (©)1/29/2002; (®®)12/10/2013)
- (1) **Abandonment.** Any antenna, mobile service facility, or mobile service support structure that is not operated for a continuous period of twelve (12) months shall be considered abandoned. Upon application, the Committee may extend the time limit to abandon once for an additional twelve-month period. Such extension shall be based on the finding that the owner or permit holder is actively seeking tenants for the site. After the expiration of the time periods established above, the following shall apply: (©)1/29/2002; (®®)12/10/2013)
- a. The owner of such antenna, mobile service facility or mobile service support structure shall remove said antenna, mobile service facility or mobile service support structure, including all supporting equipment, building(s) and foundations to the depth as otherwise

herein required within ninety (90) days of receipt of notice from the Zoning Agency notifying the owner of such abandonment. If removal to the satisfaction of the Planning and Zoning Agency does not occur within said ninety (90) days, the Bayfield County Zoning Administrator may order removal utilizing the established bond as provided under subsection (g) and salvage said antenna, mobile service facility or mobile service support structure, including all supporting equipment and building(s). If there are two or more users of a single mobile service support structure, then this provision shall not become effective until all operations of the mobile service support structure cease. (©)1/29/2002; (®®)12/10/2013; (A)2/27/2018)

- b. The recipient of a land use permit allowing a mobile service support structure and facility under this section, or the current owner or operator, shall notify the Bayfield County Planning and Zoning Agency within 45 days of the date when the mobile service facility is no longer in operation. (©)1/29/2002; (®®)12/10/2013; (A)2/27/2018)

- (3) **Penalties.** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the penalty provisions set forth in Sec. 13-1-103 of the Bayfield County Zoning Ordinance, and, upon conviction, may pay a forfeiture of not less than \$10.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Planning and Zoning Agency may seek injunctive relief from a court of record to enjoin further violations. (©)1/29/2002; (®®)12/10/2013; (A)2/27/2018)

**Sec. 13-1-44 Handicap – Disability Permits.**

- (a) **Application.** A person claiming coverage under the Federal Americans With Disabilities Act (42 USC ss. 12101 to 12213), the Federal Fair Housing Act (42 USC ss. 3601 to 3631), or the Wisconsin Open Housing Law (Sec. 106.04 Wis. Stats.), as such Acts may be renumbered and/or amended from time to time (hereafter “the Acts”) may apply to the Planning and Zoning Agency for a handicap-disability permit. The application shall contain sufficient information regarding the handicap or disability purporting to provide coverage under the Acts, and the proposed work and possible alternatives thereto, to enable the Agency to determine whether any of the Acts apply. At the Agency’s request the applicant shall provide such additional information as the Agency may deem necessary to make such a determination. (A)7/30/2013); (A)2/27/2018)
- (b) **Determination.** If the Agency determines that one or more of the Acts applies, that the handicap or disability can be reasonably accommodated with unreasonably undermining the basic purposes of the Bayfield County Zoning Ordinance, and that there are no alternatives for reasonably accommodating the handicap or disability that would have less adverse impact on the purposes of the ordinance, the Agency may issue a Handicap--Disability Permit authorizing the proposed work, even if the proposed work does not comply with other provisions of the Zoning Ordinance. Such provisions shall be inapplicable to the authorized work by virtue of this section. (A)2/27/2018)
- (c) **Termination.** Any condition authorized by a permit issued hereunder which does not otherwise comply with provisions of the Zoning Ordinance shall be removed or otherwise brought into compliance with such other provisions at such time as coverage under the Acts terminates (such as may be occasioned by change in occupancy) if such removal or compliance can be achieved without inordinate expense and disruption of the remaining structure. Each Handicap--Disability Permit shall describe specifically what actions must be taken upon termination of coverage, and prior to the issuance of the permit the Planning and Zoning Agency shall record with the Bayfield County Register of Deeds an affidavit prepared by the Agency setting forth the terms and conditions of the permit, including such required actions, and a legal description of the property to which they pertain. The recording fees shall be paid by the applicant. The provisions describing and requiring the actions to be taken upon termination of coverage shall be binding upon all current and future owners of the property. (A)7/30/2013) (A)2/27/2018);

**Sec. 13-1-45 through Sec. 13-1-59****Reserved for Future Use.**



# Article D: Zoning Districts

## Sec. 13-1-60 Zoning District Dimensional Requirements. (©)6/1/1976)

- (a) Subject to subsections (b) through (i), Zoning District Dimensional Requirements for lots shall be as follows: (A)4/15/2003); (A)5/31/2005); (A)5/30/2006); (A)4/9/2007); (A)2/27/2018)

| Zoning District | Minimum Area   | Minimum Average Width | Minimum Side & Rear Yards |                    |
|-----------------|----------------|-----------------------|---------------------------|--------------------|
|                 |                |                       | Principal Building        | Accessory Building |
| R-RB, R-1       | 30,000 sq. ft. | 150'                  | 10'                       | 10'                |
| F-1, R-2, A-1   | 4½ acres       | 300'                  | 75'                       | 30'                |
| R-3             | 2 acres        | 200'                  | 20'                       | 20'                |
| F-2, A-2, M-M   | 35 acres       | 1,200'                | 75'                       | 30'                |
| I, C*           | 20,000 sq. ft. | 100'                  | 5'                        | 5'                 |
| M               | 20,000 sq. ft. | 100'                  | 10'                       | 10'                |
| R-4             |                |                       |                           |                    |
| (a) Sewer/water | 10,000 sq. ft. | 75'                   | 10'                       | 10'                |
| (b) Sewer only  | 15,000 sq. ft. | 75'                   | 10'                       | 10'                |
| (c) Water only  | 20,000 sq. ft. | 100'                  | 10'                       | 10'                |

(©)6/1/1976); (D)4/15/2003); (A)5/30/2006); (D)5/30/2006); (©)7/26/2011); (A)2/27/2018); (©)5/28/2019)

For Setback Requirements see Section 13-1-22. (A)4/15/2003); (A)5/30/2006)

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements. (©)5/30/2006)

- (b) Commercial and Municipal and Institutional zoning districts within and utilizing the services of a sanitary district shall be permitted to apply R-4 Zoning District lot size standards. Commercial zoning districts not located within a sanitary district that involves a residence shall apply R-1 Zoning District lot size standards. (A)4/15/2003); ((A)10/25/2011); (A)7/26/2011)
- (c) The minimum road frontage on a cul-de-sac shall be fifty (50) feet in a R-1, R-3, R-4, R-RB, Commercial, Industrial, or Municipal and Institutional Zoning District. (©)6/1/1976); (A)4/15/2003); (A)10/25/2011); (A)7/26/2011)
- (d) The radius of a cul-de-sac shall not be less than forty-five (45) feet in a F-1, R-2, A-1, R-3, F-2, A-2, Industrial, Commercial, Municipal and Institutional or R-4 Zoning District. (©)6/1/1976); (A)4/15/2003); (A)10/25/2011); (A)7/26/2011)
- (e) The side yard setback for buildings and structures may be reduced to not less than one-third of the otherwise required setback where a proposed division of land will separate buildings of an existing farmstead. (©)4/15/2003)

The reduced setback shall apply only along the property line that separates the existing farmstead and only to buildings and structures that predate the proposed division. The Planning and Zoning Committee may require drainage, visual screening, and other measures to mitigate the effect of side yard setback reduction as a condition of division approval. (©)4/15/2003; (A)7/30/2013)

- (f) Notwithstanding any of the above provisions, the following dimensional requirements shall apply within R-4 Zoning Districts within the Town of Cable, regardless of the availability of sewer and/or water service: (©)4/15/2003; (©)5/31/2005)

| Minimum Area   | Minimum Frontage Width | Minimum Average | Minimum Side and Rear Yards for Principal and Accessory Buildings |
|----------------|------------------------|-----------------|---|
| 20,000 sq. ft. | 100 ft.                | 100 ft.         | 10 ft.  |

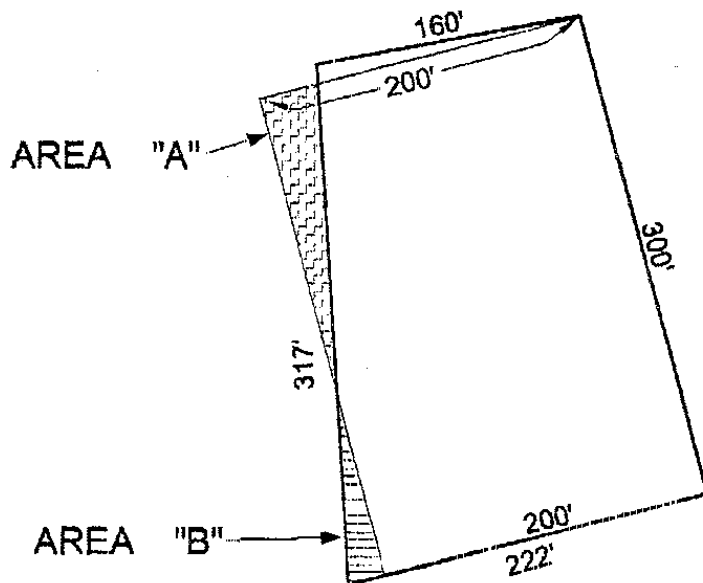
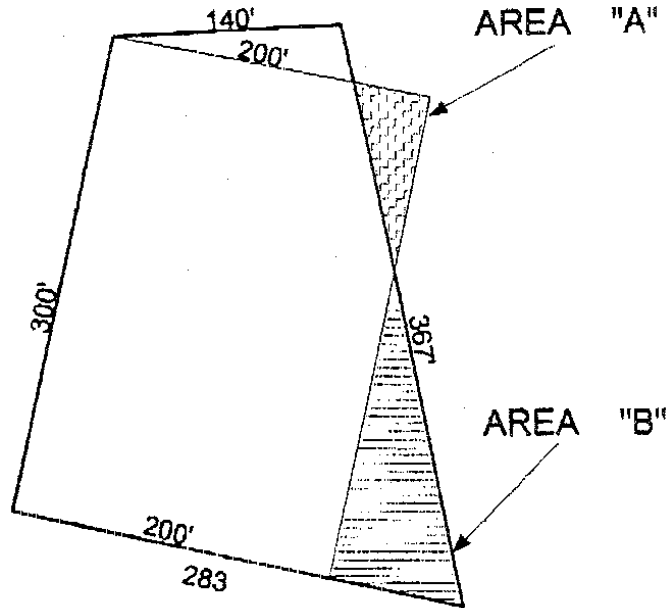
(©)4/15/2003; (©)5/31/2005)

- (g) Lots to be developed with duplexes shall meet the following requirements.
  - (1) A lot to be developed with a duplex shall have minimum lot area equal to twice the minimum lot area required in the zoning district in which it is located. (©)4/9/2007; (D)2/27/2018-(1); (A)2/27/2018)
- (h) Lots in a Conservation Subdivision are not subject to the minimum area and minimum average width requirements of subsection (a) above but are subject to the requirements of Sec. 13-1-29A. (©)4/9/2007)
- (i) Compliance with the minimum average width requirements shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which access is provided. If, due to a lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonably determined by the Planning and Zoning Administrator. (©)5/30/2006; (A)7/30/2013)

**Lot Minimum Average Width Example:** (A)2/27/2018)

This calculation example will work in most cases to calculate average width on irregular shaped lots: (example case requires a 200 ft average width). (©)5/30/2006)

AREA "A" IS SMALLER  
THEN AREA "B"  
THIS LOT DOES MEET  
THE 200' AVERAGE  
WIDTH REQUIREMENT



AREA "A" IS LARGER  
THEN AREA "B"  
THIS LOT DOES NOT  
MEET THE 200'  
AVERAGE WIDTH  
REQUIREMENT

**Sec. 13-1-61 Zoning Districts.** (6/1/1976); (A)4/15/2003; (A)9/30/2004

This Section is to divide the unincorporated areas of Bayfield County into districts within which the uses of land will be mutually compatible: (6/1/1976)

- (a) **R-1 Residential-1.** This district provides for permanent residential developments in unsewered neighborhood environments capable of being served with required services and utilities while, at the same time, being protected from traffic hazards and the intrusion of incompatible land uses. (6/1/1976)
- (b) **R-2 Residential-2.** This district is to require large lot residential development as a means of preserving the space characteristics of country living. (6/1/1976); (D)&(A)10/29/2013)
- (c) **R-3 Residential-3.** This district is to provide medium size lots for residential development as a means of preserving estate living. (6/1/1976); (A)10/29/2013)
- (d) **R-4 Residential-4.** (6/1/1976); (A)10/29/2013)
  - (1) This district provides for permanent residential developments in neighborhood environments with water and/or sewer as well as other services and utilities. Such developments should be protected from traffic hazards and the intrusion of incompatible land uses. (6/1/1976)
  - (2) Upon the installation of public sewer and/or water supply facilities in an existing unincorporated village, the area may be rezoned to the Residential-4 District. (6/1/1976)
  - (3) The Residential-4 District is not intended for and shall not be applied to areas outside existing unincorporated villages.
- (e) **R-RB Residential-Recreational Business.** This district is intended to provide for permanent or seasonal residential development and associated recreational use. (6/1/1976); (A)8/28/2007; (A)10/29/2013)
- (f) **F-1 Forestry-1.** This district is to provide continuation for forestry programs and to permit compatible recreational development. (6/1/1976); (A)4/15/2003; (D)9/30/2004); (A)10/29/2013)
- (g) **F-2 Forestry-2.** This district is to provide for large contiguous tracts that may be used primarily for forestry programs; no residential structures allowed. (6/1/1976); (A)3/28/2006); (A)10/29/2013)
- (h) **A-1 Agricultural-1.** This district is designed to provide areas for general agriculture and to prevent the encroachment of scattered commercial and industrial enterprises, and small lot residential development. (6/1/1976); (A)4/15/2003); (D)9/30/2004); (A)10/29/2013)
- (j) **A-2 Agricultural-2.** This district is to provide for large contiguous tracts that may remain in general agricultural use; no residential structures allowed. (6/1/1976); (A)3/28/2006 ; (A)10/29/2013)

- (j) **C Commercial.** This district is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices, and establishments serving the daily needs of the area. (©)6/1/1976); (A)10/29/2013)
- (k) **M Municipal and Institutional.** This district is designed to encompass lands for libraries, ballparks, housing authorities, buildings housing municipal units of government, schools, or other uses that are principally of an institutional, educational, or governmental nature and that serve a public need. (©)7/26/2011); (A)10/29/2013)
- (km) **I Industrial.** This district is intended to provide for any manufacturing or industrial operation, which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the County as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Any use determined to be objectionable by the Planning and Zoning Administrator or the Planning and Zoning Committee on the basis of the aforementioned grounds shall be denied, subject to appeal under Section 13-1-102. (©)6/1/1976); (A)7/30/2013); (A)10/29/2013)
- (l) **W Conservancy.** This district is intended to be used to prevent destruction or alteration of natural or manmade resources which are considered to have valuable ecological or aesthetic assets. All efforts should be made in these areas to preserve the qualities for which they have been set aside. (A)10/29/2013)
- (m) **UVOD Unincorporated Village Overlay District.** (A)10/29/2013)
- (1) The Unincorporated Village Overlay District is created to accommodate the land use patterns of those established unincorporated villages where, in order to ensure development consistent with the intent of this Chapter, special provisions shall be applied.
  - (2) The Unincorporated Village Overlay District shall encompass the lands contained in the Villages of Drummond, Cornucopia, Iron River, Herbster, Grand View, and Port Wing as these boundaries are delineated on the orders creating these respective sanitary districts created under the provisions of Ch. 60.3, Wis. Stats, and on file at the Register of Deeds Office.
  - (3) This District shall also include the property included within the Cable Sanitary District service area in Section 18-43-7, in the Town of Cable, and any lands in Bayfield County that are within a Sanitary District Service area. (©) 5/31/2005); (A)7/30/2013); (A)2/27/2018); (A)3/30/2021)
- (n) **S-W Shoreland-Wetland.** The Shoreland-Wetland Overlay District is created to accomplish the objectives contained in Ch. NR 115, Wis. Adm. Code, and Title 13, Chapter 3 of this Code of Ordinances. This district is based on the most recent version of the Wisconsin Wetland Inventory prepared by the Wisconsin Department of Natural Resources and reflected on the Surface Water Data Viewer.

(A)10/31/2017)

- (o) **M-M Metallic Mining.** This district is to provide for large contiguous tracts that may be used for metallic mining operations; no residential structures allowed.  
(©) 5/28/2019)

**Sec. 13-1-62 Classification of Uses.** (©)6/1/1976)

(a) The letter "C" appearing in the following table for any use means that the use is allowed as a conditional use and may be permitted in the zoning district only if a conditional use permit is granted. "S-A or SB" means that the use is allowed as a Class A or Class B special use, respectively, and may be permitted in that zoning district only if a special use permit is granted. "P" means that the use is permitted in the zoning district. If the space is blank, it means that the use is not permitted in that zoning district. For uses not included on this list, application shall be made to the Planning and Zoning Committee for interpretation:  
 (©)6/1/1976); (A)5/28/2002); (A)8/27/2002); (D)3/29/2007)

| PERMISSIBLE USES   | R-4<br>R-3<br>R-1 | R-2 | R-RB | C  | I  | M  | A-1 | A-2 | F-1 | F-2 | W | M-M |
|--|-------------------|-----|------|----|----|----|-----|-----|-----|-----|---|-----|
| Abattoir (Slaughter House)   |                   |     |      |    | C  |    |     |     |     |     |   |     |
| Acoustical Material, Storage Mfg.  |                   |     |      | SB | P  |    |     |     |     |     |   |     |
| Advertising, Display Mfg.  |                   |     |      | C  | P  |    |     |     |     |     |   |     |
| Agricultural Implements, Distributor, Display, Repair Sales  |                   |     |      | P  | P  |    | SB  |     |     |     |   |     |
| Airport, [Public] or [ Private]<br>including Seaplane Base<br>*Private not allowed in Municipal zone |                   | C   | C    |    | C  | C* | C   |     | C   |     |   |     |
| Amusement Park   |                   |     | C    | C  |    |    |     |     |     |     |   |     |
| Animal Boarding Facility   |                   | SB  |      |    | P  |    | C   | SB  | C   |     |   |     |
| Animal Hospital  |                   | C   |      | C  |    |    | C   |     | C   |     |   |     |
| Archery Range  |                   |     | SB   |    |    |    |     |     | SB  |     |   |     |
| Armory   |                   |     |      | C  | SB |    |     |     |     |     |   |     |
| Arms, Ammunition, Mfg., (Wholesale and Storage)  |                   |     |      |    | C  |    |     |     | C   |     |   |     |
| Association (Clubs and Lodges)[ Private]   | C                 | SB  | SB   | P  |    |    |     |     | SB  |     |   |     |
| Asylum, [Private] and [Public]<br>*Private not allowed in Municipal zone                             | C                 | C   | C    |    |    | C* | C   |     | C   |     |   |     |
| Athletic Club  |                   |     | P    | P  |    |    |     |     | SB  |     |   |     |
| Athletic Field, [Public]   | SB                | SB  | P    | P  |    | SB | SB  |     | SB  |     |   |     |
| Auditorium, Arena  |                   |     | C    | SB |    | C  |     |     |     |     |   |     |
| Automobile and Truck<br>(Sales, Repair, Parts, Supplies, Storage)                                    |                   |     | C    | P  | P  |    | SB  |     | SB  |     |   |     |
| Bait, Sales (Live and Artificial)  |                   |     | SB   | P  |    |    |     |     |     |     |   |     |
| Baked Foods, (Manufacturing, Sales)  |                   |     |      | P  | P  |    |     |     |     |     |   |     |
| Bank and Trust Company, Loan Company   |                   |     | C    | P  |    |    |     |     |     |     |   |     |
| Banquet Hall / Event Center  |                   |     | C    | P  |    | P  | C   |     | C   |     |   |     |
| Bar, Cocktail Lounge, Tavern   |                   |     | C    | P  |    |    |     |     |     |     |   |     |
| Barber   |                   |     |      | P  |    |    |     |     |     |     |   |     |
| Beauty Shop  |                   |     |      | P  |    |    |     |     |     |     |   |     |
| Bed & Breakfast Facility   | SB                | SB  | SB   | P  |    |    | SB  |     | SB  |     |   |     |
| Beverages, (Wholesale & Storage)   |                   |     |      | P  | P  |    |     |     |     |     |   |     |
| Bicycle, Motorcycle, Small Engine, Snowmobile<br>(Sale & Repair)                                     |                   |     | C    | P  | C  |    | SB  |     | SB  |     |   |     |
| Billiard Parlor  |                   |     | C    | P  |    |    |     |     |     |     |   |     |
| Boat or Yacht Club, Marina<br>*Private Boat or Yacht Clubs not allowed in Municipal zone             |                   |     | C    |    |    | C* |     |     | C   |     |   |     |
| Boat Sales (Repair & Service)  |                   |     | SB   | P  |    |    |     |     |     |     |   |     |
| Boathouses   | P                 | P   | P    | SB |    |    | P   |     | P   |     |   |     |
| Bottled Gas (Storage & Distribution)   |                   |     |      | C  | C  |    |     |     |     |     |   |     |
| Bottling Plant   |                   |     |      |    |    |    |     |     |     |     |   |     |
| Bowling Alley, [Commercial]  |                   |     | C    | P  |    |    |     |     |     |     |   |     |

