

TOWN OF SPIDER LAKE

LAND USE ORDINANCE 17-88

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LAND USE ORDINANCE # 17-88

PART I: ZONING AND PLANNING

SECTION 1.0 INTRODUCTION

1.1 Purpose

This part is established to promote public health, morals, 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 highway systems; to ensure adequate highway, utility, health, education, 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 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; to promote the efficient and economical use of public funds; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewage, solid waste disposal, schools, parks and other public requirements.

1.2 Authority

The Town Board of the Town of Spider Lake are exercising their authority pursuant to Wisconsin Statutes including but not limited to Sections 60.10, 60.62, 61.35 and 62.23 as has been done since April 4, 1967.

1.3 Scope

This Part shall regulate and restrict, among other things, the location, construction, and use of buildings, structures and the use of land in the unincorporated portions of the Town of Spider Lake; said portions shall be divided into districts, established to carry out the scope and purpose as set forth above.

1.4 Applicability

This part shall be considered and held to be minimum requirements. Whenever the requirements hereof are at variance, conflict, or inconsistency with the requirements of any other lawfully adopted regulation, statute, or ordinance or any private covenant, the most restrictive, or the one imposing the higher standards, shall govern.

SECTION 2.0 DEFINITIONS

2.1 Interpretation

For the purpose of this Ordinance, certain terms or words herein shall be interpreted and/or defined as follows: Words used in the present tense shall include the future tense. The singular includes the plural. The word "person" includes an individual, all partnerships, associations, and bodies political and corporate. The word "lot" includes plot or parcel. The word "used" or "occupied" as applied to any land or building shall be construed to include intended, arranged, or designed use or occupancy. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

2.2 Words and Definitions

Unless otherwise stated, the definitions contained in this Section shall apply to all Parts of this Ordinance

ACCESS AND VIEWING CORRIDOR: A strip of vegetated land that allows pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE: Any structure or building, other than a Principal Structure or an attachment thereto, which is or will be located on the same zoning lot as a Principal Use or a Principal Structure.

Note: Use of an accessory building/structure for a dwelling, living quarters or residence is prohibited

ADDITION: Any increase in the square footage or increase in vertical height of a structure or building. Including decks attached to structures and detached decks which serve an exit.

AGRICULTURAL USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising, and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feedlots, the raising of fur-bearing animals including but not limited to those defined in section 29.001(30), Wisconsin Statutes, poultry, fish or minnow hatcheries, or dog kennels be so considered.

Note: s.29.01(4), Wis Stats "Fur-bearing animals" includes otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wildcat and lynx.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A narrow service way providing a secondary public means of access to abutting properties.

ALTERNATIVE OR RENEWABLE ENERGY SYSTEMS: Any energy system which uses a fuel source other than those derived from fossil fuels including any form of energy obtained from the sun, wind, waves, water, biomass, waste or another natural renewable source, in contrast to energy generated from fossil fuels.

APARTMENT HOUSES: A building containing accommodations for more than two families living independently of each other.

APARTMENT MOTEL: A building containing accommodations and cooking facilities for more than two families living independently of each other used for the temporary accommodations of tourists and not for permanent occupancy except by the owner or resident operator.

APPLICANT: Any person, firm or corporation or any agent thereof, dividing or proposing to divide land as defined by the terms of this Ordinance.

ARTERIAL OR MAJOR HIGHWAY: A street or road which serves or is designed to serve the rapid movement of concentrated volumes of traffic over relatively long distances. This type of street or road provides primarily for movement between, rather than within, activity areas.

ATTIC: A space under the roof and above the ceiling of the topmost part of a structure.

BACKLOT: Shoreland lot without water frontage under any form of ownership.

BASEMENT: The substructure or foundation of a structure; the lowest habitable story of a structure used as a dwelling, usually below ground level.

BED AND BREAKFAST: See State Statute, 254.61(1) (a) (b) (c) (d) (e) (f)

BLOCK: A parcel or tract of land bounded on at least one side by a public street and on the other sides by natural or manmade barriers or unplanned land.

BLUFF: Slope exceeding 40° with a waterbody at the toe. For the purposes of this ordinance, a bluff shall extend the width of the lot to be considered a bluff.

BOARD OF APPEALS: A Town Committee created under the authority of §62.23 of the Wisconsin Statutes to act in a quasi-judicial capacity to resolve use issues. See ZONING BOARD OF APPEALS.

BOARDING HOUSES: A Principal Structure or premises where meals are served by pre-arrangement, for definite periods of time, for compensation, for between five (5) and twenty (20) persons, not open to transients.

BOATHOUSE: Any structure used for protecting or storing watercraft and related equipment for non-commercial purposes, any portion of which is above the ordinary high-water mark (OHWM).

BUFFER ZONE: A strip of land 35 feet wide inland from the ordinary high- water mark of any navigable body of water, including but not limited to: streams, rivers, ponds, flowages, and lakes. A term used synonymously with buffer area, buffer strip, and Shoreline Vegetation Protection Area (SVPA).

BUILDING: Any structure used, designed, or intended for the protection, shelter, or roofed enclosure of persons, animals, or property.

BUILDING, HEIGHT OF: The vertical distance in feet to the peak of the roof from average grade. The average grade is the average of the highest and lowest point of the exposed portion of the building to the ground.

BUILDING, HEIGHT OF (SHORELAND): The vertical distance in feet to the peak from lowest grade.

BUILDING ENVELOPE: The three-dimensional space within which a structure is built.

BUSINESS OFFICE: A structure where activities such as bookkeeping, accounting, telephone sales, and telecommunications take place, but no retail sales services are performed. All on-site service provided to clients will take place inside of the building.

CAMPGROUND: A privately or municipally owned site designed, designated, maintained, intended, or used for the purpose of supplying a temporary location for major recreational equipment/vehicles, open to the public for free or paying camping purposes.

CAMPING CABINS: Any structure either built or constructed on a premise, or placed on said premise, which is not a tent, camping trailer, major recreational vehicle or equipment, or resort cabin that is used, advertised or designed for temporary shelter for visitors, tourists campers, or campground users, whether it be mobile or not, and is used strictly for shelter.

CAMPING TRAILER: A canvas or folding structure mounted on wheels and designed for temporary living and housekeeping purposes.

CERTIFIED SURVEY MAP: A map prepared by a Registered Land Surveyor of a land division of up to three (3) lots, meeting the requirements of Chapter 236.34, Wisconsin Statutes, NR115, Chapter AE-7 Wisconsin Administrative Code and of this Ordinance.

COLLECTOR STREET/ROAD: A minor or local street or road which serves or is designed to serve the moderate speed movement of traffic from streets to major highways and to provide access to individual lots. This type of street or road provides for movement within rather than between activity areas.

COMMERCIAL GREENHOUSE OR NURSERY: A structure (greenhouse) or land (nursery) devoted to the cultivation and wholesale or retail sale of plants.

CONDITIONAL USE: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and a permit for such use is recommended by the Plan and Review Commission and approved by the Town Board.

CONDOMINIUM: Any property subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes. For purposes of this ordinance, the requirements that apply to condominiums shall be the same as those which would apply to a physically identical development with an intended identical land use under a different form of ownership.

CONTIGUOUS: Adjoining, touching, unbroken.

CRAWL SPACE: In a building without a basement, an unfinished shallow accessible space less than 5' in height, below the first floor, normally enclosed by the foundation walls through which persons can gain access to pipes, wires, and equipment.

CUL-DE-SAC: A road having one end open to traffic and the other permanently terminated by a vehicular turnaround.

DEAD-END STREET/Road: A street or road, or portion thereof, with only one vehicular outlet.

DECK: An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports.

DEPENDENT RECREATIONAL EQUIPMENT/VEHICLES: A recreational vehicle which is dependent upon other facilities for toilet and lavatory.

DNR or Department: Means the Department of Natural Resources or any successor agency.

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 mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

DEVELOPMENT REGULATIONS: The part of this ordinance that applies to elements including **setback**, height, lot coverage, and side yard.

DOMESTIC ANIMAL: Those animals commonly referred to as domesticated household pets. For the purpose of this ordinance, domestic animals shall include but not limited to, dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous and non-constricting reptiles or amphibians and other similar animals.

DRAINAGE SYSTEM: One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.

DWELLING: Synonymous with DWELLING UNIT.

DWELLING UNIT: A Principal Structure or portion thereof with rooms arranged, designed, used or intended to be used for human habitation by one family. Guesthouses with kitchen and bathroom facilities; and any accessory structure with a HABITABLE LIVING AREA are considered dwelling units. Houseboats and watercraft on land shall not be used as DWELLINGS or DWELLING UNITS **DWELLING, MULTIFAMILY:** A Dwelling or group of

Dwellings on one (1) plot containing separate living units for two (2) or more families but which may have joining services and/or facilities.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

ESSENTIAL SERVICES: Services provided by public and private utilities necessary for the exercise of the principal use or service of principal or accessory structures. These services include, but are not limited to, surface, underground, or overhead gas; electricity; steam; water; sanitary sewerage; stormwater drainage; and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including the placement of or connection of essential services to principal structures or accessory structures without first obtaining any required land use permits, Conditional Use Permits and other inspection permits required by applicable federal, state or local law. **EXPANSION:** See *Addition*

EXISTING DEVELOPMENT PATTERN: Means that Principal Structures exist within 250 feet of a proposed Principal Structure in both directions along the shoreline.

FAMILY: One (1) or more persons living, sleeping, cooking and eating on the same premises as a single housekeeping unit.

FARMING, GENERAL: The production of field or truck crops, or the raising of livestock and livestock products for commercial gain.

FARM STAY: Any type of transient lodging accommodations on a working farm, with an on-site farmer in residence.

FENCE: A man-made structure consisting of wood, metal, wire, mesh, masonry or other material. Fences shall include any type of fence, wall trellis or similar structure.

FLOOD PLAIN: The land which has been or may be hereafter covered by flood water including but not limited to the Regional Flood. The flood plain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.

FLOODWAY: The channel of a stream and those portions of the flood plain adjoining the channel that are required to carry and discharge the flood water of any river or stream but not limited to the Regional Flood.

FLOWAGE: An impoundment of a river or stream created by a downstream dam or similar man-made flow-restricting structure.

FOOTPRINT: The ground surface area of an existing structure or building measured at the perimeter of the outside wall or supports. Attached unroofed building elements, such as porches, decks, patios, steps, and other similar structures are not included in such measurement. Cantilevered portions of the structure or building shall be considered to be part of the footprint.

GAZEBO/SCREENED BUILDING: An accessory structure, typically screened on all or most sides and used for recreational activities. A gazebo/screened building shall not substitute for a boathouse.

“GARD GAZEBO” PERMIT: A land use permit issued in accordance with s.59.692(1v), Wis Stats.

GREENHOUSE: A temporary or permanent structure devoted to the propagation, protection, and cultivation of annual and perennial plants for resale or for personal use.

HABITABLE LIVING AREA: The enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing structure with a ceiling height of at least 7 feet. The area does not include decks, open porches, garages or overhangs.

HOME OCCUPATION: A gainful occupation conducted by a member of the family, within his or her place of residence, where the space used is incidental to residential use and no article is sold or offered for sale except such as is produced by such home occupation.

HOSPITAL: Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanatorium, preventorium, clinic, rest home, nursing home, convalescent home, and any other place for the diagnosis, treatment, or other care of ailments, and shall be deemed to be limited to places for the diagnosis, treatment, or other care of human ailments.

IMPERVIOUS SURFACE: Surfaces which prevent or impede normal water infiltration and/or cause runoff to other areas. Includes, but not limited to:

- (1) All buildings, and structures (area measured at roof gable end and eave lines),
- (2) Stairs, walkways, driveways, and parking or other areas, comprised of brick, paver stone, cementitious substances, or any bituminous substance, including asphalt, and
- (3) Any sub-base of plastic or any shield which prevents or impedes water penetration. Decks, stairways and walkways with gaps in their surface structure (e.g., wooden decks with open cracks between the deck boards) allowing water to readily pass through the structure are not considered an impervious surface. Any portion of a township road traversing a lot will not be included as part of the impervious surface for calculation purposes.

INTERNAL IMPROVEMENT: Modifications/alterations within a structure that do not result in the alteration of the structure's Building Envelope. A land use permit is not required for these activities.

JUNKYARD: A lot, land structure, or part thereof, used primarily for the collecting, storage, and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvage of machinery or vehicles not in running condition and for the sale of parts thereof.

KENNEL: A structure used for the harboring of more than three (3) animals, and not numbering more than 25, that are more than six (6) months old in age.

KENNEL/ BOARDING: A structure used for the housing of small domestic animals, not over 300 pounds and owned by any person other than the property owner.

LAKE CLASS DEVELOPMENT STANDARDS: Restrictions of development based on Lake Classification as stated in Section 4.4 P).

LOGGING AND LANDING ROADS: Temporary roads used principally for the removal of forest products.

LAND DISTURBING ACTIVITIES: Construction, grading, filling, excavating or other activities which result in the temporary or permanent removal of vegetative cover, increased potential for soil erosion, increased stormwater runoff volumes or velocities, or increased total area of impervious surfaces and/or activities which include but are not limited to construction on steep slopes, development of private boat landings or access roads to the water body, development of paths to the shoreline requiring disturbance of the land to construct, and development of sand beaches not naturally occurring.

LIVESTOCK: Livestock shall include, but is not limited to, cows, sheep, goats, hogs, horses and ponies, mules and poultry.

LOFT: An upper room or floor which has a common wall open to the floor below.

LOT: A parcel of land occupied or capable of being occupied by one building and accessory buildings or uses customarily incidental to it, including such open spaces as are required by this Ordinance.

LOT AREA: The horizontal projection of a parcel of land, exclusive of any portion of a lot thirty (30) feet or less in width. Measurements are to be made by standard surveying methods.

LOT DEPTH OF: A mean horizontal distance between the front and rear lot lines, measured in the general direction of its side lot lines.

LOT WIDTH OF: The mean width measured at right angles to its depth.

LOT LINES: Any line dividing one (1) lot from another.

LOT, FRONT: On shoreland lots, the front shall be the area from the shoreline landward. On other lots, the front shall be the area from the road or road easement away from the road.

LOT LINE, REAR: Any lot line that is generally parallel to a front line bounding the lot and does not intersect a front lot line. There may be multiple rear lot lines.

LOT LINE, SIDE: Any lot line that is neither a front lot line nor a rear lot line.

MAJOR RECREATIONAL EQUIPMENT/VEHICLES: A travel trailer, recreational park trailers, pickup coach, motor home, camping trailer, tent or park model trailer which is either independent and/or self-contained and able to travel on a highway without a special permit and not to exceed 8'6" in width.

MITIGATION: The requirement to restore shoreline buffer functions that have been lost or adversely affected through development and human activities, including functions adversely affected by farm animals.

MINE: A place commonly excavated from which test cores, base metals, ores, precious stone, gravel, etc., are taken by digging, drilling, washing the soil, etc.

MINERAL: A naturally occurring element or combination of elements; metallic, nonmetallic, or mineral fuel that occurs in the earth, but shall not include soil. Without limitation due to enumeration, the minerals of interest include:

- Metallic: Iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, molybdenite, vanadium, and zircon.
- Nonmetallic: Stone, sand and gravel, clay, talc, asbestos, graphite, and marble.
- Mineral Fuel: Petroleum, natural gas, coal, peat, and nuclear fuel source materials.

MINERAL EXTRACTION: The excavation or recovery of metallic, nonmetallic, or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying and underground methods. It shall not include the extraction of topsoil when such activities are undertaken or proposed to be undertaken as a distinct land use.

MINING, DRILLING, DIGGING, QUARRYING, ETC.: All or part of the processes involved in the extraction and processing of mineral materials. Such activities shall normally be divided into four distinct phases:

- Exploration: On-site, geologic examination from the surface of an area by seismic, core, rotary, percussion, or other drilling or testing for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling.
- 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 samples by physical means.
- Operation: Mineral extraction and/or processing for commercial purposes, including such operations as aggregate or ready-mix plants, mixing of asphalt, mining or drilling services, processing of topsoil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials.
- Reclamation: Process by which an area physically or environmentally affected by mineral extraction activities is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.

MOBILE HOME: A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of 45 feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

MOBILE HOME PARK: Any state-approved plot, or plots of ground upon which two (2) or more units, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.

MOTEL: A building containing sleeping rooms for the temporary accommodations of tourists and not for permanent occupancy except by the owner or resident operator.

MOTOR HOME: A portable structure constructed as an integral part of a self-propelled vehicle designed and used for temporary living and housekeeping purposes, including converted buses and vans.

MULTI DWELLING DEVELOPMENT: Development, regardless of form of ownership consisting of three or more DWELLING UNITS, condominium, resort, hotel or motel units or other units/structures intended for residential or long- or short-term rental uses, all of which are to be located on the same lot.

NAVIGABLE WATER: All-natural inland lakes within the Town of Spider Lake and all streams, ponds, sloughs, flowages and other water within the territorial limits of this Town which are navigable under the laws of this State.

NONCONFORMING STRUCTURE: A dwelling or other 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.

NONCONFORMING USE: 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.

ORDINARY HIGH-WATER 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 or terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

ORDINARY MAINTENANCE AND REPAIR or (OM&R): Ordinary and routine actions necessary to continue the safe use of a structure which has deteriorated through natural aging and wear and tear which does not result in a substantial structural repair. Examples of (OM&R) include, but are not limited to, replacement of exterior roofing materials, siding, windows and doors placed in their original openings, painting and other general maintenance activities limited to the existing structural envelope. A land use permit is not required for these activities.

OUTLOT: A parcel of land, other than a lot or block, so designated on a plat or certified survey. Since outlots do not satisfy the minimum standards of this Ordinance, use for the construction of buildings or structures shall be prohibited unless a conditional land use permit is obtained.

PARK MODEL TRAILER: Park model trailers are recreational vehicles that are built on a single chassis mounted on wheels, that have a gross trailer area of not more than 400 square feet in the setup mode, and that bear a label, symbol, or other identifying mark indicating construction to nationally recognized standards ANSI 119.5 and titled by the WI Department of Transportation.

PATIO: An unenclosed exterior ground structure used for dining or recreation.

PARCEL: See 'Lot'.

PICKUP COACH: A structure designed to be mounted on a truck chassis for temporary living and housekeeping purposes.

PLAT: A map of subdivision, prepared in the manner prescribed in Chapter 236, Wisconsin Statutes.

PLUMBING: Has the meaning specified under s. 145.01 (10), Stats. (8-16-09)

PRELIMINARY MAP OR PLAT: A map showing the salient features of a proposed land division to an approving authority for purposes of preliminary consideration.

PRINCIPAL USE/STRUCTURE: The primary use of a property or structure.

PRINCIPAL STRUCTURE: The main building or structure on a zoning lot in which the Principal Use of the zoning lot is or will be conducted. Only one Principal Structure is allowed on a zoning lot. An existing Principal Structure ceases to be a Principal Structure only if:

- (1) The existing Principal Structure is removed; or
- (2) The existing Principal Structure meets the requirements of this Ordinance for an Accessory Structure and the Property Owner obtains the consent of the Town for the existing Principal Structure to be reclassified as an Accessory Structure; or
- (3) The property owner obtains a Conditional Use Permit to allow for any deviation of the existing Principal Structure from the requirements of this Ordinance for an Accessory Structure.

PRINCIPAL USE: The predominant allowable use to which the lot or property is or may be devoted and to which all other uses are accessory or are prohibited.

PRIVATE ROAD/ACCESS EASEMENT: See Section 4.2 (A).6)

PROFESSIONAL OFFICE: A building in which is provided space for professional offices such as those of doctors, practitioners, dentists, real estate brokers, engineers, lawyers, authors, architects, musicians, and other recognized professional occupations.

QUARRY: An open excavation, usually for obtaining building stone, such as slate or limestone.

REFUSE: Combustible and noncombustible rubbish, including but not limited to paper, wood, metal, plastic, glass, cloth and products thereof; litter and street rubbish, ashes, and lumber, concrete and other debris resulting from the construction or demolition of structures.

REGIONAL FLOOD: means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular body of water because of like physical characteristics, once in every 100 years.

REPLAT: The process of changing, or the map or plat which changes, the boundaries of a recorded plat or part thereof.

RESORT: A resort is a for-profit business holding a Seller's Permit and licensed by the Wisconsin Department of Health and Family Services, which provides rental to the public of dwelling units contained in one or more permanent buildings used primarily for recreational use.

RESORT CABIN: An accommodation with or without cooking facilities for one or two families where the same is used as temporary accommodations for tourists and not for permanent occupancy.

RETAINING WALL: A wall (a structure), whether solid or pervious, constructed to hold in place earth and soils or to prevent the erosion of an embankment.

RIDING STABLE (PRIVATE): A principal agricultural building and/or land use that is designed, arranged, used, or intended to be used for the keeping of equines for the private use of the occupants of a principal dwelling and their boarders and/or guests. Breeding, boarding, or training of equines may also be conducted. These facilities are not open to the public.

RIDING STABLE (PUBLIC): A principal building and/or land use in or on which equines are kept for sale or hire to the public. Breeding, livery, boarding, riding lessons, or training of equines may all be conducted.

RIP-RAP: Rock or other large aggregate that is placed to protect streambanks, lakeshore line, bridge abutments, outflow of drainage structures, or other erodible sites from runoff or wave action.

ROAD: A public or private easement which affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

ROAD FRONTAGE: The shortest horizontal straight line which can be established between the points where one side lot line intersects the right of way to the other sideline.

ROOMING HOUSE: A structure designed for use of on-premise employees for sleeping and bathroom facilities only, with a maximum of 12 employees per structure unit.

ROUTINE MAINTENANCE OF VEGETATION: means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

SEASONAL DWELLING: A Principal Structure used for human habitation that is neither constructed nor intended for year-round use. A Seasonal Dwelling must be in conformance with dimensional requirements of Section 16.0 and 16.1.

SERVICE ROAD: Streets parallel and adjacent to arterial roads which provide access to abutting properties and separation from thru traffic.

SHORELAND: The area of frontage on navigable waters measured from the normal high-water elevation within one thousand (1,000) feet from lakes, ponds and flowages; and three hundred (300) feet from rivers and streams; or to the landward side of floodplains if that distance is greater. Dual zoning applies with Sawyer County Zoning.

SHORELINE MEASUREMENT: The shortest horizontal straight line which can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a navigable lake or stream. At least one point along the horizontal straight line must lie on the ordinary water mark.

SHORELINE VEGETATIVE PROTECTION AREA (SVPA): A strip of land 35 feet wide inland from the OHWM of any navigable body of water, including but not limited to: streams, rivers, ponds, flowages, and lakes. A term used synonymously with buffer zone, buffer area and buffer strip.

SHORT-TERM RENTAL: DWELLING UNITS, DWELLING MULTI-FAMILY, BOARDING HOUSES, TOURIST ROOMING HOUSE or any other structure that is rented for 30 days or less and licensed by the State of Wisconsin.

SIGN: A sign is any structure, or natural object or part thereof or device attached thereto or printed or represented thereon which is intended to attract attention to any object, product, place, activity, person, institution, organization, or business, or which shall display or include any letter, work, model, banner, flag, pennant, insignia, device, or representation, used as or which is in the nature of an announcement, direction, or advertisement.

SLAUGHTERHOUSE: Any building or premises used for the killing or dressing of rabbits, poultry, fowl, fish, cattle, sheep, swine, goats, venison, horses, or other ungulates, and the storage, freezing and curing of meat and preparation of meat products.

SLOPE: Degree of deviation of a surface from horizontal, measured as a numerical ratio, as a percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise), as 2:1. Percent slope is calculated as rise divided by run. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and a 45-degree slope being a 1:1 slope.

STREET: Rights of way for ingress and egress, private or public, including streets, roads, avenues, or lanes.

STRUCTURE: Any construction, excluding fills, or any production or piece of work artificially built or composed of parts joined together in some definite manner having form, shape and utility. Examples of structures would include, but not limited to, decks, steps, signposts, concrete, flagstone and block patios; concrete slabs and retaining walls etc.

STRUCTURAL REPAIR: Work that would convert an existing Structure into a new or substantially different Structure, to include work that would affect the structural quality of the building and would contribute to the longevity or permanence of the structure.

SUBDIVIDER: Any person, firm, corporation, partnership, or association who shall layout, for the purpose of sale, lease, transfer, or building development, any subdivision or part thereof as defined herein.

SUBDIVISION: The division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale, lease, transfer or building development.

SURETY BOND: A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the applicant.

TELECOMMUNICATION or TELECOMMUNICATIONS: The transmission of words, sounds, images or data in the form of electronic or electromagnetic signals or impulses. This includes telephone calls, radio and television broadcasts, and data transfers, whether wireless or by use of lines or cables.

TENT: A portable lodge of canvas or strong cloth stretched and supported by poles.

TOURIST ROOMING HOUSE: All lodging places and tourist cabins and cottages, other than resorts, hotels, and motels, in which sleeping accommodations are offered, for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

TOWN PLAN AND REVIEW COMMISSION: A Commission consisting of members appointed by the Town Chair with the approval of the Town Board and fulfilling the requirements of Wisconsin Statutes ch 62.23 relating to responsibilities of a "City Plan Commission".

TRACT: A contiguous parcel of land under the same ownership.

TRAILER CAMPS & CAMPGROUNDS: A privately or governmentally owned site designed, maintained, intended, or used for the purpose of supplying a location for major recreational equipment/vehicles, open to the public for free or for a fee for camping purposes.

UNNECESSARY HARDSHIP: Means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions

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

USE: The specific purpose, for which land or a building is designed, arranged, intended, or may be occupied, or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

USE CORRIDOR: Altered area within the shoreline vegetation protection area to permit pedestrian access to a waterbody. A term used synonymously with view corridor.

VARIANCE: An authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.

WET BOATHOUSE: The maintenance and repair of nonconforming boathouses which extend beyond/below the OHWM of any navigable waters shall also be required to comply with s. 30.121 Wis. Stats.

WETLANDS: Those areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation or which have soils indicative of wet conditions.

WETLAND/SHORELAND DISTRICT: The zoning districts created as part of this Ordinance, comprised of lands located in any underlying zoning district (e.g. RR- 1, etc.) that are designated as wetlands on the wetland maps which have been adopted and made a part of this Ordinance or land located within the Shoreland Protection District or Wetland/Shoreland One District (See Part II Section 15.8 and 15.9)

WETLAND DELINEATION: The process of determining the boundary between nonwetland areas and wetlands. The Town of Spider Lake requires such delineation to be made by a Wisconsin state certified delineator. (5-4-04)

YARD, FRONT: An open unoccupied space on the same lot with the building between the front line of the building and the front line of the lot and extending the full width of the lot.

YARD, REAR: An open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE: An open unoccupied space on the same lot with the building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not on a rear line or a front line shall be deemed a sideline.

YEAR-ROUND DWELLING: A Principal Structure that is used for human habitation and is insulated and winterized. It may contain an inside water pressure system and it may be sewerred. The Dwelling must be in conformance with dimensional requirements of Section 16.0.

ZONING BOARD OF APPEALS: See Section 11

SECTION 3.0 ZONING DISTRICTS:

3.1 Establishment of Districts

For the purposes of this Part, the unincorporated areas of the Town of Spider Lake are hereby divided into the following types of Districts:

- A) R-I Residential District One
- B) RR-I Residential/Recreational District One
- C) RR-2 Residential/Recreational District Two
- D) A-I Agricultural District One
- E) C-I Commercial District One
- F) I-1 Industrial District One
- G) F-I Forestry District One
- H) W-I Wetland/Shoreland District One
- I) SP-I Shoreland Protection District (overlay)

3.2 Zoning Map and District Boundaries

The location and boundaries of these districts are shown in a map officially designated, "Official Zoning Map, Town of Spider Lake, Sawyer County, Wisconsin".

This map together with all explanatory matter and regulations thereon is an integral part of this Ordinance. Questions regarding the exact location of district boundaries shall be decided by the Zoning Administrator. Decisions may be reviewed on appeal to the Board of Zoning Appeals as provided in Section 11 of this Ordinance.

The "Official Zoning Map of the Town of Spider Lake, Sawyer County, Wisconsin", a copy of this Part, a copy of the Sawyer County Zoning Ordinances and a copy of the text of the "Official Zoning Map, Sawyer County, Wisconsin", shall be kept by the Town Clerk with the other official Town records and shall be available for public inspection. The official map shall be certified by the Chairman of the Town Board and attested by the Town Clerk. Any changes affecting zoning district boundaries or explanatory matter and regulations shall be made in accordance with the provisions of Section 62.23, Wisconsin Statutes. The Town Zoning Administrator shall also have copies of all of the foregoing which shall be available for public inspection.

SECTION 4.0 REGULATIONS

4.1 Application of Regulations

The use of any land or water; the size, shape, and placement of lots, the use, size, height, type and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the official Zoning Map, Town of Spider Lake, Sawyer County, Wisconsin, in the text of this Ordinance.

4.2 Standard District Regulations

A) Setback Requirements on Highways and Roads

- 1) All-State and U.S. Numbered highways are hereby designated Class A highways. The setback line for Class A highways and for any other roads designated as major roads on official maps in effect in the County shall be one hundred thirty (130) feet from the centerline of the highway, or sixty-six (66) feet from the right-of-way line, whichever is greater.
- 2) All County Trunk Highways not otherwise designated as Class A highways are hereby designated Class B highways. The setback for Class B highways and for roads designated as arterial roads on official maps in effect in the County shall be seventy-five (75) feet from the centerline of such highway or forty-two (42) feet from the right-of-way line, whichever is greater.
- 3) All Town roads not otherwise designated Class A highways are hereby designated Class C highways. The setback for Class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the County shall be sixty-six (66) feet from the centerline of the highway or thirty-three (33) feet from the right-of-way line, whichever is greater.
- 4) A setback equal to the average setback of existing principal buildings located within five hundred (500) feet of a proposed building site and on the same side of the street, shall be permitted where five (5) of these buildings do not conform to the appropriate set back line.
- 5) Minor, readily removable structures such as open fences or signs permitted by this Part may be placed within setback lines. Public utility equipment without permanent foundations are also permitted. When deemed necessary by the Town Plan and Review Commission in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any structures erected within setback lines.
- 6) The setback for structures shall be a minimum of thirty (30) feet from the center line of a Private road/Access Easement and a minimum road width of twelve (12) feet.

7) Temporary logging roads and landing/loading sites will be restored, as near as possible, to the original state within 150 feet from the centerline of the town road right-of-way. Landing/loading sites shall not be on the town road right-of-way.

B) Visual Clearance at Intersections

In each quadrant of every road intersection, there shall be designated a visual clearance triangle bounded by the centerlines of the roads and a line connecting them, according to the road classification, as follows:

<u>Class</u>	<u>Distance</u>
A&A	200 feet
A&B	150 feet
A&C	100 feet
B&B	125 feet
B&C	75 feet
C&C	50 feet

Within this triangle, no object over two and one-half (2½) feet in height above these roads shall be allowed if it obstructs the view across the triangle. Posts and open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart.

C) Access Driveways

Access driveways to highways from abutting properties shall comply with the following requirements:

<u>Class of Highway</u>	<u>Minimum Distance of Highway Frontage Between Access Driveways for Separate Land Uses</u>	<u>Minimum Distance Between Access Driveways to the Right-of-Way of an Intersecting Highway</u>
Class A Highways Federal Aid Primary Hwy.	600 feet	300 feet
Federal Aid Sec. Hwys	500 feet	250 feet
Class B Highways	300 feet	150 feet
Class C Highways	75 feet	75 feet

Where there is no more than one lot abutting on Class A and Class B highways between access driveways, a service road of not less than fifty (50) feet right-of-way shall be provided across the entire frontage of each lot unless a temporary access permit has been granted with the approval of the agency having jurisdiction over the highway. Use of access is limited to the use authorized in the temporary access permit. This permit would be revocable when a frontage road is provided.

The maximum number and width of access driveways to highways and service roads shall be as follows:

<u>Type of Access Driveway</u>	<u>Maximum Number of Access Driveways</u>	<u>Maximum Width of Access Driveways</u>
Commercial and Industrial Land Uses	2	35 feet
Other Land Uses	1	24 feet

Where cross-over in median strips have been provided, access driveways shall be directly opposite these cross-overs

D) Driveway and Private Road Regulations

- 1) No new driveway, road and/or temporary road entryway or access easement shall be constructed without a permit issued by the Town Zoning Administrator or his designee. After an application is submitted, consideration of all zoning, land use, traffic, safety, health, and other relevant factors shall be considered before denying, permitting or permitting same with special conditions. An approved Town Driveway Permit must be in place before a land use, conditional use, special use or building permit can be issued.
- 2) All new driveways, roads, private and/or temporary road entry ways and access easements must meet and be maintained to the following minimum standards.
 - a) 12 foot of driving surface.
 - b) 16-foot cleared width.
 - c) 14-foot cleared height
- 3) Existing driveways, roads, private and/or temporary roadways and access easements must meet the above minimum standards. It is ultimately the responsibility of the property owner to ensure and maintain adequate and safe access for emergency equipment. The property owner may be liable for damages to equipment if the above standards are not meet. The Town of Spider Lake will not be liable if emergency equipment is unable to gain access to the property.
- 4) No driveway apron shall extend out into the road further than the road edge or face of the curb, and under no circumstances shall such driveway apron extend into the gutter area where there is curbing. All driveway entrances and approaches shall be constructed so that they shall not interfere with the drainage of roads, side ditches, or roadside areas or with any existing structure on the right-of-way. All driveways and parking lots shall be graded in such a way that no stormwater reaches the roadway.
- 5) The angle between the center line of the driveway and the curb line or road edge shall not be less than 70 degrees.

- 6) The grade of that portion of any private driveway shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- 7) Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- 8) No person shall locate, establish, construct or substantially reconstruct any driveway or private road in a public right-of-way without installing a culvert in full compliance with this section unless not required for drainage. Further, culverts shall be installed prior to construction work being commenced on the property served in a size and a thickness necessary to allow for adequate drainage, with a minimum size of twelve (12) inches in diameter (or equivalent elliptical or arch pipe). The culverts shall be placed in the ditch line at elevations that will assure proper drainage. The property owner shall install the culvert and be responsible for the cost thereof.

E) Excessive Height Permitted

Except in the Shoreland District, heights of silos may exceed ordinance limits in the A-1 district in which it is to be located with the approval of the Town Plan and Review Commission. Except in the Shoreland District, heights of structures such as; cooling towers, lookout towers, silos, water towers, spires, mechanical appurtenances, amateur radio towers, telecommunication, radio, and television towers, aerials, masts and antennas may be approved as part of the process of obtaining a Conditional Use Permit if such conditional use is allowed in the district.

F) Lot Sizes

- 1) No lot area shall be so reduced that the dimensional and yard requirements required of the Ordinance cannot be met. Lots existing and of record prior to the adoption of Ordinance 76-1, but of substandard size, may be devoted to uses permitted in the district in which they are located, but will remain nonconforming.
- 2) If two (2) or more substandard lots with continuous frontage have the same ownership as of the original effective date of this Ordinance, the lots involved shall be considered to be one parcel for the purposes of this Ordinance.
- 3) Lots created after the original adoption of this Ordinance and which are not served by public sewer systems shall meet the minimum area requirements of the Wisconsin Administrative Codes, and Part II of this Ordinance.

G) Accessory Uses and Structures

- 1) Any permanent, roofed structure serving as an accessory building, if attached to the principal structure shall be considered a part of the principal structure. If such a structure is not attached to the principal structure, it shall conform to the setback and other dimensional requirements of the Zoning District within which it is located.
- 2) The construction of accessory structures on unimproved property is prohibited except on access lots where specifically allowed in this Ordinance.

- 3) Plumbing is prohibited in an accessory building unless the owner obtains a Conditional Use Permit allowing plumbing. Use of an accessory building as a dwelling unit is prohibited.
- 4) A new principal structure used as a dwelling unit may be constructed on a lot containing an existing dwelling unit provided that a land use permit is issued for the new dwelling and for the demolition of the existing dwelling unit or the conversion of it to an accessory building. In granting a land use permit, the Zoning Administrator shall attach the following conditions to the permit:
 - a) The existing dwelling unit will be demolished or changed to an accessory structure.
 - b) If the existing dwelling unit is to be changed to an accessory structure, all plumbing shall be removed within 30 days from the time of occupancy of the new principal structure used as a dwelling unless a Conditional Use Permit allowing plumbing is issued at or before the time that the land use permit is issued.
 - c) If the existing principal structure is to be demolished, demolition must be completed within 30 days from the time of occupancy of the new principal structure. If demolition is not completed within the 30 days allowed, then the town may impose the fines set out in Section 9.3 of the land use ordinance against owners and persons who applied for the land use permit for the new principal structure. Such persons also agree that they are subject to injunctive relief, and payment of court costs and attorney's fees incurred by the town to enforce compliance.
 - d) The owner or the owner agent shall notify the Zoning Administrator within 5 business days of the earlier date of the occupancy permit being issued or occupancy taken. Failure to notify the Zoning Administrator shall be deemed a separate violation of Section 9.3 of the land use ordinance and such violation shall subject the owners and persons who applied for the permit to the fines set out in Section 9.3 of the land use ordinance. Such persons also agree that they are subject to injunctive relief and payment of court costs and attorney's fees incurred by the town to enforce compliance.

H) Drainage, Sanitation, and Water Supply

- 1) No principal structure shall be erected, structurally altered, or relocated on land which is not adequately drained at all times by reason of adverse soil conditions, steep slopes, shallow impermeable bedrock, or periodic flooding.
- 2) No principal structure intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provisions are made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.

- 3) The Town Zoning Administrator shall not hereafter authorize a structure to be erected, structurally altered, or relocated which has a private waste disposal system unless the plans for the system have been reviewed in accordance with the provisions of the Sawyer County Private Sewage System Ordinance and a Sanitary Permit has been issued. Private sewage disposal systems for dwellings units shall meet the location requirements of the Sawyer County Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Codes.
- I) Rebuilding destroyed structures. See Section 10.1 (I) and Part II Section 15
 - J) Adverse Effects on Adjacent Properties.
Construction, grading, excavating or similar activities which result in drainage, runoff, erosion or the depositing of materials on to adjacent properties with different ownership shall not be allowed.
 - K) Soil Remediation/Land spreading of Contaminated Soils
 - 1) No person shall land spread, land farm, or deposit on lands located in Town of Spider Lake, any soil which is contaminated by petroleum products. This restriction does not apply to:
 - a) Soils originating from a contaminated site within Town of Spider Lake undergoing DNR approved remediation.
 - b) The temporary stockpiling of petroleum contaminated soil prior to approved remediation or disposal. Temporary stockpiling may only be allowed at the site where the contamination occurred, must remain covered with an impermeable material, and have adequate diking/ditching around it to prevent run-off from contaminating native soil.
 - c) Landfills and asphalt hot mix plants properly licensed from the disposal or remediation of petroleum contaminated soils.
 - 2) Any person violating this ordinance shall cease and remove any soil placed in violation of this ordinance and be responsible for removing native soil which also may have been contaminated by their actions. A violator shall also be subject to a forfeiture of no less than \$1,000.00, together with the taxable costs in such action, and every day of violation shall constitute a separate offense.
 - L) A Certified Survey Map is required for all land divisions in all Zone districts and approved by the Spider Lake Town Board.

4.3 Supplementary Regulations

- A) Airport Safety Zones
Pursuant to Section 114.136 (2) (b), Wisconsin Statutes.

B) Off Street Parking

- 1) Each parking space required shall be at least two hundred (200) square feet in area.
- 2) Residential uses shall be provided with at least one (1) parking space for each principal structure used as a dwelling unit.
- 3) Commercial and industrial uses as listed and permitted in the zoning districts shall be provided, except as noted below with one (1) parking space for each two hundred (200) square feet of floor area. However, restaurants, taverns, and similar establishments shall be provided with at least one (1) space for each three (3) seats devoted to patron use; motels, tourist cabins, and similar establishments shall be provided with at least one (1) space for each unit; drive-in eating stands offering in-car service shall be provided with at least five (5) spaces for each person employed to serve customers, except hospitals, rest homes, schools, and churches.
- 4) Public gathering uses shall be provided with at least one (1) space for each five (5) patrons to be accommodated on the premises.

C) Off Street Loading and Unloading

Any commercial or industrial building hereafter erected or placed on a lot shall be provided with sufficient off-street loading and unloading space so that no public streets or alleys need be blocked by such activities. In an Industrial District, such buildings shall be provided with a minimum of four hundred (400) square feet of off-street loading and unloading space.

4.4 Lighting

A) All outdoor lighting shall meet the following requirements:

- 1) Lighting shall be controlled so as not to shine up into the sky or onto any neighboring property or onto navigable waters. This may be accomplished by use of fully shielded cut-off fixtures, directing light fixtures downward rather than upward, or by other similarly effective means.
- 2) Where lighting is for security purposes or to illuminate walkways, roadways, equipment yards or parking lots, only fully shielded cut-off style light fixtures shall be used.
- 3) A pulsating, flashing, rotating, oscillating, moving or other types of lighting or beacon intended as an attention-getting device shall be expressly prohibited.
- 4) High-intensity light beams in the form of outdoor searchlights, lasers or strobe lights shall not be permitted.
- 5) Outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.

B) Sign lighting. See Section 5.0.

- C) The above requirements shall apply immediately to all lighting installed after May 10, 2017, and must be complied with no later than May 10, 2017, with respect to any lighting in existence as of May 10, 2017.
- D) The provisions of this subsection shall not apply to seasonal holiday lighting operated from December 1 to January 6.

SECTION 5.0 SIGNS

The purpose of these sign design standards is to establish guidelines for regulating the placement, maintenance, size and visual character of signs in the Town of Spider Lake, which are visible from public roadways or navigable waterways.

5.1 General Sign Requirements

- A) Unless specified otherwise in this Ordinance, any sign preexisting that requires a permit in the Town of Spider Lake shall, within 3 years of the adoption of this Ordinance require a permit and comply with permit requirements including a fee and permit. All new signs as of the date of adoption of this Ordinance that requires a permit will display a permit sticker.
- 1) Any sign presenting a safety hazard or sign advertising a non-existent entity will be removed at the landowner's expense after 60 days of owner notification.
 - 2) Upon the adoption of this Ordinance, no sign shall be enlarged or replaced without a new sign permit.
 - 3) Signs lawfully existing before the date of enactment of this ordinance may be continued although the use, size, or location does not conform to the provisions of this ordinance. However, permits shall be obtained for all signs erected before such date, and such signs shall be deemed a nonconforming use or structure; and the provisions of Section 10.0 shall apply. Such permits will be issued free of charge.
 - 4) A sliding fee scale will be established for these 2 classes of signs.
 - a) Wayfinding for businesses and residences
 - b) Off-premise advertising for business.

On-premise exterior advertising signs will require a permit, but it will be issued free of charge.
 - 5) The Town of Spider Lake will issue permits according to this schedule:
 - a) Initial Sign Approval: Prior to the erection of any sign, the applicant shall provide the Town with a completed sign permit and permit fees.
 - b) Final Approval: Upon finding that the erected sign meets all of the requirements of this Ordinance, the Town of Spider Lake shall issue the final sign approval and issue a permit sticker to the applicant within 30 days which will be displayed on the face of the sign.
 - c) The town will maintain a photo file of approved signs. The owner shall furnish a photograph of completed installation within 30 days

- B) Any change in a business or transfer in ownership will require existing signs be issued an updated permit and a new photograph will be required within 30 days.
- C) All signs are required to be kept in good repair and maintain a neat appearance. Routine maintenance to an existing sign is allowed without a permit as long as there are no changes to the sign's original design as specified in the sign permit. Any changes, beyond routine maintenance, to an existing sign, must be made compliant with this Ordinance and will require that the sign is re-permitted or the sign will be considered noncompliant and a citation will be issued.
- D) Earth-toned colors for sign backgrounds are required on all off-premise signs. Fluorescent colors, blaze orange, glitter, sparkles, flashing lights or beacons are prohibited. Reflective materials for the sign lettering or trim are permitted. Lettering may be of any other color except as noted above.
- E) Externally lit off-premise and on-premise signs are permissible where the source of light is designed and located in a manner that shields direct view of the light source from a highway driver and it is shielded above from illuminating the night sky. This can be accomplished by using hoods (on or around the light), landscaping that shields the light source, or light placement that directs illumination onto the sign only.
- F) No part of a sign or sign structure shall exceed 15 feet above the ground's surface. Except for a sign in ditches or valleys where the top of the sign shall not exceed 15' above roadway.
- G) Sign structures are the posts, poles, or materials used to support a sign. Sign structures must be a solid earth tone color or constructed of natural materials such as logs, stone or wood. Barber-poled striped, non-earth tone colored, and/or reflective materials or advertising used on supports are prohibited.
 - 1) Except for way-finding sign, no more than one sign, incorporating a maximum of two sign faces, may be attached to each sign structure.
 - 2) "V-shaped" sign structures, where a maximum of two signs is erected at a single location on two structures are permitted as long as the angle between the two structures does not exceed 90 degrees. V-shaped signs shall be counted as one sign with a total of two sign faces.
- H) Prohibited signs in the Town of Spider Lake include:
 - 1) Roof signs that are placed upon, project from, or are erected above the eaves of the roof or incorporated into the roof itself.
 - 2) Billboards defined as any sign or aggregate of signs sharing the same sign face whose dimension is greater than 16 sq. ft. in size.

- 3) Vehicles or trailers used for displaying advertising parked on the public right-of-way (ROW) or on private property as to be seen from the public ROW.
 - 4) Bills, posters, placards, and circulars within the public ROW or on public property.
 - 5) Signs which all or parts thereof revolve, flash, blink, or incorporate moving or rotating lights.
 - 6) Lights, or other illuminated devices, producing any type of motion.
 - 7) Resemble traffic signs, except required signs on multiple use trails.
 - 8) Signs which obstruct vision on roadways.
 - 9) Signs within the buffer zone/SPVA.
- I) Sign structures may be erected in the right-of-way but not closer than 18 ft. from a roadway centerline whichever is greater.
- J) A sign will be considered abandoned and subject to removal, 90 days after the adoption of this ordinance, if it:
- 1) Advertises a business that has ceased operation for a period of one year.
 - 2) The sign's advertising space remains vacant of an advertising message for a period of one year.
 - 3) Signs that have not obtained a permit according to the requirements of this ordinance.
- K) The posting of any sign to a tree or utility pole is prohibited except for "No trespassing signs", "closed area", "game farm", or "tree farm" signs which are in conformity with Wisconsin Statutes.
- L) All types of ice fishing shelters used on any lake in the Town of Spider Lake are prohibited from displaying any information other than the mandatory minimum required by the Department of Natural Resources.
- M) Before installation, it is the responsibility of the sign installer to contact Diggers Hotline.

5.2 Way-Finding Signs

Wayfinding signs are used only for finding direction to a business or residence and may include a business logo but not include advertising. The intent of this ordinance is to establish uniformity in wayfinding signs throughout the town by grouping signs on collector boards.

- A) Department of Transportation permitted signs on State right-of-ways, with the exception of recreational trail way-finding signs, will be white arrow type signs.

- B) Way-finding signs, located on roads other than state or federal highways, are permitted for both businesses and private residences.
 - 1) Size for residential signs will be 6 inches by 4 feet.
 - 2) Size for business signs will be 6 or 12 inches by 4 feet.
 - 3) Colors will be dark brown with yellow letters or arrows.
- C) Way-finding signs may only be erected at intersections of state, county and/or town roads. A business will be allowed a maximum of one sign for each direction of travel at each intersection. Signs will be grouped into sign assemblies that arrange signs from the top of the mounting posts to the bottom.
- D) Illumination or the use of reflectors, reflective tape, or paint on way-finding signs is prohibited.
- E) Recreational Trail Way-finding signs, used on snowmobile trails or other recreational trails, must conform to state trail marker standards but are not to exceed 6" x 24" in size.
- F) Wayfinding signs installed on a collector board will not require a permit. A (No Fee) permit will be required for the erection of the collector board.

5.3 Off Premises Advertising Signs

Off-premise advertising signs are signs not located on the property where the business is conducted.

- A) A maximum of two (2) off-premise permanent signs within the Town of Spider Lake, advertising products or services are permitted for each business establishment.
- B) It is recommended that businesses group off-premise signs in order to minimize visual clutter.
- C) Each off-premise advertising sign may have an advertising space no greater than 16 sq. feet in aggregate, including the border and trim, but exclusive of supports. Only two sign faces are permitted per sign structure.
- D) Multiple smaller signs may be incorporated within a single sign face but will be subject to the 16 sq. ft. maximum sq. footage requirements. Neither the height nor the width of any off-premise sign shall exceed 8ft.
- E) No sign will be located within the buffer zone/SPVA. A Conditional Use Permit is required if the sign is to be otherwise placed within a Shoreland District and Mitigation may be required (See Part II Section 18.0)

5.4 On-Premise Advertising Signs Within The Shoreland District

On-premise signs are defined as those signs located on the principal site where the business activity specified on the sign is normally conducted.

- A) Signs shall not be located within the buffer zone/SPVA.
- B) A Conditional Use Permit is required.
- C) Only one sign is allowed.
- D) Such signs shall:
 - 1) Not exceed 24 square feet in area.
 - 2) Not exceed 12 feet in height
 - 3) Be located on the same premises as the business.
 - 4) If lighted, be lighted only with down focused lighting.
 - 5) All illuminated signs for commercial purposes shall be turned off at the close of business each day. All forms of flashing, rotating, or moving lights shall be prohibited.
 - 6) Fluorescent colors, blaze orange, glitter, sparkles, flashing lights, or beacons are prohibited. Reflective materials for sign letters or trim are permitted. The use of earth-toned colors for on-premise signs is strongly encouraged.
- E) Mitigation may be required. See Part II Section 18 A Conditional Use Permit is required for any commercial sign

5.5 On-Premise Advertising Signs Not Within The Shoreland District

On-premise signs are defined as those signs located on the principal site where the business activity specified on the sign is normally conducted.

- A) Sign permits for on-premise exterior advertising signs are required but shall be issued free of charge. "Occupational Signs" denoting only the name and profession of an occupant in a dwelling, commercial building, or institutional building and "Business Directory" signs that only list the services, hours of operation, or menus offered within a building shall not be required to obtain a permit provided that they are no more than 2 square feet in size and located in such a manner to be visible from the nearest public right-of-way.
- B) A maximum of two (2) on-premise signs within the Town of Spider Lake, advertising products or services are permitted for each business establishment that are visible from a public road or waterway.
- C) Each on-premise advertising sign may have an advertising space no greater than 32 sq. feet in aggregate, including the border and trim, but exclusive of supports. Only two sign faces are permitted per sign structure.

- D) Floodlighting a building or sign, where floodlights are used to up-light the exterior is prohibited.
- 1) General Requirements: All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are
 - a) Use of fully shielded cut-off fixtures.
 - b) Directing light fixtures downward rather than upward.
 - 2) Specific Requirements
 - a) Where used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots, only fully shielded cut-off style light fixtures shall be utilized.
 - b) Where used for signs or for decorative effects or recreational facilities, such as for building, landscape or ball field illumination, the outdoor light fixtures shall be shielded and focused to minimize light pollution.
 - c) All outdoor lighted signs installed and maintained upon private property within all zoning districts shall be turned off between 11:00 P.M. and sunrise, EXCEPT when used for security purposes or to illuminate walkways, roadways, equipment yards and parking lots.
 - d) All illuminated signs for commercial purposes shall be turned off between 11:00 P.M. and sunrise, EXCEPT that signs, may be illuminated while the business facility is open to the public. All forms of flashing, rotating, moving lights shall be prohibited.
 - e) All outdoor light pole fixtures shall not exceed a maximum height of thirty (30) feet.
 - 3) Exemption: Holiday lighting shall be exempt from the requirements of this section.
- E) Fluorescent colors, blaze orange, glitter, sparkles, flashing lights, or beacons are prohibited. Reflective materials for sign letters or trim are permitted.
- 1) The use of earth-toned colors for on-premise signs is strongly encouraged
- F) Internally Illuminated Signs: A maximum of two internally illuminated sign faces are allowed per business and must be located on the business's primary premise.
- G) Internally illuminated vending machines, arcade machines, mechanical rides, and mechanical amusement devices shall not be viewable from the public right-of-way or a navigable waterway.

- H) Neon signs are allowed as on-premise advertising signs so long as the neon sign complies with requirements of this ordinance. Neon, externally illuminated, or non-illuminated signs that state the following messages: "No Vacancy", "Vacancy", "Closed", "Open" and "Immediate Seating", are not considered an advertising sign and are not subject to on-premise advertising sign requirements as long as the sign does not exceed 3 square feet.

5.6 Temporary Signs

Temporary signs are not allowed within the buffer zone/SVPA except for Real Estate Signs meeting the standards of 5.5(C) and protective flagging as noted in 5.5(E)(1) below. Temporary signs that comply with one of the following requirements shall not require a sign permit:

- A) Special Event Signs that advertise a onetime per year event, campaign, or activity that will occur within 30 days of the sign being erected must be removed within seven days of the completion of the activity they are promoting.
- B) Job-site Construction Site Signs denoting owners, occupants, architect, engineer, or contractors of improvements under construction must be located on the job site and may be limited to one and not exceed 8 sq. ft. in size. They must be removed upon completion of the construction. Construction signs for other than residential shall not exceed 15 sq. ft. They must be removed within 7 days of the completion of the construction.
- C) Real Estate Signs are not to exceed 4 sq. ft. in area. Such signs may only advertise the sale, rental, or lease of the premises upon which the sign is temporarily located. In addition to the Real Estate Signs, no more than three (3) directional arrows, each of which is not to exceed 6" by 24" in size, may be placed at separate road intersections leading to the premises for sale, rental or lease, provided that the person placing such directional signs obtains the written consent of the landowner who owns the property where such directional arrows are to be placed. All Real Estate Signs and directional arrows, on or off premise must be removed within 7 days of the closing of the sale, rental or lease of the premises.
- D) Political Signs are signs conveying a political message for a public election or a referendum sign shall not exceed 4 sq. ft. in size and will be removed within seven (7) days following the election or referendum. Signs shall not be installed more than 30 days prior to the event.
- E) Banners, Bunting or Flagging: May be displayed on the exterior of a commercial or public building 30 days prior to and seven days after a commercial business's official grand opening or a recognized community event. Banners and signs furnished by beer wholesalers to Class B licensees are prohibited by Wisconsin State Statutes 125.33 (1) and (2) from being displayed outside of these businesses.
- 1) Exception: Protective flagging for septic systems and other areas that requires marking for reasons of health, safety, or general welfare is exempt.

- F) Circulars, Political Advertisements, and Special Event Notices: The posting of circulars, political advertisements, special event promotions, placards on trees, traffic sign posts, and utility poles and way-finding signs are prohibited. The person(s) erecting these signs must provide their own post and remove this type of sign within seven (7) days of the completion of the event it promotes. Signs shall not be installed more than 30 days prior to the event.
- G) Signs not removed by the above-allotted time will be removed by the town and the expense bill to the person responsible for the sign.

5.7 WARNING SIGNS

Warning signs such as “Beware of Dog” and similar warning signs not to exceed 200 sq. inches are not required to obtain a permit but shall otherwise comply with the provisions of this Ordinance.

SECTION 6.0 REGULATION OF SPECIAL USES

6.1 General Provisions

Except as added or altered hereafter in this section, the procedure and requirements of Section 8.0, governing conditional uses, shall apply.

6.2 Mineral Extraction

A) Purpose

The purposes of this Section are to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, to allow for protection of deposits of minerals and to ensure that all metallic, nonmetallic, and mineral fuels operations conducted in such a manner as to be economically sound with a minimum of environmental degradation. These provisions are intended to apply; without limitation due to enumeration, to all phases of any mineral recovery effort (exploration, prospecting, operation, and reclamation) of the type of metallic ores, nonmetallic resources, and mineral fuels cited as such in the definitions section of this Ordinance. Mineral extractions and mining shall also be subject to applicable Wisconsin Administrative Codes and Wisconsin Statutes.

B) Conditional Uses

All four phases of mining operations and activities shall be allowed only in those zone districts in which such mining activities are a conditional use, and shall be consistent with the general provisions of Section 8.0 of the Ordinance and the rules and standards enumerated in this Section 6.2.

- 1) Applicants for a Conditional Use Permit under 6.2 B) above shall specify whether they are seeking a temporary or regular Conditional Use Permit. A temporary Conditional Use Permit shall be used only during the exploration and/or prospecting phases of a mining or drilling operation and shall not be effective for more than one (1) year from the date of issuance; unless renewed upon re-application for periods of one (1) year.
- 2) A regular Conditional Use Permit shall be required for the operation and reclamation phases of mineral extractions and mining. Exploration and/or prospecting phases may be included in a regular conditional use application. The regular Conditional Use Permit shall be granted for a period not to exceed five (5) years, but may be renewed upon re-application for periods of up to three (3) years.
- 3) Applicants seeking temporary Conditional Use Permit for exploratory mining or drilling and/or prospecting phases may be required to supply the Plan and Review Commission with information on the operational and reclamation phases that relate to the exploratory and/or prospecting phases.
- 4) Fees for a temporary Conditional Use Permit and a regular Conditional Use Permit mining shall be established by the Plan and Review Commission. The fee schedule shall be posted in the Town Hall.

C) Rules and Standards for Nonmetallic Mining

The following rules and standards shall apply to any nonmetallic mineral extraction operations judged by the Plan and Review Commission.

- 1) Asphalt mixing plants and rock crushers shall be located no less than one thousand (1,000) feet from any residence other than that of the permit holder. Asphalt mixing plants and rock crushers shall conform to state, federal, or local pollution standards. The location and operation of asphalt mixing plants and rock crushers shall be by Conditional Use Permit only.
- 2) The operation shall be conducted so as to minimize, insofar as practicable, the production of noise, vibration, or dust which is hazardous or substantially annoying to persons located off the premises.
- 3) All parts of a nonmetallic mineral extraction operation at which there is an excavation of ten (10) feet or more in depth shall have a perimeter slope which is no steeper than two (2) feet horizontal to one (1) foot vertical.
- 4) When extractions are discontinued, all machinery and equipment which exists incidental to the operation shall be removed. The excavation shall be drained, if necessary and, if it is possible to do so, such draining shall be accomplished by removing obstructions to natural drainage so that water will not collect therein; all banks or cuts not in rock shall be sloped at an angle not steeper than one and one-half (1½) feet horizontal to one (1) foot vertical, except that banks or cuts located within two hundred (200) feet of a road right-of-way shall be sloped no steeper than three (3) feet horizontal to one (1) foot vertical, pit or quarry bottoms shall be left in a generally level condition, excess boulders, rocks, stones, or other unusable materials shall be buried; scrap machinery and similar debris shall be removed. These reclamation activities shall be completed within three (3) months of the date of discontinuance.
- 5) Nonconforming Nonmetallic Operations: Preexisting nonmetallic mineral extractions are those operations involving the excavation, removal and/or processing of nonmetallic minerals which operations were in active use during any part of a five (5) year period prior to the effective date of this Section and which is not in conformity with the provisions of this Ordinance. The continuation of such nonconforming nonmetallic operations shall be subject to Section 10.0; and no expansion or enlargement of the existing operation, over the life of the operation, shall exceed fifty percent (50%) of its current area unless it is permanently changed to conform to the requirements of this Ordinance.

D) Rules and Standards for All Other Mining Activities

- 1) Applications for Conditional Use Permits to conduct mineral extractions or processing activities shall be accompanied by the following information:

license and other property interests, and accurate information on the identity of all individuals, partnerships, associations or corporations, which will be involved in control of the proposed operation. The purpose of this requirement is to allow

the Plan and Review Commission to determine accountability for all conditions it decides to impose upon the activities. The information provided shall be sufficiently detailed and complete to accomplish this purpose.