| PERMISSIBLE USES  | R-4<br>R-3<br>R-1 | R-2 | R-RB | C  | I  | M  | A-1 | A-2 | F-1 | F-2 | W | M-M |
|---|-------------------|-----|------|----|----|----|-----|-----|-----|-----|---|-----|
| Brewery-Megabrewery, (Bottling, Sales and Associated Facilities)                                    |                   |     |      | C  | C  |    |     |     |     |     |   |     |
| Broadcasting Studio (Radio, TV)   |                   |     |      | P  |    |    |     |     |     |     |   |     |
| Broker, Real Estate   |                   |     | SB   | P  |    |    |     |     |     |     |   |     |
| Building Contractor (Equipment & Material Storage)  |                   |     |      | SB | P  |    | SB  |     | SB  |     |   |     |
| Bus Line Depot (Garage, Repair)   |                   |     | C    | P  | P  |    |     |     |     |     |   |     |
| Cafe, Restaurant, Supper Club   |                   |     | C    | P  | SB |    | C   |     |     |     |   |     |
| Campground, Equestrian, Camping Resort (*EIA required) [Private, Public or Commercial]              |                   |     | C    |    |    | C  |     |     | C   |     |   |     |
| Campground, [Public] (*EIA required)  |                   |     | C    |    |    | C  |     |     | C   |     |   |     |
| Carpenter Shop, Cabinet Making, Woodworking Shop, etc.  |                   |     | C    | P  | P  |    | C   |     | C   |     |   |     |
| Cement & Concrete Products Mfg., (Sales, Storage)   |                   |     |      |    | P  |    | C   |     | C   |     |   |     |
| Cemetery  |                   | C   | C    |    |    | C  | C   |     | C   |     |   |     |
| Child Care Center & Play School (A)8/30/2005  | SB                | SB  | SB   | SB |    |    | SB  |     | SB  |     |   |     |
| Church Synagogue, Shrine  | SB                | SB  | SB   | SB |    |    | SB  |     | SB  |     |   |     |
| Clinic, [Private] & [Public]<br>*Private not allowed in Municipal zone                              |                   |     |      | P  |    | C* |     |     |     |     |   |     |
| Clothing Manufacturing  |                   |     |      | SB | P  |    |     |     |     |     |   |     |
| Clothing Store  |                   |     | SB   | P  |    |    |     |     |     |     |   |     |
| Collection Station  | SB                | SB  | SB   | SB | SB | SB | SB  |     | SB  |     |   |     |
| College, [Private] or [Public]  |                   | C   | C    |    |    |    | C   |     |     |     |   |     |
| Community Center, Town Hall   | SB                | SB  | SB   | P  |    | P  | SB  |     | SB  |     |   |     |
| Conservation Subdivision<br>*Subject to 13-1-29A and requirements for specific uses (*EIA required) | C*                | C*  | C*   | C* |    |    | C*  |     | C*  |     |   |     |
| Convent, Retreat House  | SB                | SB  | SB   |    |    |    | SB  |     | SB  |     |   |     |
| Country Club  |                   |     | C    |    |    |    | C   |     | C   |     |   |     |
| Curio & Souvenir and Specialty Store  |                   |     | SB   | P  |    |    | C   |     | C   |     |   |     |
| Dairy Products, (Mfg., Sales)   |                   |     |      | C  | P  |    | SB  | SB  |     |     |   |     |
| Disposal Plant, Incinerator   |                   |     |      |    | C  | C  |     |     |     |     |   |     |
| Disposal Plant, Sewage  |                   |     | C    | C  | C  | C  | C   | C   | C   |     |   |     |
| Dog Kennel (12-39 Dogs)   |                   | SB  | SB   |    |    |    | SB  | SB  | SB  |     |   |     |
| Dog Kennel (40 Dogs and Over)   |                   | C   | C    |    |    |    | C   | C   | C   |     |   |     |
| Dog Pound   |                   |     |      | C  | P  | C  |     |     |     |     |   |     |
| Drag Strip (Auto or Motorcycle)   |                   |     |      |    |    |    | C   |     | C   |     |   |     |
| Drive-In Restaurant   |                   |     | SB   | P  |    |    |     |     |     |     |   |     |
| Drive-In Theater  |                   |     | C    |    |    |    | SB  |     | SB  |     |   |     |
| Driving Range, (Golf) *<br>Private not allowed in Municipal zone                                    |                   |     | C    |    |    | C* | SB  |     | SB  |     |   |     |
| Dwelling, Single Family, Duplex*<br>Subject to 13-1-62(b) -- see also 13-1-63                       | P                 | P   | P    | SB |    |    | P   |     | P   |     |   |     |
| Eggs, Poultry Processing  |                   |     |      |    | SB |    | SB  | SB  |     |     |   |     |
| Electric Generating Windmill [Commercial]   |                   |     |      |    | C  |    | C   | C   | C   | C   |   |     |
| Electric Generating Windmill [Non-Commercial]   | SB                | P   | SB   | SB | P  | SB | P   | P   | SB  |     |   |     |
| Electric Light & Power Company Substations  | SB                | SB  | SB   | SB | SB |    | SB  | SB  | SB  | SB  |   |     |
| Electric Light & Power Company Yards  |                   |     |      | C  | P  |    |     |     |     |     |   |     |
| Elevators (Grain Storage, etc)  |                   |     |      | C  | C  |    | SB  | C   |     |     |   |     |
| Explosives; (Mfg., Storage & Distribution)  |                   |     |      |    | C  |    |     |     | C   |     |   |     |
| Express Company, (Warehouse, Garage)  |                   |     |      | SB | P  |    |     |     |     |     |   |     |
| Fairgrounds   |                   |     |      |    |    | P  | C   |     |     |     |   |     |



| PERMISSIBLE USES  | R-4<br>R-3<br>R-1 | R-2 | R-RB | C  | I  | M   | A-1 | A-2 | F-1 | F-2 | W | M-M |
|---|-------------------|-----|------|----|----|-----|-----|-----|-----|-----|---|-----|
| Farm Related (Single Family Dwelling)   |                   |     |      |    |    |     | P   | P   |     |     |   |     |
| Farm Store  |                   |     |      |    |    |     | P   |     |     |     |   |     |
| Farming [Including Livestock]<br>All Types & Farm Related Structures  |                   |     |      |    |    |     | P   | P   | SB  |     |   |     |
| Feed, (Wholesale, Sales & Storage) & Fertilizer   |                   |     |      | SB | SB |     | SB  | C   |     |     |   |     |
| Fire Tower  |                   |     |      |    |    |     | SB  | SB  | SB  | SB  |   |     |
| Fish Farm, (Processing, Storage or Curing)  |                   |     |      | C  |    |     | C   |     |     |     |   |     |
| Fire Wood Processing  |                   |     |      | C  | P  |     | SB  |     | P   |     |   |     |
| Fish Hatchery, [Private] or [Public]<br>*Private not allowed in Municipal zone  |                   |     | SB   |    |    | SB* | SB  |     | SB  |     | C |     |
| Fish or Meat, (Wholesale, Storage or Curing)  |                   |     |      | C  | SB |     |     |     |     |     |   |     |
| Florist Greenhouse & Nursery [Commercial]   |                   |     | SB   | P  |    |     | P   | SB  |     |     |   |     |
| Florist Sales   |                   |     | SB   | P  |    |     | SB  | C   |     |     |   |     |
| Frozen Food, Cold Storage Locker  |                   |     |      | P  | SB |     |     |     |     |     |   |     |
| Fur Farm (Preparation & Storage)  |                   |     |      |    |    |     | SB  |     | SB  |     |   |     |
| Game Farm   |                   |     |      |    |    |     |     | C   |     |     |   |     |
| Garages [Commercial]  |                   |     | C    | P  | SB |     | C   |     |     |     |   |     |
| Garages [Municipal]   |                   |     |      |    |    | P   |     |     |     |     |   |     |
| Garages [Private]   | P                 | P   | P    | SB |    |     | P   |     | P   |     |   |     |
| Gasoline, Fuel Oil,<br>(Bulk Storage Tanks & Related Facilities)  |                   |     |      | C  | C  |     |     |     |     |     |   |     |
| Golf (Miniature)  |                   |     | C    | P  |    |     | SB  |     |     |     |   |     |
| Golf Course, [Private] or [Public]<br>*Private not allowed in Municipal zone  |                   |     | C    |    |    | C*  | C   |     | C   |     |   |     |
| Grocery Store   |                   |     | SB   | P  |    |     |     |     |     |     |   |     |
| Hardware, Sporting Goods  |                   |     | SB   | P  |    |     |     |     |     |     |   |     |
| Health Center [Commercial]  |                   |     | C    | P  |    |     |     |     |     |     |   |     |
| Hobby Farm, Farm Animals  | SB                | SB  | SB   |    |    |     | P   | P   | SB  |     |   |     |
| Home-Based Businesses (25%)   | SB                | SB  | SB   | SB |    |     | SB  |     | SB  |     |   |     |
| Home, Old Age, Children, Maternity, Nursing, etc.<br><i>** Community living arrangements, foster homes, treatment foster homes, and adult family homes, covered by §59.69(15), Stats. shall be governed by that subsection rather than by this entry in the classification table. The procedures to be provided under paragraphs (d) and (e) therein shall be the procedure for seeking a conditional use permit.</i> | C                 | C   | C    | C  |    | C   |     |     |     |     |   |     |
| Hospital, [Public] or [Private]<br>*Private not allowed in Municipal zone   | C                 | C   | C    |    |    | C*  |     |     |     |     |   |     |
| Hotel, Motel (*EIA required)  |                   |     | C    | C  |    |     |     |     |     |     |   |     |
| Ice, (Mfg., Sales & Storage)  |                   |     | SB   | P  | P  |     |     |     |     |     |   |     |
| Irrigation Facilities, Canals, Dams, Reservoirs, etc.   | C                 | C   | C    |    | C  |     | C   | C   | C   | C   | C |     |
| Landfill, Solid Waste Disposal (*EIA required)  |                   |     |      | C  | C  | C   |     | C   | C   |     |   |     |
| Laundry, Dry Cleaning, Pickup Station   |                   |     | C    | SB | P  |     |     |     |     |     |   |     |
| Liquor (Off-Sale)   |                   |     | C    | P  |    |     |     |     |     |     |   |     |
| Machine Shop, Welding, Metal Fabrication & Processing,<br>Welding Shop  |                   |     |      |    | P  |     | C   |     | C   |     |   |     |
| Metallic Mining, Quarry, (Non-Ferrous) (*EIA required)<br>(Bulk Sampling, Equipment, Storage, Prospecting, etc.)  |                   |     |      |    |    |     |     |     |     |     |   | C   |
| Metallic Mining Exploration (Non-Ferrous)   |                   |     |      |    | C  |     | C   |     | C   | C   | C | C   |
| Microbrewery, Micro-distillery, Micro-winery, Farm Winery,<br>Winery, (Bottling, Sales and Associated Facilities)   |                   |     | C    | C  |    |     | C   |     |     |     |   |     |
| Mobile Home Park (*EIA required)  | C                 | C   | C    |    |    |     |     |     |     |     |   |     |
| Mobile Home Sales & Services  |                   |     |      | P  |    |     |     |     |     |     |   |     |

| PERMISSIBLE USES   | R-4<br>R-3<br>R-1 | R-2             | R-RB            | C               | I               | M               | A-1              | A-2             | F-1             | F-2             | W               | M-M |
|--|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|-----------------|-----------------|-----|
| Multiple Unit Development (*EIA required)<br>*Subject to 13-1-29 and requirements for specific uses                | C*                | C*              | C*              | C*              |                 |                 | C*               |                 | C*              |                 |                 |     |
| Museum, Art, Cultural, Historical, Library   | SB                | SB              | SB              | P               |                 | SB              | SB               |                 | SB              |                 |                 |     |
| Nonmetallic Mining (*EIA required in shoreland zone)   |                   |                 |                 |                 | C               | C               | C                |                 | C               | C               |                 |     |
| Paper & Wood Products (Mfg. & Storage)   |                   |                 |                 |                 | P               |                 |                  |                 |                 |                 |                 |     |
| Paving-batch (Plant for Cement, Asphalt) Products,<br>Processing<br>*Municipal zone allows temporary plant(s) only |                   |                 |                 |                 | C               | C               | C                |                 | C               |                 |                 |     |
| Pipe, Culvert, (Mfg. & Storage)  |                   |                 |                 |                 | P               |                 |                  |                 |                 |                 |                 |     |
| Pipe, Culvert, (Sales & Storage)   |                   |                 |                 | P               | SB              |                 |                  |                 |                 |                 |                 |     |
| Pipeline, (Gas, Oil)   | C                 | C               | C               | C               | C               | C               | C                | C               | C               | C               | C               |     |
| Printing, Lithograph, Photo Engraving, etc.  |                   |                 |                 | C               | P               |                 |                  |                 |                 |                 |                 |     |
| Professional Office, Engineer, Doctor, Attorney,<br>Dentist, etc.  |                   |                 | SB              | P               |                 |                 |                  |                 |                 |                 |                 |     |
| Public & Municipal Building  | SB                | SB              | SB              | SB              | P               | P               | SB               |                 | SB              |                 |                 |     |
| Public Service, Utility Facilities & Plants  | C                 | C               | C               | C               | P               | C               | C                |                 | C               |                 |                 |     |
| Racetrack (Automotive, Horses, Snowmobile)   |                   |                 |                 |                 |                 |                 | C                |                 | C               |                 |                 |     |
| Radio, TV Transmitting Station & Tower,<br>Telecommunications Tower [Commercial]                                   |                   |                 |                 | C               | C               | C               | C                | C               | C               | C               |                 |     |
| Riding Stable  |                   |                 | SB              |                 |                 |                 | P                | SB              | SB              |                 |                 |     |
| Rifle Range<br>*Private not allowed in Municipal zone  |                   |                 |                 |                 |                 | C*              | C                | C               | C               | C               |                 |     |
| Roadside Park or Wayside Rest  | SB                | SB              | SB              | SB              |                 | C               | SB               |                 | SB              | SB              |                 |     |
| Roadside Produce Stand [Permanent Structure]   |                   |                 |                 |                 |                 |                 | P                | P               |                 |                 |                 |     |
| Rollerskating Rink   |                   |                 | C               | SB              |                 |                 |                  |                 |                 |                 |                 |     |
| Salvage & Scrap Yards, (*EIA required)<br>[Automobile, Truck, Junk]  |                   |                 |                 |                 | C               |                 | C                |                 | C               |                 |                 |     |
| Sauna; Steam bath [Commercial]   |                   |                 |                 | SB              | P               |                 |                  |                 |                 |                 |                 |     |
| Sawmill & Lumber Yard  |                   |                 |                 |                 | P               |                 | C                |                 | C               |                 |                 |     |
| School, [Commercial] Beauty, Business  |                   |                 |                 | P               |                 |                 |                  |                 |                 |                 |                 |     |
| School, [Private] or [Public]<br>*Private not allowed in Municipal zone  | SB                | SB              | SB              |                 |                 | SB*             | SB               | SB              | SB              |                 |                 |     |
| Septic Tank Service (Sales, Mfg.)  |                   |                 |                 | SB              | P               |                 | C                |                 |                 |                 |                 |     |
| Shipping Container/Intermodal Container  | SA                | SA              | SA              | SA              | P               | P               | P                | P               | P               | P               |                 |     |
| Shipping Container/Intermodal Container Storage Facility   |                   |                 |                 | C               | C               |                 | C                |                 | C               |                 |                 |     |
| Shopping Center  |                   |                 |                 | P               |                 |                 |                  |                 |                 |                 |                 |     |
| Shoreland Grading  | S-A               | S-A             | S-A             | S-A             | S-A             | S-A             | S-A              | S-A             | S-A             | S-A             | S-A             |     |
| Short-term Rental Accommodation (1 Unit)   | S-A               | S-A             | S-A             | S-A             |                 |                 | S-A              |                 | S-A             |                 |                 |     |
| Short-term Rental Accommodation (2-4 Units)  | C                 | C               | C               | C               |                 |                 | C                |                 | C               |                 |                 |     |
| Signs Off-Premises *subject to 13-1-80 et seq.   | S-A*              | S-A*            | P*              | P*              | P*              | SB*             | P*               | P*              | P*              | P*              | P*              |     |
| Signs On-Premises *subject to 13-1-80 et seq.  | S-A*              | S-A*            | P*              | P*              | P*              | SB*             | P*               | P*              | P*              | P*              | P*              |     |
| Signs On-Premises (UVOD)<br>*subject to 13-1-82(4)   |                   |                 | S-A*            | S-A*            | S-A*            | S-A*            |                  |                 |                 |                 |                 |     |
| Signs Town of Bayfield<br>*subject to 13-1-80 et seq.<br>(See Town Overlay District 13-1-64)                       | S-A<br>or<br>SB   | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>S-B | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>SB | S-A<br>or<br>SB |     |
| Storage (Campers, Boats, Mini-Storage, etc.)   |                   |                 | SB              | P               |                 |                 | SB               |                 | SB              |                 |                 |     |
| Storage Warehouse (Commercial, Industrial)   |                   |                 |                 | SB              | P               |                 |                  |                 |                 |                 |                 |     |
| Store, (General Retail Goods)  |                   |                 |                 | P               |                 |                 |                  |                 |                 |                 |                 |     |
| Swimming Pool, [Private]   | P                 | P               | P               |                 |                 |                 | P                |                 | P               |                 |                 |     |
| Swimming Pool, [Public]  | SB                | SB              | SB              | P               |                 | SB              | SB               |                 | SB              |                 |                 |     |
| Taxidermist  |                   |                 | SB              | P               | SB              |                 | C                |                 | C               |                 |                 |     |
| Tire Recapping, Equipment & Supplies   |                   |                 |                 | C               | P               |                 |                  |                 |                 |                 |                 |     |

| PERMISSIBLE USES  | R-4<br>R-3<br>R-1 | R-2 | R-RB | C  | I  | M  | A-1 | A-2 | F-1 | F-2 | W | M-M |
|---|-------------------|-----|------|----|----|----|-----|-----|-----|-----|---|-----|
| including Sales   |                   |     |      |    |    |    |     |     |     |     |   |     |
| Trailhead   |                   |     | SB   | SB |    | SB | SB  | SB  | SB  | SB  | P |     |
| Transfer Stations (Solid Waste) (*EIA required)           | C                 | C   | C    | C  | C  | C  | C   |     | C   |     |   |     |
| Travel Bureau   |                   |     |      | P  |    | SB |     |     |     |     |   |     |
| Water Reservoir Systems & Regulating Facilities (Potable) | SB                | SB  | SB   |    | SB | SB | SB  | SB  | SB  |     |   |     |

(©)1/1/1976); (A)3/31/1998); (A)9/26/2000); (A)7/31/2001); (A)1/29/2002); (A)8/27/2002); (A)4/15/2003); (©)7/29/2003); (A)9/30/2004); (A)8/30/2005); (A)3/02/2006); (A)3/28/2006); (©)3/29/2007); (D)3/29/2007); (A)4/9/2007); (D)4/9/2007); (A)8/28/2007); (A)3/11/2008); (A)7/29/2008); (A)2/24/2009); (©)5/25/2010); (©)10/25/2011); (A)10/25/2011); (©)1/31/2012); (A)8/25/2012); (A)1/29/2013); (©)7/30/2013); (©)12/10/2013); (A)5/27/2014); (A)7/28/2015); (©)7/28/2015); (©)7/28/2015); (A)1/26/2016); (A)2/27/2018); (A)4/17/2018); (A)5/29/2018); (A)-(©)5/28/2019); (D)3/30/2021); (A)3/30/2021); (A)10/26/2021); (A)2/28/2023)

(b) **Reserved for Future Use** (©)4/9/2007); (A)1/29/2008); (A)5/25/2010); ((D)8/31/2010); (A)10/26/2010); (A)7/28/2015); (©)2/27/2018); (D)2/28/2023)

**Sec. 13-1-62A** (D)3/30/2021) **Reserved for Future Use.**

**Sec. 13-1-63 Town of Russell Overlay District** (©)8/30/2005 (D)9/27/2022 (c)1-4 & 8  
renumbered, (d), (e)1-5, & (f) relettered (g) to (d)

- (a) **Applicability.** The Town of Russell Overlay District shall apply to and include all lands within the Town of Russell. (©)8/30/2005)
- (b) **Intent of Town of Russell Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. (©)8/30/2005)
- (c) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4 unless otherwise defined within this section. (©)8/30/2005): (D)9/27/2022)
- (1) **Historic Site Overlay.** An area designated by the Bayfield County Board that possesses a contiguous or nearly contiguous historic site(s), building(s), structure(s) or objects united historically and/or aesthetically by a common theme or a set of common characteristics that are historically or architecturally significant to the Town of Russell, the state or the nation. (©)8/30/2005); (A)9/27/2022)
- (2) **Historic Site.** Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of, humanity, or upon which a historic event has occurred and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the historic structure is situated. (©)8/30/2005); (A)9/27/2022)
- (3) **Historic Structure/Building.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town of Russell, the state or the nation and which has been designated as a historic structure pursuant to the provisions of this section. (©)8/30/2005)
- (d) **Historic Site Overlay District.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. (©)8/30/2005); (A)9/27/2022)
- (1) The purpose of this section is to: (©)8/30/2005)

- a. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of the Town of Russell's cultural, social, economic, political, artistic and architectural history; (©)8/30/2005
  - b. Safeguard the Town of Russell's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts; (©)8/30/2005
  - c. Foster civic pride in the notable accomplishments of the past; (©)8/30/2005
  - d. Stabilize and improve property values and enhance the visual and aesthetic character of the Town of Russell; (©)8/30/2005
  - e. Protect and enhance the Town of Russell's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry. (©)8/30/2005
- (2) **Applicability.** The Historic Site Overlay District shall apply to and include historic sites and/or historic structures placed therein pursuant to the provisions of paragraph (3) below. (©)8/30/2005
- (3) **Classification Procedure and Criteria** (©)8/30/2005
- a. Addition and Removal of Historic sites – Procedure (©)8/30/2005
    1. Historic sites and historic structures may be added to, or removed from, the Historic Site Overlay District upon a petition by either the landowner or Town of Russell Board. (©)8/30/2005
    2. Before adding or removing any site or structure to or from the Historic Site Overlay District, the Bayfield County Planning and Zoning Committee shall review the recommendation of the Town of Russell. (©)8/30/2005; (A)7/30/2013)
    3. The committee shall then vote to add or remove the site or structure to or from the Historic Site Overlay District based upon the recommendation of the Town of Russell and the criteria in paragraph b. below. The final decision shall be made by the Bayfield County Board. (©)8/30/2005;
    4. Designated historic sites or structures: (©)4/19/2016
      - a. Engbloom School site Bayfield County Coordinates x8121100 y572800 (©)4/19/2016)

- b. Sand Bay School site Bayfield County Coordinates  
x81400 y578300 (©)4/19/2016
  - c. Raspberry School site Bayfield County Coordinates  
x827900 y569700 (©)4/19/2016
  - d. Carver School Site Bayfield County Coordinates  
x832560 y561400 (©)4/19/2016
- b. **Criteria for Addition and Removal of Historic sites** – For purposes of this section, a locally designated historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Town of Russell, the state or the nation, which: (©)8/30/2005
- 1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or (©)8/30/2005
  - 2. Is identified with historic personages or with important events in national, state or local history; or (©)8/30/2005
  - 3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or (©)8/30/2005
  - 4. Is representative of the notable work of a master builder, designer or architect who influenced his age; or (©)8/30/2005
  - 5. Has yielded, or may be likely to yield, information important to prehistory or history. (©)8/30/2005
- (4) **Management and Maintenance** – Ordinary maintenance and repairs may be undertaken, provided that the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit. (©)8/30/2005
- (5) **Permitted Uses** – All uses permitted within the underlying zoning district, by right, shall be permitted unless specifically prohibited below. In all cases, the more restrictive requirement(s) shall apply. (©)8/30/2005; (D)2/27/2018 (A)5/17/2019)
- (6) **Prohibited Uses** – The following shall not be permitted within a historic district prior to the issuance of a special use permit. (©)8/30/2005)

- a. The construction or reconstruction, alteration or demolition of all of or any part of the property. (©)8/30/2005
  - b. Improvements made to any site or structure beyond the typical maintenance that will not change the appearance or character of the site or structure. (©)8/30/2005
  - c. The construction, building or maintenance of any road path or thoroughfare for the passage of motor vehicles. (©)8/30/2005
- (7) The Town Board shall recommend and the county shall issue a special use or permit unless: (©)8/30/2005
- a. In the case of a historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done; (©)8/30/2005
  - b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect, or not be compatible with, the external appearance of other neighboring improvements on such site or within the district; (©)8/30/2005
  - c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district; (©)8/30/2005
  - d. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair; (©)8/30/2005
  - e. The building or structure is of such local architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state; (©)8/30/2005
  - f. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of reasonable and beneficial use of, or return from, the property. (©)8/30/2005

**Sec. 13-1-64 Town of Bayfield Overlay District** (©)3/11/2008);

- (a) **Applicability.** The Town of Bayfield Overlay District shall apply to and include all lands within the Town of Bayfield. (©)3/11/2008)
- (b) **Intent of Town of Bayfield Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds. (©)3/11/2008)
- (c) **Sign Regulation Purpose.** The purposes of this ordinance are to protect the natural scenic beauty and rural character of the Town of Bayfield, promote traffic safety and provide important information to the traveling public. These purposes shall be achieved by restricting the number, size, location, maintenance, and spacing of outdoor advertising signs through the administration of this ordinance. (©)3/11/2008)
  - (1) **No outdoor advertising sign visible to the traveling public shall be erected, structurally altered, or maintained except as provided in this ordinance.** (©)3/11/2008)
  - (2) **Number and Size of Permitted Signs.** (©)3/11/2008); (A)2/24/2009)

| Class | Type                                    | Maximum Number | Maximum Size (Square Feet) |
|-------|---|----------------|----------------------------|
| A     | On premise                              | 2              | 50 per sign*               |
| B     | Off premise                             | 2              | 50 per sign**              |
| B     | Off-premise (Multi-tenant)              | 1              | 16 per sign***             |
| B     | Off-premise (Agri-business directional) | 2              | 4 per sign****             |

(©)3/11/2008)

- \* Except as provided in (4) (©)3/11/2008)
- \*\* No off premise signs shall be permitted along State Highway 13 other than those authorized by State law. (©)3/11/2008)
- \*\*\* Developments containing multi-businesses (commercial or industrial parks) or parcels with a structure designed for multi-business tenants shall be permitted to erect one (1) multi tenant sign not to exceed 14 feet in height and include a maximum of one (1) panel for each business with an area not



to exceed 16 square feet. Each panel included in the multi tenant sign shall count as one 50 square foot on premise or off premise sign depending on sign location. Multi-tenant signs shall be limited to one per development or multi-tenant parcel. A multi-tenant sign may be located on a multi-tenant parcel or at the first common road intersection serving a multi-tenant business parcel or multi-business development site. (©)3/11/2008); (A)2/24/2009)

\*\*\*\* Agri-business signs shall be located at road intersections or points of common road entry to agricultural areas. The first sign placed will be required to obtain a Class B permit designating the location as an “agricultural sign mall”. Only businesses engaged in agricultural production and sales or the sale of processed agricultural products shall be allowed a sign at an “agricultural sign mall” location. (©)3/11/2008); (A)2/24/2009)

Note: For purposes of this Section, two back-to-back faces on one sign structure constitute a single sign. (©)3/11/2008)

**(3) Off Premise Signs** (©)3/11/2008)

Off premise signs visible from the same road and located on the same side thereof, including signs advertising different businesses, products, etc., shall have a minimum separation distance of one thousand three hundred twenty (1,320) feet between them. Multi-tenant signs, if off-premise, described in Section 2 are exempt from the distance requirement. (©)3/11/2008); (A)2/24/2009)

**(4) Exempt Signs** (©)3/11/2008)

The following signs are exempt from the requirements of this ordinance. (©)3/11/2008)

- a. Signs advertising garage sales, auctions, carnivals, or other events if all of the following requirements are met: (©)3/11/2008)
  1. The sign does not hinder traffic safety or visibility (©)3/11/2008)
  2. The sign is less than eight (8) square feet (©)3/11/2008)
  3. The sign is erected no sooner than fourteen (14) days prior to the advertised event end (©)3/11/2008)
  4. The sign is removed no later than 7 days after the advertised event. (©)3/11/2008)
- b. Signs on rolling stock of common carriers parked in a visible location while loading and unloading. (©)3/11/2008)
- c. Signs of two (2) square feet or less with no letters, numbers, symbols, logos, or designs in excess of two (2) inches in vertical or horizontal dimensions. (©)3/11/2008)

- d. Specific information signs authorized under Sec. 86.195, Wis. Stats., tourist oriented directional signs authorized under Sec. 86.196, Wis. Stats., and guidance signs authorized under TRANS 200.03, Wis. Adm. Code. (©)3/11/2008)
- e. Temporary "For Sale" signs if they do not hinder traffic safety or visibility, and if less than ten (10) square feet. (©)3/11/2008)
- f. Temporary banners over roads if all of the following requirements are met: (©)3/11/2008)
  - 1. The banner is securely fastened (©)3/11/2008)
  - 2. Made of durable materials (©)3/11/2008)
  - 3. Mounted at least twenty (20) feet high above the road surface (©)3/11/2008)
  - 4. Located so as to not hinder traffic safety or visibility, and not displayed for more than one hundred twenty (120) days in any year. (©)3/11/2008)
- g. Signs for religious organizations or service clubs, if all of the following requirements are met: (©)3/11/2008)
  - 1. The sign does not hinder traffic safety or visibility. (©)3/11/2008)
  - 2. A single sign with multiple listings may be placed along State Highway 13 north of the City of Bayfield and south of the City of Bayfield. Each listing shall be limited to a one foot (1) by six foot (6) sign with black letters on a white background. (©)3/11/2008)
  - 3. With the exception of State Highway 13, no more than two (2) off premise and two (2) on premise signs shall be permitted per organization or club. (©)3/11/2008)
  - 4. Off premise signs visible from the same road and located on the same side thereof, including signs of different organizations or clubs, shall have a minimum separation distance of three hundred (300) feet between them. (©)3/11/2008)

**(5) Non-Conforming Signs** (©)3/11/2008)

**Grace Period** (©)3/11/2008)

- a. All signs in existence on the effective date of this ordinance which do not comply with Section 3 and Section 8 and are not exempted under Section 5 shall be brought into compliance or removed within five (5) years of such date, provided that this provision shall not apply in such instances where it would be contrary to state or federal law or where it would result in a loss of state or federal funds for maintenance of

the road from which the sign in question is visible Highway 13 and provided further that any nonconforming sign in existence on the effective date of this ordinance which is adjacent to such a road and which cannot remain in its existing location due to widening of the road, may be moved to a corresponding location relative to the widened road without losing its nonconforming status. (©)3/11/2008)

- b. A nonconforming sign that is exempt from the removal requirement under subsection (a) above, may be replaced with a new sign that shall also be exempt from such requirement subject to the following requirements: (©)3/11/2008)
  1. The area of the new sign shall not exceed 50 square feet. (©)3/11/2008)
  2. If the sign to be replaced is fastened to a building, the new sign shall not extend above the highest part of the building's roof. If the sign to be replaced is freestanding, the new sign shall not extend more than 20 feet above ground level. (©)3/11/2008)

**(6) General Sign Requirements** (©)3/11/2008)

- a. No back lighted, flashing, multicolored, intermittent, or moving lights, moving parts, or sound producing devices, shall be used with or on any sign. (©)3/11/2008)
- b. Signs shall not be placed or allowed to interfere with any governmental or directional signs, or driver visibility. (©)3/11/2008)
- c. Signs shall be placed on safe and sturdy supports except that on premise signs may be fastened to a building. (©)3/11/2008)
- d. Signs shall not be closer than three (3) feet to a property line or right of way line, and except as provided in Section 7(b)(2), shall not extend more than ten (10) feet high above the ground level, except that signs fastened to a building may be higher so long as it is not higher than the highest part of that building's roof. (©)3/11/2008)
- e. All signs are structures for purposes of location at the required setback from navigable waters. (©)3/11/2008)
- f. No business on or off premise sign shall be intended, designed, or erected to be visible by those boating or swimming on navigable waters, except that no more than two (2) unlighted signs of less than ten (10) square feet may be erected on the site of a riparian business to advertise the name and services of that business. (©)3/11/2008)

- g. All signs, sign faces, and sign supports shall be maintained in a safe and good state of appearance and repair as determined by the Bayfield Town Board. (©)3/11/2008)

(7) **Noncompliance** (©)3/11/2008)

The Planning and Zoning Committee may revoke any permit or order the removal, relocation, alteration, or repair of any sign the Committee finds to be in violation of this Section. The Planning and Zoning Agency may issue a citation for any violation of this Article. (©)3/11/2008); (A)7/30/2013); (A)2/27/2018)

(8) **Removal Notice** (©)3/11/2008)

Except for signs subject to removal under 13-1-64 (6), a time limit of not less than thirty (30) days shall be given in any order for the removal of any sign. The immediate removal of a sign may be ordered where the sign poses a threat to traffic safety or visibility. (©)3/11/2008)

(9) **Removal of Obsolete Signs** (©)3/11/2008)

An off premise sign advertising a business, product, service, commodity, entertainment, or real or personal property sale which has been terminated shall be removed within three (3) months after such termination. (©)3/11/2008)

**Sec. 13-1-65**      **Town of Barnes Overlay District** (©)9/29/2009); (D)2/27/2018-a-e)

**Reserved for Future Use.**

**Sec. 13-1-66 Town of Drummond Overlay District** (©)4/20/2010

- (a) **Applicability.** The Town of Drummond Overlay District shall apply to and include all lands within the Town of Drummond. (©)4/20/2010)
- (c) **Intent of the Town of Drummond Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to encourage uses of land, water and other natural resources which are consistent with The Town of Drummond Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism and family life. (©)4/20/2010)
- (c) **Nonconforming Parcels.** When a land division occurs in Ag-1 and F-1 zoning districts, the minimum parcel size that may be created with the intent for development is 10 acres. No development of any kind may be permitted on land divisions of less than 10 acres in Ag-1 and F-1 zoning districts created after the adopted date of this amendment. (©)4/20/2010)

**Sec. 13-1-67 Town of Namakagon Overlay District** (©)7/26/2011

- (a) **General Provision.** The Town of Namakagon Overlay District shall apply to and include all lands within the Town of Namakagon. (©)7/26/2011)
- (b) **Intent of the Town of Namakagon Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience, and general welfare: to encourage planned and orderly land use developments: to protect property values and the property tax base: to encourage uses of land, water, and other natural resources which are consistent with the Town of Namakagon Comprehensive Land Use Plan: to maintain water clarity in lakes, rivers, and streams: to protect the beauty and amenities of landscape and man-made developments: and to provide healthy surroundings for recreation, tourism, and family life. (©)7/26/2011)
- (c) **Part of the Purpose and Intent of the Town of Namakagon Overlay** shall be achieved by restricting all new off-premise signs except as listed as exempt in the Bayfield County Sign Ordinance. Permanent off-premise signs in the Town of Namakagon shall also be subject to the following requirements: (©)7/26/2011)
- (1) All existing off-premise signs may be maintained but must be brought into compliance with the County ordinance pertaining to size and setback by July 1, 2016. (©)7/26/2011)
  - (2) If the owner of the off-premise sign sells the business; the sign is considered property of the business. (©)7/26/2011)
  - (3) Existing off-premise signs may not be rented to any other business. (©)7/26/2011)
  - (4) All other County ordinances regarding signs will be enforced. (©)7/26/2011)

Except as specifically modified and amended by this ordinance, the Bayfield County Code of Ordinance shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed. (©)7/26/2011)

**Secs. 13-1-68 through Sec. 13-1-79 Reserved for Future Use.**

## Article E: Signs

### Sec. 13-1-80 Sign Regulation Purposes.

The intent of the Bayfield County sign ordinance is to balance the need to preserve the rural character and natural scenic beauty of the area with the equally important need to support the county's economic base

### Sec. 13-1-81 General Restrictions.

No outdoor advertising sign visible to the traveling public shall be erected, structurally altered, or maintained except as provided in this Article.

### Sec. 13-1-82 Number and Size of Permitted Signs.

Each business shall be permitted signage as follows:

- (a) On-premise signage. Each business shall be permitted on-premise signage as follows:
  - (1) **One (1) sign** with area not to exceed 96 square feet and up to two (2) additional signs with area of each sign not to exceed 50 square feet; or,
  - (2) **Four (4) signs** with area of each sign not to exceed 50 square feet.
  - (3) **Multi-tenant signage.** Each business park or parcel with a structure designed for multi tenants shall be permitted to erect one (1) multi-tenant sign not to exceed 14 feet in height and include a maximum of one (1) panel for each business with an area that is not to exceed 16 square feet. Each panel included in the multi-tenant sign shall count as one 50 square foot on-premise sign as calculated in this section. (A)12/10/2013
  - (4) Notwithstanding Sec. 13-1-87(a), if a business is located in the **Unincorporated Village Overlay District (UVOD)** as defined in Sec. 13-1-61(m), one of the on-premise signs allowed under Sec. 13-1-82(a) may be a light-emitting diode (LED) sign not exceeding 32 square feet. (©)5/27/2014
- (b) Off-premise signage. Each business may include up to two (2) signs off the premise with area of each sign not to exceed 50 square feet. (A)12/15/2009

**Note:** for purposes of this Section, two back-to-back faces on one sign structure shall constitute one (1) sign.

### Sec. 13-1-83 Distance.

Off premise signs visible from the same road and located on the same side thereof, including signs advertising different businesses, products, etc., shall have a minimum



separation distance of one thousand three hundred twenty (1,320) feet between them.

**Sec. 13-1-84 Exempt Signs.**

The following signs are exempt from the requirements of this Article:

- (a) Signs advertising garage sales, auctions, carnivals, or other events if all of the following requirements are met:
  - (1) The sign does not hinder traffic safety or visibility;
  - (2) The sign is less than eight (8) square feet;
  - (3) The sign is erected no sooner than thirty (30) days prior to the advertised event; and
  - (4) The sign is removed no later than ten (10) days after the advertised event.
- (b) Signs on the rolling stock of common carriers so long as such vehicles are not parked in one visible location for any consecutive period of thirty (30) or more days in any year.
- (c) Signs of two (2) square feet or less with no letters, numbers, symbols, logos, or designs in excess of two (2) inches in vertical or horizontal dimensions.
- (d) Specific information signs authorized under Sec. 86.195, Wis. Stats., tourist-oriented directional signs authorized under Sec. 86.196, Wis. Stats., and guidance signs authorized under TRANS 200.03, Wis. Adm. Code.
- (e) Temporary "For Sale" signs if they do not hinder traffic safety or visibility, and if less than ten (10) square feet.
- (f) Temporary banners over roads if all of the following requirements are met:
  - (1) The banner is securely fastened;
  - (2) Made of durable materials;
  - (3) Mounted at least twenty (20) feet high above the road surface;
  - (4) Located so as to not hinder traffic safety or visibility, and not displayed for more than one hundred twenty (120) days in any year.
- (g) Signs for religious organizations or service clubs, if all of the following requirements are met.
  - (1) The sign does not hinder traffic safety or visibility.
  - (2) The sign is less than ten (10) square feet.
  - (3) No more than two (2) off-premise and two (2) on-premise signs shall be

permitted per organization or club.