- a) Operations plan data: Full and complete information on the precise nature of mineral extractions or processing activity that is proposed to be undertaken.
 - b) Reclamation plan data: Full and complete information on the nature of reclamation which the applicant purposes to undertake.
- 2) Standards for decisions by the Plan and Review Commission in conditional use applications for mineral extraction or processing activities. In order to grant a Conditional Use Permit the Plan and Review Commission must find:
- a) The mineral extraction and/or processing is an allowable conditional use in the zone district, and appropriate land use at the site in question, based upon consideration of such factors as:
 - (1) Existence of mineral deposits;
 - (2) Proximity of the site to transportation facilities and to market areas; and
 - (3) Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, welfare and to the legitimate interests of nearby properties.
 - b) That an operations plan, which the Plan and Review Commission shall direct, shall be imposed as a condition of approving the Conditional Use Permit and will protect affected public and private rights against undue interference.
 - c) That a reclamation plan, which shall similarly be imposed as a condition of approval, will be enforceable and, as enforced, will result in a condition which is reasonably safe, attractive, and if possible, conducive to productive new uses for the site.
 - d) The Plan and Review Commission shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above.
 - e) The Conditional Use Permit shall be in effect for a period specified by the Plan and Review Commission not to exceed five (5) years and may be renewed upon application for periods of up to three (3) years. All permitted operations shall be inspected at least once every year by the Plan and Review Commission or its agents

- (1) If such inspections yield information showing that all conditions have been met, the applicant shall be entitled to renewal of the permit unless such renewal would be contrary to State law.
 - (2) Permits may be amended upon application to allow extensions or alterations in operations under new ownership or management.
- d) A termination of mining or drilling activities on a site which is the subject of approved Conditional Use Permit for a period of one year or more shall disentitle the permit holder to a right of renewal at the end of the permit period despite compliance of former operations and/or conditions of the original permit, unless:
- (1) Such a discontinuance was specified as part of the original operations plan; or
 - (2) The operator has applied for and received Plan and Review Commission approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.
- e) The Plan and Review Commission shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:
- (1) Performance bonds or substitute guarantees in the form of pledged collateral;
 - (2) Proximity of the site to transportation facilities and to market areas;
 - (3) Clear identification of the relationship between landowners, lessee, licensee, operators, and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.
- 3) Impacts of particular concern to the Plan and Review Commission in evaluating plans and proposals, and in imposing conditions, prior to the granting of Conditional Use Permit for mineral extractions activities. The Plan and Review Commission shall use its conditional use powers in such a way as to minimize, on-location and off-site, the potential for mineral extractions activities to:
- a) Exploration Activities
 - Affect springs and water wells
 - Remove vegetation
 - Create litter
 - Encourage off-road vehicle use
 - Compact and disturb soils

- b) Drilling Operations
 - Remove vegetation
 - Create noise
 - Destroy archaeological sites
 - Displace wildlife
 - Potential mud pit problems - Potential erosion problems
 - Potential off-road vehicle use on access roads
 - Create aesthetic problems
 - Affect surface or groundwater quality

- c) Production Activities
 - Remove vegetation
 - Create noise and odor problems
 - Displace wildlife
 - Create aesthetic problems
 - Destroy archaeological sites
 - Potential safety problems
 - Affect surface or groundwater quality

- d) Transportation and Pipeline Facilities
 - Remove vegetation from right-of-way
 - Cause silt and sediment in streams
 - Cause bank erosion
 - Mix topsoil with substrate
 - Change wildlife habitat
 - Displace wildlife
 - Create aesthetic problems
 - Potential safety problems
 - Encourage off-road vehicle use and trespass problems

- e) Stockpiling/Storage of Extracted Minerals

The stockpiling/storage of extracted solid minerals in excess of 500 cubic yards or extracted non-solid minerals in excess of 34,000 gallons on property other than from which extracted shall require a special use permit.

(Note: 1 cubic yard contains 67.329 gallons)

Note: Establishes a permit requirement for the off-site storage of extracted minerals.

6.25 metallic Mining

Recitals

WHEREAS, zoning is an essential function performed by local government since it allows a municipality to protect its citizens' quality of life, welfare, and safety; and

WHEREAS, metallic mineral mining is a permitted activity under State law and may provide beneficial impacts for Town residents, including employment opportunities and improvement of local economies; and

WHEREAS, metallic mineral mines and metallic mineral mining operations pose special challenges since:

- Metallic mineral mining, unlike many other activities, may only be developed at a specific location at which a mineral deposit exists; and
- Metallic mineral mining may create substantial impacts which adversely affect public health, safety, convenience and welfare; and
- Metallic mineral mining may harm and cause serious damage to not only the immediate surrounding areas of the mining operation, but also to areas and resources beyond the immediate surroundings such as waterways, wells and other water supplies, air, and other environmental resources; and
- The adverse effects of metallic mineral mining may not be limited to the years a mine is in operation but may substantially impact future generations; and

WHEREAS, Chapter 293 of the Wisconsin Statutes recognizes the Town's authority to participate in the local regulation of metallic mineral mining and grants an express authority for the Town to negotiate and enter into a local agreement and require an operator to obtain an approval or permit under a zoning or land use ordinance; and

WHEREAS, conditional uses enjoy acceptance as valid and successful tools of municipal planning to cope with situations where a use may create unique problems or hazards if allowed to develop as a matter of right; and

WHEREAS, the purpose of this Ordinance is to provide alternate methods by which an operator may obtain a mining permit, both of which recognize the need for reasonable regulation of mining.

NOW, THEREFORE, the Town Board for the Town of Spider Lake does ordain as follows:

A) Definitions.

Capitalized terms used in this part of the Ordinance, unless otherwise specifically defined in this part, are defined as follows:

- 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.
- 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.

- 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 a Exploration Permit, Prospecting Permit, Bulk Sampling Permit or Mining Permit issued pursuant to this Ordinance.
- 4) "Applicant" means any Person that has or intends to submit an Application for a Mining Permit to the Town of Spider Lake pursuant to this Ordinance.
- 5) "Application" means an application filed or to be filed with the Town of Spider Lake 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 L of this Ordinance or as may otherwise be reasonably required by the Town.
- 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 Town.
- 7) "Bulk Sampling" means the same definition as set forth in Wis. Stat. § 293.01(2m), as may be amended.
- 8) "Bulk Sampling Permit" means a permit issued pursuant to Section F of this Ordinance.
- 9) "Bulk Sampling Site" means the entire area of land upon which Bulk Sampling will occur.
- 10) "Conditional Use Permit" means a permit issued pursuant to Section N of this Ordinance.
- 11) "Conditional Use Permit/Mining Permit" means a Mining Permit issued by virtue of an approved and issued a Conditional Use Permit.
- 12) "Exploration" means exploration as defined in Wis. Admin. Code Ch. NR 130, as may be amended.
- 13) "Exploration Permit" means the permit required pursuant to Section D as a condition of engaging in Exploration.

- 14) "Exploration Site" means the entire area of land upon which Exploration will occur.
- 15) "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.
- 16) "Local Agreement" means an agreement entered into pursuant to Wis. Stat. § 293.41. and approved pursuant to Section O of this Ordinance.
- 17) "Local Agreement/Mining Permit" means a Mining Permit issued by virtue of an approved Local Agreement.
- 18) "Local Committee" is a committee created pursuant to Wis. Stat. § 293.33 and Section H of this Ordinance.
- 19) "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:
 - 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.
 - 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.
 - c) Manufacturing processes aimed at producing metallic or nonmetallic products for sale or use by the operator.
 - d) Stockpiling or storage of metallic or nonmetallic products for sale or use off-site and stockpiling of waste materials.
 - e) Transport of the extracted metallic or nonmetallic materials, finished products or waste materials to or from the extraction site.
 - f) Disposal of waste materials.
 - g) Reclamation of the extraction site.
 - h) Prospecting or Exploration for metallic minerals is not mining under the terms of this Ordinance.
 - i) Commercial extraction, agglomeration, beneficiation, construction of roads, Removal of overburden and the production of refuse.

- 20) "Mining Permit" means either a Conditional Use Permit issued pursuant to Section N of this Ordinance, or a Local Agreement negotiated, approved and issued pursuant to Wis. Stat. § 293.41 and Section O of this Ordinance.
- 21) "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 haulageways, 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.
- 22) "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.
- 23) "Ordinance" means this metallic mining ordinance adopted by the Town of Spider Lake and included in the Town of Spider Lake Ordinances as a use in the I-1 district.
- 24) "Permittee" means any Person granted a Mining Permit pursuant to this Ordinance.
- 25) "Person" means any person, individual, owner, operator, corporation, limited liability company, partnership, association, municipality, interstate agency, State agency or federal agency.
- 26) "Plan and Review Commission" means the Town of Spider Lake Plan and Review Commission.
- 27) "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.
- 28) "Prospecting Permit" means a permit issued pursuant to Section E of this Ordinance.
- 29) "Prospecting Site" means the entire area of land upon which Prospecting will occur.
- 30) "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 an Mining Permit or to issues associated with the inspection, monitoring and enforcing of approvals and requirements of a Mining Permit.
- 31) "Section" means a specific section of this Ordinance.
- 32) "State" means the State of Wisconsin.

- 33) "Town" means the Town of Spider Lake
- 34) "Town Board" means the Town Board of the Town of Spider Lake
- 35) "WisDNR" means the Wisconsin Department of Natural Resources.
- 36) "WisDNR Exploration License" means an exploration license issued by WisDNR pursuant to Wis. Stat. § 293.21(2).
- 37) "Zoning Administrator" means the zoning administrator of the Town of Spider Lake.

B) Findings, Purpose and Authority

- 1) Findings. Metallic mining is a permitted activity under State law and has the potential to both beneficially and adversely impact Town 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 Town residents if not properly designed and operated. Many aspects of metallic mining operations are subject to state or federal regulation, but some are not.
- 2) Purpose. The purpose of this Ordinance is to accomplish the following:
 - a) To complement State law regulating Exploration, Prospecting and Bulk Sampling.
 - b) To establish local minimum standards for Mining Operations conducted within the Town, 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 Town and its residents.
 - c) To minimize or prevent any adverse on- or off-site impacts resulting from Mining Operations.
 - d) To set forth rules and procedures to govern Mining and Mining Operations within the Town, establish procedures for the administration and enforcement of this Ordinance, and provide penalties for its violation.
 - e) To specifically set forth the requirements for any Person desiring to engage in Mining or any Mining Operation in the Town to first obtain a Mining Permit from the Town and subsequently act and operate in accordance with the conditions on such Mining Permit so the Town can, to the extent of the Town's authority, promote the public health, safety, convenience, and general welfare.
 - f) To encourage and ensure, to the greatest extent possible:
 - i. Planned and orderly land use development;

- ii. The protection of property values and the property tax base;
 - iii. Careful planning and efficient maintenance of highway systems and other transportation infrastructure;
 - iv. Adequate highway, utility, health, educational and recreational facilities;
 - v. The needs of agriculture, forestry, industry and business in future growth;
 - vi. The use of land and other natural resources which are in accordance with their character and adaptability;
 - vii. The protection of surface and groundwater resources;
 - viii. The conservation of soil, water and forest resources;
 - ix. The protection of the beauty and amenities of the landscape and physical features within the Town;
 - x. Healthy surroundings for citizens' and visitors' enjoyment and lifestyles; and
 - xi. The efficient and economical use of public funds.
- g) To ensure that Mining Operations are permitted in the Town of Spider Lake 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 Town in accordance with this Ordinance.
- h) To ensure that the Town 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 conditional use.
- 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 Town.
- j) To ensure that all conditions placed on a Mining Permit that is issued as a Conditional Use Permit are:

- i. Consistent with the purposes of this Ordinance;
 - ii. Within the jurisdiction of the Town;
 - iii. Not arbitrary or unreasonable;
 - iv. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - v. Supported by substantial evidence; and
 - vi. To the extent practicable, measurable.
- k) To ensure coordination with WisDNR and all other State and federal regulatory bodies of a Mining Operation in the Town.
 - l) To ensure consistency with the Town of Spider Lake Comprehensive Plan, as may be amended.
- 3) Authority. This Ordinance is adopted under the authority of the powers granted to the Town of Spider Lake by the Town's adoption of village powers under Wis. Stat. Secs. 60.10 60.22(3) and 61.34, its authority under Wis. Stat. Sec. 66.0415, and other authority granted to it under the statutes.
- C) Applicability, Exemptions, Interpretation, and Effective Date
- 1) Applicability. This Ordinance shall apply to the use and proposed use of land within the Town 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 Town.
 - 2) Exemptions. This Ordinance does not apply to:
 - a) Except as set forth in Section I(3) and 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.
 - b) Except as set forth in Sections I(3) and O(5) below, any other requirements of the Town Zoning Ordinance that may be modified or waived in a Local Agreement.
 - 3) Interpretation. Except as set forth in Section 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.

- 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) Effective Date of Ordinance. Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by Wis. Stat. §60.80.
- 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 Town Board.
- 7) Impact on Existing Town Zoning Ordinances. This Ordinance shall amend the existing Town Zoning Ordinances as set forth in Section T. In the event of any conflict between this Ordinance and any other Town Zoning Ordinances, this Ordinance shall control.

D) Exploration Permit

- 1) Permit Required. No person may commence any Exploration except in conformance with a valid Exploration Permit issued by the Town pursuant to this Section D. Exploration may only be conducted as a permitted use within the I-1 zoned district as set forth in the Town of Spider Lake Zoning Ordinance.
- 2) The Exploration Permit issued by the Town is a separate permit from the WisDNR Exploration License.
- 3) Conditions on Exploration Permit. The Town shall grant an Exploration-Permit if the applicant for the Exploration Permit can demonstrate satisfaction of the following conditions:
 - a) Compliance with all terms and conditions of the WisDNR Exploration License for the duration of the WisDNR Exploration License.
 - b) Compliance with all applicable Town ordinances.
 - c) Demonstrate to the satisfaction of the Town 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 the commencement of any Exploration.
 - d) Submit a copy of all permits, approvals or waivers of permits to the Town, both at the time of application for the Exploration Permit and during the term of the Exploration Permit.
 - e) Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Exploration.

- 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.
- 4) The Town shall impose conditions on the Exploration Permit related to the following:
- 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.
 - b) Establish a setback of at least 1,200 feet between any Exploration Site and any existing occupied structure.
 - 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 Town residents.
 - d) Limit night lighting if Exploration occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - e) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to the neighboring landowners.
 - 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.
 - g) Take necessary measures to control fugitive dust.
 - 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 Town Exploration Permit.
 - i) Any other conditions that the Town deems reasonable and necessary that are:
 - i. Within the jurisdiction of the Town;
 - ii. Not arbitrary or unreasonable;
 - iii. Have a substantial relation to public health, safety, convenience, and/or general welfare;
 - iv. Supported by substantial evidence; and
 - v. To the extent practicable, are measurable.

- 5) Compliance. All requirements must be met at all times or the Exploration Permit may be revoked or subject to enforcement, fines and penalties as provided in Section S.
- 6) Duration of Exploration Permit. The Exploration Permit shall be of the same duration as the WisDNR 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.

E) Prospecting Permit

- 1) Permit Required. No person may commence any Prospecting except in conformance with a valid Prospecting Permit issued by the Town pursuant to this Ordinance. Prospecting may only be conducted as a conditional use within the I-1 zoned district as set forth in the Town of Spider Lake Zoning Ordinance.
- 2) Conditions on Prospecting. The Town shall grant a Prospecting Permit if the Applicant can demonstrate satisfaction of the following conditions:
 - a) Compliance with all applicable Town Ordinances.
 - b) Demonstrate, to the sole satisfaction of the Town, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WisDNR permit for the same Prospecting activity, have been or will be obtained prior to the commencement of any Prospecting.
 - c) Submit a copy of all permits, approvals or waivers of permits to the Town, both at the time of application for the Prospecting Permit and during the term of the Prospecting Permit.
 - d) Compliance with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Prospecting.
 - 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.
- 3) The Town shall impose conditions on the Prospecting Permit related to the following:
 - 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.

- b) Establish a setback of at least 1,250 feet between any Prospecting Site and any existing occupied structure.
 - 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.
 - 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 Town residents.
 - e) Limit night lighting if Prospecting occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - f) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners.
 - g) Take necessary measures to control fugitive dust.
 - 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.
 - i) Any other conditions, including but not limited to additional buffers and screening, that the Town deems reasonable and necessary that are:
 - i. Within the jurisdiction of the Town;
 - ii. Not arbitrary or unreasonable;
 - iii. Have a substantial relation to public health, safety, convenience, and/or general welfare;
 - iv. Supported by substantial evidence; and
 - v. To the extent practicable, are measurable.
- 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 S.
- 5) Duration of Prospecting Permit. The Prospecting Permit shall be of the same duration as the Prospecting Permit issued by WisDNR 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.

F) Bulk Sampling Permit

- 1) Permit Required. No person may commence any Bulk Sampling except in conformance with a valid Bulk Sampling Permit issued by the Town pursuant to this Ordinance. Bulk Sampling may only be conducted as a conditional use within the I-1 zoned district as set forth in the Town of Spider Lake Ordinance.
- 2) Conditions on Bulk Sampling. The Town may set the following conditions on a Bulk Sampling Permit to ensure that any party engaging in Bulk Sampling shall:
 - a) Comply with all applicable Town Ordinances.
 - b) Demonstrate, to the sole satisfaction of the Town, that all Applicable Laws and Regulations promulgated by any Government Body or Agency, including, but not limited to, a WisDNR permit for the same Bulk Sampling activity, have been or will be obtained prior to the commencement of any Bulk Sampling.
 - c) Submit a copy of all permits, approvals or waivers of permits to the Town, both at the time of application for the Bulk Sampling Permit and during the term of the Bulk Sampling Permit.
 - d) Comply with all Applicable Laws and Regulations and any other Government Body or Agency permits, approvals, conditions or restrictions for the Bulk Sampling.
 - 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.
- 3) The Town shall impose conditions on the Bulk Sampling Permit related to the following
 - 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.
 - b) Establish a setback of at least 1,250 feet between any Bulk Sampling Site and any existing occupied structure.
 - 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.
 - 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 Town residents.

- e) Limit night lighting if Bulk Sampling occurs during hours of darkness to that which is minimally necessary for security and worker safety.
 - f) Control off-site noise levels to the maximum extent practicable to avoid adverse impacts to neighboring landowners.
 - g) Take necessary measures to control fugitive dust.
 - 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.
 - i) Any other conditions, including but not limited to additional buffers and screening, that the Town deems reasonable and necessary and that are:
 - i. Within the jurisdiction of the Town;
 - ii. Not arbitrary or unreasonable;
 - iii. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - iv. Supported by substantial evidence; and
 - v. To the extent practicable, are measurable.
- 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 S.
- 5) Duration of Bulk Sampling Permit. The Bulk Sampling Permit shall be of the same duration as the Bulk Sampling permit issued by WisDNR 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.

G) Mining Permit Required

- 1) Zoning Designation. Mining Operations may only be conducted within the I-1 zoned district and only after issuance of a Mining Permit, as required in this Ordinance.
- 2) Mining Permit Requirement. No person may commence construction of a Mining Site or engage in any Mining Operations in the Town except in conformance with a valid Mining Permit issued by the Town pursuant to this Ordinance and within the I-1 zoned district. A Mining Permit shall be issued as a result of a Conditional Use Permit approved pursuant to Section N or as a result of the approval and adoption of a Local Agreement pursuant to Section O.

- 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.

H) Local Committee

- 1) Formation. A Local Committee may be formed or convened pursuant to Wis. Stat. § 293.33.
- 2) Powers of a Local Committee. A Local Committee may:
 - a) Facilitate communications between an Applicant, Operators, and the Town.
 - b) Analyze implications of the Mining Operations.
 - c) Review and comment on reclamation plans.
 - d) Develop solutions to growth-induced issues caused by Mining Operations.
 - e) Take other steps permitted by the Plan and Review Commission.
 - f) Take any other steps permitted to Wis. Stat. § 293.33.
- 3) Parties Included in a Local Committee. The Plan and Review Commission shall determine the size of the Local Committee and the parties that make up the Local Committee, in the Plan and Review Commission's sole discretion, which may include:
 - a) Representatives of Sawyer County or tribal government representative that may be affected by the Mining Operations.
 - 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.
 - 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.
- 4) Parties Required in a Local Committee. The following parties shall be included in a Local Committee:

- a) At least one representative of the Plan and Review Commission.
 - b) At least one member of the Town Board.
 - c) The Town Zoning Administrator or his or her designee.
- 5) Local Committee Findings and Recommendations. A Local Committee's findings, recommendations or reports shall not be binding upon the Plan and Review Commission in negotiating a Local Agreement, nor upon the Town Board when reviewing and deciding upon an Application for Local Agreement/Mining Permit.

I) Local Agreement

- 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 O.
- 2) Required Information. A Local Agreement shall include the following information pursuant to Wis. Stat. § 293.41(2):
 - a) A legal description of the land subject to the Local Agreement and the names of its legal and equitable owners.
 - b) The duration of the Local Agreement. The uses permitted on the Mining Site.
 - c) A description of any conditions, terms, restrictions or other requirements determined to be necessary by the County or by any tribal government for the public health, safety, and welfare of its residents.
 - d) A description of any obligation undertaken by the Town, or any tribal government to enable the development to proceed.
 - e) The applicability or non-applicability of any County or tribal government ordinances, approvals or resolutions.
 - f) A provision for the amendment of the Local Agreement.
 - g) Other provisions deemed reasonable and necessary by the parties to the Local Agreement.
 - h) Any other terms set forth in this Ordinance that require inclusion in the Local
 - i) Agreement, including the terms set forth in Section O(5).

- 3) Modification of Zoning Requirements. Except for the requirements set forth in Sections I(2), O(5) and S(6)(b), a Local Agreement may modify, waive or alter the provisions of this Ordinance, the Town Zoning Ordinance, and any other Town regulations. Any Local Agreement/Mining Permit shall address the subjects of Sections P, Q, and 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.
 - 4) Application. An Applicant desiring to obtain a Local Agreement/Mining Permit shall follow the application requirements in Section K and Section L.
 - 5) Negotiation. The Town of Spider Lake Town Board shall be the designated body to negotiate a Local Agreement on behalf of the Town. The Town Board may consider input from any Local Committee convened pursuant to Wis. Stat. § 293.33 and Section H; however, the Town Board 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.
 - 6) Effective Date. A Local Agreement/Mining Permit may not take effect until approved by the Town Board as required in Wis. Stat. § 293.41(4) and Section O.
 - 7) Review and Decision Process. An Application for a Local Agreement/Mining Permit shall follow the process set forth in Section O.
 - 8) Suspension or Revocation. A Local Agreement/Mining Permit may be suspended or revoked as provided in the Local Agreement/Mining Permit.
- J) Conditional Use Permit
- 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 N.
 - 2) Application. An Applicant desiring to obtain a Conditional Use Permit/Mining Permit shall follow the Application requirements in Section K and Section L.
 - 3) Review and Decision Process. A Conditional Use Permit/Mining Permit Application shall follow the review and decision process set forth in Section N.
 - 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 S.
 - 5) Requirements in a Conditional Use Permit: A Conditional Use Permit/Mining Permit shall include the information required in Section N and any other conditions warranted within the Plan and Review Commission's discretion, subject only to Section J(6).

6) Conditions. A Conditional Use Permit/Mining Permit may contain any terms and conditions that the Town deems necessary, and as described in Section N(4), in light of the Mining Operations and in response to the specific issues presented by the proposed Mining Operations, and that are:

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

K) Procedures For Applying For a Mining Permit

- 1) Application. An Application for a Mining Permit shall be filed with the Town Zoning Administrator and shall include an electronic copy and 20 paper copies of the Application, including the required components set forth in this Section K and Section 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 K and Section L, and as otherwise required by the Town.
- 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 N of this Ordinance, or by virtue of approval of a Local Agreement pursuant to Section O.
- 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 N. If the Applicant seeks a Local Agreement/Mining Permit, review and decision shall occur pursuant to Section O.

L) Mining Permit Application Requirements

1) General Requirements.

- a) Any Applicant for a Mining Permit shall submit the information and Application fee required by this Section L and the fees required in Section M in order for the Town to properly review the Application.
- 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 L is located in any referenced material.

- 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 Town may incur to commence the Application review process if those amounts are reasonably known to the Town at the time the Application is submitted.
- d) A Reimbursement Agreement and deposit, as described in Section M, including an acknowledgment that the Applicant shall be responsible for any costs or expenses incurred by the Town 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.
- 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 Town's behalf.
- f) The Application shall contain a statement, signed and notarized by the Applicant that includes all of the following:
 - i. 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.
 - ii. That all statements, representations, documents, and information which are set forth in or accompany the Application are true, correct, accurate and complete.
 - iii. 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.
 - iv. 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 Town, 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.
 - v. That the Applicant grants permission and consent to the Town, 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.
- g) A copy of any reclamation plan provided to any agency of the State of Wisconsin or the Federal Government and, if no such plan exists, a detailed reclamation plan providing full and complete information on the nature of reclamation which the

applicant purposes to undertake.

2) Ownership Information and Operator Information.

- a) The name, address, phone number, and email address of the Applicant.
- b) The name, address, phone number and email address of the Operator.
- c) The name, address, phone number, and email address of all owners or lessors of the land on which the Mining Operation will occur.
- d) If the Applicant is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity:
 - i. The name and address of each director, partner or member of the Applicant.
 - ii. The name, address, and position held by each officer or member of the Applicant.
 - iii. 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.
 - iv. 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.
- e) If the Operator is not an individual but is a corporation, partnership, limited partnership, limited liability company or other entity:
 - i. The name and address of each director, partner, or member of the Operator.
 - ii. The name and address and position held by each officer or member of the Operator.
 - iii. 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.

3) Site Information and Maps.

- 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:
 - i. The legal description of the parcel.
 - ii. 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.
 - iii. The tax parcel identification number of the parcel.
 - iv. A statement as to what structures, improvements and roadways will be situated on such parcel.

- v. How such parcel will be used as part of the Mining Operation.
 - vi. 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.
 - vii. A description of any utilities (public or private) or transportation facilities on the parcel.
 - viii. A description of any buildings or existing structures that will be removed to accommodate any Mining Operations.
 - ix. A description of any buildings or existing structures that will be removed to accommodate any Mining Operations.
- b) Any planned assemblage of parcels for any portion of the Mining Site or to be used as part of the Mining Operation.
 - c) Any other anticipated County or other Government Body or Agency land use approvals necessary to commence Mining Operations.
- 4) 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) The Applicant's best estimate and explanation of the life expectancy of the Mine.
 - 6) 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.
 - 7) 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.
 - 8) An aerial photo of the proposed site at a scale of not less than 1 inch equals 660 feet.
 - 9) A topographical 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.
 - 10) 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.
 - 11) 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.
 - 12) 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.

- 13) 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.
- 14) 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.
- 15) A map identifying the location of all other non-contiguous sites within the Town or adjacent towns, cities, or villages, if any, that will contribute material to the Mining Operation.
- 16) Operation Plan. The Application shall include a written narrative description of the Mining Operation in sufficient detail to allow the Town 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 Town. 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:
 - a) A summary of planned facilities for excavating, extracting, mining, milling, ore-processing, transportation, tailings disposal, another waste disposal, sedimentation, settling, retention and detention ponds, office buildings and other structures, roads, railroad lines and utilities and the proposed location of each.
 - b) Maps showing the maximum lateral extent and minimum and a 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.
 - 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.
 - d) Types of Mining equipment to be used.
 - e) Plans for visual screening of mining activities around the perimeter of the Mining Site and on the sides of any public highway.
 - 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.

- g) Radiation levels anticipated in waste rock.
- h) A plan describing the methods for preventing access to all underground Mine workings after Mine closure.
- i) Dates of the planned commencement and cessation of the Mining Operation.
- 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.
- k) Description of mining methods, machinery, and equipment to be used for extraction and processing of the extracted material, and the sequence of operations.
- l) Estimated volume of material to be extracted over the life of the Mine and for the next calendar year.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 P(6).

- 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.
- 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.
- 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.
- v) A roadway and traffic analysis of all reasonably foreseeable roadway needs arising in the Town 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 Town, 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.
- 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.
- x) A Town impact summary report, which shall include a thorough narrative description of the Mining Operations in sufficient detail to allow the Town 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 Town, 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:

- i. 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.
 - ii. A traffic impact analysis that discusses all reasonably foreseeable roadway construction and maintenance needs arising in the Town 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.
 - iii. The impacts of Mining Operations on employment, economic activity and tax base within the Town.
 - iv. The impacts of Mining Operations on the Town's population and housing stock, including the availability of such housing stock.
 - v. 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.
 - vi. The expected changes in land use within the Town, including the percentage of lands devoted to each use currently and in the future environmental impacts resulting from Mining Operations.
 - vii. 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.
 - viii. A description of the topographical and aesthetic features of the proposed Mining Site, including other geographical vegetative conditions.
 - ix. 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.
- y) Copies of other submittal or application documents for the Mining Operation to any other Government Body or Agency.
 - z) Copies of Approvals from any Government Body or Agency for the Mining Operation.
 - aa) Any other information deemed necessary by the Town in order for the Town 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.

M) Reimbursement Agreement, Administration Deposit, Fees and Costs

- 1) This Section M is not intended to generate excess revenues for the Town's use for purposes not related to an Application or any Mining Operation, but the Town, and hence its taxpayers, shall not be required to bear the financial burden and obligations associated with the costs and expenses the Town incurs in connection with an Application or any Mining Operations. To that end, this Section M provides that the Applicant shall be responsible for reimbursement of all costs and expenses incurred by the Town in connection with the Application.

- 2) At the time an Application is filed with the Town Zoning Administrator, the Applicant shall execute for the benefit of the Town 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 Town 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 Town 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 Town in connection with the Mining Permit, including, but not limited to, costs of Retained Experts to ensure ongoing compliance with the Mining Permit.

- 3) The Applicant shall initially deposit \$50,000.00 with the Town to be deposited in an administrative fee account for Application and proposed Mining Operations so such funds are available to be withdrawn by the Town and used to reimburse the Town for the costs and expenses the Town incurs in connection with Application review and Mining Operations. If the initial deposit of \$50,000.00 falls below \$25,000.00, the Town 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.

- 4) The Applicant shall be responsible for all costs and expenses incurred by the Town 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, Town 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) The Town 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 Town Zoning Administrator or its designee.
- 6) Costs and expenses the Town incurs under this Section M shall be billed to the Applicant for reimbursement to the Town on a monthly basis and shall be deducted from the initial deposit amount set forth in Section M(3) within 30 days of such billing. The Town 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 Town 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 Town, the Town 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 Town prior to issuance have been paid in full.
- 7) If an Applicant withdraws its Application at any time after the Application is submitted to the Town, all fees and charges assessed for work to that point in time by the Town shall be paid by the Applicant. Any balance remaining of the deposit, after the payment of all fees and charges incurred by the Town, shall be refunded to the Applicant.

N) Review Process for Conditional Use Permit/Mining Permit Applications

- 1) Application for Conditional Use Permit/Mining Permit. The process set forth in this Section N shall apply to an Application that requests the grant of a Conditional Use Permit/Mining Permit.

Initial Review. Upon receipt of a Conditional Use Permit/Mining Permit Application, the Town Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The Town Zoning Administrator's acceptance of an Application does not render the Application complete. The Town 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 Town 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.

- 2) Notice of Receipt. Within 30 days of receipt of the complete Application, the Town 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 Plan and Review Commission. A

copy of the Application shall be made available for public review.

- 3) Additional Information. The Town Zoning Administrator or Plan and Review Commission may request the Applicant to submit additional information if the Town Zoning Administrator or Plan and Review Commission determines that the Application is incomplete, or if the Town Zoning Administrator or Plan and Review Commission determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The Town Zoning Administrator or Plan and Review Commission may also retain the services of Retained Experts to review the Application and report to the Plan and Review Commission whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The Town Zoning Administrator 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 Town Zoning Administrator's sole and absolute discretion. If the Town Zoning Administrator determines that no additional information or expertise is necessary, the Application shall be deemed complete.