- (4) Off-premise signs visible from the same road and located on the same side thereof, including signs of different organizations or clubs, shall have a minimum separation distance of three hundred (300) feet between them.
  
- (h) On-premise signs mounted flush with the building (principle or accessory) that are below the roof line and do not protrude more than one foot from the building to which it is attached. (©12/10/2013)

### **Sec. 13-1-85 Sign Permits.**

No on-premise; off-premise or roof top sign shall be erected, relocated, or structurally altered unless a land use permit has first been issued therefor pursuant to Section 13-1-21(b). (A)12/10/2013)

**Sec. 13-1-86 Non-Conforming Signs: Grace Period Replacement**

- (a) All signs in existence of the effective date of this Article, as amended, namely March 31, 1998, which do not comply with Section 13-1-82 and 13-1-87 and are not exempted under Sec. 13-1-84, shall be brought into compliance or removed within five (5) years of such date, provided that this provision shall not apply in such instances where it would be contrary to state or federal law or where it would result in a loss of state or federal funds for maintenance of the road from which the sign in question is visible (including Highways 2, 13, 27 and 63), and provided further that any nonconforming sign in existence on March 31, 1998, which is adjacent to such a road and which cannot remain in its existing location due to widening of the road, may be moved to a corresponding location relative to the widened road without losing its nonconforming status.
- (b) A nonconforming sign that is exempt from the removal requirement under subsection (a) above may be replaced with a new sign that shall also be exempt from such requirement, except if the sign to be replaced is fastened to a building, the new sign shall not extend above the highest part of the building's roof. If the sign to be replaced is freestanding, the new sign shall not extend more than 20 feet above ground level.
- (1) The area of the new sign shall not exceed 96 square feet.
  - (2) If the sign to be replaced is fastened to a building, the new sign shall not extend above the highest part of the building's roof. If the sign to be replaced is freestanding, the new sign shall not extend more than 20 feet above ground level.

All signs in existence on the effective date of this Article, as amended, namely March 31, 1998, which do not comply with Sections 13-1-82 and 13-1-87 and are not exempted under Sec. 13-1-84, shall be brought into compliance or removed within five (5) years of such date, provided that this provision shall not apply in such instances where it would be contrary to state or federal law or where it would result in a loss of state or federal funds for maintenance or improvement of the road from which the sign in question is visible (including Highways 2, 13, 27, and 63), and provided further that any nonconforming sign in existence on March 31, 1998, which is adjacent to such a road and which cannot remain in its existing location due to widening of the road, may be moved to a corresponding location relative to the widened road without losing its non-conforming status.

**Sec. 13-1-87 General Sign Requirements.**

- (a) No flashing, multi-colored, intermittent, or moving lights, moving parts, or sound producing devices, shall be used with or on any sign.
- (b) Signs shall not be placed or allowed to interfere with any governmental or directional signs, or driver visibility.
- (c) Signs shall be placed on safe and sturdy supports, except that on-premise signs may be fastened to a building.
- (d) Signs shall not be closer than three (3) feet to a property line or right-of-way line, and, except as provided in Sec. 13-1-82(a)(3) and Sec. 13-1-86(b), shall not extend more than ten (10) feet high above the ground level, except that a sign fastened to a building may be higher so long as it is not higher than the highest part of that building's roof.
- (e) Signs along State or Federal highways shall not be closer than three (3) feet to a property line or right-of-way line, and, except as provided in Sec. 13-1-82(a)(3) and Sec. 13-1-86(b), shall not extend more than twenty (20) feet high above the ground level, except that a sign fastened to a building may be higher so long as it is not higher than the highest part of that building's roof. (©12/10/2013)
- (f) All signs are structures for purposes of location at the required setback from navigable waters. (A)12/10/2013
- (g) No business on-or off-premise sign shall be intended, designed, or erected to be visible by those boating or swimming on navigable waters, except that no more than two (2) unlighted signs of less than ten (10) square feet may be erected on the site of a riparian business to advertise the name and services of that business. (A)12/10/2013
- (h) All signs, sign faces, and sign supports shall be maintained in a safe and good state of appearance and repair as determined by the Planning and Zoning Committee. (A)12/10/2013

**Sec. 13-1-88 Noncompliance.**

The Planning and Zoning Committee may revoke any permit or order the removal, relocation, alteration, or repair of any sign the Committee finds to be in violation of this Section. The Planning and Zoning Department staff may issue a citation for any violation of this Article.

**Sec. 13-1-89 Removal Notice.**

Except for signs subject to removal under Section 13-1-86, a time limit of not less than thirty (30) days shall be given in any order for the removal of any sign. The immediate removal of a sign may be ordered where the sign poses a threat to traffic safety or visibility.

**Sec. 13-1-90 Removal of Obsolete Signs.**

An off-premises sign advertising a business, product, service, commodity, entertainment, or real or personal property sale which has been terminated shall be removed within six (6) months after such termination.

**Sec. 13-1-91 through Sec. 13-1-99 Reserved for Future Use.**

## Article F: Administration and Enforcement

### Sec. 13-1-100 Invalidations.

Invalidation by a court of any part of this Chapter shall not invalidate the rest of this Chapter.

### Sec. 13-1-101 County Board Administration. (©/1/1976)

Administration of this Chapter shall be under the direction of the County Board. (©/1/1976)

### Sec. 13-1-101A Planning and Zoning Committee. (©)3/27/2012)

- (a) **Authority.** The Planning and Zoning Committee has been established pursuant to Section 59.69 (2) of the Wisconsin Statutes and assumes thereby, all responsibilities, duties and powers as provided therein. (©)3/27/2012)
- (b) **Conflicts of Interest.** Members of the Planning and Zoning Committee shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily be limited to, the following: (©)3/27/2012)
- (1) Reviewing, deliberating upon, or voting on an application concerning oneself or work on land owned by oneself. (©)3/27/2012)
  - (2) Reviewing, deliberating upon, or voting on an application concerning a property located adjacent to or within 1000 feet of one's property. (©)3/27/2012)
  - (3) Reviewing, deliberating upon, or voting on an application involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss. (©)3/27/2012)
  - (4) Reviewing, deliberating upon, or voting on an application, if such action results in a pecuniary benefit to oneself. (©)3/27/2012)
  - (5) Reviewing, deliberating upon, or voting on an application concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household. (©)3/27/2012)
  - (6) Reviewing, deliberating upon, or voting on an application where an employee or employer of the member is: (©)3/27/2012)
    - a. An applicant or agent for an applicant, or (©)3/27/2012)
    - b. Has a direct interest in the outcome. (©)3/27/2012)

- (7) When a conflict of interest exists, the member shall do all of the following upon determining that a conflict exists: (©)3/27/2012)
- a. Declare that a conflict exists at the next meeting of the Planning and Zoning Committee, (©)3/27/2012)
  - b. Cease to participate at the Planning and Zoning Committee meetings pertaining to the matter, until the matter giving rise to the conflict has been decided; and refrain from representing oneself before the Planning and Zoning Committee or its staff. (©)3/27/2012)



**Sec. 13-1-102 Board of Adjustment.** (6/1/1976)

- (a) **Composition.** The Chairman of the County Board is hereby authorized to appoint a Board of Adjustment consisting of five (5) members and two (2) alternates, with such appointments requiring the approval of the County Board. Term of appointments, annual designation of first and second alternates, and all other matters under this Section, shall be according to the provisions of Sec. 59.694 & 59.18(2)(c), Wis. Stats. The members of the Board, including the alternates, shall live within Bayfield County and outside the limits of an incorporated city or village, but no two (2) members shall be from the same town. (6/1/1976); (A)5/28/2002
- (b) **Expenses.** The actual and necessary expenses of the members in the performance of their duties shall be paid as other expenses against the County. (6/1/1976)
- (c) **Appeals to the Board.** (6/1/1976)
- (1) Any person aggrieved by a decision of the Planning and Zoning Director and/or Planning and Zoning Committee, may request and shall be granted a public hearing before the Board of Adjustment. (6/1/1976)
  - (2) The appeal notice shall be filed with the Planning and Zoning Director within thirty (30) days after written notice of the order or decision appealed from was sent by first class mail to the aggrieved party, or, if such notice was not sent to the aggrieved party, within thirty (30) days after the party first knew of, had reason to know of, or should have known of, the order or decision. (6/1/1976); (A)5/31/2005
  - (3) The appeal notice shall specify the grounds for the appeal. (6/1/1976)
  - (4) The Planning and Zoning Agency shall transmit to the Board of Adjustment all the papers constituting the record upon which the action appealed from was taken. (6/1/1976); (A)7/30/2013; (A)2/27/2018
- (d) **Public Hearing.** The Board of Adjustment shall give public notice of any hearing by publication of a Class 2 notice in the official newspaper of the County, not less than seven (7) days prior to the date of the hearing, as well as mailed notice to the parties in interest. The local town board shall also be notified, and the notice posted in three (3) public places in town. A copy of the notice of any Board of Adjustment public hearing on matters within the shoreland or floodplain areas shall be sent to the appropriate area office of the Department of Natural Resources at least ten (10) days prior to the hearing and a copy of all decisions shall be provided to the Department within ten (10) days of the decision. (6/1/1976)
- (e) **Board Powers.** The Board of Adjustment shall have the following powers and duties: (6/1/1976)
- (1) Where it is alleged that there is error in any order, requirements, decision

or determination made by the Planning and Zoning Agency and/or Planning and Zoning Committee, the Board of Adjustment shall hear appeals and render decisions therefrom. (66)6/1/1976); (A)7/30/2013); (A)2/27/2018)

- (2) Where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship, the Board of Adjustment shall have the power, to authorize on appeal in specific cases variances from the terms of this Chapter that will not be contrary to the public interest and so that the spirit of this Chapter shall be observed and substantial justice done. Variances shall comply with the following requirements: (66)6/1/1976); (A)1/18/2005)
- a. The hardship which serves as a basis for the granting of a variance shall be unique to the particular parcel of land in question. (66)6/1/1976); (A)10/31/2017)
  - b. The hardship which serves as a basis for the granting of a variance shall not be self-created nor be based solely on economic consideration. (66)6/1/1976); (A)1/18/2005)
  - c. The variance granted will be in harmony with the intent of the Zoning Ordinance. (66)6/1/1976)
  - d. The granting of the variance shall not be detrimental to the public welfare or injurious to other property in the area. (66)6/1/1976)
  - e. The basis of review in granting a variance shall include those items listed in Section 13-1-41(b)(4)a and, in granting a variance, the Board may attach conditions listed in Section 13-1-41(b)(4)b and/or other conditions, if such conditions as are reasonably related to the purpose of the zoning restriction in question or to environmental problems that may be caused or aggravated by the variance if the condition were not imposed. (66)6/1/1976); (A)7/29/2008); (D)5/28/2019)
- (3) Whenever a variance is granted, the Bayfield County Planning and Zoning Agency, shall record the decision granting it, setting forth the terms and conditions of the variance and a legal description of the property to which it pertains, with the Bayfield County Register of Deeds. The terms and conditions of the variance shall be binding upon and inure to the benefit of all current and future owners of such property. The recording fee shall be paid by the applicant to the Department within ninety (90) days after notice thereof has been sent to the applicant by the Department. If the applicant fails to do so, the variance shall be null and void, and no permit shall be issued pursuant thereto. (A)3/13/2002); (A)5/28/2002); (A)7/29/2008); (A)2/27/2018); (D)5/28/2019)

**Sec. 13-1-102A Board of Adjustment Rules and Procedure** (©)5/21/2009**(a) General Provisions** (©)5/21/2009

(1) **Authority.** The Bayfield County Board of Adjustment has been established pursuant to Section 59.694 of the Wisconsin Statutes and assumes thereby, all responsibilities, duties and powers as provided therein. These rules apply to members of the Board of Adjustment whether appointed to the Board before or after the date of the adoption of these rules. (©)5/21/2009

(2) **Conflicts of Interest.** (©)5/21/2009

a. Members of the Board shall avoid conflicts of interest. As used here, a conflict of interest shall include, but not necessarily be limited to, the following: (©)5/21/2009

1. Reviewing, deliberating upon, or voting on a case concerning oneself or work on land owned by oneself. (©)5/21/2009

2. Reviewing, deliberating upon, or voting on a case concerning a property located adjacent to or within 1000 feet of one's property. (©)5/21/2009

3. Reviewing, deliberating upon, or voting on a case involving a corporation, company, partnership, or any other entity in which the person is a part owner, or has any other relationship where the person may stand to have a financial gain or loss. (©)5/21/2009

4. Reviewing, deliberating upon, or voting on a case, if such action results in a pecuniary benefit to oneself. (©)5/21/2009

5. Reviewing, deliberating upon, or voting on a case concerning one's spouse, child, stepchild, grandchild, brother, sister, parent, grandparent, or member of one's household. (©)5/21/2009

6. Reviewing, deliberating upon, or voting on a case where an employee or employer of the member is: (©)5/21/2009

An applicant or agent for an applicant, or (©)5/21/2009

Has a direct interest in the outcome. (©)5/21/2009

b. When a conflict of interest exists, the member shall do all of the following upon determining that a conflict exists: (©)5/21/2009

1. Declare that a conflict exists at the next meeting of the Bayfield County Board of Adjustment, (©)5/21/2009)
  2. Cease to participate at the Board meetings, until the case giving rise to the conflict has been decided; and refrain from representing oneself before the Board or its staff. (©)5/21/2009)
- (3) **Ex Parte Contact.** (©)5/21/2009)
- a. Members of the Board shall attempt to avoid ex parte contact. As defined here, ex parte contact refers to communication that occurs outside of a noticed meeting. Members of the Board have a duty to not prejudge a case, and to base their decisions only on the material and facts presented at public meetings and hearings on the case. (©)5/21/2009)
  - b. Despite one's best efforts it is sometimes not possible to avoid ex parte contact. When that happens the member should publicly report the content and context of the ex parte contact in full at the public hearing or meeting on the case prior to the Board making a decision on the issue. (©)5/21/2009)
- (4) **Board's Office.** The office of the Board shall be located at the Bayfield County Courthouse within the office of the Planning and Zoning Agency. All records of the Board shall be available for public inspection between the hours of 8AM and 4PM, Monday through Friday, except for legal holidays. (©)5/21/2009); (A)2/27/2018)
- (b) **Officers and Duties** (©)5/21/2009)
- (1) **Officers.** The Board shall elect a Chairperson and a Vice-Chairperson from among its members at the annual organization meeting in July. These officers shall hold office until their successors are elected. The Board may, at any meeting or hearing, elect from among the membership the replacement for an officer, who dies or for whatever reason is unable to perform the duties of his office. The officer, so elected as a replacement, shall serve until the next organizational meeting of the Board. (©)5/21/2009)
  - (2) **Duties of Officers.** The Chairperson, if present, otherwise the Vice-Chairperson, shall preside over and direct the conduct of all meetings and hearings of the Board and may administer oaths and compel the attendance of witnesses. In the absence of both the Chairperson and Vice-Chairperson, the members shall appoint a Chairperson. The Chairperson shall report on all pertinent matters that have not otherwise come to the attention of the Board. The Chairperson shall, subject to these rules and further instructions from the Board, direct the official business of the Board, supervise the work of the Board and request necessary help when required. The Chairperson or the presiding officer, subject to these

rules, shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance on motion duly made and approved. (©)5/21/2009)

The Board may retain legal counsel subject to the approval of the County Board of Supervisors. (©)5/21/2009)

(c) **Meetings** (©)5/21/2009)

- (1) **Time; How Called.** Meetings and hearings of the Board shall be held, or may be cancelled, at the call of the Chairperson and at such other times as the Board may determine, provided that all Board members shall be notified by the Secretary at least 48 hours prior to such meeting. All meetings shall be open to the public and in accordance with the Open Meeting Law, except that the Board may call a closed session on issues permissible under the Wisconsin Open Meeting law. Hearings shall be advertised as required by law and these rules. (©)5/21/2009)
- (2) **Quorum.** A quorum shall consist of a majority of all members of the Board (3 members) and no action may be taken except by a majority vote of such quorum, except a lesser number may meet and adjourn any meeting duly called and noticed to a time certain. (©)5/21/2009)
- (3) **Order of Business.** (©)5/21/2009)
  - a. The Planning and Zoning Agency shall prepare an agenda for each Board meeting, listing the matters of business at all meetings that do not have public hearings in the following order: (©)5/21/2009); (A)2/27/2018)
    1. Call to order (©)5/21/2009)
    2. Roll Call (©)5/21/2009)
    3. Communications/Correspondence (©)5/21/2009)
    4. Statement with regard to compliance with the Open Meetings law. (©)5/21/2009)
    5. Old Business (©)5/21/2009)
    6. New Business (©)5/21/2009)
    7. Report of the Planning and Zoning Director (©)5/21/2009)
    8. Statement that the Board may go into closed session to confer with legal counsel regarding pending litigation (if such action is anticipated) (©)5/21/2009)

- b. The Planning and Zoning Agency shall prepare an agenda for each Board meeting that has public hearings, listing the matters of business in the following order: (©)5/21/2009); (A)2/27/2018)
1. Call to Order (©)5/21/2009)
  2. Roll Call (©)5/21/2009)
  3. Public Hearings (Name, place, per notice of public hearing, and time, for each hearing) (©)5/21/2009)
  4. Minutes of Hearings/Meeting, Date (©)5/21/2009)
  5. Communications/Correspondence (©)5/21/2009)
  6. Statement in regard to compliance with the Open Meeting Law (©)5/21/2009)
  7. Old Business (©)5/21/2009)
  8. New Business (©)5/21/2009)
  9. Report of the Planning and Zoning Director (©)5/21/2009)
  10. Statement that the Board may go into closed session to confer with legal counsel re: pending litigation (if such action is anticipated) (©)5/21/2009)
- c. The order of business at any meeting or hearing may be varied from the preceding by consent of the members present. If there is a question of what shall be the order or content of an agenda, that question shall be decided by a majority of the Board, unless the issue comes up before a Board meeting and needs to be resolved beforehand, in which case it will be resolved by the Board Chairperson or Acting Board Chairperson. (©)5/21/2009)
- (4) **Robert's Rules of Order.** Robert's Rules of Order shall govern actions of the Board and conduct of its meetings where not specifically covered by these rules. (©)5/21/2009)
- (d) **Powers and Duties of the Board** (©)5/21/2009)
- (1) **General Powers.** The powers and duties of the Board are set forth in Sec.59.694(7) of the Wisconsin Statutes and in Section 13-1-102 of the Bayfield County Zoning Ordinance. (©)5/21/2009);(7/30/2013)
  - (2) **Scope of Powers.** In exercising the powers under Section 1, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make

such order, requirement, decision or determination as ought to be made, and to that and shall have all powers of the officer from whom the appeal is taken, and may issue or direct the issuance of a permit. (©)5/21/2009)

(e) **Applications and Appeal Procedures** (©)5/21/2009)