- 4) Conditions. The Plan and Review Commission may place conditions of approval upon the Conditional Use Permit/Mining Permit based on the following considerations or addressing the following concerns:
 - a) Any minimum operational standards for the Mining Operations, as set forth in Section P.
 - b) Any reporting requirements, as set forth in Section Q.
 - c) Any change in operation requirements, as set forth in Section R.
 - d) Any notification requirements regarding other Government Body or Agency reports, conditions, approvals or actions.
 - e) Any notification requirements regarding notices or violations issued by any other Government Body or Agency.
 - f) Reimbursement of all Town costs and expenses as described in Section M or as may otherwise be incurred.
 - g) Duration or phasing of the Conditional Use Permit/Mining Permit.

- h) Any conditions to address concerns of adverse effects of the Mining Operations.
 - i) Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations.
 - j) Any other conditions that the Plan and Review Commission may deem reasonable and necessary and that are:
 - i. Within the jurisdiction of the Town;
 - ii. Not arbitrary or unreasonable;
 - iii. Have a substantial relation to public health, safety, convenience and/or general welfare;
 - iv. Supported by substantial evidence; and
 - v. To the extent practicable, are measurable.
- 5) 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 Town Board are related to the purpose of this Ordinance and are based upon facts and information that would support the imposition of the condition.
- 6) Public Hearing and Determination by Plan and Review Commission. Within 120 days of receipt of the complete Application, the Town Board 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 Plan and Review Commission, and following the public hearing (which may be adjourned from time to time in the Plan and Review Commission's sole and absolute discretion) the Plan and Review Commission 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.
- 7) Approval and Issuance of Mining Permit. Upon the Plan and Review Commission'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.
- 8) Remedies on Denial. If the Plan and Review Commission denies the Conditional Use Permit/Mining Permit request, an Applicant may exercise any remedies available under the Town's ordinances or at law, including, but not limited to, an appeal to the Town Board of Appeal. The Town Board of Appeal shall apply the common law certiorari standard of review in rendering its decision and may elect to accept additional evidence, within the Board of Appeal'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.

O) Review and Approval Process for Local Agreement/Mining Permit

- 1) Application for Mining Permit by Local Agreement. The process set forth in this Section shall apply to an Application that requests the grant of a Mining Permit by virtue of the Town Board's approving and adopting a Local Agreement pursuant to Wis. Stat. § 293.41.
- 2) Initial Review. Upon receipt of an Application for Local Agreement/Mining Permit, the Town Zoning Administrator shall complete an initial review to determine if additional information or expertise is necessary to properly evaluate the Application. The Town Zoning Administrator's acceptance of an Application does not render the Application complete. The Town 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 Town regulations.
- 3) Notice of Receipt. Within 30 days of receipt of the complete Application, the Town 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 Town Board. A copy of the Application shall be made available for public review.
- 4) Additional Information. The Town Zoning Administrator or Plan and Review Commission may request the Applicant submit additional information if the Town Board determines that the Application is incomplete, or if the Plan and Review Commission determines that additional information is needed to determine whether the proposed Mining Operation will meet the applicable standards. The Plan and Review Commission or Zoning Administrator may also retain the services of Retained Experts to review the Application and report to the Town Board whether additional information is required for review of the Application and to determine whether the proposed Mining Operations meet the applicable standards. The Plan and Review Commission 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. When an Application is deemed complete, the Plan and Review Commission shall establish dates and locations for meetings to negotiate a Local Agreement.
- 5) Requirements in a Local Agreement. A Local Agreement shall include the following information and terms:
 - a) The requirements set forth in Wis. Stat. § 293.41(2) and in Sections I(2), I(3) and S(6)(b).

- b) Minimum operation standards such as those set forth in Section P.
 - c) Reporting requirements such as those set forth in Section Q.
 - d) Change in operation requirements such as those set forth in Section R.
 - e) Inspection, enforcement, procedures, and penalties such as those set forth in Section S, including a forfeiture schedule. The Town Board may delegate its enforcement powers under the Local Agreement to the Plan and Review Commission. Section S(6)(b) may not be modified in a Local Agreement/Mining Permit.
 - f) The process of reimbursement of all Town expenses incurred as a result of the Application review process and the negotiation process of the Local Agreement.
 - g) Other consideration for impacts of a Mining Operation paid to the Town or other units of government.
 - h) A copy of any reclamation plan provided to any agency of the State of Wisconsin or the Federal Government and, if no such plan exists, a detailed reclamation plan providing full and complete information on the nature of reclamation which the applicant purposes to undertake.
- 6) Optional Contents of Local Agreement. The Plan and Review Commission may consider the specific provisions in the Local Agreement related to the following, without limitation:
- a) Any conditions, requirements or restrictions needed to adequately address concerns of adverse effects of the Mining Operations.
 - 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 Town or partially within the Town.
 - c) Any conditions, requirements or restrictions related to employment and economic improvement as a result of the Mining Operations.
 - 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 Town.
 - e) Any notification requirements regarding notices or violations issued by any other Government Body or Agency.
 - f) Requirements to minimize the impact of Mining Operations on roads, bridges or other transportation infrastructure.
 - g) Reimbursement of all Town costs and expenses incurred by the Town, 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.

- h) Duration or phasing of the Local Agreement/Mining Permit.
 - i) Any recommendations or information provided by the Local Committee, other Government Body or Agency, or relating to other Applicable Laws and Regulations.
 - j) Any other conditions that the Town Board may deem reasonable and necessary.
- 7) Modification of Zoning Ordinance Requirements. Except for the requirements set forth in Sections I(2), I(3), and S(6)(b), a Local Agreement may modify, waive or alter the provisions of this Ordinance and any other Town 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.
- 8) Recommendation to the Town Board. Upon completion of negotiations, the Plan and Review Commission shall either recommend that the Town Board grant the Application's request for approval of the Local Agreement/Mining Permit, or recommend that the Town Board deny the Application's request for approval of the Local Agreement/Mining Permit. The Plan and Review Commission's recommendation shall not be binding upon the Town Board.
- 9) Decision by the Town Board.
- a) Notice and Hearing. Upon recommendation by the Plan and Review Commission, the Town Clerk shall place the Plan and Review Commission's recommendation on the agenda for the next regular meeting of the Town Board. At that meeting, the Town Board shall set a date for a public hearing. At least 15 days prior to the public hearing, the Town Clerk shall publish or post a class 2 notice under Wis. Stat. Chapter 985. At the public hearing, the Town Board shall take public comment on the Application and proposed Local Agreement/Mining Permit.
 - b) Town Board Decision. Within 30 days following the public hearing, the Town Chairperson shall set a date for a Town Board meeting to consider a final decision on the Application and Local Agreement/Mining Permit. At that meeting, the Town 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 Town Board. Consideration of the Local Agreement/Mining Permit may be adjourned from time to time as the Town Board may determine in its sole and absolute discretion.
 - c) Approval and Issuance of Mining Permit. Upon the Town 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.

- d) Effective Date. A Local Agreement/Mining Permit shall be effective after all of the Town Board, and the governing body of any County or tribal government which is identified as a party to the Local Agreement approve the Agreement in a public meeting.
- e) Remedies on Denial. If the Town 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.
- f) Recording. Upon approval of a Local Agreement/Mining Permit, the Town 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 O(9)(f).

P) Minimum Operational Standards Applicable to All Mining Permits

- 1) The standards set forth in this Section 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 P shall be deemed the minimum operational standards and no Mining Permit may allow standards below those set forth in this Section P unless set forth otherwise in a Local Agreement.

2) General Standards.

- 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.
- b) The Operator shall demonstrate to the satisfaction of the Town 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 the 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.
- 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.
- 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.

- 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.
 - 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 Town Clerk.
 - 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.
 - 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 Plan and Review Commission and the Town Board.
- 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 Town 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) 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:
 - a) The use of full cutoff shrouds on all lights.
 - b) Portable lighting shall be used only as necessary to illuminate temporary work areas.
 - 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.
 - 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.
- 6) Control of Noise.
 - 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.

- 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 Town within 30 days of the last test result.
- 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:
- 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.
 - b) No later than 30 days prior to blasting, the Operator shall provide written notice of its intended blasting to the Town Administrator and to each property owner whose property is located within two miles of the perimeter of the Mining Site.
 - 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.
 - d) The Operator shall comply with all Applicable Laws and Regulations when conducting blasting activities.
- 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 P(8) 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 Town and the Operator. All test and monitoring results shall be reported to the Town 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.

- 9) Fugitive Dust Control. In addition to any ambient air monitoring required by WisDNR, 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 stockpiles.

Q) Reporting

- 1) Considerations. The standards set forth in this Section 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.

2) Ongoing Reporting Requirements.

- a) The Operator shall provide notice to the Town 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 Town of such actions within 15 days after receiving such notice from the Government Body or Agency.
- 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 Town Clerk. Unless otherwise specified in this Ordinance, all monitoring data sampling results and any other test results shall be provided to the Town Clerk within 30 days of receipt of the results by the Operator.

3) Annual Report.

No later than October 1 of each calendar year, the Operator shall submit an annual report to the Plan and Review Commission for all active and intermittent Mining Sites and Mining Operations for which the Operator has a Mining Permit in Sawyer County. The Plan and Review Commission may require that the Operator appear at a Plan and Review Commission meeting to present the annual report and answer questions from the Plan and Review Commission. The Town Board may also require that the Operator appear at a Town Board meeting to present the annual report and answer questions from the Town 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.

- a) The annual report shall include the following information:
- i. An identification of the Operator and location of the Mining Site.
 - ii. A map or drawing of the entire Mining Site accurately showing each use, activity, and area associated with all Mining Operations.
 - iii. 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.
 - iv. 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.
 - v. 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.
 - vi. 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.
 - vii. 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.
 - viii. 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 Town issued the Mining Permit dated complies with all conditions of the Town 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 Town issued the Mining Permit dated ."
 - ix. Any other materials required in this Ordinance that may not have been already submitted at the time of the annual report.
 - x. Any other materials or information that the Zoning Administrator, Town and Review Commission or Town Board deems necessary.
- b) Quarterly Inspection Summary. The Operator shall submit to the Town Clerk, within 30 days following the close of each calendar quarter, a report summarizing the results of the following inspections:
- i. 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.

- ii. 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.
- iii. 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.
- iv. 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 Town officials during regular business hours. The Operator shall submit copies of inspection logs to the Town upon request.

R) Changes in Operation

- 1) Considerations. The standards set forth in this Section 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.
- 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 of 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.
- 3) Suspension or Termination of Mining.
 - a) An Operator must provide notice to the Town 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.
 - 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.

- c) Upon receipt of a notice of temporary halt in mining or upon a cessation lasting more than 180 days, whichever is sooner, the Plan and Review Commission 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.
 - 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 Plan and Review Commission re-evaluate this requirement based on exceptional circumstances. The Town and Review Commission shall not be obligated to grant the request for re-evaluation. The Plan and Review Commission's determination of the Operator's request for re-evaluation is not subject to appeal or other additional review.
- 4) Major Conditional Use Permit/Mining Permit Modifications or Amendment. If a Conditional Use Permit/Mining Permit has been issued, both the Town 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 R(4) and Section S(7)(b).
- a) The Town reserves the right to reopen and modify any Conditional Use Permit/Mining Permit if it is determined by the Plan and Review Commission, 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 Plan and Review Commission 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.
 - 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 Town 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 Town 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 N.

- 5) Minor Conditional Use Permit/Mining Permit Modifications and Amendments. Upon request by either the Town or the Operator for a minor modification to the Conditional Use Permit/Mining Permit, the Plan and Review Commission 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 R(4) are unnecessary and therefore inapplicable. If such a determination is made, the Plan and Review Commission may act on the proposed minor Conditional Use Permit/Mining Permit modification at a properly noticed Plan and Review Commission meeting. The Plan and Review Commission's decision shall require a majority vote by the Plan and Review Commission.
- 6) Local Agreement/Mining Permit Modification and Amendment
 - a) The Town 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.
 - b) The Local Agreement/Mining Permit may address both major modifications and amendments and minor modifications or amendments.
 - 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 I(3) and Section O(7).
 - d) The Town Board may delegate its authority to modify, amend, suspend or revoke a Local Agreement/Mining Permit pursuant to this Section S(6)(c) to the Plan and Review Commission.
- 7) Transfer of Mining Permit. When one Operator succeeds to the interest of another in a Mining Site, the Town shall release the current Operator of the responsibilities imposed by the Mining Permit only if all the following conditions are met, pursuant to the Town's reasonable discretion:
 - 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.
 - 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.
 - 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.

- d) The Plan and Review Commission makes a written finding that all conditions of the existing Mining Permit will be complied with by the successor Operator.
 - e) The Local Agreement, if any, is amended to reflect the change in Operator and Persons responsible under the Local Agreement.
- 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.
- S) Inspection, Enforcement, Procedures and Penalties Associated with a Mining Permit
- 1) Application of Section S. The provisions of this Section S apply to a Conditional Use Permit/Mining Permit. The provisions of this Section S shall be considered for inclusion in a Local Agreement/Mining Permit provided, however, that the terms set forth in Section S(6) are required elements of a Local Agreement unless otherwise agreed by a majority vote of the Town Board.
 - 2) Inspection of Mining Operation.
 - 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 Plan and Review Commission 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 S.
 - 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 Plan and Review Commission or its designee(s) to assist the Plan and Review Commission to determine compliance with the provisions of this Ordinance.
 - c) The Operator shall provide access to the Mining Site and Mining Operations to allow the Plan and Review Commission 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.

- d) If, as a result of any inspections or investigations, the Plan and Review Commission determines that any Retained Expert should undertake any further inspections or investigations, the Town may hire a Retained Expert, the expense of which shall be paid by the Operator pursuant to Section M. If the Operator fails to provide access for the inspections or investigations, or provide payment of the Town's expenses, the Town may take enforcement action under this Section S or as otherwise set forth in this Ordinance.
- 3) Violations. In addition to failure to comply with any provision of this Ordinance, the following are specific violations under this Ordinance:
- a) Failure to comply with any term or condition set forth in the Conditional Use Permit/Mining Permit.
 - 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.
 - c) Engaging in any Mining Operation or any activities associated with metallic mining without a Mining Permit granted by the Town pursuant to this Ordinance.
 - d) Failure to comply with the applicable minimum standards and other terms of this Ordinance, all other Town 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.
 - 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 Town or its designees or other duly appointed representatives.
 - f) Failure to timely file the annual operational report under Section Q.
 - 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.
 - h) Failure to provide or maintain any financial assurance required as a condition to issuing the Mining Permit.
 - 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 Town.

- 4) Notice of Violation. The Plan and Review Commission 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.
- a) The Plan and Review Commission shall issue a notice of violation within 30 days of the Town'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 Town's satisfaction.
 - 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 Plan and Review Commission, provided such person shall file with the Town 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 Town Clerk shall set a time and place for a hearing before the Plan and Review Commission and shall give the petitioner written notice thereof. In the event the petitioner is not the Operator, the Town shall provide notice of the hearing to the Operator.
 - c) After the hearing, the Plan and Review Commission by a majority vote, shall sustain, modify or withdraw the notice, or modify the order, depending on the Plan and Review Commission's findings, as to whether the provisions of this Ordinance have been complied with. The petitioner shall be notified within 10 days of the \ Plan and Review Commission's issuance of its findings and any modification of the order. In the event the petitioner is not the Operator, the Town shall provide a copy of the Plan and Review Commission's findings of fact and any modification of the Town's order to the Operator.
 - d) The proceedings of the public hearing, including the findings and decision of the Plan and Review Commission and the reasons therefor, shall be summarized in writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

- e) If the Operator fails to correct or cure the violation to the Plan and Review Commission's satisfaction in accordance with any compliance schedule, order or other findings approved by the Plan and Review Commission, the Plan and Review Commission may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures.
 - f) Prior to the Town's issuance of a notice and order, and prior to the public hearing set forth in Section S(4)(b) above, the Town 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 S(5) in the event of any violation of this Ordinance or the Mining Permit.
- 5) Remedies. The Plan and Review Commission 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:
- a) Issue a stop work order for all Mining Operations.
 - b) Issue a notice of violation and order that specifies the action to be taken to remedy a violation.
 - c) Issue a citation in accordance with the Town's citation ordinance or pursuant to the Town's general authority.
 - 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 S(9) and injunctive relief.
 - e) Suspend or revoke the Conditional Use Permit/Mining Permit pursuant to Section S(6) or Section S(7).
- 6) Suspension or Revocation of Mining Permit Issued Pursuant to Section O as a Local Agreement/Mining Permit.
- a) Upon receipt of a notice of violation as set forth in Section S(4), and after giving notice and conducting a hearing if requested pursuant to Section S(4)(b), the Town 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.

- b) Any suspension or revocation of a Local Agreement/Mining Permit, whether in part or in full, shall require a majority vote by the Town Board.
 - c) The Town Board may delegate its authority to suspend or revoke a Local Agreement/Mining Permit pursuant to this Section S(6)(c) to the Plan and Review Commission. If the Town Board delegates its authority to the Plan and Review Commission pursuant to this Section S(6)(c), any reference to the Town Board in Section S shall also include the Plan and Review Commission.
- 7) Suspension or Revocation of Conditional Use Permit/Mining Permit.
- a) Upon receipt of a notice of violation as set forth in Section S(4) and after giving notice and conducting a hearing if requested pursuant to Section S(4)(b), the Plan and Review Commission 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 S(7), the Plan and Review Commission may suspend or revoke a Conditional Use Permit/Mining Permit pursuant to the terms of Section S if such suspension or revocation is necessary to protect public health, welfare and safety.
 - 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 Town Board.
 - c) The Town Board may delegate its authority to modify, amend, suspend or revoke a Conditional Use Permit/Mining Permit pursuant to this Section S(7)(c) to the Plan and Review Commission. If the Town Board delegates its authority to the Plan and Review Commission pursuant to this Section S(7)(c), any reference to the Town Board in Section S shall also include the Plan and Review Commission.
- 8) General Revocation Provisions Applicable to All Mining Permits. The following shall apply to revocation of any Mining Permit:
- 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 Town is a party.
 - 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.

- 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 Plan and Review Commission. Each day of violation is a separate offense.
- a) The Plan and Review Commission 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 Town Clerk within 10 days.
 - b) The Town shall be entitled to recover from the violator the reasonable and necessary expenses associated with prosecution of the violation.
 - c) All funds recovered pursuant to this Section S will be placed in an assigned account established by the Town and used at the Plan and Review Commission's sole discretion consistent with achieving the intent of this Ordinance.
 - d) The remedies provided herein shall not be exclusive of other remedies.
 - e) If the Operator fails to correct or cure the violation to the Plan and Review Commission's satisfaction in accordance with any compliance schedule approved by the Plan and Review Commission, the Plan and Review Commission may revoke the Mining Permit and commence legal action against the Operator for injunctive relief and additional appropriate forfeitures.
- 10) Non-Waiver. A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present or future violations.
- a) Effective Date and Revisions to Existing Town Zoning Ordinance. Section 6.25 shall become effective as provided in Section C(5) upon its adoption and publication by the Town of Spider Lake Town Board.

SECTION 6.25 (METALLIC MINING)

ADOPTED 1-9-2019

6.3 Salvage Yards

No salvage yard shall be permitted in the Town of Spider Lake except in conformance with the standards, rules, and regulations of Wisconsin Administrative Codes and the requirements herein specified.

A) General

No salvage yard shall be permitted in the Town of Spider Lake except in conformance with the standards, rules, and regulations and requirements herein specified. A salvage yard shall not be operated until it has been authorized by conditional use by the Town Plan and Review Commission and a Conditional Use Permit obtained.

B) Locational Criteria

No person shall establish, operate, maintain or permit the use of the property for salvage within the following areas:

- 1) Within one thousand (1,000) feet of any navigable lake, pond, or flowage.
- 2) Within three hundred (300) feet of a navigable river or stream.
- 3) Within a flood plain.
- 4) Within wetland or critical habitat area.
- 5) Within any area from which the Zoning Administrator, after investigation, finds there is a reasonable probability that oil, gas, antifreeze, or a liquid material leaching therefrom may have a detrimental effect on any surface water or groundwater or the environment.

C) Plan of Operation

No person or firm shall establish a new salvage yard or expand an existing salvage yard until a plan of operation has been submitted to and approved by the Plan and Review Commission in writing. The plan of operation shall include at a minimum the following:

- 1) A map and an aerial photograph of the area showing land use and a zone district map showing zone districts within one-half (1/2) mile of the salvage yard boundaries. The maps and aerial photograph shall be of sufficient scale to show all salvage yard boundaries, all homes, industrial buildings, roads, watercourses and other applicable details. All such details, plus the topography and north direction shall be identified and indicated on the maps and aerial photographs.
- 2) A plot plan of the site showing direction, dimension, elevation, surface drainage, access roads, fencing, means of limiting access such as gates to the yard, a method of screening and proposed layout of operation covering location of salvage material processing area, non-salvageable material storage area and liquid material handling and storage area.
- 3) A report indicating the following:
 - a) The type and expected quantity and source of material to be brought to the yard.
 - b) The type of equipment to be provided at the yard for processing purposes.
 - c) The means for on-site storage of non-salvageable items and the means for disposal.

- d) Types and means for fencing and screening of the salvage yard property.
- e) Procedures for emergency fire control.
- f) Persons are responsible for actual operation and maintenance of the yard.
- g) Operation procedures which detail how compliance will be achieved with Section 6.3D.

D) Operational Requirements

No person shall operate or maintain a salvage yard except in conformance with the approved plan of operation and the following practices:

- 1) Garbage or similar putrescible material and refuse shall not be present at a salvage yard.
- 2) No salvage yard shall be operated at a solid waste land disposal unless both operations are completely separated or fenced.
- 3) No open burning of solid waste shall be conducted.
- 4) The yard shall be surrounded by a solid fence to screen it from the surrounding area.
- 5) A sign shall be posted at the entrance indicating the owner's name and the hours the yard will be open. Letters shall be a minimum of two (2) inches high with one-half (1/2) inches minimum width and in a color distinct from its background.
- 6) The operation shall be conducted in an orderly and aesthetic manner.

E) Existing Salvage Yards

- 1) All existing salvage yards that do not meet the required screening must be screened with a solid fence effective with the adoption of Section 6.3.
- 2) All existing salvage yards that do not comply with the licensed area specified in the original DNR license will remove all salvaged vehicles and materials to the original licensed area, effective with the adoption of Section 6.3.

F) Antique and Hobby Autos

Any person may engage in collecting and refurbishing antique vehicles with a maximum of twelve (12) autos in screened or enclosed storage and in compliance with Section 6.3 (B) (5). (A) Conditional Use Permit will be required from the Plan and Review Commission after an investigation of the premises.

G) Exemptions

- 1) Operations used exclusively for the storage of two (2) or less inoperable or unlicensed vehicles are exempt from the requirements of Section 6.3.

- 2) Auto service repair garages and auto body shops are exempt when vehicles are placed or stored for repair purposes.

H) Force and Effect

Following adoption by the Town Board of Supervisors, Section 6.3 shall be in full effect and force as provided in Section 60.61 and 60.62, Wisconsin Statutes.

6.4 Garbage and Refuse Disposal Sites

No garbage or refuse disposal sites shall be permitted in the Town of Spider Lake except in conformance with the rules and regulations of NR 180 and NR 151 of the Wisconsin Administrative Code. Garbage and refuse disposal sites shall be permitted by Conditional Use Permit only.

6.5 Mobile Home Park

Except as otherwise specifically authorized, no mobile home intended for occupancy whether temporary or permanent shall be located within the Town of Spider Lake except in a mobile home park, the plan of which has been approved by the Plan and Review Commission, Town Board and the appropriate State agency. Such parks shall meet the following requirements:

- A) Minimum size: ten (10) acres. Maximum size: fifteen (15) acres.
- B) Maximum number of mobile home sites: three (3) per each usable acre excluding wetland and setbacks.
- C) Minimum width of mobile home site: forty (40) feet.
- D) Maximum height of mobile home: twenty-two (22) feet.
- E) Minimum distance between mobile homes: twenty (20) feet on all sides including appendages.
- F) Minimum distance between mobile home and service road: thirty (30) feet including appendages.
- G) Each mobile home site shall be connected to a public or common water supply and a public or common sewage disposal system.
- H) All drives, parking areas, and walkways shall be at least gravel surfaced.

There shall be one (1) parking space for each mobile home and additional parking spaces for automotive vehicles within the park, totaling not less than one and one quarter (1 1/4) parking spaces for each mobile home space.

- I) No mobile home sales office or other business or commercial use shall be located on the mobile home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage, and one (1) office are permitted.
- J) Minimum setbacks: Fifty (50) feet from all front, side, and rear lot lines of the mobile home park.
- K) Each mobile home shall be placed on a four (4) inch crushed rock base of a size sufficient to accommodate the use. The location of each stand shall be at such elevation, distance, and proximity to access ways that the placement and removal of the mobile home are practical and in satisfactory relationship to its surroundings. Appropriate material, properly graded, placed, and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons should be used.
- L) All mobile home parks shall be screened in accordance with Section 7.0 of this Ordinance.
- M) All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association, and applicable state and federal laws.
- N) Mobile home parks shall comply with the sanitation regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.
- O) Any trailer over (320) three hundred and twenty square feet in area or over (8'6") eight feet six inches wide will be classified as a mobile home under this Ordinance.
- P) No mobile home is allowed within the shorelands as defined in Wisconsin Administrative Code NR 115.
- Q) Any action that results in a change in use of a mobile home park as defined in Section 2.0 Definitions (MOBILE HOME PARK), shall not result in the creation of lots/sites/parcels that are substandard in size based on the most restrictive requirements of either the lakes Classification or the property's zone district. Examples of such changes in uses would be, but are not limited to, the conversion of a mobile home park from sites that are leased, rented or open to the public for nonpermanent use, to sites that are intended to be offered to the public for purchase.

6.6 Trailer Camps and Campgrounds

PURPOSE. Campgrounds and recreational vehicle parks are not intended to be used for the permanent or long-term residency of site occupants. Construction activities that result in permanency or give the impression of permanency shall be strictly regulated.

All major recreational equipment/vehicles, park model trailers, and camping cabins must be located in a Federal, State, County, and Town or in a privately owned campground, the plan of which has been approved by the Town Board and appropriate State agencies. Such campgrounds and trailer camps shall meet the following requirements:

- A) Minimum size: Five (5) acres.
- B) Maximum number of sites: Seven (7) per each useable acre excluding wetlands and setbacks and not to exceed fifty-six (56) total sites.
- C) Each site shall be plainly marked and surfaced.
- D) All drives and parking areas other than those at individual sites shall be surfaced with at least a gravel surface.
- E) Central toilet, shower, and washing facilities shall be provided in sufficient quantity, as determined by the appropriate State Agencies as provided by State Statutes.
- F) Water supply and sewage disposal shall comply with the regulations of the Sawyer County Private Sewage System Ordinance and the appropriate requirements of the Wisconsin Administrative Codes.
- G) No sites shall be less than fifty (50) feet from the front, side, or rear lot lines of the camp.
- H) Wetland and shoreline areas shall not be altered.
- I) The screening provisions of Section 7.0 of this Ordinance shall be met.
- J) Camping Cabins and Park Model Trailers
 - 1) Construction, building, placement or use of a Camping cabin on the grounds or premises of a trailer camp or campground shall not be a permitted use and shall be considered a conditional use requiring compliance with Section 8.0 of this Ordinance and shall not exceed two hundred forty (240) square feet and ten (10) feet in height. The connection or installation of any plumbing fixtures, sewer or water facilities is prohibited. Camping cabins shall not have any interior walls, partitions, second story or loft.
 - 2) Park Model Trailers: Placement or use of a Camping cabin on the grounds or premises of a trailer camp or campground shall not be a permitted use and shall be considered a conditional use requiring compliance with Section 8.0 of this Ordinance and shall not exceed Four Hundred forty (440) square feet in size in the setup mode. The placement of park model trailers are allowed in licensed campgrounds only. The chassis and axles shall remain on the unit, with a tow bar or hitch and wheels left at the site. The construction of a foundation underneath shall be prohibited.

- K) Use of a trailer camp or campground is strictly for temporary use. See State Statutes DHS178.
- L) Any action that results in a change in use of either campgrounds or RV parks as defined in Section 2.0 Definitions (Campground), shall not result in the creation of lots/sites/parcels that are substandard in size based on the most restrictive requirements of either the lakes Classification or the property's zone district. Examples of such changes in uses would be, but are not limited to, the conversion of a campground/RV park from sites that are leased, rented or open to the public for nonpermanent use, to sites that are intended to be offered to the public for purchase.

6.7 Major Recreational Equipment/Vehicles

No major recreational equipment/vehicles shall be parked or stored on any lot in a residential zoning district in the Town of Spider Lake except in a garage or carport or behind the nearest portion of a building to a street or road. Such equipment/vehicles may be parked anywhere in the Town of Spider Lake for a period not to exceed twenty-four (24) hours during loading or unloading. No such equipment/vehicles shall be used for living or housekeeping purposes when parked or stored on a lot, or in any location not approved for such use. This section does not apply to trailer camps or camping grounds.

6.8 Kennel or Kennel/Boarding

As defined herein shall be a conditional use, if there are more than three (3) small domestic animals such as cats and dogs boarded, housed, or kept for the purpose of breeding, sale or sporting purposes, for other than personal and private use. Said conditional use shall meet the following requirements.

- A) Lot size: Five (5) acres.
- B) Lot width: Two hundred (200) feet.
- C) Side yard setback: Fifty (50) feet.
- D) Backyard setback: Fifty (50) feet.
- E) Front yard setback: Section 4.2 A), setback requirements on highways and roads.
- F) Sanitary facilities provided for under applicable Wisconsin Administrative Codes.
- G) Perimeter fencing: minimum height of five (5) feet with minimum depth underground of twelve (12) inches; minimum fence gauge of eleven (11).
- H) Living quarters on the same premises as kennel with occupancy restricted to property owner-operator.
- I) Subject to the provisions of Chapter 174 of the Wisconsin Statutes.

- J) The maximum number of animals over five (5) will be determined by the Conditional Use Permit.

6.9 Resorts

The special uses in this subsection shall be considered as conditional uses and the procedure and requirements of Section 8.0 governing Conditional Use Permits shall apply.

- A) New Resorts. The development and construction of new resorts shall comply with all requirements of this Ordinance as they pertain to the issue of land use permits for residential dwelling construction. Each dwelling unit within such new resort must meet the minimum lot size, width and depth requirements of the Lake Class Development Standards, and shall require immediate contiguous lakeshore frontage.

- B) Existing Resorts.

Introduction: Recognizing the historical and economic significance of resorts in The Town of Spider Lake, certain special consideration is given to help assure their continued survival and viability. Except for the items contained below, all resorts must meet the criteria specified elsewhere in this ordinance.