- (1) **Who May File.** Applications to the Board and appeals from Planning and Zoning Agency decisions shall be filed with the Planning and Zoning Agency, by the applicant or appellant, or his or her agent or attorney. Appeals may be filed by any person aggrieved or by any officer, department, board or bureau of the County or town affected by the Planning and Zoning Agency's decision. (©)5/21/2009); (7/30/2013); (A)2/27/2018)
- (2) **Copies to Be Sent:** The Planning and Zoning Agency shall promptly transmit copies of the application or appeal as follows: (©)5/21/2009); (7/30/2013); (A)2/27/2018)
  - a. Original to the Board of Adjustment (©)5/21/2009)
  - b. Copy to the Planning and Zoning Agency files (©)5/21/2009); (A)2/27/2018)
  - c. Copy to the applicant or appellant (©)5/21/2009)
  - d. In the case of appeals or applications affecting property in shoreland or floodplain districts, one copy shall also be sent to the Wisconsin Department of Natural Resources. (©)5/21/2009)
- (3) **Time to Appeal.** Appeals from the Department's decision must be filed as follows: The appeal notice shall be filed with the Planning and Zoning Director within thirty (30) days after written notice of the order or decision appealed from was sent by first class mail to the aggrieved party, or, if such notice was not sent to the aggrieved party, within thirty (30) days after the party first knew of, had reason to know of, or should have known of, the order or decision. The applicable fee must be filed within this time period as well. (©)5/21/2009)
- (4) **Required Information.** Applications or appeals shall be made on forms provided by the Planning and Zoning Agency. Failure of the appellant to supply the information required by the appeal or variance form within 30 days after filing an appeal or application may be considered by the Board as a failure to comply with application and appeal procedure and the case may be dismissed for failure of timely filing. Any communications, except on prescribed forms, purporting to be an appeal shall be deemed a mere notice of intention to file and shall not be deemed a filing to comply with requirements of timely filing. (©)5/21/2009); (A)2/27/2018)
- (5) **Reasons to Be Stated.** The reason for the application or appeal must be stated and the reasons why the request should be granted must also be stated by the applicant or appellant: (©)5/21/2009)

- a. If a variance is requested, facts should be stated upon which findings may be made by the Board to justify the granting of the variance. (©)5/21/2009)
  - b. If an appeal is based upon an alleged error or abuse of discretion of the Planning and Zoning Agency, facts should be stated as to the nature thereof. (©)5/21/2009); (A)2/27/2018)
  - c. All applications shall include maps and an understandable site plan showing the size and relative location of buildings, shoreline and relevant physical features. (©)5/21/2009)
- (6) **Time for Hearing.** Each appeal or application shall be considered by the Board at its next meeting, provided there is sufficient time between the date of the appeal and the date of the meeting for the required notices to be published. (©)5/21/2009)
- (7) **Notice of Hearing.** The Planning and Zoning Agency shall cause notice of each hearing to be given as required by Sec. 13-1-102(d). (©)5/21/2009); (A)2/27/2018)
- (8) **Representative Filing.** An appellant may file an appeal or application and appear personally or by an agent or attorney. An agent or attorney shall provide written authorization from the applicant. (©)5/21/2009)
- (9) **Fees.** Fees shall be as set by the County Board based upon recent past experience of applicable costs, and may be changed from time to time to reflect the cost of hearings. (©)5/21/2009)
- (f) **Procedure for Hearings** (©)5/21/2009)
- (1) **Appearances; Adjournments.** At the time of the hearing, the applicant or appellant may appear in his own behalf or be represented by his counsel or agent. A recess or adjournment of a hearing, made at a properly noticed hearing, to a time and place certain, is adequate notice to the members and public of a new hearing date. (©)5/21/2009)
  - (2) **Witnesses.** The Chairperson, or Acting Chairperson, may compel the attendance of witnesses and may require those wishing to testify to state their names and their interests in the matter before the Board. Testimony shall be taken under oath. (©)5/21/2009)
  - (3) **Order of Hearings.** (©)5/21/2009)
- Hearings on cases shall normally follow this order: (©)5/21/2009)
- a. Hearing call to order by the Chairperson (©)5/21/2009)
  - b. Roll Call (©)5/21/2009)



- c. Notice of Public Hearing (Read by Secretary or Planning and Zoning Director) (©)5/21/2009; (A)7/30/2013
- d. Publication (Statement of publication of notice and distribution) (©)5/21/2009
- e. Filing (Filing of application, date and information) (©)5/21/2009
- f. Summary of the nature of the case (including uncontroverted facts) by the Planning and Zoning Agency (©)5/21/2009; (A)2/27/2018
- g. Content of Hearing (©)5/21/2009

Hearings shall be conducted with the applicant presenting his or her case first, including any witnesses the applicant wishes to call. After the applicant presents his or her case, anyone else in favor of the applicant's request shall also be allowed to speak. Then all those opposed to the application shall be allowed to speak. (©)5/21/2009

The applicant has the burden of proof to show that he or she is entitled to a variance or other relief being sought. (©)5/21/2009

In more controversial, contested cases, in which parties appear with attorneys, opening and closing statements shall be allowed. If witnesses testify regarding the facts of the case to support or rebut the claim of the applicant, cross-examination may be allowed. Usually cross-examination of witnesses does not occur. (©)5/21/2009

All supporting evidence for or against each case shall be presented to the Board. The applicant or appellant shall be responsible for the presentation of all information supporting the case. The Board may take administrative notice of the ordinances of the County and laws of the State of Wisconsin and of other relevant facts not reasonably subject to dispute, on its own motion or motion of a party. (©)5/21/2009

- h. Closing of testimony (statement and time) (©)5/21/2009
- i. Deliberation: Restricted to the Board. No public or staff participation. Board shall find the appropriate facts and conclusions of the law upon which a decision can be made. The Board may consult with legal counsel. (©)5/21/2009
- j. Decision: The Board shall make an appropriate motion, including findings of fact, conclusions of law, approvals or denials, and conditions or statement of hardship for variances. (©)5/21/2009
- k. Adjournment. (©)5/21/2009

- (4) **Preliminary Matters.** Following the reading of a notice of appeal or application, the Board may hear arguments on the question of jurisdiction or timeliness of the application to the Board and request that briefs be filed on the point. The Board may proceed with the hearing and the taking of testimony in any event and reserve its determination on a jurisdictional question until after the testimony is closed and render a decision on the merits as if it had jurisdiction. The Board may make an immediate determination and close the hearing upon a finding that it lacks jurisdiction. If the Board determines by motion that it lacks jurisdiction, the Secretary shall record the decision as a vote to deny the request. (©)5/21/2009
- (5) **Parties Not to Interrupt.** Orderly procedure requires that each side shall proceed without interruption by the other; that all arguments and factual presentations shall be addressed to the Board; and that there be no questioning or arguments between individuals, except as permitted by the Board. (©)5/21/2009
- (6) **Questions and Debate.** During the hearing, Board members may ask questions and make appropriate comments pertinent to the case. However, no member shall debate or argue an issue with the applicant. The Chairperson and Board members may direct questions to the applicant or to any person speaking in order to bring out all relevant facts, circumstances and conditions affecting the case and may call for questions from members of the Planning and Zoning staff. (©)5/21/2009
- (7) **Additional Evidence.** The Board may take a case under advisement for later consideration and determination, or may defer action, whenever it concludes that additional evidence is needed or further study is required. (©)5/21/2009
- (8) **Postponement of Hearing.** Cases may be postponed only by prior arrangement with the Chairperson. (©)5/21/2009
- (9) **Rules of Evidence.** The Board shall not be bound by court rules of evidence, but it may exclude irrelevant, immaterial, incompetent, unduly argumentative or repetitious testimony or evidence. (©)5/21/2009
- (10) **Chairperson to Rule on Admissibility.** The Chairperson shall rule on all questions relating to the admissibility of evidence, provided that he/she may be overruled by a majority of the Board present. (©)5/21/2009
- (11) **Interested Persons May Testify.** Persons having an interest in the case may attend the hearing and may request an opportunity to testify provided they identify themselves and sign an appearance card of persons attending the hearing. All testimony shall be under oath. (©)5/21/2009
- (12) **Record of Hearing.** All proceedings at a hearing shall be tape recorded or recorded by a court reporter. The Planning and Zoning Agency designee shall prepare minutes of each meeting and hearing, which shall

include a summary of motions, witnesses, appearances, roll calls, votes and all other matters constituting the substance of the proceedings, and which shall be submitted to the Board for review and approval and shall become part of the written record filed in the office of the Board and open to the public. Transcripts of recorded proceedings shall not be prepared unless ordered by the circuit court by a writ of certiorari or requested under the Open Records Law. The party requesting a transcript shall be required to pay the cost of preparation in advance. Any party or member of the public may make a record of the proceeding by any means which does not disturb the hearing or others present. (©)5/21/2009; (A)2/27/2018)

The Planning and Zoning Agency designee shall record and maintain permanent minutes of the Board's proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact; shall keep records of its official actions; shall summarize accurately the testimony of those appearing before the Board and keep a verbatim recording of all hearings; shall record the names and addresses of all persons appearing before the Board in person, or by attorney; and shall, subject to the direction of the Board and chairperson, conduct the correspondence of the Board and have published in a local newspaper, public notices of meetings or hearings as required by law and these rules of procedure; shall file said minutes and records in the office of the Board, which minutes and records shall be a public record; and shall be the custodian of the files of the Board and keep all records. (©)5/21/2009; (A)2/27/2018)

- (13) **Adjustments.** When all appeals or applications cannot be disposed of on a day set, the Board may adjourn from day to day or to a day certain, as it may order, and such adjourned day shall be construed as a continuance of the hearing. Notice of such adjournment shall be given to the absent members of the Board. (©)5/21/2009)
- (14) **Withdrawal of Appeal.** An appellant or applicant may withdraw an appeal at any time prior to the decision, but a pending motion to grant or dismiss the appeal shall have precedence over withdrawal. Withdrawal of the appeal shall not entitle the appellant or applicant to remission of the filing fee. (©)5/21/2009)
- (g) **Decision of the Board** (©)5/21/2009)
- (1) **Majority Vote Required.** If a quorum is present, the Board may take any action by a majority vote of the members present. (©)5/21/2009)
- (2) **Decisions to be Written.** All decisions shall be in writing and contain the findings of facts and conclusions of law upon which the decision is based. Legal counsel may assist the Board in drafting the written decision. (©)5/21/2009)
- (3) **Decisions to be Mailed.** Within 30 days after the close of the hearing to which a decision relates, written copies of such decision shall be mailed to

the applicant and all interested parties and delivered to the Planning and Zoning Agency, which shall constitute filing the decision in the office of the Board under Sec. 59.694(10) Stats. The approval or granting of appeals by the Board is deemed to constitute an order to the Planning and Zoning Agency to issue a zoning permit. A denial of the application or appeal by the Board is deemed to be an order to deny the permit. Copies of written decisions authorizing conditional use permits or variances in shoreland/ wetland/ non-metallic mining or floodplain cases shall be mailed to the Wisconsin Department of Natural Resources. (©)5/21/2009; (A)7/30/2013; (A)2/27/2018)

A member may disqualify himself or herself from voting whenever the member has a personal or monetary interest in the property concerning the case, will be directly affected by the decision of the Board, or has, or believes he/she has, any conflict or interest under state statutes or for any other reason. A member may also disqualify himself/herself from voting whenever the applicant or the applicant's agent has sought to influence the vote of the member on his/her case outside the public hearing. All decisions of the Board shall be made at a public meeting, by motion made, seconded and passed. (©)5/21/2009)

If conditions are imposed in the granting of a variance, or conditional use, such conditions shall be included in the motion. (©)5/21/2009)

- (6) **Decision to Relate to Specific Property.** The decision of the Board shall be deemed as applying to the property rather than to the individual and is valid only for the specific premises in the case and is not transferable to other properties. (©)5/21/2009)
  - (7) **Informal Advice Not Binding.** The Board need not respond to informal requests for advice or moot questions. Any advice, opinion or information given by any Board member, or any other official or other employee of the County shall not be binding on the Board. (©)5/21/2009)
  - (8) **Cases to be Determined Individually.** No action of the Board shall set a binding precedent. Each case shall be decided upon its merits and upon the attendant particular facts and circumstances, provided the Board shall not act arbitrarily or capriciously. (©)5/21/2009)
- (h) **Refilings and Rehearings** (©)5/21/2009)
- (1) **Refiling Rule.** No matter that has been previously acted upon by the Board shall be considered upon a new application unless one or more of the following applies: (©)5/21/2009)
    - a. The case does not involve a request for an identical permit or does not allege the same misinterpretation or error. (©)5/21/2009)
    - b. The case does not contain the original request for specific variance. (©)5/21/2009)

- c. Substantial change in the use of adjacent property has occurred since the previous case was heard. (©)5/21/2009)
- d. The previous case was closed without a hearing because the applicant was not present at the time such case was scheduled for a hearing. (©)5/21/2009)
- e. There is a claim that there should be a rehearing based upon newly discovered evidence. A rehearing will only be granted on this basis when all of the following apply: (©)5/21/2009)
  - 1. The evidence has come to the moving party's notice after the initial hearing. (©)5/21/2009)
  - 2. The moving party's failure to discover the evidence earlier did not arise from lack of diligence in seeking to discover it. (©)5/21/2009)
  - 3. The evidence is material and not cumulative. (©)5/21/2009)
  - 4. The new evidence would probably change the result. (©)5/21/2009)

(2) **Reopenings and Rehearings Limited.** The Board, on its own motion, may not reopen any case upon which a previous hearing has been held, except in the following circumstances: (©)5/21/2009); (A)1/31/2012)

- a. To correct a manifest error or when there is some ambiguity or missing element in the decision that makes it impossible for the Planning and Zoning Agency to apply the decision(s). In such a situation, the Board may reopen a case at its next scheduled meeting. (©)5/21/2009); (A)1/31/2012); (A)7/30/2013); (A)2/27/2018)
- b. The Board, at the request of the Planning and Zoning Agency, may also reopen a case without regard to time limits if an interpretation of a prior decision is necessary, or if interpretation, modification or enforcement of conditions of a board decision is necessary. Nothing in this section b. should be interpreted as allowing a complete reopening of the case, nor require or presume that the Board of Adjustment should make any substantial change in their decision. There shall be a \$250.00 filing fee assessed if the applicant is the party seeking a partial reopening under this section b. for purposes of deleting or substantially modifying a condition placed on a Board of Adjustment decision. There shall be no filing fee if the request for reopening is solely at the request of the Planning and Zoning Agency. In any rehearing or reopening of a Board of Adjustment decision, the criteria for decision shall be the same legal criteria as for the original decision. (©)5/21/2009); (A)1/31/2012); (A)7/30/2013); (A)2/27/2018)

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- (3) **Closure of Case.** A case will be considered as heard and closed at such time as the Board approves or rejects an application or appeal by motion. No request for reconsideration by the applicant shall be considered unless filed within 30 days after the written decision of the Board of Adjustment is mailed to the applicant by the Planning and Zoning Agency. (©)5/21/2009); (A)2/27/2018)
- (4) **Procedures for Reconsideration.** A simple majority vote shall be sufficient to reconsider a previous decision. If reconsideration is refused to an interested party who has requested a reconsideration, the Board shall enter on the minutes the basis of the request, the reason why it was refused, and the vote of the Board members thereon. If reconsideration is approved, the case will be placed on the agenda for the next regular meeting/hearing and notice given as required for an original hearing upon payment of the re-hearing fee. (©)5/21/2009)
- (i) **Staff.** The Board may utilize the advice and assistance of the County Planning and Zoning Staff and may delegate administrative tasks to such staff or to other county employees as authorized by the County Board of Supervisors. (©)5/21/2009)

**Sec. 13-1-103 Violations.** (©1976)

- (a) **Violation Procedures.** If a violation of any provision of this Chapter is not corrected on the order of the Director of Planning and Zoning or his or her designee, said individual may take further legal action or may refer the matter to the Planning and Zoning Committee for further consideration. (©1976); (A)1/25/2011)
- (b) **Noncompliance.** Noncompliance with a mitigation plan or directive of the Bayfield County Planning and Zoning Agency, Planning and Zoning Committee, or Board of Adjustment constitutes a violation of Chapter 1 of this Title. (©1/25/2011); (A)2/27/2018)
- (c) **Penalty.** Any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter shall forfeit a sum of not less than \$25.00 nor more than \$500.00, together with the full costs of such prosecution, plus the costs of any compliance required to rectify the violation. Each day's failure to comply shall constitute a separate violation. Additionally, any person, firm, or corporation and/or contractor found guilty of violating any provision of this Chapter may be required to restore a property to a previous state. (©1976); (A)1/25/2011); (A)3/30/2021)
- (d) **No Permit Penalty.** Any person, and/or his/her authorized agent or contractor, proceeding with any action that requires a land use permit under this Chapter without first securing such a permit, shall be subject to twice the fees for such a permit provided that the Planning and Zoning Director, in his sole discretion, may waive the doubling of fees for such permit if the Planning and Zoning Director determines such action to be warranted under the circumstances of the case in question; if the Planning and Zoning Director denies the applicant's request for waiver of fees, the Planning and Zoning Committee may consider the request. (©1976); (A)9/28/2004); (A)1/25/2011); (A)5/27/2014)
- (e) **Additional Penalty.** In addition to the above, any person and/or his/her authorized agent or contractor, proceeding with any action that falls under the jurisdiction of this Chapter may be subject to the terms of Section 1-1-6. (A)1/25/2011)
- (f) **Voluntary Settlement Agreement.** In lieu of the prosecution of a violation by the commencement of an action in the Bayfield County Circuit Court, the property owner and the Bayfield County Planning and Zoning Agency may enter into a voluntary settlement agreement. The settlement agreement may include a provision imposing a settlement fee to be paid by the property owner. (©1/25/2011); (A)2/27/2018)

**Sec. 13-1-104 Amendments.** (©1/1976)

- (a) The County Board may make amendments to this Chapter in the manner prescribed by Sec. 59.69, Wis. Stats. (©1/1976)
- (b) Any petition for amendment submitted by other than a governmental body shall be accompanied by that fee specified in Section 13-1-21(e). (©1/1976)
- (c) A copy of all appeals, requests for variances and conditional uses, proposed amendments and notices of public hearings and resultant decisions in matters within shoreland or floodplain areas shall be sent to the Wisconsin Department of Natural Resources. (©1/1976)

**Sec. 13-1-105 Petition to Change District Boundaries.** (A)3/27/2012

The rezoning of a parcel of land, i.e. changing the zoning district boundaries on the county zoning map to include the parcel in a different zoning district than that in which it is currently located, constitutes an amendment of this ordinance, and accordingly, the procedure for amending county zoning ordinances set forth in Section 59.69(5)(e) of the Wisconsin Statutes must be followed in making and considering any rezoning request. The provisions of Section 104 of this Chapter also apply to such requests.

- (a) **Use of Bayfield County Land Use Plan and Comprehensive Plan.** The Bayfield County Land Use Plan and Comprehensive Plan will be used as a guide and tool in making informed zoning decisions by the Planning and Zoning Committee. (©3/27/2012)
- (b) **Decision Making Considerations.** The review and recommendation of the Planning and Zoning Committee and the decision of the County Board shall be based on the following: (©3/27/2012)
  - (1) Zoning Ordinance (©3/27/2012)
  - (2) Consistency with Town Comprehensive Plan. (©3/27/2012)
  - (3) Review future land use map for future land use designation and narrative (©3/27/2012)
  - (4) Review goals and objectives of the comprehensive plan (©3/27/2012)
  - (5) Consideration of the Town Board Recommendation or resolution of disapproval (©3/27/2012)
  - (6) Consistency with County Comprehensive and Land Use Plan (©3/27/2012)
    - a. Proposed zoning is consistent with surrounding zoning districts and does not result in spot zoning. (©3/27/2012)
    - b. Proposed use is consistent with surrounding land uses (©3/27/2012)



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- c. Rezoning is consistent with the county certified farmland preservation and managed forest plan(s). (©)3/27/2012
- (7) Relevant Public Input (©)3/27/2012
- (8) The community or general welfare and economic impacts of the proposal. (©)3/27/2012
- (9) Consideration of the Departmental file report and site specific findings (©)3/27/2012
- (c) The Planning and Zoning Committee shall state its reasons and rationale for its recommendation of approval or denial of the petition in writing as required by Wis. Stat. § 59.69(5)(e)(4). (©)3/27/2012

**Sec. 13-1-106 Powers and Duties.** (dp12/10/2013)

In the administration of the zoning code, the Planning and Zoning Director or his or her designee shall have the following powers and duties: (dp12/10/2013)

- (a) To assure full and complete compliance with the zoning code and related Wisconsin Statutes and the Administrative Code. (dp-(A)12/10/2013)
- (b) Advise applicants concerning the provisions of the zoning code and assist them in preparing permit applications. (dp-(A)12/10/2013)
- (c) Review applications submitted to the office for issuance. (dp-(A)12/10/2013)
- (d) Have access to any premises for the purpose of performing official duties between 8 a.m. and 8 p.m. or at other times set by mutual agreement between the property owner or his agent and the Planning and Zoning Agency or upon issuance of a special inspection warrant in accordance with §66.122, Wisconsin Statutes. Application for a permit is considered for the purposes of the zoning code as the owner's consent to enter the premises. (dp-(A)12/10/2013); (A)2/27/2018)
- (e) Issue permits and inspect properties for compliance with the zoning code and related Wisconsin Statutes and the Administrative Code. (dp-(A)12/10/2013)
- (f) Withhold permit(s) or approval(s) pursuant to the zoning code where the applicant, owner or licensed contractor is in violation of this or any codes administered by the County and for any parcel(s) of land which have an outstanding violation until the violation(s) have been corrected. A request for waiver of these provisions may be made, to grant or deny a permit or approval on the merits of the application, to the Corporation Counsel and the Planning and Zoning Committee. (dp12/10/2013)
- (g) Keep records of all permits issued, inspections made, work approved, and other official actions. (dp-(A)12/10/2013)
- (h) Upon reasonable cause or question as to proper compliance, revoke or suspend any permit and issue cease and desist orders requiring the cessation of any construction, alteration or use of a building which is in violation of the provisions of the zoning code, until compliance with the zoning code or applicable Wisconsin Statutes and the Administrative Code is obtained. (dp-(A)12/10/2013)
- (i) Issue and enforce orders to property owners, their agents or contractors or the responsible party, to assure proper compliance with all provisions of the zoning code or delegate this authority to the County Health Department. (dp-(A)12/10/2013)
- (j) Report violations of the zoning ordinance to the Corporation Counsel. (dp-(A)12/10/2013)
- (k) Perform other duties regarding zoning codes as considered appropriate by the County or the State. (dp-(A)12/10/2013)

**Sec. 13-1-107 Uniform Dwelling Code (UDC) Regulations.** (©9/30/2014)

- 1.1 AUTHORITY.** These regulations are adopted under the authority granted by §. 101.65 Wisconsin Statutes. (©9/30/2014)

This ordinance shall apply in any municipality without a Uniform Dwelling Code enforcement program. (©9/30/2014)

- 1.2 PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code. (©9/30/2014)

- 1.3 SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980. Notwithstanding s. DSPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings built since June 1, 1980. (©9/30/2014)

- 1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. DSPS 320-325, and its successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance. (©9/30/2014)

- 1.5 BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Professional Credential Processing, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (NOTE: Contact the Division of Professional Credential Processing at (608) 266-2112 for certification information.) The Building Inspector shall be appointed by the County Board Chair and confirmed by the County Board, and shall serve at the will of the County Board. The position may be filled by contracting with an independent contractor, either an individual person or other legal entity. (©9/30/2014)

- 1.6 BUILDING PERMIT REQUIRED.** If a person alters a building in excess of \$3,000 in any twelve month period, adds onto a building in excess of \$3,000.00 in any twelve month period, or builds or installs a new building, within the scope of this ordinance, they shall first obtain a building permit for such work from the building inspector (excepting re-siding, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements). Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code- compliant condition as determined by the building inspector is exempted from permit requirements. (©9/30/2014); (©11/15/2016)

- 1.7 BUILDING PERMIT FEE.** The building permit fees shall be determined by resolution and shall include the applicable fee per Ch. DSPS 302 to be forwarded to the Wisconsin Department of Safety & Professional Services for a UDC permit seal that shall be assigned to any new dwelling. (©)9/30/2014)
- 1.8 PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance. (©)9/30/2014)
- 1.9 EFFECTIVE DATE.** This ordinance shall be effective September 30, 2014 upon passage and publication as provided by law. (©)9/30/2014)
- 1.10 THE BUILDING INSPECTOR(S)** shall keep a log of all inspections completed. (©)9/30/2014)

## **Article A: Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions**

### **Sec. 13-2-1 Statutory Authorization.**

This ordinance is adopted pursuant to the authorization in ss. 61.35 and 62.23, for villages and cities; ss. 59.69, 59.692, and 59.694 for counties; and the requirements in ss. 87.30, Stats.

### **Sec. 13-2-2 Finding of Fact.**

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare and tax base.

### **Sec. 13-2-3 Statement of Purpose.**

This ordinance is intended to regulate floodplain development to:

- (a) Protect life, health and property;
- (b) Minimize expenditures of public funds for flood control projects;
- (c) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
- (d) Minimize business interruptions and other economic disruptions;
- (e) Minimize damage to public facilities in the floodplain;
- (f) Minimize the occurrence of future flood blight areas in the floodplain;
- (g) Discourage the victimization of unwary land and homebuyers;
- (h) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners; and
- (i) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain.

### **Sec. 13-2-4 Title.**

This Chapter shall be known as the Floodplain Zoning Ordinance for Bayfield County, Wisconsin.

**Sec. 13-2-5 through Sec. 13-2-9      Reserved for Future Use.**

# Article B: General Provisions (©©)10/25/2011

## Sec. 13-2-10 Areas to Be Regulated. (©©)10/25/2011

This ordinance regulates all areas that would be covered by the regional flood or base flood. (©©)10/25/2011

**Note:** Base flood elevations are derived from the flood profiles in the Flood Insurance Study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A-Zones on the Flood Insurance Rate Map. (©©)10/25/2011

## Sec. 13-2-11 District Boundaries. (©©)10/25/2011

- (a) **Official Maps & Revisions.** The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Bayfield County Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Bayfield County Planning and Zoning Department, Washburn, WI. If more than one map or revision is referenced, the most restrictive information shall apply. (©©)10/25/2011
- (b) **Official Maps:** Based on the Bayfield County Flood Insurance Study (FIS), Volume 55007CV000A, dated December 16, 2011 (©©)10/25/2011
  - (1) Flood Insurance Rate Map (FIRM), Panel Number (55007CV000A), dated (December 16, 2011); with corresponding profiles that are based on the following Flood Insurance Rate Map (FIRM), Panel Numbers, dated December 16, 2011 (©©)10/25/2011

| Community:                                | <b>Unincorporated Areas,<br/>Bayfield County, Wisconsin</b>  |
|---|--|
| Community Number                          | 550539   |
| Flood Insurance Rate Map Panels Affected: | 55007C0015D, 55007C0020D, 55007C0039D,<br>55007C0043D, 55007C0060D, 55007C0063D,<br>55007C0064D, 55007C0067D, 55007C0068D,<br>55007C0069D, 55007C0078D, 55007C0079D,<br>55007C0080D, 55007C0083D, 55007C0085D,<br>55007C0086D, 55007C0087D, 55007C0090D,<br>55007C0091D, 55007C0105D, 55007C0108D,<br>55007C0110D, 55007C0112D, 55007C0115D,<br>55007C0116D, 55007C0118D, 55007C0143D,<br>55007C0144D, 55007C0163D, 55007C0164D,<br>55007C0166D, 55007C0167D, 55007C0168D,<br>55007C0169D, 55007C0178D, 55007C0179D,<br>55007C0183D, 55007C0184D, 55007C0186D, |

|                      |   |
|----------------------|---|
|                      | 55007C0190D, 55007C0201D, 55007C0202D,<br>55007C0203D, 55007C0204D, 55007C0206D,<br>55007C0207D, 55007C0208D, 55007C0226D,<br>55007C0269D, 55007C0281D, 55007C0283D,<br>55007C0286D, 55007C0287D, 55007C0288D,<br>55007C0307D, 55007C0326D, 55007C0330D,<br>55007C0335D, 55007C0340D, 55007C0345D,<br>55007C0432D, 55007C0435D, 55007C0441D,<br>55007C0443D, 55007C0451D, 55007C0453D,<br>55007C0585D, 55007C0590D, 55007C0595D,<br>55007C0602D, 55007C0604D, 55007C0605D,<br>55007C0606D, 55007C0608D, 55007C0615D,<br>55007C0685D, 55007C0705D, 55007C0715D,<br>55007C0720D, 55007C0735D, 55007C0740D,<br>55007C0745D, 55007C0755D, 55007C0760D,<br>55007C0765D, 55007C0770D, 55007C0785D,<br>55007C0791D, 55007C0792D, 55007C0793D,<br>55007C0794D, 55007C0803D, 55007C0804D,<br>55007C0811D, 55007C0812D, 55007C0820D,<br>55007C0835D, 55007C0840D, 55007C0845D,<br>55007C0855D, 55007C0860D, 55007C0865D,<br>55007C0870D, 55007C0880D, 55007C0885D,<br>55007C0890D, 55007C0895D, 55007C0905D,<br>55007C0910D, 55007C0915D, 55007C0920D,<br>55007C0935D, 55007C0945D, 55007C0955D,<br>55007C0960D, 55007C0965D, 55007C0970D,<br>55007C0980D, 55007C0985D, 55007C0990D,<br>55007C0995D, 55007C1005D, 55007C1010D,<br>55007C1015D, 55007C1020D, 55007C1030D,<br>55007C1035D, 55007C1045D, 55007C1055D,<br>55007C1060D, 55007C1065D, 55007C1070D |
| FIRM Effective Date: | 12/16/2011  |
| FIS:                 | 55007CV000A   |
| FIS Effective Date:  | 12/16/2011  |

(©©)10/25/2011)

- (2) **Official Analysis:** Based on other studies; (©©)10/25/2011)
- a. (Drummond Mill Pond Dam Failure Analysis; from Drummond Mill Pond Dam to Drummond Lake Dam located 1.35 miles downstream of the Drummond Mill Pond Dam), approved by the DNR (November 11, 2013), done by Ayres Associates; (©11/13/2018)
  - b. (Drummond Lake Dam Failure Analysis), approved by the DNR (April 2, 1996), done by Cooper Engineering; (©©)10/25/2011)
  - c. (Murray Dam Failure Analysis), approved by the DNR (March 12, 1996) done by Cooper Engineering; and. (©©)10/25/2011)



- d. (Namakagon Dam Failure Analysis), approved by the DNR (January 22, 2002), done by Cooper Engineering. (®®)10/25/2011)
  - e. (Iron River Dam Failure Analysis), approved by the DNR (August 29, 2012), done by SEH Engineering. (®®)10/25/2011); (©)1/29/2013)
  - f. (Middle Eau Claire Lakes Dam Failure Analysis), approved by the DNR (June 21, 2013), done by AECOM Engineering. (®®)10/25/2011) (©)12/10/2013)
  - g. (Upper Eau Claire Lakes Dam Failure Analysis), approved by the DNR (March 11, 2020), done by WESLIE Engineering Group. (©)3/30/2021)
  - h. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix in Article K of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices. (®®)10/25/2011); (A)3/30/2021)
- (c) **Establishment of Districts.** The regional floodplain areas are divided into three districts as follows: (®®)10/25/2011)
- (a) The Floodway District (FW) is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters. (®®)10/25/2011)
  - (b) The Flood Fringe District (FF) is that portion of the floodplain between the regional flood limits and the floodway. (®®)10/25/2011)
  - (c) The General Floodplain District (GFP) is those areas that have been or may be covered by floodwater during the regional flood. (®®)10/25/2011)
- (d) **Coastal Floodplain Area.** That area of the Floodplain lying adjacent to Lake Superior which is in an A-Zone, AE-Zone or any other mapped zone along the lake shoreline. (®®)10/25/2011)

### **Sec. 13-2-12 Locating Floodplain Boundaries.** (®®)10/25/2011)

Discrepancies between boundaries on the official floodplain zoning map and actual field conditions shall be resolved using the criteria in paragraphs (1) or (2) below. If a significant difference exists, the map shall be amended according to Article H. The Director of Planning and Zoning or his/her designee can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The Director of Planning and Zoning or his/her designee shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined and for initiating any map amendments required under this section. Disputes between the Director of Planning

and Zoning or his/her designee and the applicant over the district boundary line shall be settled according to s. 13-2-63(e) and the criteria in (1) and (2) below. (©)10/25/2011)

- (1) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies. (©)10/25/2011)
- (2) Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on site inspection and any information provided by the Department. (©)10/25/2011)

**Note:** Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must also approve any map amendment pursuant to s. 13-2-70(6). (©)10/25/2011)

### **Sec. 13-2-13 Removal of Lands from Floodplain.** (©)10/25/2011)

Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to Article H. (©)10/25/2011)

**Note:** This procedure does not remove the requirements for the mandatory purchase of flood insurance. The property owner must contact FEMA to request a Letter of Map Change (LOMC). (©)10/25/2011)

### **Sec. 13-2-14 Compliance with Chapter.** (©)10/25/2011)

- (a) **Compliance.** Any development or use within the areas regulated by this ordinance shall be in compliance with the terms of this ordinance, and other applicable local, state, and federal regulations. (©)10/25/2011)
- (b) **Municipalities and State Agencies Regulated.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if ss. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when ss. 30.2022, Stats., applies. (©)10/25/2011)

### **Sec. 13-2-15 Greater Restrictions and Abrogation; Interpretation of Chapter.** (©)10/25/2011)

- (a) **Greater Restrictions.** This ordinance supersedes all the provisions of any municipal zoning ordinance enacted under ss. 59.69, 59.692 or 59.694 for counties; ss. 62.23 for cities; ss. 61.35 for villages; or ss. 87.30, Stats., which relate to floodplains. If another ordinance is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. (©)10/25/2011)

- (b) **Abrogation.** This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. (©©)10/25/2011)
- (c) **Interpretation.** In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance. (©©)10/25/2011)

### **Sec. 13-2-16 Warning and Disclaimer of Liability.** (©©)10/25/2011)

The flood protection standards in this ordinance are based on engineering experience and scientific research. Larger floods may occur or the flood height may be increased by manmade or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. Nor does this ordinance create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance. (©©)10/25/2011)

### **Sec. 13-2-17 Severability.** (©©)10/25/2011)

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. (©©)10/25/2011)

### **Sec. 13-2-18 Annexed Areas for Cities and Villages.** (©©)10/25/2011)

The Bayfield County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the Bayfield County Planning and Zoning Department. All plats or maps of annexation shall show the regional flood elevation and the location of the floodway. (©©)10/25/2011)

### **Sec. 13-2-19 General Development Standards.** (©©)10/25/2011)

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads; be constructed with materials resistant to flood damage; be constructed by methods and practices that

minimize flood damages; and be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Subdivisions shall be reviewed for compliance with the above standards. All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance. (©©10/25/2011)

**Sec. 13-2-20 General Standards Applicable to All Floodplain Districts.** (©©)10/25/2011**(a) Hydraulic and Hydrologic Analysis.** (©©)10/25/2011

- (1) Except as allowed in par. (3) below, no floodplain development shall: (©©)10/25/2011
  - a. Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, increasing regional flood height; or (©©)10/25/2011
  - b. Increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot. (©©)10/25/2011
- (2) The Director of Planning and Zoning or his/her designee shall deny permits if it is determined the proposed development will obstruct flow or increase regional flood heights 0.01 foot or more, based on the officially adopted FIRM or other adopted map, unless the provisions of sub. (3) are met. (©©)10/25/2011
- (3) Obstructions or increases equal to or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with Article H. (©©)10/25/2011

**Note:** This section refers to obstructions or increases in base flood elevations as shown on the officially adopted FIRM or other adopted map. Any such alterations must be reviewed and approved by FEMA and the DNR. (©©)10/25/2011

- (b) **Watercourse Alterations.** No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices and required the applicant to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. (©©)10/25/2011

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the Director of Planning and Zoning or his/her designee shall notify FEMA of the changes by submitting appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required. (©©)10/25/2011

- (c) **Chapters 30, 31, Wis. Stats., Development.** Development which requires a permit from the Department, under chs. 30 and 31, Wis. Stats., such as docks, piers, wharves, bridges, culverts, dams and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodway lines, water surface profiles, BFE's established in the FIS, or other data from the officially

adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Article H. (©©)10/25/2011)

**Sec. 13-2-21 Public or Private Campgrounds.** (©©)10/25/2011)

Public or private campgrounds shall have a low flood damage potential and shall meet the following provisions: (©©)10/25/2011)

- (1) The campground is approved by the Department of Health Services. (©©)10/25/2011)
- (2) A land use permit for the campground is issued by the Director of Planning and Zoning or his/her designee. (©©)10/25/2011)
- (3) The character of the river system and the elevation of the campground is such that a 72-hour warning of an impending flood can be given to all campground occupants. (©©)10/25/2011)
- (4) There is an adequate flood warning procedure for the campground that offers the minimum notice required under this section to all persons in the campground. This procedure shall include a written agreement between the campground owner, the municipal emergency government coordinator and the chief law enforcement official which specifies the flood elevation at which evacuation shall occur, personnel responsible for monitoring flood elevations, types of warning systems to be used and the procedures for notifying at-risk parties, and the methods and personnel responsible for conducting the evacuation. (©©)10/25/2011)
- (5) This agreement shall be for no more than one calendar year, at which time the agreement shall be reviewed and updated - by the officials identified in sub. (4) - to remain in compliance with all applicable regulations, including those of the state Department of Health Services and all other applicable regulations. (©©)10/25/2011)
- (6) Only camping units are allowed. (©©)10/25/2011)
- (7) The camping units may not occupy any site in the campground for more than 180 consecutive days, at which time the camping unit must be removed from the floodplain for a minimum of 24 hours. (©©)10/25/2011)
- (8) All camping units that remain on site for more than 30 days shall be issued a limited authorization by the campground operator, a written copy of which is kept on file at the campground. Such authorization shall allow placement of a camping unit for a period not to exceed 180 days and shall ensure compliance with all the provisions of this section. (©©)10/25/2011)
- (9) The municipality shall monitor the limited authorizations issued by the campground operator to assure compliance with the terms of this section. (©©)10/25/2011)

- (10) All camping units that remain in place for more than 180 consecutive days must meet the applicable requirements in either Article C or Article D for the floodplain district in which the structure is located. (©©)10/25/2011)
- (11) The campground shall have signs clearly posted at all entrances warning of the flood hazard and the procedures for evacuation when a flood warning is issued. (©©)10/25/2011)
- (12) All service facilities, including but not limited to refuse collection, electrical service, natural gas lines, propane tanks, sewage systems and wells shall be properly anchored and placed at or flood proofed to the flood protection elevation. (©©)10/25/2011)

**Sec. 13-2-22 through Sec. 13-2-24**

(©©)10/25/2011)

**Reserved for Future Use**

## **Article C: Floodway District (FW)**

### **Sec. 13-2-25 Applicability.**

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s. 13-2-43.

### **Sec. 13-2-26 Permitted Uses.**

The following open space uses are allowed in the floodway district and the floodway areas of the general floodplain district, if

- They are not prohibited by any other ordinance;
  - They meet the standards in s. 13-2-27 and s. 13-2-28; and
  - All permits or certificates have been issued according to s. 13-2-60 & s. 13-2-61:
- (1) Agricultural uses, such as: farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting;
  - (2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips;
  - (3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s. 13-2-27(d);
  - (4) Uses or structures accessory to open space uses, or classified as historic structures that comply with s. 13-2-27 and s. 13-2-28;
  - (5) Extraction of sand, gravel or other materials that comply with s. 13-2-27(d);
  - (6) Functionally water dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs. 30 and 31, Stats;
  - (7) Public utilities, streets and bridges that comply with s. 13-2-27(c).

### **Sec. 13-2-27 Standards for Developments in Floodway Areas.**

#### **(a) General Requirements.**

- (1) Any development in floodway areas shall comply with s. 13-2-20 and have a low flood damage potential.



- (2) Applicants shall provide the following data to determine the effects of the proposal according to s. 13-2-20(a):
    - a. A cross section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed development will obstruct flow; or
    - b. An analysis calculating the effects of this proposal on regional flood height.
  - (3) The Director of Planning and Zoning or his/her designee shall deny the permit application if the project will increase flood elevations upstream or downstream 0.01 foot or more, based on the data submitted for par. (2) above.
- (b) **Structures.** Structures accessory to permanent open space uses or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria:
- (1) The structure is not designed for human habitation and does not have a high flood damage potential;
  - (2) It must be anchored to resist flotation, collapse, and lateral movement;
  - (3) Mechanical and utility equipment must be elevated or flood proofed to or above the flood protection elevation; and
  - (4) It must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood.
- (c) **Public Utilities, Streets and Bridges.** Public utilities, streets and bridges may be allowed by permit, if:
- (1) Adequate floodproofing measures are provided to the flood protection elevation; and
  - (2) Construction meets the development standards of s. 13-2-20(a).
- (d) **Fills or Deposition of Materials.** Fills or deposition of materials may be allowed by permit, if:
- (1) The requirements of s. 13-2-20(a) are met;
  - (2) No material is deposited in the navigable channel unless a permit is issued by the Department pursuant to ch. 30, Stats., and a permit pursuant to ss. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and

the other requirements of this section are met;

- (3) The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading; and
- (4) The fill is not classified as a solid or hazardous material.