- 1) A resort existing at the time this ordinance is put in effect, but does not meet the minimum LOT size for the number of existing principal structures, is “grandfathered” for the number of those principal structures. Existing principal structures may be replaced with the issue of a Land Use Permit provided that they are meeting the conditions set forth in Part II of this ordinance and:
 - a) Compliance with 6.9 (5) a-d
 - b) The resort owner agrees to provide mitigation to the shoreline in an area between the building and the shoreline for the width of the building (See Part II Section 18) MITIGATION.
- 2) The minimum lot size shall consist of a minimum lot width of one hundred (100) feet, a minimum lot depth of two hundred (200) feet and a minimum lot area of twenty thousand (20,000) square feet. Notwithstanding this provision, a resort cabin shall not be sold individually at any point in time unless it meets the requirements for the minimum two hundred (200) feet of frontage under other provisions of this Ordinance.
- 3) Yard Setback Required: As indicated for RR-2 District in the Zoning Schedule - Dimensional Requirements as stated in Section 16.0
- 4) Minimum Floor Area Residence: As indicated for RR-2 District in the Zoning Schedule Dimensional Requirements as stated in Section 16.0.

- 5) A resort in existence at the time this ordinance is put in effect shall have its landmass treated in its entirety and be exempt from lot size and frontage requirements of the Lake Class Development Standards. Calculations of landmass for purposes of this section relating to existing resorts shall not include that portion of a resort that has been converted to a condominium type of ownership in which the dwelling units (resort cabins) are privately owned and such unit owner is entitled to the exclusive ownership and possession of that unit. The land mass to be deducted shall be the minimum parcel area per condominium unit based on the most restrictive of either Lake Class Development Standards or zone district requirements. Existing resort regulations shall be based on density and land mass as follows:
- a) The cumulative square footage of all impervious surfaces within 300 feet of the OHWM shall not exceed 15% of the total square footage of the resort land area that is located within 300 feet of the OHWM.
 - b) The cumulative square footage of all impervious surfaces more than 300 feet from the OHWM but within the Shoreland District shall not exceed 30% of the total square footage of the resort land area located more than 300 feet from the OHWM but within the Shoreland District.
 - c) A Conditional Use Permit shall be required to exceed these impervious surface requirements. An application for a Conditional Use Permit shall be submitted per Section 8.0. Impervious Surface Limitations.
 - d) All standards for setbacks from septic systems, wells, roadways, side yards, Shoreland and wetlands apply.
- 6) Construction of additional principal buildings within an existing resort shall meet the following density/setback criteria:
- a) All of item B(4)(a), above.
 - b) Be at least 75 feet from the OHWM.
 - c) Be at least 20 feet from any other building.
 - d) Conditional Use Permit requirements for Multi-Dwelling Development shall apply.
 - e) Have a minimum frontage of 100 feet adjacent to any lake, pond, flowage, river, stream or public roadway maintained by a government entity for each existing and proposed resort cabin.
 - 1) To determine lakeshore frontage per dwelling unit, divide the total lake shore frontage by the total number of existing and additional dwelling units.

- 7) Any expansion of an existing dwelling unit located within the Shoreland District is subject to the requirements of Part II of this Ordinance.
- 8) Any use corridor shall not exceed 30 feet in width and the cumulative width of all use corridors within the resort shall not exceed 30% of the total shoreline frontage except as provided in Part II.

6.10 Condominium

- A) A condominium is defined hereunder in Section 2.2 (18)
- B) Pursuant of Wisconsin Statutes SS 703.27, any property, or parcel of real estate, or condominium unit or other condominium improvement shall be governed by all rules and regulations of this Ordinance that can be imposed upon a physically identical development under a different form of ownership, or upon a substantially similar land use, under a different type of ownership.
- C) A Condominium Plat shall be reviewed by the Town of Spider Lake Zoning Administrator and the Town of Spider Lake Plan and Review Commission prior to the recording in the county of recording. Said review shall be completed within 10 working days after submission of the condominium instrument, and if not completed within the said time period, said instrument shall be deemed approved. The instrument may be rejected only if it fails to comply with the applicable requirements of SS 703.095, 703.11 (2)(a)(c)(d) and (3), 703.275(5) and 703.28(1m) or if the certificate under 703.11(4) is not attached to or included in the Condominium Plat, and said plat must comply with the Town of Spider Lake Ordinances regarding condominiums. An approval, disapproval, or approval with conditions of any Condominium Plat or declaration shall be made in writing and issued by the Town of Spider Lake Plan and Review Commission.
- D) If a Condominium Declaration and Plat, or the creation thereof, modifies, alters, or otherwise changes the land use of the subject property at the time of the creation of said Condominium Plat and Declaration, and said change of use is not an allowed use under any provision of this Ordinance which is applicable to the subject property, the creation of the Condominium Plat shall be considered a Conditional Use and subject to the Conditional Use provisions of Section 8 of this ordinance.
- E) Application standards. The committee shall apply all zoning regulations and other rules promulgated by the Town of Spider Lake to any Condominium Plat, property, or unit as would be applicable to any physically identical development under a different form of ownership, or to substantially similar land use under a different form of ownership. The dimensional requirements of Section 16.0 and Part II shall govern the applicable lot size, height, setbacks, floor area, roadway frontage, river frontage and lakeshore frontage, lot depth, and lot size. Each condominium unit shall comply with any and all regulations under this Ordinance that would be

imposed upon a physical identical or similar structure or development under a different form of ownership.

- F) New Condominiums. All new condominium development of land that is not part of an existing condominium of record shall be in accordance with WisStat.703.27 and shall comply with all requirements of this ordinance as they pertain to the issue of land use permits or Conditional Use Permits for residential dwelling construction.
- G) Existing Condominiums. Existing condominium units of record, as indicated by the recording of a condominium plat and condominium declaration, that do not meet the minimum requirements for residential development as stated in this ordinance may expand only to the extent of the existing and proposed units as indicated on the recorded plat subject to conditions set forth in Part II of this Ordinance if such units are within a Shoreland/Wetland District. The creation of additional units beyond those indicated on the plat shall be in accordance with the lake class development standards.
 - 1) Expansion of condominium units. The expansion of existing nonconforming condominium units shall be in accordance with Part II of this Ordinance if the units are located in the Shoreland District.
 - 2) Owners of condominium units shall provide a letter of approval signed by an officer of the condominium association stating:
 - a) That any proposed expansion or construction activities has the approval of the condominium association, and
 - b) Who specifically (i.e., either the owner of the condominium unit or the condominium association) shall accept the responsibility for the completion of any required mitigation or other conditions required for the issue of any permit.
- H) To determine lakeshore frontage per dwelling unit, divide the total lake shore frontage by the total number of existing and additional dwelling units.
- I) A Condominium Plat, which borders or is adjacent to a navigable body of water, stream or river, which is subject to the Shore Land Development rules, and the Lake Classification Standards of the Town of Spider Lake, shall so comply with all regulations there under. Each new condominium dwelling unit shall require sufficient immediate contiguous lake shore frontage, square footage and lot size, so as to comply with the provisions of the Lake Classification Standards of this Ordinance.
- J) All Condominium Plats and developments shall comply with Chapter 703 Wisconsin Statutes.
- K) Refer to PART II Subdivision Control 2.16

6.11 Alternative or Renewable Energy Systems

A) Purpose and Intent

In order to preserve public health and safety as well as to promote the other purposes set forth in Section 1.1 of this ordinance, a Conditional Use Permit is required for the construction, installation or modification of alternative or renewable energy systems. These systems include, but are not limited to: solar systems, wind energy systems, geothermal units, and energy producing digester systems. External wood-burning units, not solely used for heating of an existing residential structure on the site, also require a Conditional Use Permit

The provisions of this section are intended to be no more restrictive in those instances where Wisconsin statutes or administrative rules apply to political subdivisions in determining whether to issue a conditional use permit Conditional Use Permit (See for example Wis. Stat 66.0401). Such statutes and rules are incorporated herein by reference.

B) Conditional Use

In addition to the general requirements contained in Section 8, any person seeking a Conditional Use Permit for an alternative or renewable energy system shall disclose whether the system has a primary or secondary purpose of providing energy to third parties and shall provide the following information along with a copy of the conditional use application:

- 1) A site plan for the system that clearly shows:
 - a) The proposed location of the system or unit on the site owned or leased by the applicant;
 - b) The components of the system or unit (including but not limited to height, size, etc.);
 - c) The relationship to property lines; existing structures, required setbacks and easements;
 - d) Elevation drawings showing natural features;
- 2) An engineering analysis showing the system is designed to operate in compliance with current laws such as air quality standard requirements, noise abatement, etc., and denoting the energy generating capacity of the system;
- 3) An estimate of the useful life of the system;
- 4) A description of the decommissioning process and the cost of decommissioning or removal of the system.

C) General

- 1) For the purpose of issuance of necessary permits and inspections, all alternative energy systems are deemed to be structures. As a condition of the issuance of the Conditional Use Permit for an alternative or renewable energy system, the permit holder shall allow access to the site by the Zoning Administrator.

- 2) Alternative and Renewable Energy Systems also shall be subject to the conditional use procedures and provisions as provided in Section 8.
 - 3) In evaluating proposed alternative energy systems, consideration shall also be given to whether the proposed location is in an area designated primarily for residential or commercial development.
- D) Severability
The provisions of this section shall be deemed severable and it is expressly declared that the Spider Lake Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid and if any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.
- E) Exclusion Individual solar powered lights and solar collector panels less than 144 square inches are exempt from these requirements.

6.12 General Standards for Home Occupation or Professional Office.

The following standards shall apply to all Home Occupation or Professional Offices:

- A) The home occupation of professional office shall be incidental and subordinate to the principal use of the lot or parcel.
- B) The home occupation of professional office shall not occupy more than twenty-five percent (25%) of the total floor area of the principal structure or seven hundred fifty (750) square feet in an accessory structure, not more than one (1) nonresident person may be employed in the premises.
- C) The use shall not detract from the residential character or the welfare of the surrounding properties by creating increased noise, septic disposal, well water withdraw, traffic, lighting or parking.
- D) There shall be no exterior evidence of the home-based business except Signs subject to the provisions of Section 5.0.
- E) Delivery or pickup of goods shall not exceed that normally resulting from or associated with residential uses.
- F) No machinery, mechanical devices or equipment that generate noise, vibration, fumes, radiation, odor, glare, smoke, steam, electrical interference or other conditions that is detectable to the normal senses off premises and could reasonably result in a nuisance to neighbors will be allowed.
- G) The home occupation may increase vehicular traffic flow and parking by no more than two additional vehicles at a time. No more than ten customers or clients shall come to the dwelling unit for services or products during any one day. Parking generated by the conduct of home occupations shall be off the street and not in the required front yard.

- H) No process, chemicals or hazardous materials contrary to State or Federal laws shall be used or stored on site.
- I) No home-based business will be allowed to operate in a multi-family dwelling unit.
- J) No large equipment (such as excavating or road construction equipment) shall be allowed in any Residential Zoning District, or on Agricultural zoned parcels of five acres or less, for storage or continuous parking.
- K) No more than one service truck or two pickup size vehicles shall be allowed in Residential Zoning Districts, or on Agricultural zoned parcels of five acres or less for storage or continuous parking. Vehicles must have a valid license and must be in operable condition.
- L) No retail sales of merchandise or other products not associated with the business conducted on the premises will be allowed.
- M) The outdoor storage of goods and/or materials associated with the home occupation is prohibited.

SECTION 7.0 SCREENING AND FENCING

7.1 General Provisions

Screening and/or fencing as required by this Part shall be subject to the following provisions:

A) Approval Required

Any use or conditional use listed in this Ordinance requiring screening or fencing shall be permitted only when authorized by the Town Board and subject to its approval of a screening or fencing plan for that particular use.

B) Objective

Planting or other suitable screening including fences or freestanding walls shall be required when deemed necessary for screening or enclosure purposes by the Plan and Review Commission and Town Board such as around 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:

- 1) Screening of objectionable views;
- 2) Adequate shade;
- 3) Enclosure of storage materials;
- 4) Public health and safety; and
- 5) Establishing a suitable setting for the particular use and other facilities.

C) Extent:

- 1) Screen planting: 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.
- 2) Other planting: For mobile home parks and campgrounds, other planting should be adequate in size, quantity, and character to other improvements, to provide adequate privacy and pleasant outlook for living units, to minimize reflected glare, and to afford summer shade.
- 3) Existing planting: Acceptable as required planting to the extent that it is equivalent, suitable and preserved in good condition.
- 4) Fences and walls: Appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather, and use. Refer to Part II of this ordinance in respect to fences and walls contained in a Shoreland District.

- 5) All screening, fences, and walls required by this Ordinance shall be maintained so as not to provide an objectionable view by themselves.

SECTION 8.0 CONDITIONAL USES

8.1 Conditional Use

Any use designated in this Ordinance by Conditional Use Permit shall be permitted only upon issuance of a Conditional Use Permit authorized by the Town Plan and Review Commission and approved by the Town Board. A discretionary statement requiring an Environmental Impact Analysis may be required.

8.2 Procedure

- A) Application and Fee. An appropriate form, together with the fee as determined by the Town Board, shall be filed with the Town Zoning Administrator.
- B) Public Hearing. Before the Town Board shall pass upon the application, the Town Plan and Review Commission shall hold a public hearing on said applicant's request after which the Committee shall make a recommendation thereon to the Town Board.
- C) Notice. Prior to the aforementioned public hearing, notice thereof shall be given as specified in Section 13.0 of this Ordinance.
- D) Town Board Action. After receiving the recommendation of the Town Plan and Review Commission, the Town Board shall approve the applicant's request, approve it with conditions attached or deny it. Any approval with conditions attached or denial shall state in writing the conditions or grounds for denial as the case may be. An approved Conditional Use Permit shall expire twelve (12) months from the date of the approval, if the applicant fails to proceed with implementing the use for which the Conditional Use Permit was obtained.
- E) Recording. When a Conditional Use Permit is issued, an appropriate record shall be made of the land use and structures permitted as well as the conditions, if any, contained in the Conditional Use Permit. It shall be applicable solely to the structures, use and/or property so described. The Town Zoning Administrator shall keep such as part of his official records.

8.3 Termination

Where a conditional use or structure does not continue in conformity with the conditions of the permit issued, the conditional use or structure shall be terminated by action of the Town Board.

8.4 Standards Applicable To All Conditional Uses

In passing upon a Conditional Use Permit, the Plan and Review Commission and Town Board may evaluate the effect of the proposed use upon:

- A) The maintenance of safe and healthful conditions.
- B) The prevention and control of water pollution including sedimentation.

- C) Existing topographic and drainage features and vegetative cover on the site.
- D) The location of the site with respect to floodplains and floodways of rivers or streams.
- E) The erosion potential of the site based upon degree and direction of slope, soil type, and vegetative cover.
- F) The location of the site with respect to existing or future access roads.
- G) The need of the proposed use being placed in a Shoreland.
- H) Its compatibility with uses on adjacent land.
- I) The number of liquid wastes to be generated and the adequacy of the proposed disposal system.
- J) Location factors under which:
 - 1) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - 2) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

8.5 Conditions Attached to Conditional Uses

Upon consideration of the factors listed above, the Town Board may attach such conditions, in addition to those required elsewhere in any Part of this Ordinance, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance. Such conditions may include specifications for (without limitation because of specific enumeration): type of shore cover; increased setbacks and yards; specified sewage disposal and water supply facilities; landscaping and planting screens; period of operations; operational control; sureties; deed restrictions; locations of piers, docks, parking and signs; recording, and type of construction or any other requirements necessary to fulfill the purposes and intent of this Ordinance.

In order to secure information upon which to base its determination, the Town Board may require the applicant to furnish, in addition to the information required in the application or other zoning permits, the following information:

- A) A plan of the area showing contours, soil types, OHWM, groundwater conditions, bedrock, slope, and vegetative cover.
- B) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open spaces, and landscaping.

- C) Plans of structures, sewage disposal facilities, water supply systems and arrangements of operations.
- D) Specifications for areas of proposed fillings, grading, lagooning or dredging.
- E) Other pertinent information is necessary to determine if the proposed use meets the requirements of this Ordinance.

Upon consideration of the factors listed above, the Plan and Review Commission and Town Board may require an Environmental Impact Analysis as defined in Article 6 Appendix A in Part II Subdivision Control

The Town Board or the Town Plan and Review Commission, in evaluating each application may request the County Soil and Water Conservation District or other government agencies to make available expert assistance from those state and federal agencies which are assisting said district or agencies under a memorandum of understanding and any other state or federal agency which can provide technical assistance.

SECTION 9.0 ADMINISTRATIVE

9.1 Zoning Administrator

- A) The Town Board shall appoint a Town Zoning Administrator for the administration and enforcement of provisions of this entire ordinance. The Town Board may also authorize the designation of a Deputy Zoning Administrator to assist the Town Zoning Administrator in the enforcement and administration of this ordinance.
- B) Duties in administering and enforcing this entire ordinance, the Town Zoning Administrator and any of his/her deputies shall perform the following duties:
 - 1) Provide necessary forms and applications for Permits and the like.
 - 2) Issue Land Use Permits in compliance with this Ordinance with customary conditions that will allow the Town Zoning Administrator to perform the Zoning Administrator's duties.
 - 3) Issue Conditional Use Permits when authorized by the Town Board.
 - 4) Survey the Town upon adoption of this Ordinance and when necessary, upon passage of amendments, identify and record information relative to nonconforming uses and structures.
 - 5) Maintain files of applications, permits, and other relevant information.
 - 6) Make a monthly update of his/her activities to the Town Board with an annual report in January.
 - 7) Make onsite inspections as required in administering and enforcing this Ordinance.
 - 8) Be responsible for the proper notice requirements for hearings and like matters.
 - 9) Investigate and report violations of this Ordinance to the appropriate Town Plan and Review Commission and Town Board.
 - 10) The duties and authority of a building inspector, as designated in Wisconsin Statutes 62.23 shall be exercised by the Town Zoning Administrator.
 - 11) Keep the zoning book updated including amendments.
 - 12) Issue citations in accordance to the Town of Spider Lake Citation Ordinance.

- 13) When necessary, apply for, obtain and execute a special inspection warrant in accordance with Wis. Statutes 66.0119.
- 14) Order the proper compliance with the Town of Spider Lake Zoning Ordinances. In the event of noncompliance with the Town of Spider Lake Zoning Ordinances, issue a cease and desist order requiring the cessation of any building, moving, alteration or use which is in violation and to take action to comply with the ordinances.

9.2 Land Use Permits

- A) Permit Required: No structure shall be built, moved or structurally altered and no land use shall be substantially altered until a Land Use Permit has been issued by the Town Zoning Administrator. The Town Zoning Administrator shall not issue said permit for a structure or a land use not in conformity with the requirements of this Ordinance, nor shall he issue a permit for a structure designed or intended for human use or occupancy until a Certified Soil Test is filed in the office of the Sawyer County Zoning Administrator and said test is approved by said office.
 - 1) Accessory structures meeting all requirements of this ordinance under 100 sq. feet will not require a permit; however, a separation of 10 feet must be maintained between all structures. Any addition to an accessory structure that increases space to more than 100 sq. ft. requires a permit;
- B) The fee for filing applications for Land Use Permits shall be established by the Town Board. A copy of the current fee schedule shall be posted in the Town Hall.
- C) Application Procedure: Applications for Land Use Permits shall be submitted on a form provided by the Zoning Administrator and accompanied by a legal description of the property, scale maps or drawings showing accurately the location, size, and shape of the land involved and of any proposed structures; including the relation to abutting wetlands, streets, lakes, or streams the existing and proposed use of said land and the number of families to be accommodated.
- D) Expiration: A Land Use Permit shall expire twelve (12) months from the date of issuance if no substantial progress has been made on the permitted project within that time. In any event, the permit shall expire twenty-four (24) months from the date of issuance.

9.3 Violations

- A) Violation Procedures. If a violation of any provision of any part of this Ordinance is not corrected on the order of the Town of Spider Lake Zoning Administrator or his or her designee, said individual may take further legal action or may refer the matter to the Town Plan and Review Commission for further consideration.

- B) Penalty. Any person, firm, or corporation and/or contractor found guilty of violating any provision of any Part of this Ordinance shall forfeit a sum in accordance with the Town of Spider Lake Citation Ordinance, 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.

SECTION 10.0 NONCONFORMING USES

10.1 The lawful use of a building, structure, sign, or property which existed at the time this Ordinance, or any applicable amendment to this Ordinance, took effect and which is not in conformity with the provisions of this Ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions. The term "area" for the purposes of this section is hereby defined to be a measurement of the main floor area as measured on the exterior of the building in question, not taking into account the area in any basement or second story therein. To the extent that the provisions of this Section are inconsistent with Part II of this Ordinance as it relates to property within a Shoreland/Wetland District, the provisions of Part II of this Ordinance shall control (See Part II Sec. 15.0).

- A) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the building, structure, or property shall conform to this Ordinance.
- B) The maintenance and repair of nonconforming boathouses that extend waterward beyond the ordinary highwater mark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.
- C) If the nonconforming use of a temporary structure is discontinued; such nonconforming use may not be recommended.
- D) Uses which are nuisances shall not be permitted to continue as nonconforming uses.
- E) [Intentionally left blank]
- F) If the proposed alteration, addition, or repair of a building or structure in a nonconforming use is prohibited because it is in excess of fifty (50) percent of the original area, the property owner may still make the proposed alteration, addition, or repair if:
 - 1) The nonconforming use is permanently changed to a conforming use;
 - 2) The property owner obtains a variance from the Board of Appeals or the Circuit Court finds in the property owner's favor;
 - 3) The Town Board approves an amendment in the zone district upon petition from the property owner, pursuant to Section 12.0 of this Ordinance.
- G) Nonconforming buildings or structure may not be torn down and replaced without meeting proper conforming setbacks.

- H) A not to exceed a five (5) foot crawl space may be added providing entire existing structure height does not increase more than three (3) feet or exceed height requirement specified in Section 16.1. Basements shall not be permitted.
- I) Nonconforming structures damaged or destroyed by violent wind, fire, flood or vandalism ice, snow, mold or vandalism after March 2, 2006: if a landowner can establish that a nonconforming structure has been destroyed, the structure may be reconstructed or repaired to the size, location and use it had, immediately before the damage occurred. Repairs are authorized under this provision only to the extent that they are necessary to repair the specific damage caused by violent wind, fire, flood or vandalism, and only that portion of the nonconforming structure that has been destroyed may be reconstructed, subject to the following conditions:
- 1) The landowner shall bear the burden of proof as to the size, location or use a destroyed or damaged nonconforming structure had immediately before the destruction or damage occurred. The Zoning Administrator must make an on-site inspection of the damaged structure before any reconstruction will be permitted.
 - 2) The structure was maintained on a regular basis and was structurally sound.
 - 3) The new structure cannot be constructed any closer to the lake, stream, river, wetland or road than that of the original footprint.
 - 4) The structure cannot exceed the original area of the original footprint. Additions will be allowed if some expansion is required to comply with applicable state or federal law.
 - 5) Any grading, filling or dredging associated with reconstruction or repair must comply with Part II of this Ordinance. Excess fill, rock or materials associated with reconstruction or repair shall be removed from the site and may not be deposited within the building setback required by Part II of this Ordinance.
 - 6) The nonconforming structure's sanitary system, if any, shall be brought up to current standards for new construction as required by Sawyer County.
 - 7) All possible measures must be taken to avoid excessive runoff or erosion. Native vegetation shall be planted or restored to the extent possible. A plan of which shall be submitted along with the Land Use or Conditional Use Permit application.
- J) Dividing a nonconforming parcel or lot is prohibited unless this division creates conforming parcels or lots.
- K) No division of land shall create a nonconforming lot or use.

SECTION 11.0 ZONING BOARD OF APPEALS

11.1 Composition

A Zoning Board of Appeals is hereby created. Such Board shall be appointed in accordance with the provisions of Section 62.23 (7) of the Wisconsin Statutes and defined as such.

11.2 Rules

- A) Call for meetings: The Zoning Board of Appeals shall meet at the call of the Chairman at a fixed time and place, and at such other time as the Zoning Board of Appeals may determine.
- B) Open Meetings: All meetings of the Zoning Board of Appeals shall be open to the public unless closure is otherwise permitted or required by law.
- C) Public Hearing Location: Any Public Hearing which the Zoning Board of Appeals is required to hold under paragraph four (4), shall be held in the town hall or another place as convenient as may be to the location or locations to be considered at such Public Hearings. The location of the meeting shall be included in the notice given of such hearing by name, address, or other commonly known means of identification.
- D) Notification of public hearings is as specified in 11.3(C) and 11.4 (B) (1).
- E) Minutes: The Zoning Board of Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record.
- F) Powers and duties:
 - 1) The Zoning Board of Appeals shall adopt such additional rules as it deems necessary to carry into effect the regulations of the Town Board.
 - 2) It shall hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance.
 - 3) It may grant a variance from the dimensional requirements of this Ordinance pursuant to Section 11.3.

11.3 Variances

- A) Unless otherwise prohibited by law or this ordinance, the Zoning Board of Appeals may grant, upon application, a variance from the terms of this Ordinance where an applicant can convincingly demonstrate:

- 1) that literal enforcement of the provisions of the ordinance will result in unnecessary hardship to the applicant;
 - 2) that the hardship is due to special conditions unique to the property and not due to self-created conditions; and
 - 3) that granting a variance is not contrary to the public interest.
 - 4) The Zoning Board of Appeals may attach 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 or special exception if the condition were not imposed.
- B) A variance shall not grant or increase any use of property which is prohibited in the zone district.
- C) The Zoning Board of Appeals shall give public notice of any hearing by publication of a Class 2 notice in the official newspaper of the Town, not less than seven (7) days prior to the date of the hearing, as well as mailed notices to the parties of interest. The notice shall also be posted in three (3) public places in town.

11.4 Appeals

- A) Appeals to the Zoning Board of Appeals may be made by any person aggrieved or by any decision of the Zoning Administrator or other administrative officers. Such appeal shall be made within a reasonable time, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the Zoning Board of Appeals, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other administrative officers whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.
- B) Hearing appeals:
- 1) The Zoning Board of Appeals shall fix a reasonable time for a hearing on the appeal. The board shall give a public notice thereof by publishing a Class 1 notice under Chapter 985, Wisconsin statutes and in addition, a similar notice must be posted in 3 public places in the township, specifying the date, time, and place of the hearing and the matters to come before the board. All Class 1 notices must appear at least ten (10) calendar days prior to the hearing. Notice shall be mailed to the parties of interest.
 - 2) A decision regarding the appeal shall be made as soon as practical.
 - 3) The final disposition of an appeal to the Zoning Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary, or modify the

order, requirement, decision, or determinations appealed, in whole or in part, or dismiss the appeal for lack of jurisdiction or prosecution or grant the appeal.

SECTION 12.0 AMENDMENTS

12.1 Procedure

The Town Board may amend this Ordinance in accordance with the procedures prescribed in Section 62.23 of the Wisconsin Statutes.

12.2 Fee

Any petition for amendment submitted by other than a governmental body shall be accompanied by a fee to defray the cost of advertising, investigation, and processing, as stated in current FEE SCHEDULE.

12.3 Rezoning of Lands in the Wetland/Shoreland One District

A) Notice to the Department of Natural Resources: For all proposed text and map amendments affecting the wetland/shoreland provisions, the appropriate district office of the Department of Natural Resources shall be provided with the following:

- 1) A copy of the petition for a text or map amendment within five (5) days after filing of such petition with the Town;
- 2) A copy of the notice of the public hearing to be held on a proposed amendment, at least ten (10) days prior to the hearing;
- 3) A copy of the Plan and Review Commission's findings and recommendations on each proposed amendment within ten (10) calendar days after submission of those findings to the Town Board;
- 4) Written notice of the Town Board's decision on the proposed amendments within ten (10) days after it is issued.

B) Rezoning Criteria.

- 1) A wetland, or a portion thereof, in the wetland/shoreland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
 - a) Storm and flood water storage capacity;
 - b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

- d) Shoreline protection against soil erosion;
 - e) Fish spawning, breeding, nursery, or feeding grounds;
 - f) Wildlife habitat;
 - g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.
- 2) If the notifies the Town that a proposed—text or map amendment to the wetland/shoreland provisions of this Ordinance may have a significant adverse impact upon any of the criteria listed in Section 12.3 B) of this Ordinance, that amendment if also approved by the county board, shall contain the following provision:

"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 DNR. During that thirty-(30) day period and to the extent permitted by law, the DNR may notify the Town that it will adopt a superseding shoreland Ordinance for the Town under the Wisconsin Statutes. If the DNR does so notify the Town, the effect of this amendment shall be stayed until the Wisconsin Statute adoption procedure is completed or otherwise terminated."

SECTION 13.0 PUBLIC HEARING/NOTICES

13.1 Notice

Adequate notice shall be given of any public hearing required by the provisions of this Ordinance, stating the time, place and the purpose for which it is being held.

13.2 Procedure

A) Notice of the Public Hearing shall be by Class 2 Notice. Given in accordance with Section 62.23 (7) of the Wisconsin Statutes.

B) In addition, when the hearing or variance involves a proposed change in the zone district classification of any property of the granting of a conditional use, copy of the notice shall be posted in the vicinity of the public hearing and shall be mailed to the owners of all lands within five hundred (500) feet of any part of the land included in such proposed change, conditional use or variance at least ten (10) calendar days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any amending Ordinance or granting of a conditional use.

13.3 Fees

The various fees and costs associated with the administration of this Land Use Ordinance shall be detailed in the current Fee Schedule posted in the Town Hall.

13.4 Notice within Shorelands

A) Written notice shall be given to the appropriate district office of the DNR and Sawyer County Zoning Administrator at least ten (10) calendar days prior to hearings on proposed variances, conditional uses, appeals for map or text interpretations, and map or text amendments.

B) Copies of decisions on variances, conditional uses, appeals for map or text interpretations, and map or text amendments shall be submitted to the appropriate district office of the DNR and Sawyer County Zoning Administrator within ten (10) calendar days after they are granted or denied.

SECTION 14.0 SEVERABILITY

14.1 Conflict

All other Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

14.2 Court Invalidation

If any portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

SECTION 15.0 ZONE DISTRICTS

GENERAL: The Permitted Uses and Conditional Uses stated for each zone district are intended to be representative in nature - not all-inclusive. Uses similar to those listed as Permitted Uses may be allowed by the Zoning Administrator; uses similar to those listed as Conditional Uses may be allowed by the Plan and Review Commission, subject to approval by the Town Board. Essential services and utilities intended to serve the principal structure or permitted use may be added in any zoning district other than the Shoreland/Wetland District unless otherwise prohibited by Federal, State, or local (e.g. County or Town) law, Essential services cannot be connected to any structure without first obtaining the necessary Land Use Permit or Conditional Permit that is required under any part of this Ordinance.