### **Sec. 13-2-28 Prohibited Uses.**

All uses not listed as permitted uses in s. 13-2-26 are prohibited, including the following uses:

- (1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open space uses;
- (2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life;
- (3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts;
- (4) Any private or public sewage systems, except portable latrines that are removed prior to flooding and systems associated with recreational areas and Department-approved campgrounds that meet the applicable provisions of local ordinances and ch. COMM 83, Wis. Adm. Code;
- (5) Any public or private wells which are used to obtain potable water, except those for recreational areas that meet the requirements of local ordinances and chs. NR 811 and NR 812, Wis. Adm. Code;
- (6) Any solid or hazardous waste disposal sites;
- (7) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis. Adm. Code;
- (8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied.

### **Sec. 13-2-29 Reserved for Future Use.**

## Article D: Flood Fringe District (FF)

### Sec. 13-2-30 Applicability.

This section applies to all flood fringe areas shown on the floodplain zoning maps and those identified pursuant to s. 13-2-43.

### Sec. 13-2-31 Permitted Uses.

Any structure, land use, or development is allowed in the flood fringe district if the standards in s. 13-2-32 are met, the use is not prohibited by this or any other ordinance or regulation and all permits or certificates specified in s. 13-2-60 and s. 13-2-61 have been issued.

### Sec. 13-2-32 Standards for Development in Flood Fringe Areas.

- (a) **Standards.** Section 13-2-20(a) shall apply in addition to the following requirements according to the use requested.
- (b) **Residential Uses.** Any habitable structure, including a manufactured home, which is to be erected, constructed, reconstructed, altered, or moved into the flood fringe area, shall meet or exceed the following standards:
  - (1) The elevation of the lowest floor, excluding the basement or crawlway, shall be at or above the flood protection elevation on fill. The fill shall be one foot or more above the regional flood elevation extending at least 15 feet beyond the limits of the structure. The Department may authorize other floodproofing measures if the elevations of existing streets or sewer lines makes compliance with the fill standards impractical;
  - (2) The basement or crawlway floor may be placed at the regional flood elevation if it is floodproofed to the flood protection elevation. No basement or crawlway floor is allowed below the regional flood elevation;
  - (3) Contiguous dryland access shall be provided from a structure to land outside of the floodplain, except as provided in par. (4).
  - (4) In developments where existing street or sewer line elevations make compliance with par. (3) impractical, the municipality may permit new development and substantial improvements where access roads are at or below the regional flood elevation, if:
    - a. The municipality has written assurance from police, fire and emergency services that rescue and relief will be provided to the structure(s) by wheeled vehicles during a regional flood event; or

- b. The municipality has a natural disaster plan approved by Wisconsin Emergency Management and the Department.

(c) **Accessory Structures or Uses.**

- (1) Except as provided in par.(2), an accessory structure which is not connected to a principal structure may be constructed with its lowest floor at or above the regional flood elevation.
- (2) An accessory structure which is not connected to the principal structure and which is less than 600 square feet in size and valued at less than \$10,000 may be constructed with its lowest floor no more than two feet below the regional flood elevation if it is subject to flood velocities of no more than two feet per second and it meets all of the provisions of Sections 13-2-27(b)(1),(2),(3)and (4) and 13-2-32(f) below.

- (d) **Commercial Uses.** Any commercial structure which is erected, altered or moved into the flood fringe area shall meet the requirements of s. 13-2-32(b). Subject to the requirements of s. 13-2-32(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (e) **Manufacturing and Industrial Uses.** Any manufacturing or industrial structure which is erected, altered or moved into the flood fringe area shall be protected to the flood protection elevation using fill, levees, floodwalls, or other flood proofing measures in s. 13-2-65. Subject to the requirements of s. 13-2-32(f), storage yards, surface parking lots and other such uses may be placed at lower elevations if an adequate warning system exists to protect life and property.

- (f) **Storage Materials.** Materials that are buoyant, flammable, explosive, or injurious to property, water quality or human, animal, plant, fish or aquatic life shall be stored at or above the flood protection elevation or floodproofed in compliance with s. 13-2-65. Adequate measures shall be taken to ensure that such materials will not enter the water body during flooding.

- (g) **Public Utilities, Streets and Bridges.** All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans; and

- (1) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction of and substantial improvements to such facilities may only be permitted if they are floodproofed in compliance with s. 13-2-65 to the flood protection elevation;
- (2) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation.

- (h) **Sewage Systems.** All on-site sewage disposal systems shall be floodproofed, pursuant to s. 13-2-65, to the flood protection elevation and shall meet the provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (i) **Wells.** All wells shall be floodproofed, pursuant to s. 13-2-65, to the flood protection elevation and shall meet the provisions of chs. NR 811 and NR 812, Wis. Adm. Code.
- (j) **Solid Waste Disposal Sites.** Disposal of solid or hazardous waste is prohibited in flood fringe areas.
- (k) **Deposition of Materials.** Any deposited material must meet all the provisions of this ordinance.
- (l) **Manufactured Homes.**
- (1) Owners or operators of all manufactured home parks and subdivisions shall provide adequate surface drainage to minimize flood damage, and prepare, secure approval and file an evacuation plan, indicating vehicular access and escape routes, with local emergency management authorities.
  - (2) In existing manufactured home parks, all new homes, replacement homes on existing pads, and substantially improved homes shall:
    - a. have the lowest floor elevated to the flood protection elevation; and
    - b. be anchored so they do not float, collapse or move laterally during a flood
  - (3) Outside of existing manufactured home parks, including new manufactured home parks and all single units outside of existing parks, all new, replacement and substantially improved manufactured homes shall meet the residential development standards for the flood fringe in s. 13-2-32(b).
- (m) **Mobile Recreational Vehicles.**
- All mobile recreational vehicles that are on site for 180 consecutive days or more or are not fully licensed and ready for highway use shall meet the elevation and anchoring requirements in s. 13-2-32(l)(2) and (3). A mobile recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect utilities and security devices and has no permanently attached additions.

**Sec. 13-2-33 through Sec. 13-2-39      Reserved for Future Use.**

## **Article E: General Floodplain District (GFP)**

### **Sec. 13-2-40 Applicability.**

The provisions for this district shall apply to all floodplains for which flood profiles are not available or where flood profiles are available but floodways have not been delineated. Floodway and flood fringe districts shall be delineated when adequate data is available.

### **Sec. 13-2-41 Permitted Uses.**

Pursuant to s. 13-2-43, it shall be determined whether the proposed use is located within a floodway or flood fringe area.

Those uses permitted in floodway (s. 13-2-26) and flood fringe areas (s. 13-2-31) are allowed within the general floodplain district, according to the standards of s. 13-2-42, provided that all permits or certificates required under s. 13-2-60 and s. 13-2-61 have been issued.

### **Sec. 13-2-42 Standards for Development in the General Floodplain District.**

Article C applies to floodway areas, Article D applies to flood fringe areas. The rest of this ordinance applies to either district.

### **Sec. 13-2-43 Determining Floodway and Flood Fringe Limits.**

Upon receiving an application for development within the general floodplain district, the Director of Planning and Zoning or his/her designee shall:

- (1) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures;
- (2) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries:
  - a. A typical valley cross section showing the stream channel, the floodplain adjoining each side of the channel, the cross sectional area to be occupied by the proposed development, and all historic high water information;

- b. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and layout of all proposed and existing structures on the site; location and elevations of streets, water supply, and sanitary facilities; soil types and other pertinent information;
  - c. Profile showing the slope of the bottom of the channel or flow line of the stream;
  - d. Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities.
- (3) Transmit one copy of the information described in pars. (1) and (2) to the Department Regional office along with a written request for technical assistance to establish regional flood elevations and, where applicable, floodway data. Where the provisions of s. 13-2-61(a)(3) apply, the applicant shall provide all required information and computations to delineate floodway boundaries and the effects of the project on flood elevations.

#### **Sec. 13-2-44 Coastal Floodplain District.**

- (1) The standards for permitting development in a flood fringe area under NR 116.13 shall apply in a coastal floodplain area except that no development may be allowed which:
- a. Will be adversely affected by wave run-up along the shore of Lake Superior.
  - b. Is associated with a high flood damage potential.

In order to determine a. and b. above the applicant for any development in a Coast Floodplain District shall perform a wave run-up calculation to determine the wave run-up height. Once determined the applicant shall construct any development to the flood protection elevation which is two (2) feet above the wave run-up elevation.

#### **Sec. 13-2-45 through Sec. 13-2-49 Reserved for Future Use.**

## Article F: Nonconforming Uses

### Sec. 13-2-50 General.

#### (a) Applicability

If these standards conform with ss. 59.69(10), Stats., for counties or ss. 62.23(7)(h), Stats., for cities and villages, they shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto.

#### (b) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions:

- (1) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition; these include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance repairs do not include any costs associated with the repair of a damaged structure.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- (2) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance;
- (3) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent;



- (4) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s. 13-2-32(b). The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;
- (5) Except as provided (b), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

For nonconforming buildings that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building may be permitted in order to restore it after the nonflood disaster, provided that the nonconforming building will meet all of the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.

- (6) A nonconforming historic structure may be altered if the alteration will not preclude the structures continued designation as a historic structure, the alteration will comply with s. 13-2-27(a), flood resistant materials are used, and construction practices and floodproofing methods that comply with s. 13-2-65 are used.

### **Sec. 13-2-51 Floodway Areas.**

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in a floodway area, unless such modification or addition:
  - (1) Has been granted a permit or variance which meets all ordinance requirements;
  - (2) Meets the requirements of s. 13-2-50;
  - (3) Will not increase the obstruction to flood flows or regional flood height;
  - (4) Any addition to the existing structure shall be floodproofed, pursuant to s. 13-2-65, by means other than the use of fill, to the flood protection elevation;

- (5) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply:
- a. The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade;
  - b. The parts of the foundation located below the flood protection;
  - c. elevation must be constructed of flood-resistant materials;
  - d. Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation; and
  - e. The use must be limited to parking or limited storage.
- (b) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances and ch. COMM 83, Wis. Adm. Code.
- (c) No new well or modification to an existing well used to obtain potable water shall be allowed in a floodway area. Any replacement, repair or maintenance of an existing well in a floodway area shall meet the applicable requirements of all municipal ordinances and chs. NR 811 and NR 812, Wis. Adm. Code.

### **Sec. 13-2-52 Flood Fringe Areas.**

- (a) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality, and the modification or addition shall be placed on fill or floodproofed to the flood protection elevation in compliance with the standards for that particular use in s. 13-2-32, except where s. 13-2-52(b) is applicable.
- (b) Where compliance with the provisions of par. (a) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Adjustment/Appeals, using the procedures established in s. 13-2-63, may grant a variance from those provisions of par. (a) for modifications or additions, using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if:

- (1) No floor is allowed below the regional flood elevation for residential or commercial structures;
  - (2) Human lives are not endangered;
  - (3) Public facilities, such as water or sewer, will not be installed;
  - (4) Flood depths will not exceed two feet;
  - (5) Flood velocities will not exceed two feet per second; and
  - (6) The structure will not be used for storage of materials as described in s. 13-2-32(f).
- (c) If neither the provisions of par. (a) or (b) above can be met, one addition to an existing room in a nonconforming building or a building with a nonconforming use may be allowed in the flood fringe, if the addition:
- (1) Meets all other regulations and will be granted by permit or variance;
  - (2) Does not exceed 60 square feet in area; and
  - (3) In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.
- (d) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances and ch. COMM 83, Wis. Adm. Code.
- (e) All new wells, or addition to, replacement, repair or maintenance of a well shall meet the applicable provisions of this ordinance and ch. NR 811 and NR 812, Wis. Adm. Code.

### **Sec. 13-2-53 Coastal Floodplain Area**

No structural repairs, modification or additions to an existing building, the cost of which will equal or exceed, over the life of the existing structure, 50% of its present equalized value, may be allowed in a coastal floodplain area unless the entire building is permanently changed to conform with the standards prescribed in s. NR 116.14(3).

### **Sec. 13-2-54 through Sec. 13-2-59 Reserved for Future Use.**

## Article G: Administration

Where a Planning and Zoning Director or his/her designee, Planning and Committee or a Board of Adjustment has already been appointed to administer a zoning ordinance adopted under ss. 59.69, 59.692 or 62.23(7), Stats., these officials shall also administer this ordinance.

### Sec. 13-2-60 Zoning Administration.

The Director of Planning and Zoning or his/her designee is authorized to administer this ordinance and shall have the following duties and powers:

- (1) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications.
- (2) Issue permits and inspect properties for compliance with provisions of this ordinance, and issue certificates of compliance where appropriate.
- (3) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structures has occurred.
- (4) Keep records of all official actions such as:
  - a. All permits issued; inspections made, and work approved;
  - b. Documentation of certified lowest floor and regional flood elevations for floodplain development;
  - c. Records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments.
- (5) Submit copies of the following items to the Department Regional office:
  - a. Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments;
  - b. Copies of any case by case analyses, and any other information required by the Department including an annual summary of the number and types of floodplain zoning actions taken.
  - c. Copies of substantial damage assessments performed and all related correspondence concerning the assessments.

- (6) Investigate, prepare reports, and report violations of this ordinance to the municipal planning and zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office.
- (7) Submit copies of text and map amendments and biennial reports to the FEMA Regional office.

### **Sec. 13-2-61 Administrative Procedures.**

- (a) **Land Use Permit.** A land use permit shall be obtained before any new development or any structural repair or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the Planning and Zoning Department shall include:

- (1) **General Information.**

- a. Name and address of the applicant, property owner and contractor-builder;
- b. Legal description, proposed use, and whether it is new construction or a modification;

- (2) **Site Development Plan.** A site plan drawn to scale shall be submitted with the permit application form and shall contain:

- a. Location, dimensions, area and elevation of the lot;
- b. Location of the ordinary highwater mark of any abutting navigable waterways;
- c. Location of any structures with distances measured from the lot lines and street center lines;
- d. Location of any existing or proposed on-site sewage systems or private water supply systems;
- e. Location and elevation of existing or future access roads;
- f. Location of floodplain and floodway limits as determined from the official floodplain zoning maps;
- g. The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD);
- h. Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether

or not the requirements of Article C or Article D are met; and

- i. Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s. 13-2-20(a). This may include any of the information noted in s. 13-2-27(a).

(3) **Data Requirements to Analyze Developments.**

- a. The applicant shall provide all survey data and computations required to show the effects of the project on flood heights, velocities and floodplain storage, for all subdivision proposals, as "subdivision" is defined in ss. 236, Stats., and other proposed developments exceeding 5 acres in area or where the estimated cost exceeds \$125,000. The applicant shall provide:
  1. An analysis of the effect of the development on the regional flood profile, velocity of flow and floodplain storage capacity;
  2. A map showing location and details of vehicular access to lands outside the floodplain; and
  3. A surface drainage plan showing how flood damage will be minimized.

The estimated cost of the proposal shall include all structural development, landscaping, access and road development, utilities, and other pertinent items, but need not include land costs.

- (4) **Expiration.** All permits issued under the authority of this ordinance shall expire 1 year after issuance.

- (b) **Certificate of Compliance.** No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Planning and Zoning Department, except where no permit is required, subject to the following provisions:

- (1) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance;
- (2) Application of such certificate shall be concurrent with the application for a permit;
- (3) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed;

- (4) The applicant shall submit a certification signed by a registered professional engineer, architect or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that floodproofing measures meet the requirements of s. 13-2-65.
- (c) **Other Permits.** The applicant must secure all necessary permits from federal, state, and local agencies, including those required by the U.S. Army Corps of Engineers under ss. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

### **Sec. 13-2-62 Zoning Agency.**

- (a) The Bayfield County Planning and Zoning Committee shall:
  - (1) Oversee the functions of the office of the Planning and Bayfield County Planning and Zoning Department; and
  - (2) Review and advise the Governing body on all proposed amendments to this ordinance, maps and text.
- (b) This Planning and Zoning Agency shall not:
  - (1) Grant variances to the terms of the ordinance in place of action by the Board of Adjustment; or
  - (2) Amend the text or zoning maps in place of official action by the Governing body.

### **Sec. 13-2-63 Board of Adjustment.**

- (a) **Statutory Authorization.** The Board of Adjustment, created under ss. 59.694, Stats., for counties or ss. 62.23(7)(e), Stats., for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance. The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business. The Planning and Zoning Director may not be the secretary of the Board.
- (b) **Powers and Duties.** The Board of Adjustment shall:
  - (1) **Appeals.** Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
  - (2) **Boundary Disputes.** Hear and decide disputes concerning the district

boundaries shown on the official floodplain zoning map.

- (3) **Variations.** Hear and decide, upon appeal, variations from the ordinance standards.
- (c) **Appeals to the Board.** Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the Planning and Zoning Department or other Administrative Officer. Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal. The official whose decision is in question shall transmit to the board all records regarding the matter appealed.
- (d) **Notice and Hearing for Appeals including Variations.**
  - (1) **Notice.** The Board shall:
    - a. Fix a reasonable time for the hearing;
    - b. Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place and subject of the hearing;
    - c. Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing.
  - (2) **Hearing.** Any party may appear in person or by agent. The board shall:
    - a. Resolve boundary disputes according to s. 13-2-63(e);
    - b. Decide variance applications according to s. 13-2-63(f);
    - c. Decide appeals of permit denials according to s. 13-2-64.
  - (3) **Decision.** The final decision regarding the appeal or variance application shall:
    - a. Be made within a reasonable time;
    - b. Be sent to the Department Regional office within 10 days of the decision;
    - c. Be a written determination signed by the chairman or secretary of the Board;
    - d. State the specific facts which are the basis for the Board's decision;



- e. Either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application;
  - f. Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings.
- (e) **Boundary Disputes.** The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries:
- (1) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
  - (2) In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board.
  - (3) If the boundary is incorrectly mapped, the Board should inform the Planning and Zoning Department and/or Committee or the person contesting the boundary location to petition the governing body for a map amendment according to Article H.
- (f) **Variance.**
- (1) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that:
    - a. Literal enforcement of the ordinance provisions will cause unnecessary hardship;
    - b. The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises. In such case the ordinance or map must be amended;
    - c. The variance is not contrary to the public interest; and
    - d. The variance is consistent with the purpose of this ordinance in s. 13-2-3.
  - (2) In addition to the criteria in par. (1), to qualify for a variance under FEMA regulations, the following criteria must be met:
    - a. The variance may not cause any increase in the regional flood elevation;

- b. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE;
  - c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose of the ordinance.
- (3) A variance shall **not**:
- a. Grant, extend or increase any use prohibited in the zoning district;
  - b. Be granted for a hardship based solely on an economic gain or loss;
  - c. Be granted for a hardship which is self-created;
  - d. Damage the rights or property values of other persons in the area;
  - e. Permit a lower degree of flood protection in the floodplain than the flood protection elevation;
  - f. Allow actions without the amendments to this ordinance or map(s) required in s. 13-2-70;
  - g. Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- (4) When a floodplain variance is granted the Board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record.

### **Sec. 13-2-64 Review Appeals of Permit Denials.**

- (a) The Zoning Agency (s. 13-2-62) or Board shall review all data related to the appeal. This may include:
- (1) Permit application data listed in s. 13-2-61(a).
  - (2) Floodway/Flood Fringe determination data in s. 13-2-43.
  - (3) Data listed in s. 13-2-27(a)(2) where the applicant has not submitted this information to the Planning and Zoning Department.
  - (4) Other data submitted with the application, or submitted to the Board with the appeal.

- (b) For appeals of all denied permits the Board shall:
  - (1) Follow the procedures of s. 13-2-63;
  - (2) Consider zoning agency recommendations; and
  - (3) Either uphold the denial or grant the appeal.
- (c) For appeals concerning increases in regional flood elevation the Board shall:
  - (1) Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners.
  - (2) Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.