15.1 R-I Residential One District

This district provides for one (1) family and two (2) family year-round residential developments protected from traffic hazards and the intrusion of incompatible land uses. It is intended to encourage such development around existing residential areas where soil conditions are suitable for such development and in those which can be economically and readily served by utilities and municipal facilities.

A) Permitted Uses:

- 1) One (1) family and two (2) family year-round principal structure used as dwelling units.
- 2) Private garages, carports, and boathouses.
- 3) Signs subject to the provisions of Section 5.0.
- 4) Horticulture and gardening.
- 5) Customary accessory uses provided such uses are clearly incidental to the principal use and that no such use generates traffic or noise that would create a public nuisance.

B) Conditional Uses:

- 1) Multifamily (3 or more) principal structure used as dwelling units.
- 2) Public and semipublic uses including but not limited to the following: public and private schools, churches, public parks, and recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, and historic sites.
- 3) Amateur radio towers, dishes and antennas over the height limitation for the district, telecommunication, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.

- 4) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the principal structure or seven hundred fifty (750) square feet in an accessory structure, not more than one (1) nonresident person is employed in the premises and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.
- 5) No use shall involve sewage disposal plants, garbage incinerators, and maintenance, repair or storage buildings.
- 6) Alternative or Renewable Energy Systems.

15.2 RR-I Residential/Recreational One District

This district is intended to provide for residential development in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

A) Permitted Uses.

- 1) One (1) family and two (2) family principal structure used as dwelling units.
- 2) Private garages, carports, and boathouses.
- 3) Horticulture and gardening.
- 4) Signs subject to the provisions of Section 5.0.
- 5) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

B) Conditional Uses:

- 1) Amateur radio towers, dishes, and antennas over the height limitation for the district telecommunication, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- 2) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the principal structure or seven hundred fifty (750) square feet in an accessory structure, not more than one (1) nonresident person is employed in the premises and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.
- 3) Lake access subject to provisions of Part II.
- 4) Lake access for island development subject to provisions of Part II.

- 5) Alternative or Renewable Energy Systems.

15.3 RR-2 Residential/Recreational Two District

This district is intended to provide for residential development and essential recreation oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources.

A) Permitted Uses:

- 1) One (1) family and two (2) family principal structure used as dwelling units.
- 2) Private garages, carports and boathouses.
- 3) Horticulture and gardening.
- 4) Signs subject to the provisions of Section 5.0.
- 5) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.

B) Conditional Uses

- 1) Mobile home parks, trailer camps and campgrounds subject to the provisions of Section 6.5 and 6.6.
- 2) Amateur radio towers, dishes and antennas over the height limitation for the district, telecommunication, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures.
- 3) Recreational service-oriented uses such as restaurants, cocktail lounges, marinas, sport shops and bait sales, and other recreational services which in the opinion of the Town Plan and Review Commission are of the same general character or clearly incidental to a permitted use or use authorized by a Conditional Use Permit.
- 4) Kennels for small domestic animal's subject to the provisions of Section 6.8.
- 5) Mineral exploration, prospecting, and reclamation.

- 6) Home occupation or professional offices provided no such use occupies more than twenty-five percent (25%) of the total floor area of the principal structure or seven hundred fifty (750) square feet in an accessory structure, not more than one (1) non-resident person is employed on the premises, and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding residential area.
- 7) Lake access subject to provisions of Part II.
- 8) Lake access for island development subject to provisions of Part II.
- 9) Bed and Breakfast and Short-Term Rental.
- 10) Short-Term Rental.
- 11) Multi-dwelling development or other similar development including a condominium, hotel, motel, or resort, or other development, which in the opinion of the Plan and Review Commission are of the same general scale and character. Does not include conversion of existing properties to a different form of ownership (i.e. to condominium ownership) unless structure that would be used as dwelling units are being proposed by plat or other means that would be in addition to the existing rental dwelling units.
- 12) Greenhouse and Florist.
- 13) Rooming House
 - a) Maximum Rooming House structure/unit size shall not exceed 1000 (one thousand) square feet.
 - b) Shall be no more than 12 on-premise seasonal employees per rooming house.
 - c) No more than three (3) bathroom facilities per rooming house.
 - d) No cooking or dining facilities are permitted in the rooming house.
 - e) The intended use of a rooming house is for seasonal on-premises employee and shall not be rented, leased or sold as a separate unit.
- 14) Alternative or Renewable Energy Systems.

15.4 A-I Agricultural One District

This district is intended to provide for the continuation of general farming and related activities in those best suited for such development; and to provide for orderly development of residential, commercial, and industrial development if such area is appropriate for a rezone classification.

A) Permitted Uses:

- 1) All agricultural land uses, structures and activities, except farms for the disposal of garbage or offal.
 - a) Livestock is not permitted on parcels less than ten (10) acres, except for poultry which may be allowed by Conditional Use.
 - b) Keeping of Livestock on parcels greater than ten (10) acres but less than forty (40) acres shall be by Conditional Use Permit only.
- 2) One (1) family and two (2) family principal structures that will be used as dwellings but only when occupied by owners and/or persons engaged in farming activities on the premises.
- 3) Roadside stands for the sale of products grown on the premises if sufficient off-street parking space for customers is provided.
- 4) Essential services and utilities intended to serve a permitted principal use on the premises.
- 5) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 6) Signs subject to the provisions of Section 5.0.
- 7) Soil and water conservation programs.
- 8) Drainage where such activity will not be in conflict with the stated purposes of this zone district.
- 9) Licensed in-home daycare/childcare
- 10) Agricultural use and agricultural related uses would include:
 - a) Crop or forage production.
 - b) Keeping of livestock.
 - c) Nursery and/or Christmas tree production.
 - d) Floriculture.
 - e) Aquaculture.
 - f) Fur farming.
 - g) Forest management and tree farms.
 - h) Enrolling land in a federal agricultural commodity payment program of a federal or state agricultural land conservation payment program.
 - i) Agricultural processing industries and warehouse, except for slaughterhouses, rendering, and fertilizer plants.
 - j) Private riding stables and riding arenas.
 - k) An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural produce or facility of processing agricultural wastes.

l) Any other use that is defined in Wisconsin State Statute 91.01.

B) Conditional Uses

- 1) One (1) family and two (2) family year-round principal structure used as dwellings.
- 2) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks, hospitals, rest homes, homes for the aged, fire and police stations and historic sites.
- 3) Amateur radio towers, dishes, and antennas over the height limitation for the district, telecommunication, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary apparent equipment and structures.
- 4) Kennel for small domestic animal's subject to the provisions of Section 6.8.
- 5) Commercial Greenhouse, Florist or Nursery.
- 6) Alternative or Renewable Energy Systems.
- 7) Public riding stables and riding arenas.
- 8) Agriculturally related home occupation or professional offices subject to the provisions of Section 6.12.
- 9) Farm Stays and other farm oriented recreational uses such as riding stables, winter sports activities, and game farms.
- 10) Cemeteries and mausoleums.
- 11) Keeping of Livestock on parcels greater than ten (10) acres but less than forty (40) acres.

15.5 C-1 Commercial One District

This district is intended to provide for the orderly and attractive grouping locations, of retail stores, shops, offices, and similar commercial establishments.

A) Permitted Uses: Facilities such as, but not limited to the following:

- 1) Retail stores and shops offering convenience goods and services.

- 2) Business and professional offices and studios.
- 3) Banks and savings and loan offices.
- 4) Public and semi-public buildings and institutions.
- 5) Commercial entertainment facilities.
- 6) Laundromats.
- 7) Restaurants.
- 8) Taverns.
- 9) Medical and dental offices.
- 10) Auto service stations and maintenance facilities.
- 11) Mini storage.
- 12) Recreation service-oriented facilities as stated in the RR-2 District.
- 13) Motels and cabin resorts provided such use complies with the requirements of Section 6.9.
- 14) Living quarters attached to the business provided that occupancy is restricted to the property owner or business operator and such person's immediate family.

B) Conditional Uses:

- 1) Public and semi-public conditional uses as stated in the R-1 District.
15.1 (B) (2)
- 2) New and used car sales establishments.
- 3) Transportation terminals.
- 4) Wholesaling establishments.
- 5) Farm implement sales firms.
- 6) Outdoor theaters.
- 7) Miniature golf, go-karts, and amusement parks.

- 8) Drive-in establishments offering in-car service to customers.
- 9) Alternative or Renewable Energy Systems.
- 10) Short-Term Rental

15.6 I-1 Industrial One District

This district is intended to provide for manufacturing and industrial operations which, on the basis of actual physical and operational characteristics, would not be detrimental to surrounding areas by reason of smoke, noise dust, odor, traffic, or physical appearance. Industries requiring outdoor storage for raw materials and/or finished products may be required to provide a screen or fence in accordance with the provisions of Section 7.0.

A) Permitted Uses:

- 1) Manufacturing, assembly, fabrication, processing, and similar industrial operations consistent with the purpose of this district.
- 2) General warehousing.
- 3) Accessory uses clearly incidental to a permitted use.

B) Conditional Uses:

- 1) Salvage yards, subject to the provisions of Section 6.0.
- 2) Mineral exploration, prospecting, and reclamation.
- 3) Metallic, Nonmetallic and mineral fuel operations.
- 4) The location, operation, and maintenance of municipal sanitary landfills, solid waste disposal sites, sewage disposal plants; and privately-owned domestic sewage treatment works; and necessary appurtenant equipment/structures subject to the provisions of the Wisconsin Administrative Code.
- 5) Alternative or Renewable Energy Systems
- 6) Amateur radio towers, dishes, and antennas over the height limitation for the district, telecommunication, telegraph and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary apparent equipment and structures.

Any use determined to be objectionable by the Plan and Review Commission on the basis of pollution, noise, dust, smoke, vibrations, odor, flashing lights, or danger or

explosion may be allowed only upon issuance of a Conditional Use Permit setting forth dimensional and site requirements, performance standards, aesthetic controls and pollution standards for that particular use.

15.7 F-1 Forestry One District

This district provides for the continuation of forest programs and related uses in those areas best suited for such activities. It is intended to encourage forest management programs and also to recognize the value of the forest as a recreational resource by permitting as a conditional use certain recreational activity which when adequately developed are not incompatible with the forest.

A) Permitted Uses:

- 1) Production of forest crops, including tree plantations.
- 2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits, and tree seeds.
- 3) Multiple use trails and wildlife refuges.
- 4) Signs subject to the provisions of Section 5.0.

B) Conditional Uses:

- 1) Seasonal principal structures used as dwellings; hunting and fishing cabins and accessory buildings such as private garages and carports on the same lot as the seasonal principal structure.
- 2) Public and private parks, playgrounds and water sports areas.
- 3) Dams, plants for the production of electric power and flowage areas.
- 4) Trailer camps and campgrounds subject to the provisions of Section 6.6.
- 5) Forest connected industries such as sawmills, debarking operations, chipping facilities and similar operations.
- 6) Recreation and youth camps.
- 7) Riding Stables.
- 8) Shooting ranges.
- 9) Single-family principal structures to be used as year-round dwellings subject to Section 16.0.

- 10) Amateur radio towers, dishes and antennas over the height limitation for the district, telecommunication, telegraph, power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations, transmission towers, fire towers, radio towers and pipelines.
- 11) Mineral exploration, prospecting, and reclamation.
- 12) Nonmetallic operation.
- 13) Recreational cabins on County leased land.
- 14) Alternative or Renewable Energy Systems.

15.8 W-1 Wetland/Shoreland One District

Designation: This district shall include all wetlands within the jurisdiction of this Ordinance which are wetlands excluding point symbols, and which are shown in the Wisconsin Wetland Inventory Maps that are adopted and made a part of this Ordinance. A portion of wetland which is located in the unincorporated area within the Town shall be included in the wetland/shoreland district where the wetland as a whole is five (5) acres or larger but extends across municipal boundaries so that a wetland is not regulated in its entirety by the Town.

Purpose: This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impact upon the wetland.

A) Permitted Uses:

The following uses shall be allowed; subject to general shoreland regulations contained in Part II of this Ordinance, the provisions of Chapters 30 and 31 of the Wisconsin Statutes, and the provisions of other applicable local, state and federal laws:

- 1) Activities and uses which do not require the issuance of a permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tilling, or excavating, except as allowed under Sections 15.8 A)2) or 15.8 A)3).
 - a) Hiking, fishing, trapping, hunting, swimming, and boating;

- b) 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;
 - c) The practice of silviculture, including the planting, thinning, harvesting of timber;
 - d) The construction or maintenance of duck blinds.
- 2) Uses which do not require the issuance of a permit and which may include limited filling, flooding, draining, dredging, ditching, tilling, or excavating but only to the extent specifically provided below:
- a) Temporary water level stabilization measures necessary to alleviate abnormally, wet or dry conditions that would have an adverse impact on silvicultural if not corrected;
 - b) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance;
 - c) The maintenance, repair, replacement, or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement, or reconstruction.
- 3) Uses which require the issuance of a Conditional Use Permit under Section 8.0 and which may include limited filling, flooding, draining, dredging, ditching, tilling or excavating, but only to the extent specifically provided below:
- a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided:
 - (1) The road cannot, as a practical matter, be located outside of the wetland;
 - (2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.3 B);
 - (3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - (4) Road construction activities are carried out in the immediate area of the roadbed only.
 - b) The construction or maintenance of nonresidential buildings provided:

- (1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals or some other use permitted in the wetland/shoreland district;
- (2) The building cannot, as a practical matter, be located outside the wetland;
- (3) Such building is not designed for human habitation and does not exceed five hundred (500) square feet in floor area; and
- (4) Only limited filling or excavation is necessary to provide structural support for the building authorized.

B) Conditional Use:

The following uses shall be allowed, subject to the issuance of a Conditional Use Permit under Section 8.0 of this Ordinance, and may include limited filling, flooding, draining, dredging, ditching, tilling, or excavating, but only to the extent specifically provided below:

- 1) The establishment of public and private parks and recreational areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided:
 - a) Any private development is used exclusively for the permitted use and
 - 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 Section 15.8 (A) (3) (a)(1-4); and
 - c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreational 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.
 - d) The cultivation of cranberries including flooding, dike and dam construction, or ditching necessary for the growing and harvesting of cranberries.
- 2) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided:

- a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland; and
- b) Such construction or maintenance is done in a matter designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.3 (B).

3) Alternative or Renewable Energy Systems.

C) Prohibited Uses:

Any use not listed in Sections 15.8 (A) (1-3) and B) (1-2) is prohibited unless the wetland or portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Section 12.3 of this Ordinance and applicable sections of the Wisconsin Statutes.

15.9 SP Shoreland Protection District

This district provides for the protection of waters and shoreland, and for safe and orderly shoreland development in the Town of Spider Lake. The intent is to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and uses, and to preserve shore-cover and the natural beauty. This district includes all lands in the unincorporated areas of the Town of Spider Lake within the following distances from the ordinary highwater 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 a floodplain whichever distance is greater.

A) Permitted Uses:

- 1) Any use permitted in the underlying districts, subject to the Shoreland provisions of Part II of this Ordinance.
- 2) Any accessory use permitted in the underlying districts, subject to the Shoreland provisions of Part II of this Ordinance.

Conditional Uses:

- 1) Any conditional use authorized in the underlying districts, subject to the Shoreland provisions of this Ordinance except that any telecommunication structure or tower not exempt under Section 4 of the Sawyer County Telecommunications Facilities Ordinance is prohibited. The placement of exempt structures remains subject to all other provisions of the Ordinance.

15.10 Registration of a Nonconforming Use

- A) There may be now or in the future certain uses of land that are not in compliance with this chapter, but which were legally established. These uses are referred to as “nonconforming uses” and are allowed to continue to operate within certain

parameters. For this reason, it is necessary to document those uses that are considered nonconforming. Registration of a use as a nonconforming use provides documentary evidence establishing (i) when the use was first established; (ii) that the use at the time of establishment was done consistent with the rules and regulations in effect at the time, if any; (iii) that it has continued continuously, without cessation of more than 12 continuous months; and (iv) the nature of the use. Failure to register a nonconforming use by July 31, 2017, does not result in prohibition of the use, but in any future situation where the owner asserts the use is a nonconforming use, there shall be a rebuttable presumption that the use, if it ever existed ceased to be continued and the property owner shall have the burden of proving its existence and continuation.

- B) Initiation. Any of the following may submit an application to determine whether use should be registered as a nonconforming use:
- 1) a person having a financial interest in the property or in the use occurring on the property;
 - 2) the zoning administrator;
 - 3) the Plan and Review Commission; or any member thereof;
 - 4) the Town Chair; or
 - 5) the Town Board; or any member thereof.
- C) Review procedure. The general steps outlined below shall be used to determine if an existing use should be registered as a nonconforming use:
- 1) Submittal of application materials. The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee as may be established by Town Board resolution from time to time.
 - 2) General notice. The Plan and Review Chair shall place the matter on the meeting agenda of the Plan and Review Commission.
 - 3) Special notice to the property owner. If the application process is not initiated by the property owner, the zoning administrator shall mail a written notice to the property owner by regular and certified mail at least 60 calendar days prior to the date of the Plan and Review Commission meeting. Such notice shall invite the property owner to submit evidence relating to the pending determination. In addition, the notice shall state (i) the reasons why the application has been submitted; (ii) the date and time of the meeting; (iii) contact information for the zoning administrator, including a telephone number; and (iv) other information deemed appropriate by the zoning administrator.
 - 4) Meeting. Allowing for proper notice, the Plan and Review commission shall consider the application at a regular or special meeting.
 - 5) Decision. The Plan and Review Commission shall determine whether it has sufficient evidence to make a decision, and if so whether the use should or should not be classified as a nonconforming use. The Plan and Review

Commission may render its decision at the same meeting the matter was initially considered or at a subsequent meeting, but no later than 40 calendar days after the date of the initial meeting unless the applicant agrees to an extension of a specified duration.

- 6) Preparation of decision document. Based on the action of the Plan and Review Commission, the zoning administrator shall within 15 calendar days of such decision prepare a decision document consistent with this division.
 - 7) Applicant notification. Within a reasonable time following the Plan Commission's decision, the administrator shall mail the decision document to the property owner by regular mail.
 - 8) Public record copy. A duplicate copy of the decision document shall be retained as a public record.
 - 9) Inclusion in registry. If the use is determined to be a nonconforming use, the zoning administrator shall include the nonconforming use in a registry.
- D) Basis of decision. In making its decision, the Plan and Review Commission shall determine whether there is sufficient evidence to show that (i) the use question was legally established; (ii) such use does not now comply with one or more of the requirements of this chapter; and (iii) such use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months.
- E) Application form and content. The application submittal shall include an application form as may be used by the Town and scaled drawing of the property and the location of the land use on the property. At a minimum, the application shall request the following information:
- 1) the date, or approximate date, the use was first established or believed to be first established;
 - 2) evidence showing that the use at the time of establishment was legally established (including but not limited to showing that any state or municipal license for such use has been continuously maintained during the time of such use);
 - 3) the date, or approximate date, when the use became nonconforming;
 - 4) the section of the zoning regulation causing the use to be nonconforming;
 - 5) evidence showing that the use has continued from the date, or approximate date, of establishment to the current date without an interruption of more than 12 continuous months; and
 - 6) the nature of the use and location on the property. Sources of such information may be derived from any of the following: (1) written document (e.g., business license, meeting minutes, reports, planning documents or a permit or other authorization) maintained by a local, state or federal governmental body; (2) a newspaper article; (3) a dated photograph; (4) an aerial photograph; (5) a sworn affidavit supplied by the applicant or any

other person; (6) sales tax records; (7) federal and state tax returns; and (8) any other authoritative source as approved by the zoning administrator.

F) Content of decision document.

1) Approval. If the application for registering a nonconforming use is approved, The decision document shall include the following:

- a) a statement that the use is a legal nonconforming use as of the date of such determination,
- b) a description of the use,
- c) reasons for the decision based on the criteria listed in this division,
- d) a statement that the applicant may appeal the decision,
- e) other information the zoning administrator deems appropriate,
- f) the signature of the zoning administrator on behalf of the Plan Commission, and
- g) the date of the decision.

2) Denial. If the application for registering a nonconforming use is denied, the decision document shall include the following:

- a) a statement that the use cannot be classified as a legal nonconforming use,
- b) a description of the use,
- c) reasons for the decision based on the criteria listed in this division,
- d) a statement indicating that the denial does not limit the applicant's ability to resubmit a revised application for consideration,
- e) a statement that the applicant may appeal the decision to the Zoning Board of Appeals,
- f) other information the zoning administrator deems appropriate,
- g) the signature of the zoning administrator on behalf of the Plan Commission, and
- h) the date of the decision.

G) Effect of decision.

1) Generally, if the Plan Commission determines that a land use meets the criteria for a nonconforming use, such decision constitutes documentary evidence establishing the legitimacy and nature of the use as a nonconforming use as of the date of such determination.

2) Expansion not authorized. If a use was legally established and has been operated without interruption, but has been illegally expanded over time (i.e., area, extent, mode of operation, or other parameters) such expansion shall be removed in keeping with a timeline established by the Town Board.

Section 16.0 Dimensional Requirements

	R-1	RR-1	RR-2	A-1	C-1	I-1	F-1
Building Height Limits	35	35	35	35	35	35	30
Required Lot Area (sq. ft.)							
With public sewer*	30,000	30,000	30,000	10 ac	30,00	1 ac	10 ac
Without public sewer**	30,000	30,000	30,000	10 ac	30,00	1 ac	10 ac
Minimum Lot Width** (Feet)							
With public sewer	150	150	150	300	150	200	300
Without public sewer	150	150	150	300	150	200	300
Minimum Lot Depth (Feet)							
	200	200	200	300	200	200	200
Yard Set Back Required - All Structures*** (Feet)							
Front	30	30	30	50	50	50	30
Rear	40	40	40	50	50	50	40
Side							
Principal structure	30	30	30	50	50	50	30
Accessory structure	10	10	10	50	50	50	30
Principal Structure - Minimum width (Feet)							
Width	20	20	20	20	20	20	20
Minimum Floor Area Residence (sq. ft.)							
1 Bedroom	800	500	500	500	500	500	500
2 Bedroom	900	600	600	900	600	600	600
3 or more Bedrooms	1,000	700	700	1,000	700	700	700
* Plus any additional area required by Wisconsin Administrative Code.							

**	In addition, minimum lot frontage adjacent to any lake, pond, flowage, river, stream or public or private road or roadway shall be 200 feet. Where lot is adjacent to and on the outside curve of a road, there shall be allowed a reduction in frontage of 4 feet for every one-degree of curve (arc definition) but in no instance shall such frontage be reduced to less than 175 feet. Frontage for lots abutting roads shall be measured separately for each side of lot where applicable and shall not be combined to determine frontage requirements.
***	Boathouse - See Part II Section 14

Note: Development within the Shoreland District must also meet the requirements of Part II of this Ordinance.

Section 16.1 Town of Spider Lake, Lake Class Development Standard
(Moved to Part II)

PART II: SHORELAND-WETLAND PROTECTION

SECTION 1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

Uncontrolled use of the shorelands and pollution of the navigable waters of Sawyer County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties and municipalities to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; to discourage development in erosion hazard areas; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by The Town of Spider Lake, Sawyer County, Wisconsin.

This ordinance is adopted pursuant to the authorization in s. 60.22 and 60.62 Wis. Stats. to exercise the powers provided under ch. 61Wis. Stats., including 61.34, 61.35, 61.351, 61.50, 62.23, 236.45, and 281.31.

SECTION 2.0 DEFINITIONS

The definitions contained in Part 1 Section 2 of the Ordinance shall apply to this part unless otherwise defined in this part.

SECTION 3.0 TOWN OF SPIDER LAKE RESPONSIBILITIES

In cooperation with Sawyer County, the Town has and shall meet the following requirements.

- 1) Appoint an administrator and additional staff to support the workload required by this ordinance.
- 2) Maintain its Plan and Review Commission (Wis. Stats. 62.23 and 60.62), and a Board of Appeals (Wis. Stats. 62.23 and 60.65).
- 3) Maintain a system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of all applications shall be filed in the office of the Zoning Administrator.
- 4) Require regular inspection of permitted work in progress to ensure conformity of the finished structures with the terms of this ordinance.
- 5) Maintain its variance procedure which authorizes the Board of Appeals to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- 6) Maintain a conditional use procedure for uses presenting special problems.
- 7) Keep a complete record of all proceedings before the Board of Appeals and the Plan and Review Commission.
- 8) At least 10 days prior to a scheduled hearing, provide written notice to the appropriate regional office of the DNR of proposed land divisions (with copies of all related documents) submitted to the Town for review under Section 6.0 Land Division Review, a proposed variance, special exceptions or conditional use permit applications, appeals for a map or text interpretation, map or text amendment. Upon request of the DNR, the Town shall provide to the appropriate regional office a copy of any permit issued under Section 15.0 NONCONFORMING STRUCTURES AND USES.
- 9) Submit to the appropriate regional office of the DNR, within 10 days after grant or denial, copies of any permit granted under Section 15.0 NONCONFORMING STRUCTURES AND USES, any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- 10) Require mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- 11) Establish appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 60.61(6), Wis. Stats.
- 12) Prosecute violations of the shoreland ordinance.
- 13) Establish a procedure for land division review that shall at a minimum, require the review, pursuant to s. 236.45, Wis. Stats., of all land divisions in shoreland areas which create 3 or more parcels or building sites of 19 acres or less within a 5-year period. In such review, all of the following factors shall be considered: [NR 115 .04(2)]
 - a) Hazards to the health, safety or welfare of future residents.
 - b) Proper relationship to adjoining areas.

- c) Public access to navigable waters, as required by law.
 - d) Adequate storm drainage facilities.
 - e) Conformity to state law and administrative code provisions.
- 14) Leave the responsibility for adopting sanitary regulations for the protection of health and the preservation and enhancement of water quality to the county which provides that service.
- a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812.
 - b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required.
 - c) to comply with ch. Comm 83, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the County under s. 59.70 (5), Wis. Stats.
 - d) Ordinances.
 - e) Ensure that the Town's shoreland ordinance provisions continue to comply with the requirements of ch. NR 115 and ensure that the ordinance and any amendment to the
 - f) ordinance are approved by the Sawyer County Board of Supervisors, pursuant to Wis. Stat. 60.62(3).
 - g) Provide the DNR and Sawyer County notice of public hearing on any proposed shoreland ordinance amendment and a copy of any decision denying or enacting the amendment.

SECTION 4.0 PURPOSE AND INTENT

For the purpose of promoting the public health, safety, convenience and welfare, this ordinance has been established to:

4.1 Further the maintenance of safe and healthful conditions and prevent and control water pollution through:

- 1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- 2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems and to allow for some potential infiltration of run-off. 3) Controlling filling and grading to prevent soil erosion problems.
- 3) Limiting impervious surfaces to control run-off which carries pollutants.

4.2 Protect spawning grounds, fish and aquatic life through:

- 1) Preserving wetlands and other fish and aquatic habitat.
- 2) Regulating pollution sources.
- 3) Controlling shoreline alterations, dredging, and lagooning.

4.3 Control building sites, placement of structures and land use through:

- 1) Prohibiting certain uses detrimental to the shoreland area.
- 2) Setting minimum lot sizes and widths.
- 3) Setting minimum building setbacks from waterways.
- 4) Setting the maximum height of near shore structures. 5) Eliminating conflicting land uses when appropriate.

4.4 Preserve shore cover and natural beauty through:

- 1) Restricting the removal of natural shoreland cover.
- 2) Preventing shoreline encroachment by structures.
- 3) Controlling shoreland excavation and other earth moving activities.
- 4) Regulating the use and placement of boathouses and other structures.

SECTION 5.0 AREAS TO BE REGULATED

Areas regulated by this ordinance shall include all the lands, referred to herein as shorelands, in the area of Sawyer County located in the Town of Spider Lake which are:

5.1 Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds and flowages, lakes, ponds, and flowages in the Town of Spider Lake shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication

"Surface Water Resources of Sawyer County", are shown on United States Geological Survey quadrangle maps (1:24000 scale) or other zoning base maps, or if they meet statutory and case law definitions for navigable waterways.

5.2 Within three hundred (300) feet 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 Sawyer County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24000) or if they meet statutory and case law definitions for navigable waterways. Flood insurance rate maps, flood hazard boundary maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.

5.3 Determinations of navigability and ordinary high-water mark.

- 1) Determinations of navigability and ordinary high-water mark location shall initially be made by the Town Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate office of the DNR for a final determination of navigability or ordinary high-water mark.
- 2) Lakes, ponds, flowages or waterways in the Town of Spider Lake shall be presumed to be navigable if they are designated on the shoreland and wetland maps adopted by the DNR November 6, 1984. If evidence to the contrary is presented (i.e. that the waterways are either navigable or not navigable), the Department shall make the determination whether or not the waters in question are navigable under the laws of Wisconsin.

5.4 Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, the provisions of Part II do not apply to lands adjacent to farm drainage ditches if:

- 1) Such lands are not adjacent to a natural navigable stream or river.
- 2) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
- 3) Such lands are maintained in nonstructural agricultural use.

5.5 Shoreland -Wetland Maps. The Wisconsin Wetland Inventory maps approved as "FINAL" on November 6, 1984, are made part of this ordinance. The maps are on file in the office of the Zoning & Conservation Administrator of Sawyer County. In locating boundaries where an apparent discrepancy exists between the boundaries shown on the maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the

District Headquarters of the DNR to determine if the boundaries as mapped are in error. If the DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped, the Zoning Administrator shall have the authority to immediately grant or deny a Shoreland/Floodplain Zoning Permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors on the official zoning map, the Zoning Administrator shall be responsible for initiating a map amendment in cooperation with the Zoning & Conservation Department of Sawyer County within a reasonable period of time, but not to exceed one (1) year following the determination.

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

5.7 Municipalities and State agencies regulated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this section and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats. applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1) Wis. Stats., applies.

5.8 Abrogation and Greater Restrictions. The provisions of Part II supersede prior provisions of the Town's Shoreland regulations. The general provisions of Part I and Part III of this ordinance shall generally apply. If a provision in Part I conflicts with a provision in Part II, the provision in Part II shall be controlling for purposes of application of the ordinance. In addition, where an ordinance adopted under a statute other than s. 61.351

Wis. Stats. is more restrictive than the provisions of this Part such other provisions shall continue in full force and effect to the extent of the greater restrictions, but not otherwise. **The county has acknowledged that if an existing town ordinance relating to shorelands is more restrictive than a county ordinance relating to shorelands or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise. This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements.** However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

5.9 Interpretation. In their interpretation and application, the provisions of Part II of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this section of the ordinance is required by a standard in ch. NR 115, Wis. Adm. Code, and where the section 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 ordinance or in effect on the date of the most recent text amendment to this ordinance.

SECTION 6.0 LAND DIVISION REVIEW

PURPOSE The Town shall review land divisions, pursuant to s. 236.45, Wis. Stats., and the Spider Lake Subdivision Control Ordinance incorporated as Part III of this ordinance. In such review, the following factors shall be considered:

- 1) Hazards to the health, safety, or welfare of future residents.
- 2) The property's relationship to adjoining areas.
- 3) Public access to navigable waters, as required by law.
- 4) Adequate storm drainage facilities.
- 5) Conformity to state law and administrative code provisions.

SECTION 7.0 SANITARY REGULATIONS

The County shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

7.1 Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812 Wis. Adm Code.

7.2 Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required to comply with ch. Comm 83, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70 (5), Wis. Stats.

SECTION 8.0 DIMENSIONS OF BUILDING SITES

8.1 Lot Dimension Purpose. Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

8.2 Lots not served by public sanitary sewer. Minimum area and width for each lot. The minimum lot dimensions shall conform to the most restrictive requirements of either section 12.0 LAKE CLASS DEVELOPMENT STANDARDS or Table 18.0 DIMENSIONAL REQUIREMENTS, Sawyer County Zoning Ordinance. Under no circumstances shall the minimum lot area be reduced to less than 40,000 sq. ft. and the minimum average lot width be reduced to less than 150 feet with at least 200 feet of frontage at the ordinary high-water mark.

8.3 Lots served by public sanitary sewer. Minimum area and width for each lot. The minimum lot dimensions shall conform to the most restrictive requirements of either section 12.2 LAKE CLASS DEVELOPMENT STANDARDS or Table 18.0 DIMENSIONAL REQUIREMENTS, Sawyer County Zoning Ordinance. Under no circumstances shall the minimum lot area be reduced to less than 40,000 sq. ft. and the minimum lot width be reduced to less than 150 feet with at least 200 feet of frontage at the ordinary high-water mark for any single-family dwelling. Two family dwelling/duplex structures are subject to more stringent standards set out in section 12.2 LAKE CLASS DEVELOPMENT STANDARDS or section 12.0 LAKE CLASS DEVELOPMENT STANDARDS, Sawyer County Zoning Ordinance.

8.4 In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

8.5 Substandard Lots. A legally created lot or parcel created prior to April 4, 1967, that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a single-family dwelling building site if all of the following apply:

- 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.
- 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.
- 3) The substandard lot or parcel is developed to comply with all other ordinance(s) requirements including, but not limited to, minimum structure setback requirements, installation of a private sewage disposal system, etc.

SECTION 9.0 BACK LOT LAKE ACCESS

General: The purpose of this section is to regulate back lot access (“key-holing”) to navigable waters.

9.1 Public snowmobile easements are specifically exempted from the requirements of this section with the exceptions that:

- 1) The easement width shall not exceed ten (10) feet in width within 75’ of the ordinary high-water mark.
- 2) Vegetation shall not be removed outside of the easement boundaries within 75’ of the ordinary high-water mark.

9.2 All private lake accesses; lake access easements; or outlots; deeded or contractual accesses for the purpose of backlot lake access shall meet the following requirements. Such lake access parcels shall be restricted to backlot access for only a single-family lot, a single building site, a single family unit, or a single family condominium unit, provided that there is same ownership. Campsites/RV sites located on a backlot are prohibited from utilizing said access. “Same ownership” means that both the lake access parcel and its backlot must have the same owner. A lake access parcel and its backlot may be transferred to a different owner. However, should the lake access parcel and its backlot be separated (i.e., different owners) the provisions of this section shall apply.

9.3 The access to a navigable waterway for back lot or offshore development shall be an undeveloped lot meeting the minimum lot and parcel size requirements of the Town of Spider Lake, Lake Class Development Standards in Section 16.1 of this Part. The minimum required lot area shall exclude any wetlands. A cleared strip, ten (10) feet wide to contain the path that allows access to the lake through the lake access corridor (see Lake Class Development Standards), is the only clearing that is allowed.

9.4 The number of lots utilizing said access shall be limited to one (1). Each lot is to have a maximum of one single family dwelling unit or principal structure. The connection of any pressurized water system or sanitary system on the lake access parcel is prohibited. At the time that a lake access parcel and its backlot cease to have the same ownership, no further development of the backlot shall be allowed unless and until the backlot no longer has lake access through the lake access parcel.

9.5 A “Gard Gazebo” (Section 14.5 EXEMPT STRUCTURES) shall be the only building (structure) allowed on the lake access parcel. An area on the landward side of the shoreline vegetation protection area, not to exceed 500 square feet, may be cleared for the location of this structure.

9.6 No utilities shall be allowed on the lake access parcel (gas, electricity, water or phone).

9.7 The creation or use of land for lake access shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Part I Section 8.0 CONDITIONAL USE PERMITS. The Plan and Review Commission shall consider the size, shape, and depth, present and potential use of the lake and the effect of the private access on public rights in navigable waters.

- 9.8 Once created, a lake access parcel can never be built upon unless its use as a lake access parcel is removed by a conditional use permit.
- 9.9 Major Recreational Equipment/Vehicles (i.e., camping equipment) shall not be placed on the parcel.
- 9.10 Shoreline lots not having access per this Section or Section 10 (Island Development) shall have a dry land access meeting the minimum requirements of Part III Subdivision Control

SECTION 10.0 ISLAND DEVELOPMENT

Islands, island lots and their mainland accesses, lots and easements that were in the same ownership as of June 15, 1995, even though substandard in size or not in conformance with this ordinance, and remain in the same ownership after that date, do not have to comply with this section. Same ownership means that both an island and its mainland access must have the same owner. An island with its access may be transferred to a different owner. However, should the island and its access be separated (i.e., different owners) the provisions of this section shall apply.

Islands that are subdivided or developed shall meet the following requirements:

10.1 The owner or developer of island lots shall provide a private lake access parcel on the mainland for ingress and egress to the island and for the storage of vehicles and boat trailers. The size of the mainland lake access easement or outlot shall meet the minimum lot and parcel size requirements of the Lake Class Development Standards. The minimum required lot area shall exclude any wetlands. A contiguous buffer area of 50 feet wide along each side lot line running the full depth of the lot shall remain in its natural state. The cutting of vegetation or trees or the construction/placement of buildings within the buffer area is prohibited.

10.2 The number of single-family lots, building sites, single family units, or single family condominium units utilizing said access shall be limited to two (2).

10.3 The construction or placement of any structures on the mainland access is prohibited.

10.4 The creation or use of mainland land for lake access for island development shall be by conditional use only in the RR-1 and RR-2 underlying zone districts in accordance with Section 8.0 CONDITIONAL USE PERMITS. The Plan and Review Commission shall consider the size, shape, depth, present and potential use of and the effect of the mainland lake access on public rights in navigable waters.

**SECTION 11.0 LAKE CLASS DEVELOPMENT STANDARDS AND LISTS OF
LAKES BY CLASSIFICATION**

11.1 After adoption of this section, or an amendment thereto, no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Parcels of land existing and of record, i.e., documented by recording of a metes and bounds description; or a Certified Survey Map; or a recorded platted subdivision should meet the requirements found in Section 8.5 SUBSTANDARD LOTS

The construction of new dwellings or replacement dwellings; additions to existing structures and the construction of accessory buildings may be permitted by permit provided all other requirements, regulations and setbacks can be met from the date the lot was created. Dwelling(s) construction must meet the minimum setback requirements stated in Section 12.0 DIMENSIONAL REQUIREMENTS, regardless of when the lot was created.

11.2 A lot created prior to the adoption of the current Lake Class Development Standards (April 15, 1997), or as later amended, but substandard in size to the Lake Class Development Standards, may have a single family dwelling unit [or other principal structure] constructed on the lot provided that all minimum setback requirements can be met and a wastewater treatment system is installed. Additional structures shall be constructed only in accordance with Lake Class Development Standards.

SECTION 12.0 DIMENSIONAL REQUIREMENTS

12.1 General Dimensional Requirements

Dimensional requirements are measured in feet unless otherwise indicated below.

	R-1	RR-1	RR-2	A-1	C-1	I-1	F-1
Building Height Limits	35	35	35	35	35	35	30
Required Lot Area (sq. ft.)							
With public sewer*	30,000	30,000	30,000	5 ac	30,000	1 ac	10 ac
Without public sewer**	30,000	30,000	30,000	5 ac	30,000	1 ac	10 ac
Minimum Lot Width** (Feet)							
With public sewer	150	150	150	300	150	200	300
Without public sewer	150	150	150	300	150	200	300
Minimum Lot Depth (Feet)							
	200	200	200	200	200	200	200
Yard Set Back Required - All Structures*** (Feet)							
Front	30	30	30	50	50	50	30
Rear	40	40	40	50	50	50	40
Side							
Principal Structure	30	30	30	50	50	50	30
Accessory Structure	10	10	10	50	50	50	30
Principal Structure - Minimum width (Feet)							
Width	20	20	20	20	20	20	20
Minimum Floor Area Residence (sq. ft.)							
1 Bedroom	800	500	500	500	500	500	500
2 Bedroom	900	600	600	900	600	600	600
3 or more Bedrooms	1,000	700	700	1,000	700	700	700
*	Plus any additional area required by Wisconsin Administrative Code.						
**	In addition, minimum lot frontage adjacent to any lake, pond, flowage, river, stream or public or private road or roadway shall be 200 feet. Where lot is adjacent to and on the outside curve of a road, there shall be allowed a reduction in frontage of 4 feet for every one-degree of curve (arc definition) but in no instance shall such frontage be reduced to less than 175 feet. Frontage for lots abutting roads shall be measured separately for each side of lot where applicable and shall not be combined to determine frontage requirements.						
***	Boathouse - See Part II Section 14						

Note: Development within the Shoreland District must also meet the requirements of section 12.2

12.2 Lake Classification Development Standards

Lake Class	OHWL	Lot Size Square Feet	Minimum Shore Frontage	Lot Depth	Vegetation Removal	Side Yard Setback For Principal Buildings	Side Yard Setback For Accessory Buildings
1	75	40,000	200	200	30' corridor within 35' of the OHWM	30	10 minimum - 40 minimum total
	75	60,000	300*	200		60	
2	75	40,000	200	200	30' corridor within 35' of the OHWM	30	20 minimum - 50 minimum total
	75	80,000	400*	200		60	
3	75	40,000	200	200	30' corridor within 35' of the OHWM	30	30 minimum - 60 minimum
	75	80,000	400*	200		60	
4	100	217,800 (5 acres)	300	700	30' corridor within 35' of the OHWM	60 minimum 120 minimum total	
	100	217,800 (5 acres)	600*	700			
5	75	40,000	200	200	30' corridor within 35' of the OHWM	30	20 minimum - 50 minimum total
	75	60,000	300*	200		60	
*Two family dwelling/duplex							
Note: F-1(Forestry One) Zone District Lot Area size supersedes the Town of Spider Lake, Lake Classification Development Standards							

SECTION 13.0 LIST OF TOWN OF SPIDER LAKE, LAKES CLASSIFICATION

The following classification lists identify lakes four acres and larger in size and named in "Surface Water Resources of Sawyer County:" published by Wisconsin Department of Natural Resources and appearing by name on the 1:24000 scale topographic maps published by the US Geological Survey, commonly referred to as the U.S.G.S. Quadrangle Maps.

Named lakes Less than four acres in size and all unnamed lakes listed in the "Surface Water Resources of Sawyer County", Wisconsin Department of Natural Resources are considered Class (4) Wilderness Development protection lakes.

It should be noted that Sawyer County's shoreline regulation jurisdiction extends only to those portions of shoreline outside the boundaries of any incorporated municipality.

Development standards for rivers and streams refer to all rivers and streams in the Town of Spider Lake deemed by the Wisconsin Department of Natural Resources to be navigable.

The A-1 (Agricultural One), A-2 (Agricultural Two) and F-1 (Forestry One) Zone Districts supersede the General Development (1), Recreational Development (2), Natural Development (3) and Rivers and Streams Classification Development Standards where they are more restrictive.

As noted in the **SAWYER COUNTY ZONING SHORELAND-WETLAND PROTECTION ORDINANCE**, The Town of Spider Lake existing zone district dimensional requirements supersede the General Development (1), Recreational Development (2), Natural Development (3) and Rivers and Streams Classification Development Standards.

F1 (Forestry One) Zone district supersede the Town of Spider Lake, Lake Classification

Development Standards where they are more restrictive.

Classification 1	Classification 2	Classification 3	Classification 4	Classification 5
Big Spider	Clear		Beaver (S18,T42,R06)	River and streams
Little Spider	Ghost		Boos	
Lost Land	Lower Clam		Bull Head (S28,T42,R06)	
North	Ole		Camp Four (S28,T42,R06)	
Teal	Upper Twin		Camp Smith	
			Catfish	
			Cattail	
			Christy	
			Davis	
			Dead	
			Delano	
			Eagle Nest	
			Evelyn	
			Fawn	
			Filing Shed	
			Goodman	
			Goodwin	
			Grant	
			Hadley	
			Helane	
			Holmes	
			Hope	
			Horseshoe (S11,T42,R07)	
			Horseshoe (S12,T42,R07)	
			Ike	
			Kelly	
			Lewis	
			Little Ole	
			Lynch	
			McClaine	
			Meadow	
			Noble	
			Partridge Crop	
			Patsy	
			Perch (S25,T42,R06)	
			Red Ike	
			Sickles	
			Spruce	
			Star	
			Stearns	
			Teal River Flowage	
			Two Deer	
			Whiplash	
			Wilson	

Compliance

Note: Dual zoning applies with Sawyer County Zoning

SECTION 14.0 SETBACKS FROM NAVIGABLE WATER, WETLANDS, AND BLUFFS

General: Ch NR 115.05(1) (b) Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Measurement: All setback distances shall be measured from the overhang or appendage such as a deck, horizontally to the closest point of the ordinary high-water mark.

14.1 For lots that abut on or contain navigable waters. Unless exempted in 14.5 EXEMPT STRUCTURES, below, or 15.7 REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE, all buildings, and structures – to include boathouses and other accessory buildings, structures and new dwellings on vacant lots – shall be set back a minimum of 75 feet from the ordinary high-water mark of navigable waters.

14.2 For lots that abut on or contain wetland areas that are adjacent to navigable waters. Unless exempted in 14.5 EXEMPT STRUCTURES below, or 15.7 REPLACEMENT OR RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE, all buildings, and structures – to include boathouses and other accessory buildings and structures, new dwellings on vacant lots and replacement dwellings – shall be set back the greater of 75 feet from the ordinary high-water mark or 40' from the most landward edge of the wetland boundary.

14.3 For lots that abut on or contain non-navigable wetlands – wetlands that do not contain an ordinary high-water mark. All buildings and structures – to include boathouses and other accessory buildings and structures, new dwellings on vacant lots and replacement dwellings – shall be set back a minimum of 40 feet from the edge of wetland boundary.

14.4 Wetland types (navigable or non-navigable) shall be determined by the Zoning Administrator with the assistance of the DNR or a certified private delineator. Certification of wetland delineation, if required, is the responsibility of the property owner.

14.5 Exempt Structures

- 1) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats. ["GARD GAZEBO"] shall be permitted if the following conditions are met:
 - a) The structure that is the subject of the request for a "GARD GAZEBO" permit has no sides or has open or screened sides. Knee walls of 32 inches or less will be considered open construction.
 - b) That part of a structure that is nearest to the water shall be located at least 35 feet landward from the ordinary high-water mark.
 - c) The structure shall not be constructed on slopes in excess of 20%.
 - d) The total combined footprint of all of the structures within the shoreland setback area of the property will not exceed 200 square feet. Walkways, stairways, and boathouses without decks shall be excluded in calculating this square footage.
 - e) The structure shall blend with native or restored vegetation at the site.

- f) The eave overhang shall not exceed one foot.
- g) The side yard setback shall be the greater of 10 feet, or as stated in Section

12.0 LAKE CLASS DEVELOPMENT STANDARDS.

- h) The structure height shall not exceed 12 feet above the lowest grade within the structure footprint.
 - i) Decks/floors to include support systems shall not exceed two (2) feet above existing grade.
 - j) Roofs of existing structures (i.e., boathouses, nonconforming accessory structures) shall not be converted to decks/seating areas.
 - k) Water, gas and sewer utilities shall not be connected to the structure.
 - l) Standard erosion and storm-water runoff controls must be implemented.
 - m) Mitigation shall be required and shall meet the requirements of Section 18.0 MITIGATION REQUIREMENTS. Failure to comply with mitigation provisions may cause The Zoning Administrator to issue an order for removal or relocation of the structure allowed by the "GARD GAZEBO" permit.
- 2) Satellite dishes. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth antennas that are two meters or less in diameter, may be placed within the vegetative buffer zone provided they are located within the access and viewing corridor.
- 3) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pump house covers, private on-site wastewater treatment systems that comply with ch. Comm 83 and the Sawyer County Private Sewage System Ordinance, and other utility structures that have no feasible alternative location outside of the minimum setback provided that:
- a) A land use permit is obtained for above ground structures (i.e., towers, water towers, pumping stations etc.),
 - b) A mitigation plan utilizing best management practices is approved by the Zoning Administrator to infiltrate or otherwise control stormwater runoff.
- 4) Stairways, walkways, and lifts. The Zoning Administrator may permit a stairway, walkway or lift in the setback area only when it is essential to provide pedestrian access to a legally permitted pier, boat hoist or boathouse because of steep slopes, rocky or wet, unstable soils, and when the following conditions are met:
- a) There are no other locations or facilities on the property which allow adequate access to a pier, boat hoist or boathouse. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.
 - b) Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
 - c) Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
 - d) Stairs and walkways shall be located so as to minimize earth disturbing activities and shoreline during construction. Stairs and walkways shall not be excavated from erodible soils, steep slopes or a bluff face.
 - e) Structures shall blend with native, non-invasive vegetation so as to be inconspicuous when viewed against the shoreline.
 - f) Canopies, roofs, and sides are prohibited. Open railings may be provided where required for safety.
 - g) A maximum of 60 inches (outside dimensions) is allowed for stairways, walkways, and lifts.
 - h) Landings are allowed where required for safety purposes and shall not exceed

40 square feet in the aggregate. Attached benches, seats, tables, etc. are prohibited.

- i) Stairways, walkways, and lifts shall be supported on piles or footings. Any filling, grading or excavation that is proposed must meet the requirements of Section 19.0 FILLING, GRADING, LAGOONING. DREDGING, DITCHING AND EXCAVATING of this Part of the ordinance.
- 5) Floodplain structures. Buildings and structures to be constructed or placed in a flood plain shall be required to comply with the Sawyer County Flood Plain Zoning Ordinance.

14.6 Other Structures

1) Fences.

- a) With the exception of agricultural use fences in agricultural zone districts, fences are prohibited within 75' of the ordinary high-water mark.
- b) Existing nonagricultural fences shall not be replaced, expanded or enlarged but may be maintained to their existing dimensions and type of material.
- c) No fence shall exceed six (6) feet in height.
- d) A fence shall be constructed to allow the owner of the fence to maintain both sides without encroaching on adjacent property
- e) A fence shall not obstruct the adjoining property owner's view of the water
- f) A land use permit is required for any fence in excess of 100 linear feet.

2) Retaining walls shall not be allowed within 75' of the ordinary high-water mark of navigable waters, within 75 feet of navigable wetlands or within 40 feet of non- navigable wetlands.

- a) A need for retaining walls shall not be created by excavation activities.
- b) Existing retaining walls, at their point of replacement/major repair, shall be:
 - i. Removed, or
 - ii. Reduced in height, or
 - iii. Rebuilt as deemed necessary by the Zoning Administrator

14.7 [Intentionally left blank]

14.8 On-premises advertising signs within the shoreland district shall be subject to Part I Section 5.4 of this Ordinance.

14.9 Setbacks from a bluff exceeding 40° slope shall be a minimum of 20 feet from the point at which the slope breaks and becomes less than 40°. This provision may be waived with a design provided by a licensed engineer. The 75' setback from the OHWM must also be met.

SECTION 15.0 NONCONFORMING USES AND STRUCTURES

15.1 Purpose. Pursuant to 2011 Wisconsin Act 170, a Shoreland ordinance may not prohibit, or limit based on cost, the repair, maintenance, renovation or remodeling of a nonconforming structure or be more restrictive than those standards set forth in NR 115 in respect to maintenance, repair, or relocation of a nonconforming structure. This section of the ordinance applies the standards set forth in NR 115.

15.2 General rule for nonconforming uses. Pursuant to Wis. Stat. 62.23(7) (h), this ordinance may not prohibit the continuation of the lawful use of a building, structure or property which is not in conformity with the provisions of this ordinance that exists on the effective date of this ordinance.

15.3 Discontinued nonconforming uses. If a nonconforming use is discontinued or not maintained for habitable living conditions for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

15.4 Nonconforming structures within the shorelands which are damaged or destroyed by violent wind, ice, vandalism, fire, flood, snow, mold or infestation may be reconstructed provided:

- 1) Damage which is due to an intentional act by the owner shall comply with the provisions of this ordinance.
- 2) The owner must establish by competent evidence the specific extent of damage to a structure and its improvements.
- 3) Repair and reconstruction are limited to that part of a structure and its specific improvements which were actually damaged and similar building materials are employed.
- 4) Repair and reconstruction are in compliance with all other provisions of applicable ordinances.
- 5) MITIGATION may be required under Section 18.0 MITIGATION REQUIREMENTS. A Land Use Permit is required and the Land Use Permit shall be issued and work must commence for the repair or reconstruction within twelve months from the date of the damage to the nonconforming structure.
- 6) Standard erosion and stormwater runoff control measures shall be implemented.

15.5 Vertical expansion of nonconforming principal structures. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS may be expanded vertically and may replace roof support systems for such expansion with a Conditional Use Permit, provided that such vertical expansion can be accomplished without any structural change and all of the following requirements are met:

- 1) the use of the structure has not been discontinued for a period of 12 months or more
- 2) the existing principal structure is at least 35' from the OHWM
- 3) Vertical expansion cannot exceed the 35' height limit described in Section 22.0 HEIGHT STANDARDS.
- 4) Issuance of the Conditional Use permit requires approval of a mitigation plan that is implemented by the date specified in the permit and includes the following:

- a) Enforceable obligations of the property owner to establish or maintain the mitigation measures;
- b) The measures adequately offset the impacts of the project on water quality, nearshore aquatic habitat, upland wildlife habitat and natural scenic beauty;
- c) The mitigation measures must be proportionate to the amount and impacts of the expansion; and
- d) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

5) All other provisions of this ordinance shall be met.

15.6 Expansion of nonconforming principal structure beyond setback. An existing principal structure that was lawfully placed when constructed but a portion of which does not comply with the required building setback under Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS may be expanded horizontally, landward or vertically with a Land Use Permit provided that all the following requirements are met:

- 1) The expanded area must meet the building setback requirements (e.g. is beyond 75 feet from the OHWM)
- 2) All other provisions of the shoreland ordinance are met and
- 3) A mitigation plan is not required solely for this type of expansion.

Note: Any expansion within 75 feet of the OHWM is limited by the provisions of Section 15.5

15.7 Replacement or 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 of Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS may be replaced or relocated on the property with a Conditional Use Permit provided that all of the following requirements are met:

- 1) the use of the structure has not been discontinued for a period of 12 months or more
- 2) the existing principal structure is at least 35' from the OHWM
- 3) No portion of the replaced or relocated structure is located any closer to the OHWM than the closest portion of the existing principal structure
- 4) The town determines that no other location is available on the property to build a principle structure of comparable size that would result in compliance with the shoreland setback.
- 5) Issuance of the permit requires approval of a mitigation plan that is implemented by the date specified in the permit and includes the following:
 - a) Enforceable obligations of the property owner to establish or maintain the mitigation measures
 - b) The measures adequately offset the impacts of the project on water quality, nearshore aquatic habitat, upland wildlife habitat, and natural scenic beauty
 - c) The mitigation measures must be proportionate to the amount and impacts of the expansion
 - d) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

6) The Conditional Use Permit shall require that all other nonconforming structures on the lot or parcel that do not comply with the shoreland setback requirement in Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS and are not exempt under SECTION 14.5 EXEMPT STRUCTURES be removed by the date specified in the permit

15.8 Maintenance and Repair of Nonconforming Structures At Least 35 Feet from the OHWM. Except as expressly provided for in Section 15.5 of this ordinance, landowners are prohibited from doing any work on nonconforming structures other than OM&R unless the nonconforming structure is exempt under SECTION 14.5 EXEMPT STRUCTURES. Prohibited activities include structural repair, replacement or expansion that could affect structural quality or longevity of the structure.

15.9 Nonconforming patios, screen porches, and similar structures.

1) Patios

- a) Patios are allowed ordinary maintenance and repair
- b) Patios shall be replaced only by variance.
- c) Roofs shall not be constructed above Patios.

2) Screen porches and similar structures

- a) Screen porches are allowed ordinary maintenance and repair
- b) Screen porches shall be replaced only by variance.
- c) The open nature of Screen porches must be maintained. Screen porches shall not be enclosed with solid or similar walls. Existing screen walls may be replaced as ordinary maintenance and repair.

3) Decks

- a) Decks may be replaced within the existing footprint.
- b) Roofs shall not be constructed above decks.
- c) Decks shall not be screened or enclosed.

15.10 Structural Repair/Replacement/Expansion. Replacement of wall(s), trusses, rafters, and sheathing is structural replacement, not OM&R and is only allowed under special situations. An on-site inspection may be required for unique circumstances at the discretion of the Zoning Administrator.

15.11 Maintenance and Repair of Nonconforming Structures Within 35 Feet from the OHWM. Nonconforming principal and accessory structures any portion of which is less than 35' from the OHWM may be maintained and repaired within its existing building envelope, with a Land Use Permit. Only OMAR (as that term is defined in Part I Section 2.2 of this ordinance) is allowed. Expansion of nonconforming structures is not allowed except by variance.

SECTION 16.0 ACCOMMODATIONS FOR DISABLED RESIDENTS

Where strict interpretation of this ordinance would effectively deny disabled residents equal housing opportunity, and where the property does not meet the criteria for a variance, the Plan and Review Commission may authorize by conditional use permit the Zoning Administrator to issue a permit to provide reasonable accommodations to a disabled resident as required by the Federal Americans with Disabilities Act, the Federal Fair Housing Act and the Wisconsin Fair Housing Act.

The conditional use permit shall include the following conditions:

- a) The conditional use permit shall state on its face the conditions that are applicable
- b) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable accommodation shall be approved
- c) No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this ordinance
- d) The permit shall expire once the property is no longer used by a disabled resident and all nonconforming structures no longer required shall be removed at the land owner's expense within six months of the permit expiration date. [ADD: If the landowner fails to remove all nonconforming structures that are no longer required within six months of the permit expiration date,
- e) The permit, with attached conditions, shall be recorded in the Office of the Sawyer County Register of Deeds at the expense of the applicant. A copy of the recorded permit shall be maintained in the Zoning Administrator's records.
- f) Within six months of the recording of a property transfer document, the new landowner shall remove at the landowner's expense all nonconforming structures no longer required by a disabled resident and will restore the areas affected in conformity with this ordinance.
- g) A Doctor's Statement/Certificate is required for validation of disability.
- h) Any violation of this Section shall be subject to Part I Section 9.3 of this Ordinance, VIOLATIONS, AND PENALTIES.

SECTION 17.0 SHORELAND VEGETATION REQUIREMENTS

17.1 BUFFER ZONE/SHORELINE VEGETATION PROTECTION AREA

The purposes of tree, shrubbery and vegetative cutting and removal regulations applicable to the shoreland area are to protect natural scenic beauty, control erosion, protect fish and wildlife habitat and reduce effluent and nutrient flow from the shoreland. Accordingly, in order to protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, land that extends a minimum of 35' landward from the OHWM shall be established and maintained as a vegetative buffer zone. The removal of vegetation in this buffer zone is prohibited except as follows:

- 1) Removal of vegetation, to include logging, on parcels regardless of parcel size is allowed only in accordance with the requirements of this section. (See Section 17.3 RESOURCE MANAGEMENT AND AGRICULTURAL EXEMPTIONS for possible exemptions.)
- 2) Creation of access and view corridors. Access and viewing corridors may be created provided that:
 - a) No single corridor shall exceed the lesser of 30% of the shoreline frontage or 30 feet as measured perpendicular to the side lot lines at the shoreline. Use corridors shall not be created where the absence of vegetation provides a similar naturally occurring opening.
 - b) Corridors shall be more or less perpendicular to the shoreline.
 - c) There shall be a minimum separation distance of 70 feet between corridors on the same lot.
 - d) A 10' zone around all existing structures may be maintained to create a fire break.
 - e) No corridor shall be established closer than 10 feet to a side lot line.
 - f) The combined width of all corridors on the same lot may not exceed the lesser of 30% of the shoreline frontage or 200 feet.
 - g) Corridors are created by the selective removal of shrubs and saplings (a young tree not over four inches in diameter at chest height) and the selective delimiting of larger trees to provide a filtered view or through a plan approved by the Zoning Administrator after consultation with the County Zoning & Conservation Administration.
 - h) Use corridors for hotels, motels, resorts, and campgrounds. Use corridors, at the discretion of the property owner, may be created either as a single corridor or as multiple corridors, but in no instance shall the total width of the corridors exceed 30% of the frontage of the lot.
 - i) Paths: Any path, road, or passage within the thirty-five (35) feet area shall be constructed and surfaced so as to effectively control erosion.
- 3) Public and private watercraft launching sites are allowed provided they comply with the following standards:
 - a) Construction on slopes steeper than 20% over a 50-foot horizontal distance is prohibited;
 - b) An access site on residential property shall not be allowed if an alternative site on the waterway is available to the general public;
 - c) Access sites shall be located within the use corridor; and

- d) A State Chapter 30 permit shall be obtained for all construction below the ordinary high- water mark.
- 4) Existing privately owned boat launch sites may be maintained with the use of fill material provided that:
 - a) None of the fill material is allowed to migrate beyond the ordinary high-water mark,
 - b) The fill material is immediately seeded/sodded after placement.
 - c) The site shall not be used for launching activities until completely vegetated.
- 5) Piers, wharves, boat lifts, boathouses, shelters or any accessory structure shall be located in a Use Corridor.
- 6) Vegetation removal.
 - a) The following vegetation removal practices are allowed provided that there is minimal soil disturbance and replanting with native vegetative species takes place concurrently:
 - i) Exotic or invasive species.
 - ii) Damaged (other than vegetation intentionally damaged by the landowner or at the land owner's direction or consent) vegetation.
 - iii) Diseased vegetation.
 - iv) Vegetation causing an imminent safety hazard.
 - v) The property owner shall contact the Zoning Administrator prior to vegetation removal to determine if a permit is required.
 - b) A property owner may be granted a permit for additional vegetation management activities in the buffer zone with a detailed plan that shows all of the following:
 - i) The plan must show that the project is designed to control erosion by limiting sedimentation into the waterbody
 - ii) The plan must show that the project is designed to improve the plant community by replanting in the same area
 - iii) The plan must show that the project is designed to maintain and monitor the newly restored area
 - iv) Any permit issued under this section must include an enforceable restriction to preserve the newly restored area.