### **Sec. 13-2-65 Floodproofing.**

- (a) No permit or variance shall be issued until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to the flood protection elevation.
- (b) Floodproofing measures shall be designed to:
  - (1) Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;
  - (2) Protect structures to the flood protection elevation;
  - (3) Anchor structures to foundations to resist flotation and lateral movement; and
  - (4) Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- (c) Floodproofing measures could include:
  - (1) Reinforcing walls and floors to resist rupture or collapse caused by water pressure or
  - (2) Adding mass or weight to prevent flotation.

- (3) Placing essential utilities above the flood protection elevation.
- (4) Installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures.
- (5) Constructing water supply wells and waste treatment systems to prevent the entry of flood waters.
- (6) Putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

**Sec. 13-2-66 Public Information.**

- (a) Place marks on structures to show the depth of inundation during the regional flood.
- (b) All maps, engineering data and regulations shall be available and widely distributed.
- (c) All real estate transfers should show what floodplain zoning district any real property is in.

**Sec. 13-2-67 through Sec. 13-2-69 Reserved for Future Use.**

## Article H: Amendments

### Sec. 13-2-70 General.

The governing body may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any fill in the floodplain which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain.
- (4) Any fill or floodplain encroachment that obstructs flow, increasing regional flood height 0.01 foot or more.
- (5) Any upgrade to a floodplain zoning ordinance text required by ss. NR 116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (6) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the flood fringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

**Note:** Consult the FEMA web site - [www.fema.gov](http://www.fema.gov) - for the map change fee schedule.

### Sec. 13-2-71 Procedures.

Ordinance amendments may be made upon petition of any interested party according to the provisions of ss. 62.23, Stats., for cities and villages, or 59.69, Stats., for counties. Such petitions shall include all necessary data required by s. 13-2-43 and 13-2-61(a).

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of ss. 62.23, Stats., for cities and villages or ss. 59.69, Stats., for counties.
- (2) No amendments shall become effective until reviewed and approved by the Department.

- (3) All persons petitioning for a map amendment that obstructs flow, increasing regional flood height 0.01 foot or more, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body.
- (4) For amendments in areas with no water surface profiles, the zoning agency or board shall consider data submitted by the Department, the Director of Planning and Zoning or his/her designees' visual on-site inspections and other available information. (See s. 13-2-12)

**Sec. 13-2-72 through Sec. 13-2-79      Reserved for Future Use.**

## **Article I: Enforcement and Penalties**

### **Sec. 13-2-80 Enforcement and Penalties.**

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10.00 (ten dollars) and not more than \$50.00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to ss. 87.30, Stats.

### **Sec. 13-2-81 through Sec. 13-2-89 Reserved for Future Use.**

## Article J: Definitions

### Sec. 13-2-90 Definitions.

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

**A-Zones.** Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A-Zones. The A-Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

**Accessory Structure or Use.** A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building.

**Base Flood.** Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

**Basement.** Any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides.

**Building.** See Structure.

**Bulkhead Line.** A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to ss. 30.11, Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

**Campground.** Any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.

**Camping Unit.** Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, tent or other mobile recreational vehicle.

**Certificate of Compliance.** A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance.



**Channel.** A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

**Coastal Floodplain Area.** Area along the coast of Lake Superior which is inundated by the regional flood and which is also subject to additional hazards due to wave run-up.

**Crawlways or Crawl Space.** An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities.

**Deck.** An unenclosed exterior structure that has no roof or sides, but has a permeable floor which allows the infiltration of precipitation.

**Department.** The Wisconsin Department of Natural Resources.

**Development.** Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or alterations to buildings, structures or accessory structures; the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement; the placement of buildings or structures; subdivision layout and site preparation; mining, dredging, filling, grading, paving, excavation or drilling operations; the storage, deposition or extraction of materials or equipment; and the installation, repair or removal of public or private sewage disposal systems or water supply facilities.

**Dryland Access.** A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles.

**Encroachment.** Any fill, structure, equipment, building, use or development in the floodway.

**Existing Manufactured Home Park or Subdivision.** A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.

**Expansion to Existing Mobile/Manufactured Home Park.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.

**Federal Emergency Management Agency (FEMA).** The federal agency that administers the National Flood Insurance Program.

**Flood Insurance Rate Map (FIRM).** A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

**Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- The overflow or rise of inland waters,
- The rapid accumulation or runoff of surface waters from any source,
- The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
- The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

**Flood Frequency.** The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year.

**Flood Fringe.** That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

**Flood Hazard Boundary Map.** A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map.

**Flood Insurance Study.** A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps

designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

**Floodplain.** Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the flood fringe, and may include other designated floodplain areas for regulatory purposes.

**Floodplain Island.** A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

**Floodplain Management.** Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

**Flood Profile.** A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river.

**Floodproofing.** Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

**Flood Protection Elevation.** An elevation of two feet of freeboard above the water surface profile elevation designated for the regional flood. (Also see: Freeboard.)

**Flood Storage.** Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge.

**Floodway.** The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge.

**Freeboard.** A safety factor expressed in terms of a specified number of feet above a calculated flood level. Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed.

**Habitable Structure.** Any structure or portion thereof used or designed for human habitation.

**Hearing Notice.** Publication or posting meeting the requirements of Ch. 985, Stats. For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required. For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

**High Flood Damage Potential.** Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents.

**Historic Structure.** Any structure that is either:

- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
- Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior; or by the Secretary of the Interior in states without approved programs.

**Increase in Regional Flood Height.** A calculated upward rise in the regional flood elevation, equal to or greater than 0.01 foot, based on a comparison of existing conditions and proposed conditions which are directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

**Land Use.** Any nonstructural use made of unimproved or improved real estate. (Also see Development.)

**Manufactured Home.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a

"mobile recreational vehicle."

**Mobile Recreational Vehicle.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."

**Municipality or Municipal.** The county, city or village governmental units enacting, administering and enforcing this zoning ordinance.

**North American Vertical Datum or NAVD.** Elevations referenced to mean sea level datum, 1988 adjustment.

**National Geodetic Vertical Datum or NGVD.** Elevations referenced to mean sea level datum, 1929 adjustment.

**New Construction.** For floodplain management purposes, "new construction" means structures for which the start of construction commenced on or after the effective date of floodplain zoning regulations adopted by this community and includes any subsequent improvements to such structures. For the purpose of determining flood insurance rates, it includes any structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

**Nonconforming Structure.** An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies. (For example, an existing residential structure in the flood fringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)

**Nonconforming Use.** An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies. (Such as a residence in the floodway.)

**Obstruction to Flow.** Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height.

**Official Floodplain Zoning Map.** That map, adopted and made part of this ordinance, as described in s. 13-2-11(a) and (b), which has been approved by the Department and FEMA.

**Open Space Use.** Those uses having a relatively low flood damage potential and not involving structures.

**Ordinary Highwater Mark.** 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 characteristic.

**Person.** An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

**Private Sewage System.** A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

**Public Utilities.** Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

**Reasonably Safe from Flooding.** Means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

**Regional Flood.** A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

**Start of Construction.** The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings,

piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure.** Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.

**Subdivision.** Has the meaning given in ss. 236.02(12), Wis. Stats.

**Substantial Damage.** Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.

**Unnecessary Hardship.** Where special conditions affecting a particular property, which were not self created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

**Variance.** An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.

**Violation.** The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.

**Watershed.** The entire region contributing runoff or surface water to a watercourse or body of water.

**Water Surface Profile.** A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow. A water surface profile of the regional flood is used in regulating floodplain areas.

**Wave Run-Up.** The maximum vertical extent of wave uprush on a beach or structure above the still water level.

**Well.** Means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use.

**Zoning Administrator.** The Bayfield County Planning and Zoning Director.  
(©2/28/2005)

**Zoning Committee.** The Bayfield County Planning and Zoning Committee.  
(©2/28/2005)

**Zoning Department.** The Bayfield County Planning and Zoning Department.  
(©2/28/2005)

**13-2-91 through 13-2-99 Reserved for Future Use**



# **Article K: Appendix**

**Sec. 13-2-100 .**

**Sec. 13-2- through Sec. 13-2- Reserved for Future Use.**

## **Article A: Statutory Authorization; Findings of Fact; Statement of Purpose and Title**

### **Sec. 13-3-1 Statutory Authorization.**

This Chapter is adopted pursuant to the authorization in Sec. 59.69 WI Stats., to implement 59.692 and 281.31, WI Stats. (A)10/31/2017)

### **Sec. 13-3-2 Findings of Fact.**

#### **(a) Finding of Fact.**

- (1) Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of Bayfield County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The Legislature of Wisconsin has mandated responsibility to the counties to:
  - a. Further the maintenance of safe and healthful conditions.
  - b. Prevent and control water pollution.
  - c. Protect spawning grounds, fish and aquatic life.
  - d. Control building sites, placement of structures and land uses.
  - e. Preserve shore cover and natural beauty.
- (2) This responsibility is hereby recognized by Bayfield County, Wisconsin. The Bayfield County Board hereby, adopts this Chapter to supplement and enhance existing zoning, subdivision, and sanitation land use regulations.

#### **(b) Purpose.** For the purpose of promoting the public health, safety, convenience and welfare, this Chapter has been established to:

- (1) Further the maintenance of safe and healthful conditions and prevent and control water pollution, flooding, and erosion.
- (2) Protect spawning grounds, fish and aquatic life, wildlife habitat and feeding grounds.
- (3) Control building sites, placement of structures and land uses.
- (4) Preserve shore cover and natural beauty.

### **Sec. 13-3-3 Title of Chapter.**

Shoreland-Wetland Zoning Ordinance/Chapter for Bayfield County, Wisconsin.

**Sec. 13-3-4 through Sec. 13-3-9**

**Reserved for Future Use.**

## **Article B: General Provisions**

### **Sec. 13-3-10 Compliance.**

The use of wetlands and the alteration of wetlands within the shoreland area of Bayfield County shall be in full compliance with the terms of this Chapter and other applicable local, state or federal regulations. (However, see Section 13-3-24 of this Chapter for the standards applicable to nonconforming uses.) All permitted development shall require the issuance of a zoning permit unless otherwise expressly excluded by a provision of this Chapter. Property owners, builders and contractors are responsible for compliance with the terms of this Chapter.

### **Sec. 13-3-11 Severability.** (D)10/31/2017; (A)10/31/2017

Should any portion of this Chapter be declared invalid or unconstitutional for any reason by a court of competent jurisdiction, the remainder of this Chapter shall not be affected.

### **Sec. 13-3-12 through Sec. 13-3-19 Reserved for Future Use.** (A)10/31/2017

## Article C: Shoreland-Wetland Zoning District

### Sec. 13-3-20 Official Shoreland-Wetland Zoning Maps.

This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer. (©)10/31/2017)

### Sec. 13-3-21 District Boundaries.

- (a) **Purpose.** This District is created to fulfill those purposes stated in Section 13-3-2. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- (b) **Designation.** This District shall include all shorelands within the jurisdiction of this Chapter which are wetlands on the most recent version of the Wisconsin Wetland Inventory as Depicted on the Department of Natural Resources Surface Water Data Viewer. (A)10/31/2017)
- (c) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and the actual field conditions, the Planning and Zoning Agency shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as a wetland or meets the wetland definition but was not shown as a wetland on the map, the Planning and Zoning Agency shall have the authority to immediately grant or deny a land use or building permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time. (A)7/30/2013); (D)10/31/2017-(c); (A)10/31/2017)

### Sec. 13-3-22 Permitted Uses.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this Chapter, subject to the provisions of Chs. 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable: (A)10/31/2017)

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under Subsections (b) or (c) below:
  - (1) Hiking, fishing, trapping, hunting, swimming, and boating; (A)10/31/2017)
  - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;

- (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
  - (4) The pasturing of livestock;
  - (5) The cultivation of agricultural crops; and
  - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected; (A)10/31/2017)
  - (2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
  - (3) The maintenance and repair of existing agricultural drainage systems, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible; (A)10/31/2017)
  - (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - (5) The construction and maintenance of piers, docks and walkways including limited excavating and filling necessary for such construction or maintenance; and (A)10/31/2017)
  - (6) The maintenance, repair, replacement and reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction. (A)10/31/2017)
- (c) **Permit Required.** Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that: (A)10/31/2017); (A)2/27/2018)

- a. The road cannot, as a practical matter, be located outside the wetland;
  - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 13-3-30(b) of this Chapter; (A)10/31/2017; (A)2/27/2018)
  - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and (A)10/31/2017; (A)2/27/2018)
  - d. Road construction activities are carried out in the immediate area of the roadbed only. (A)10/31/2017; (A)2/27/2018)
- (2) The construction and maintenance of nonresidential buildings provided that:
- a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals, or some other use permitted in the Shoreland-Wetland District;
  - b. The building cannot, as a practical matter, be located outside the wetland;
  - c. The building does not exceed five hundred (500) square feet in floor area; and
  - d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries and public boat launching ramps and attendant access roads, provided that: (A)10/31/2017)
- a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable.
  - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Subsection (c)(1) above.
  - c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is

allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

- (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - b. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Sec. 13-3-30 (b) of this Chapter. (A)10/31/2017

### **Sec. 13-3-23 Prohibited Uses.**

Any use not listed in Sec. 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Sec. 13-3-30 of this Chapter and Sec. 59.69(5)(e), Wis. Stats. (A)10/31/2017

### **Sec. 13-3-24 through Sec. 13-3-29 Reserved for Future Use.**



## Article D: Administrative Provisions

### Sec. 13-3-30 Rezoning of Lands in the Shoreland-Wetland District.

- (a) For all proposed text and map amendments to the shoreland-wetland provisions of this Chapter, the appropriate office of the Department shall be provided with the following: (A)10/31/2017)
- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this Chapter, within five (5) days of the filing of such petition with the County Clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this Chapter describing any proposed rezoning of a shoreland-wetland.
  - (2) Written notice of the public hearing to be held on a proposed amendment at least ten (10) days prior to such hearing.
  - (3) A copy of the County Planning and Zoning Committee's findings and recommendations on each proposed amendment within ten (10) days after the submission of those findings and recommendations to the County Board. (A)7/30/2013)
  - (4) Written notice of the County Board's decision on the proposed amendment within ten (10) days after it is issued.
- (b) A wetland, or a portion thereof, in the Shoreland-Wetland District shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
- (1) Storm and floodwater storage capacity.
  - (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
  - (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (4) Shoreline protection against soil erosion.
  - (5) Fish spawning, breeding, nursery or feeding grounds.
  - (6) Wildlife habitat.
  - (7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

- (c) If the Department notifies the County Planning and Zoning Agency that a proposed text or map amendment to the shoreland-wetland provisions of this Chapter may have a significant adverse impact upon any of the criteria listed in Subsection (b), that amendment, if approved by the County Board, shall contain the following provision: (A)7/30/2013); (A)2/27/2018)

"This amendment shall not take effect until more than thirty (30) days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that thirty (30) day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under s. 59.692(6), Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the s. 59.692(6), Wis Stats adoption procedure is completed or otherwise terminated." (A)10/31/2017)

### **Sec. 13-3-31 Administrative Provisions.**

- (a) **Zoning Administration.** The administration and enforcement of this Chapter shall reside with the Planning and Zoning Committee of the Bayfield County Board of Supervisors and its duly authorized staff.
- (b) **Zoning Permits When Required.** Except where another section of this Chapter specifically exempts certain types of development from this requirement [as in Section 13-3-22(a) and (b)], a zoning permit shall be obtained from the Planning and Zoning Committee or Planning and Zoning Agency before any new development or any change in the use of an existing building or structure, is initiated. (A)2/27/2018)
- (c) **Purpose.** The ascribed purpose of this Chapter is to adopt those regulations enumerated in NR 115, Wis. Adm. Code, which afford protection to shoreland-wetlands. These regulations are intended to meet all absolute standards contained in the Administrative Code and to supplement the existing Bayfield County Zoning, Sanitary, Subdivision Control, and Floodplain Ordinances.
- (d) **Zoning Code Adopted by Reference.** The administrative enforcement and general shoreland zoning provisions of the Bayfield County Zoning Ordinance (Title 13, Chapter 1) are hereby adopted in this Chapter and shall have the same force and effect as if fully enumerated herein.

### **Sec. 13-3-32 through Sec. 13-3-39 Reserved for Future Use.**

## Article E: Penalties; Definitions

### Sec. 13-3-40 Enforcement and Penalties.

Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced, or any use or accessory use established after the effective date of this Chapter in violation of the provisions of this Chapter, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Planning and Zoning Administrator shall refer violations to the County Corporation Counsel who shall prosecute such violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this Chapter shall be subject to a forfeiture of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00) per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Chapter is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated by action at suit of the County, the State or any citizen thereof pursuant to Section 87.30(2), Wis. Stats. (A) 7/30/2013)

### Sec. 13-3-41 Definitions.

- (a) For the purpose of administering and enforcing this Chapter, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.
- (b) The following terms used in this Chapter mean:
- (1) **Accessory Structure or Use.** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related and which is located on the same lot as that of the principal structure or use.
  - (2) **Boathouse.** As defined in s. 30.121(1), Wis. Stats., a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts. (A)10/31/2017)
  - (3) **County Zoning Committee.** The Bayfield County Planning and Zoning Committee, a committee created or designated by the County Board under s. 59.69(2)(a) Wis. Stats., to act in all matters pertaining to county planning and zoning. (©)2/28/2005); (A)10/31/2017)
  - (4) **Department.** The Wisconsin Department of Natural Resources.
  - (5) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings,

structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

- (6) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (7) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State under s. 281.31(2)(m), Wis Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.682, Wis. Stats., and Ch NR 115, Wis. Adm. Code, do not apply to lands adjacent to: (A)10/31/2017; (A)2/27/2018
  - a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and (B)10/31/2017)
  - b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body; and (D)10/31/2017(c); (B)10/31/2017)
- (8) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (9) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (10) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the Department. (A)10/31/2017)
- (11) **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.

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- (12) **Variance.** An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
- (13) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (14) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
- (15) **Zoning Agency.** The Bayfield County Planning and Zoning Agency. Whenever the terms Zoning Department or Bayfield County Planning and Zoning Department appear in this ordinance, said terms shall mean the Bayfield County Planning and Zoning Agency. (©)2/28/2005; (A)10/31/2017; (A)2/27/2018
- (16) **Zoning Administrator.** The Bayfield County Planning and Zoning Director. (©)2/28/2005

## Article E: Penalties; Definitions

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  - (2) **Boathouse.** As defined in s. 30.121(1), Wis. Stats., a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of structural parts. (A)10/31/2017)
  - (3) **County Zoning Committee.** The Bayfield County Planning and Zoning Committee, a committee created or designated by the County Board under s. 59.69(2)(a) Wis. Stats., to act in all matters pertaining to county planning and zoning. (©)2/28/2005); (A)10/31/2017)
  - (4) **Department.** The Wisconsin Department of Natural Resources.
  - (5) **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings,

structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.

- (6) **Drainage System.** One (1) or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (7) **Navigable Waters.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State under s. 281.31(2)(m), Wis Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.682, Wis. Stats., and Ch NR 115, Wis. Adm. Code, do not apply to lands adjacent to: (A)10/31/2017; (A)2/27/2018
  - a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and (B)10/31/2017)
  - b. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body; and (D)10/31/2017(c); (B)10/31/2017)
- (8) **Ordinary High-Water Mark.** The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.
- (9) **Shorelands.** Lands within the following distances from the ordinary high-water mark of navigable waters; one thousand (1,000) feet from a lake, pond or flowage; and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (10) **Shoreland-Wetland District.** The zoning district, created in this shoreland-wetland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the Department. (A)10/31/2017)
- (11) **Unnecessary Hardship.** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purpose of this Chapter.

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- (12) **Variance.** An authorization granted by the Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this Chapter.
- (13) **Wetlands.** Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (14) **Wetland Alteration.** Any filling, flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.
- (15) **Zoning Agency.** The Bayfield County Planning and Zoning Agency. Whenever the terms Zoning Department or Bayfield County Planning and Zoning Department appear in this ordinance, said terms shall mean the Bayfield County Planning and Zoning Agency. (©)2/28/2005; (A)10/31/2017; (A)2/27/2018
- (16) **Zoning Administrator.** The Bayfield County Planning and Zoning Director. (©)2/28/2005