17.2 Cutting more than 35 feet inland.

- 1) From the inland edge of the 35-foot buffer zone/shoreline vegetation protection area to the 75' setback distance from the ordinary high-water mark, the selective removal of trees, shrubbery and vegetation shall be allowed using accepted land management and conservation practices to protect water quality.
- 2) From the inland edge of the 75' setback distance from the ordinary high-water mark to the outer limits of the shoreland, the cutting of trees, shrubbery, and vegetation is allowed when such removal is accomplished using accepted forest management and soil conservation practices which protect water quality. Clear-cutting within three hundred (300) feet of the ordinary high-water mark that exceeds ten thousand (10,000) square feet shall require a Land Use Permit.

17.3 Resource management and agricultural exemptions. The following activities are exempt from the provisions of Section 17.1 BUFFER ZONE/SHORELAND

VEGETATION PROTECTION AREA and Section 17.2 CUTTING MORE THAN 35 FEET INLAND

- 1) Fish and wildlife habitat management activities if included in the Wisconsin Department of Natural Resources approved management plan.
- 2) Commercial timber harvest and other forestry activities including land disturbing activities (such as forestry road building) if:
 - a) Such lands are located in a Forestry or Agricultural Zone District;
 - b) All cutting practices near lakes and navigable streams must be consistent with shoreland zoning requirements to include the replacement of removed/destroyed shrubs, trees and vegetation within one year of removal;
 - c) Such activity complies with appropriate practices specified in Wisconsin Forestry Management Guidelines (PUB-FR-226) published by the Department of Natural Resources or a plan approved by the Sawyer County Land and Water Conservation Committee; and
 - d) The parcel of land where the cutting is proposed is 10 acres or more in size.
- 3) Agricultural cultivation if:
 - a) Such lands are located in an Agricultural Zone District, and
 - b) Such activity complies with appropriate practices specified in Chapter NR 151 RUNOFF MANAGEMENT or a plan approved by the Zoning Administrator working with Sawyer County Zoning & Conservation Department.

SECTION 18.0 MITIGATION REQUIREMENTS

INTRODUCTION: Mitigation is the requirement to restore (or create) shoreline buffer functions on all waterfront properties that do not meet Shoreline Vegetation Protection Area requirements (see Section 17.0 SHORELINE VEGETATION REQUIREMENTS). Mitigation shall apply only to the lot for which a Land Use Permit is issued.

- 1) Waterfront properties with an existing intact shoreline vegetative protection area. The application for a land use permit will require property owner certification on a form provided by the Zoning Administrator of an intact buffer zone/shoreline vegetative protection area.
- 2) Waterfront properties without an intact shoreline vegetative protection area. The application for a land use permit will require a Mitigation Plan and Implementation Schedule to be approved by the Zoning Administrator, working with the Sawyer County Conservation Department prior to the issuance of the land use permit.
- 3) Mitigation responsibilities for condominiums.
 - a) Mitigation is the responsibility of the condominium association and shall be in accordance with a mitigation plan approved by the Zoning Administrator and the Sawyer County Zoning & Conservation Department.
 - b) Once approved, a plan can only be amended with the approval of the Zoning Administrator who will coordinate with the Sawyer County Zoning & Conservation Department.
 - c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Administrator and the president of the association has submitted a letter to the Zoning Administrator stating that the association accepts responsibility for the mitigation.
- 4) Mitigation responsibilities For Mobile Home Parks With Shoreline Frontage
 - a) Mitigation for mobile home parks with shoreline frontage is the responsibility of the owner of the mobile home park and shall be in accordance with a mitigation plan approved by the Zoning Administrator.
 - b) Once approved, a plan can only be amended with the approval of the Sawyer County Zoning Administrator.
 - c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning Administrator and the owner of the mobile home park has submitted a letter to the Zoning Administrator stating that the owner accepts responsibility for the mitigation.

SECTION 19.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING

- 1) Earth Disturbance Regulation Purpose: Earth disturbance in the shoreland area can cause sedimentation into waterbodies during construction, can impact run-off rates from new construction and compaction caused by equipment operation, and can impact fish and wildlife habitat and natural scenic beauty.

- 2) General Standards. Filling, grading, lagooning, dredging, ditching or excavating may be allowed in the shoreland area provided that:
 - a) It is done in a manner designed to minimize erosion, sedimentation, and impairment of fish and wildlife habitat.
 - b) Any earth disturbance in a shoreland-wetland district meets the requirements of Section 20.1 PERMIT CONDITIONS and Section 23.0 W-1: WETLAND/SHORELAND ONE DISTRICT
 - c) All applicable federal, state and local authority is obtained in addition to obtaining a permit issued under this ordinance.
 - d) Any fill placed in the shoreland area is protected against erosion by the use of measures meeting the Wisconsin Construction Site Technical standards during construction and appropriate vegetative cover upon completion of the project.

- 3) Permit Required. Except as provided under Section 20.0 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE, a Land Use Permit is required:
 - a) For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of navigable water and which has surface drainage toward the water and on which there is either:
 - i) Any filling or grading on slopes of more than 20%.
 - ii) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%. iii) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.

 - b) A conditional use permit is required for any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

SECTION 20.0 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE

20.1 Soil conservation practices such as tiled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under Section 19.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING when designed and constructed in accordance with the Natural Resources Conservation Service (NRCS) technical standards.

20.2 Agriculture drainage maintenance in the shoreland zone is not exempt from the requirements of Section 19.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING and shall require a permit that requires the following:

- 1) Spreading of dredge spoils in adjacent farmed areas shall comply with an erosion control plan to minimize the sediment washing back into the navigable waterway.
- 2) Vegetation management on banks of agricultural ditches that were navigable streams before ditching shall comply with the standards in Section 17.0 SHORELAND VEGETATION REQUIREMENTS
- 3) Projects shall be reviewed for compliance with the requirements of the Sawyer County floodplain zoning ordinance.
- 4) A buffer strip meeting the appropriate NRCS standard shall be required as part of any shoreland permit issued under this section.

20.3 PERMIT CONDITIONS. In granting a Land Use Permit under Section 19.0 - FILLING, GRADING, LAGOONING, DREDGING, DITCHING, AND EXCAVATING, the Zoning Administrator shall attach the following conditions, where appropriate,

- 1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 2) Temporary ground cover (such as sod, mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- 3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- 4) Lagoons shall be constructed to avoid fish trap conditions.
- 5) Fill shall be stabilized according to accepted technical standards.
- 6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 7) The property is responsible for any damage caused to neighboring properties through increased run-off, grade changes, etc.

SECTION 21.0 IMPERVIOUS SURFACE STANDARDS

Purpose: Impervious surface standards are intended to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. Extensive research shows that shoreland development results in increased quantities and velocities of runoff that may overwhelm infiltration capacity and transport sediment, nutrients and other pollutants directly to surface waters if proper management is not employed.

21.1 Impervious surfaces area standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface within 300' and areas beyond the 300' of the ordinary high-water mark of any navigable waterway.

21.2 The percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on a shoreland lot or parcel within 300' of the ordinary high-water mark by the total surface area of that shoreland lot or parcel located within 300' of the ordinary high-water mark and multiplied by 100. Any portion of a Public road traversing a lot, publicly held parcels (parks, e.g.), etc., cannot be included as part of the impervious surface, for calculation purposes for non-publicly held properties.

21.3 The limitation on impervious surfaces within 300' of the ordinary high-water mark shall not exceed fifteen percent (15%) of a total lot area and may be increased to no more than twenty-five percent (25%) only with a Conditional Use Permit. A conditional use application shall include, at a minimum, the following documentation:

- 1) A topographic survey of sufficient scale (not less than 1" = 20') showing pre-construction and pre-excavation conditions including slopes/contours, water bodies, wetlands, vegetative cover, drainage ways, roadways, buildings, and all other impervious surfaces and any unique physical features of the lot.
- 2) A site plan of similar scale showing the information required in (1) as proposed post-construction conditions, and shall include all erosion/sedimentation control measures, diversion/containment structures and total calculations of lot area and impervious surfaces.
- 3) A mitigation plan is approved that includes the following:
 - a) The permit must have a documented implementation date for the mitigation
 - b) The mitigation plan must include enforceable obligations of the property owner to establish or maintain the mitigation measures
 - c) The mitigation measures must be proportional to the amount and impacts of the impervious surfaces being permitted.
 - d) The mitigation plan, if Conditional Use Permit is approved, will be recorded in the office of The Register of Deeds on the Deed by the applicant.

21.4 The limitation on impervious surfaces located more than 300 feet from the ordinary highwater mark may be increased to no more than thirty percent (30%) only with the submission and approval of the Zoning & Conservation Department and the Zoning Administrator of a Rainwater/Snow Run-off Retention Plan containing the same information required in Section 21.3 1) through 3) for a Conditional Use Permit.

21.5 Wilderness Development Lakes Class Development Standards

- 1) The impervious surface limitation for Wilderness Development classification lakes shall not exceed 5% within 300' of the ordinary high-water mark.
- 2) The limitation on impervious surfaces for Wilderness Development lakes shall be increased only with the granting of a conditional use permit.
- 3) The limitation on impervious surfaces located more than 300 feet from the ordinary high- water mark may be increased to no more than thirty percent (30%) only with the submission and approval of the Zoning & Conservation Department and the Zoning Administrator of a Rainwater/Snow Run-off Retention Plan containing the same information required in 21.3 1) through 3) for a Conditional Use Permit.

21.6 Existing impervious surfaces

- 1) A property owner is not required to change, modify or mitigate impervious at-grade surfaces that lawfully exist on the effective date of this ordinance provided:
 - a) There is no resultant increase in net impervious surfaces and
 - b) A land use permit is obtained for impervious surfaces additions, changes, modifications and alterations exceeding 100 square feet in area.
 - c) Examples of at-grade impervious surfaces that would require the issue of a land use permit if added to, changed, modified or altered are, but are not limited to, parking areas, driveways, patios, slabs, asphalt, and cemented surfaces etc. Reductions in impervious surfaces do not require a permit under this section. See Section 19.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING for other possible permit requirements.
- 2) Ordinary maintenance and repair of existing impervious surfaces. A property owner is allowed to perform ordinary maintenance and repair of all existing impervious surfaces without the issue of a land use permit.
- 3) Replacement of existing impervious surfaces.
 - a) Replacement of impervious surfaces with a cumulative surface area of less than 100 square feet in any twelve (12) month period may be replaced without the issue of a land use permit.
 - b) Replacement of impervious surfaces with a cumulative area of 100 square feet or larger shall require the issuance of a land use permit.
 - c) Replacement of existing impervious surfaces can only be of similar surfaces and within the existing building envelope.
- 4) Relocation or modification of existing impervious surfaces. A property owner may relocate or modify an existing impervious surface with similar or different surfaces, provided that the following are met:
 - a) A land use permit is issued if the total project area exceeds 100 square feet in area.
 - b) The project does not result in a net increase in impervious surface that existed on the effective date of this ordinance
 - c) The relocated or modified impervious surface meets the applicable setback requirements of Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS

SECTION 22.0 HEIGHT STANDARDS

22.1 Height standards purpose: Unlimited increases in the height of structures can impact natural scenic beauty as viewed from the water and can impact wildlife habitat.

22.2 Height Limitations: Any construction that results in a structure taller than 35' is prohibited.

SECTION 23.0 W-1: WETLAND/ShORELAND ONE DISTRICT

See Part I Section 15.8 of this Ordinance.

SECTION 24.0 CONDOMINIUMS

Condominiums and Condominium development are addressed in Part 1 Section 6.10 of the Land Use Ordinance.

SECTION 25.0 ADMINISTRATIVE PROVISIONS

Administrative provisions are contained in Part I Section 9 of the Land Use Ordinance

SECTION 26.0 CONDITIONAL USE PERMITS

Conditional Use procedures, standards, conditions and termination provisions are contained in Part I Section 8 of the Land Use Ordinance.

SECTION 27.0 RESERVED

SECTION 28.0 VARIANCES

The Board of Appeals may grant upon appeal an area variance pursuant to Part I Section 11.

SECTION 29.0 USE VARIANCES NOT TO BE GRANTED

A variance shall not grant or increase any use of property which is prohibited in the shoreland-wetland zone district.

SECTION 30.0 NOTICE, HEARING AND DECISION

See Part 1 Section 11.4

SECTION 31.0 BOARD OF APPEALS

See Part I Section 11.0 for the general provisions regarding the Board of Appeals

SECTION 32.0 SEVERABILITY

If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected. Any conflict between Part 1 and Part II shall be resolved by the more restrictive term being applied.

SECTION 33. 0 FEES

The Town Board may adopt fees for the following:

- 1) Land use permits.
- 2) Planned Unit Development reviews.
- 3) Public hearings.
- 4) Legal notice publications.
- 5) Conditional use permits.
- 6) Variances.
- 7) Administrative appeals.
- 8) Other duties as determined by the Town Board

PART III SUBDIVISION CONTROL

SECTION 1.0 INTRODUCTION

1.1 Title

This Part of the Ordinance shall be known as the Town of Spider Lake Subdivision Control Ordinance.

1.2 Intent and Purpose

This Part is intended to regulate and control the division and subdivision of land within the Town of Spider Lake in order to promote the public health, safety, and general welfare and to encourage the most appropriate use of land. This Part is also intended to achieve the purposes listed in Chapter 236, Wisconsin Statutes.

1.3 Statutory Authority

This Part is adopted under the authority granted by §§ 144.26, 236.12 and 236.45 of the Wisconsin Statutes.

1.4 Jurisdiction

The jurisdiction of this Part shall include all unincorporated lands within the Town of Spider Lake.

SECTION 2.0 DEFINITIONS

The definitions contained in Part I Section 2 of this Ordinance shall apply to this Part unless otherwise defined in this Part.

SECTION 3.0 GENERAL PROVISIONS

3.1 Administration

The administration and enforcement of this Ordinance shall reside with the Plan and Review Commission and its duly authorized staff.

3.2 Compliance

- A) No person, firm, or corporation shall divide the land for the purpose of sale, transfer, or development without obtaining the approval of the Town Plan and Review Commission and without complying with all of the provisions of this Ordinance, including this Part.

- B) Where applicable, the subdivider shall also comply with the provisions of Chapter 236, Wisconsin Statutes; the rules of the Wisconsin Administrative Codes. as they relate to private sewage systems; the rules of the State Department of Transportation as they relate to the safety of access and preservation of public interest concerns; and all other laws, regulations or requirements having appropriate authority.

- C) Should any provision of this Part conflict with any other Part of this ordinance or any other law, then the provisions of the more stringent requirement, regulation, restriction or limitation shall prevail.

- D) No land use permit shall be issued, nor shall any construction activity commence on any lot requiring approval under this Part until final lot division approval has been granted.

- E) Subdivisions not serviced by public sewer shall comply with the requirements of the Sawyer County Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Codes.

- F) No lot(s) shall be created without recorded access. The volume and page of the recorded access shall be shown on the map or an owner's certification.

3.3 Exclusions

The provisions of this Part shall not apply to:

- A) Transfers of land pursuant to court order or will.

- B) The sale or exchange of parcels between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Town of Spider Lake under this Ordinance or other applicable laws or ordinances. Parcels sold or exchanged must be combined with an existing parcel by Plat of Survey, Certified Survey Map or by Deed to avoid creating an additional parcel.

- C) Easements
- D) Cemetery plats and assessor plats made under the provisions of Wisconsin Statutes.
- E) Sale and exchange of parcels of public utility or railroad right of way to adjoining property owners were approved by the town and county.

3.4 Violations and Penalties

- A) Any violation of this Part shall be subject to Part I Section 9.3 of this Ordinance, VIOLATIONS
- B) Violations of the provisions of this Part are also subject to the terms of Chapter 66.119, Wisconsin Statutes.

3.5 Severability Clause

The provisions of this Part shall be deemed to be separable and a determination of the invalidity of any portion of this Part by a court of competent jurisdiction shall not affect the validity of the remainder of it.

3.6 Disclaimer of Liability

This Part shall not be construed as assuming or creating any liability on the part of the Town of Spider Lake, or any officer or employee thereof, for any problems or damages which may occur as a result of reliance upon and conformance with this Part.

3.7 Interpretation

This Part shall be liberally construed in its interpretation and application to provide for the orderly growth and development of the unincorporated areas of the Town of Spider Lake, and shall not be deemed as a limitation or repeal of any other power granted to the Town by the Wisconsin Statutes.

3.8 Amendments

The Town of Spider Lake Town Board may make amendments to this Part in the manner prescribed by the Wisconsin Statutes.

3.9 Effective Dates

This Part shall take effect upon its passage by the Town of Spider Lake Town Board and its publication as provided by law.

3.10 Repeal of Previous Ordinances

All previous Town of Spider Lake Subdivision Control Ordinances and amendments thereto are hereby repealed.

3.11 Variances and Appeals

- A) Any person seeking a variance from the terms of this Part, or aggrieved by a decision rendered by the Town Plan and Review Commission or Zoning Administrator may request and be granted a public hearing before the Town of Spider Lake Board of Appeals as provided in Part I Section 11.0 of this Ordinance. An appeal notice shall be filed with the Board of Appeals within thirty (30) days from the date of the order or decision from which the appeal is being made.
- B) The Board of Appeals may grant upon appeal, in specific cases and subject to appropriate conditions and safeguards, a variance from the terms of this Part where without a variance the owner would have no reasonable use of the property.
- C) Any variance granted shall be in total conformity with all applicable laws and regulations; the public health, safety, and general welfare; and the spirit of this Ordinance. Variances granted shall not be considered a precedent in any way.

3.12 Right to Access

The Town Plan and Review Commission and its authorized staff, the Zoning Administrator or his/her deputy shall have powers and authority including but not limited to the following:

- A) Access to any structure or premises for the purpose of performing his/her duties between the hours of 8:00 A.M. and 6:00 P.M. Issuance of an inspection warrant by the court may be requested upon the discretion of the Zoning Administrator.
- B) Upon reasonable cause or question as to proper compliance, to order the revocation in writing of any Land Use Permit and to issue, in writing, Cease and Desist Orders requiring the cessation of any building, moving, alteration, or use which is in violation of the provisions of this Part. Any such violation which is not corrected upon said written order within the time specified in the order, which shall be not less than thirty (30) days following the date of said order, shall be referred to the Town Plan and Review Commission. The Town Plan and Review Commission shall recommend action to the Town Board which shall determine any further action that might be required.

3.13 Vacating and Replatting

Recorded maps or plats may be vacated or altered pursuant to Sections 236.36-236.44, Wisconsin Statutes, which are adopted by reference and applied to all land divisions regulated by this Ordinance Part.

3.14 General Requirements

- A) Certified Survey Map is required for all land divisions in all Zone districts before such land division will be approved by the Town Plan and Review Commission.

- B) All separate land areas resulting from the act of subdividing a parcel shall be designated as lots (i.e., “remainders” must be outlots if less than the minimum size specified in the Zoning Ordinance).
- C) No lot shall be created if the proposed division will result in a non-conforming structure. Non-conforming structures shall be razed or moved in such a way to correct the non-conformity prior to the creation or sale of the surveyed lot as mandated by an owner's certificate on the map. An inspection of the site may be made to verify the removal of the structure.
- D) No lot shall be created with more than one (1) existing principal habitable structure.
- E) Minimum frontage for any lot abutting any lake, pond, flowage, river, stream, or public or private road or roadway shall be 200 feet. The minimum lot area for all parcels shall be as described in Part I Section 16 and Part II including Section 12 thereof.
- F) Outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlet. Outlots shall not be used to circumvent the intent of any Part of this ordinance.
- G) All CSMs shall be reviewed by the Sawyer County Surveyors Department for requirements of Chapter 236 before recording. This includes surveys of existing parcels. A technical review fee will be charged by Sawyer County in accordance with Sawyer County Section 11.0 FEES.

3.15 Shoreland Access

Where shoreland access is to be provided for any principal structure, it shall comply with PART II: SHORELAND-WETLAND PROTECTION

3.16 Condominiums

The provisions of this Part shall apply to Condominiums created under Wisconsin Statutes Chapter 703, the Condominium Ownership Act, where four or more condominium units or four or more principal structures (that are or will be used as dwellings or for any other use) are created. The Town Plan and Review Commission encourages that conversion plats be reviewed with the Zoning Administrator prior to recording the conversion plat. The following standards apply for a Condominium Conversion Plat:

- 1) Nonconforming structures and density shall be shown on the plat or on any plat amendments pursuant to 703.275 of the Wisconsin Statutes
- 2) All proposed construction or structural alterations shall meet all of the requirements of all Parts of this Ordinance and shall be noted on the Condominium Plat or plat addenda.

- 3) Limited common elements/area boundaries shall not be considered property lines or limitations for the placement of POWTS or other land use setback requirements

SECTION 4.0 SURVEY AND RECORDING REQUIREMENTS

4.1 Classification Of Land Division

Any contiguous parcel or tract of land which is owned, controlled or managed as a single entity shall be treated as a single parcel or tract of land for the purpose of this Part unless it is divided by an existing dedicated street, existing public road or by navigable water. The Zoning Administrator shall determine whether the proposed land division satisfies the above definition and this determination shall be subject to review by the Town Plan and Review Commission. Land divisions are classified under this section as either:

- A) Minor Subdivisions (Certified Survey Map). A minor subdivision shall include the creation of one (1) but not more than three (3) parcels or building sites for all land divisions in all Zone districts and approved by the Town Plan and Review Commission.
- B) Town Subdivision (Town Plat). A subdivision shall include the creation of more than three (3) parcels or building sites which are 19 acres or less in size within a five (5) year period. This division shall require Town Plan and Review Commission review and Town Board approval.
- C) State Subdivision (State Plat). A land division meeting the definition of a state subdivision is subject to mandatory State review under Ch. 236, Wisconsin Statutes, as well as Town and County review. A land division meeting the definition of a State Subdivision may also be classified as a Town Subdivision and subject to review as such pursuant to Chapter 236.03(1).

4.2 Survey Requirements

- A) Prior to the final approval of land divisions to which this Part applies, the owner of the land shall have the parcels surveyed by a Registered Land Surveyor. The surveyor shall create a Certified Survey Map or Plat, in the manner prescribed in Chapter 236.34, Wisconsin Statutes; unless exempt under the provisions of Article 2.3 of this Ordinance or unless waived in writing by the Town Plan and Review Commission.
- B) Certified Survey Map (CSM) The CSM shall comply with the requirements of Chapter 236.34, Chapter AE- 7 Wisconsin Administrative Code and the following requirements:
 - 1) The map shall be of convenient scale.
 - 2) The map shall show the date of preparation

- 3) The map shall show the name of the owner of the parcel to be divided or by the direction of [Name]
- 4) All visible structures shall be shown to scale on the face of the CSM.
- 5) Location of visible components of existing wells, drain field vents septic, pump and holding tank risers as well as the approximate outline of the base of any mound or above grade drainfield shall be shown on the map.
- 6) Apparent easements or private right-of-ways which adjoin or cross the property shall be shown on the map.
- 7) The map shall show adjoining property information (Vol., Pg., Doc #, CSM #, Plat, etc.)
- 8) In those cases where land has been vacated and the vacated parcel is to be included in the survey, the Volume and Page of the recorded vacation document shall be shown.
- 9) Contiguous square feet of lot area, acreage and lot dimensions shall be shown. The right of way of any public road or any portion of the bed of a navigable body of water shall not be used in determining the minimum lot area or minimum lot width. The right of way of an existing public road may be used in determining lot area and width when creating lots only in the A-I and F-I zone districts.
- 10) All lots abutting navigable waters except those lands zoned F-I and A-I shall meet the minimum Lake Class Development Standards.
- 11) Approximate location of wetland/marshy areas, all ponds, streams, and creeks shall be shown on the map.
- 12) The location of the ordinary high-water mark (OHWM) of lakes, flowages, and rivers shall be shown.
- 13) For lots less than one (1) acre, the buildable area shall be shown.
- 14) The lot width shall be clearly indicated at the front of the lot and at the minimum lot depth required to create a conforming lot in accordance with the most restrictive requirements of the Town of Spider Lake Zoning Ordinance or the Sawyer County Shoreland - Ordinance, Lake Class Development Standards or zone district standards. The lot width shall be measured perpendicular to a lot line.
- 15) The benchmark referenced to the datum that was used in establishing a known regional flood elevation shall be indicated.

- 16) The map shall be accompanied by a statement by the surveyor certifying that the requirements of all Parts of this Ordinance have been fully complied with.
- 17) The map shall contain the surveyor's seal and signature.
- 18) Required fee
- 19) Zoning approval certification area.

The Zoning Administrator reserves the right to add restrictions as provided in Section 236.293 of the Wisconsin Statutes.

- C) Subdivisions created under Chapter 236.03, Wisconsin Statutes shall be subject to all applicable provisions of this Ordinance.

4.3 Recording Requirements

- A) All Certified Survey Maps and Subdivision Plats shall be recorded at the office of the Sawyer County Register of Deeds within 12 months after the date of the last approval of the plat and within 36 months after the first approval, in the manner described in Chapters 59.51 and 236, Wisconsin Statutes. A copy of the recorded Map or Plat must also be provided to the Town's Zoning Administrator
- B) Correction of errors on recorded CSM's shall be made by recording an affidavit of correction or a correction CSM. A statement shall be clearly placed on the face of the correction CSM indicating the volume and page, and document number of the CSM it is correcting.
- C) All subdivisions shall include lands lying within the right of way of existing public roads if that right of way is included in the existing property description. The right-of-way shall be shown as: (1) an existing easement or, (2) dedicated fee simple to the public or, (3) shown as an outlot.

4.4 Fees

- A) The applicant shall pay a fee specified in the Town of Spider Lake fee schedule for the creation of a subdivision. Such fees shall be remitted to the Town of Spider Lake.
- B) The applicant shall also pay the recording fee as determined by the Register of Deeds prior to recording a Certified Survey Map or Plat.

SECTION 5.0 PROCEDURE FOR SUBMITTING TOWN OR STATE SUBDIVISION PLAT

A Town Subdivision Plat shall be prepared and recorded for all land divisions resulting in the creation of more than 3 lots with 19 acres or less, within 5 years. In those instances where a proposed development will be fronting on a State Highway, a driveway access permit shall be obtained from the Department of Transportation prior to the preliminary plat review. State Plats will be required for land divisions resulting in 5 or more lots with less than 1 1/2 acres within 5 years and will also require a Town Subdivision Plat as noted above. For proposed subdivisions consisting of ten (10) lots or more, the Town Plan and Review Commission may require an environmental impact analysis. Such analysis shall be at the expense of the subdivider. The Town Plan and Review Commission shall determine the content of the analysis. A list of possible analysis requirements is available in from the Zoning Administrator (See Appendix A).

5.1 Pre-application Consultation

Prior to filing an application for lot division, the applicant is encouraged to consult with the Zoning Administrator to obtain advice and assistance. This consultation is intended to provide the applicant with the purpose and objectives of this Part, to provide assistance in planning the proposed development, and to afford an opportunity for the applicant to be informed of any changes, additions, or corrections to his proposed land division to expedite formal review procedures.

5.2 Preliminary Land Division Approval

The applicant shall submit to the Town Zoning Administrator an application form provided by the Administrator. The applicant shall also submit to the Zoning Administrator and those having authority to review plats under Chapter 236, Wisconsin Statutes; sufficient copies of a preliminary survey map or plat.

- A) The preliminary layout should clearly indicate the existing condition of the proposed Subdivision and of adjoining sites. Data should be included on physical features, bodies of water, public access, wetland areas, existing vegetation, slopes over ten (10%) percent, soil conditions, available community facilities and utilities, recorded easements, or covenants, street and road locations and lot widths, depths and areas, areas subject to periodic flooding, to include regional flood elevations (RFE) as indicated by contour line and elevation for each affected lot shall be indicated. RFEs shall be determined at the expense of the subdivider. The proposed layout shall be drawn at a legible scale and shall identify any improvements (road construction, grading, and dedication of land, installation of amenities, or any other construction activity) which the applicant proposed to make and shall indicate when these improvements will be provided.
- B) The proposed layout shall be shown on a topographic map at a scale of one (1) inch equals 100 feet having contours at vertical intervals of not more than two(2) feet where the slope of the ground surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more and shall identify the improvements (grading, tree planting, paving, installation of facilities,

and dedication of land) which the subdivider proposes to make and shall indicate when the improvements will be provided.

- C) As stated in Section 7 of this Part, an environmental impact analysis shall be provided for "any subdivision consisting of twenty-five (25) lots or more." This analysis shall be prepared in the manner prescribed in Section Six and Appendix A of this Part.
- D) The Town Plan and Review Commission shall approve, reject, or approve conditionally the preliminary land division within ninety (90) days of receiving the preliminary land division application and layout, as provided by statute. Any condition of approval or reason for disapproval shall be described in writing and shall be made a part of the file record of the application.
- E) Where the Town Plan and Review Commission finds that additional information relative to a problem or concern posed by the proposed subdivision is needed, the Town Plan and Review Commission shall have the authority to request such information from the subdivider. Such additional information may include but is not limited to soil borings conducted by a Certified Soil Tester, a stormwater management plan under the provisions of NR 216; achieving the erosion control performance standards of NR 151 or Regional Flood Elevation.

5.3 Final Lot Division Approval

- A) Final survey maps, certified survey maps or plats shall be submitted to the Zoning Administrator within thirty (36) months of preliminary plan acceptance, unless this requirement is waived by the Town Plan and Review Commission. Final maps or plats shall be considered by the Town Plan and Review Commission and accepted or rejected within sixty (60) days of the date of submission.
- B) The final map or plat shall conform to the preliminary layout as approved, and to all applicable ordinances and State laws and shall be submitted for certification first to those agencies having the authority to object to the plat as provided by Section 236.12 (2) of the Wisconsin Statutes. The final map or plat shall be accompanied by detailed construction plans of all improvements to be provided by the applicant.
- C) A certificate of approval of the Zoning Administrator shall appear on the face of all required maps or plats prior to their recording.
- D) Any land division resulting in the creation of five (5) or more lots and requiring approval under the terms of this Part, shall require the approval of any Governmental unit having extraterritorial plat approval jurisdiction.
- E) No lot shall be sold or transferred without fully complying with the terms of this Part. An offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final land division and shall be void if such approval is not received.

- F) Approved final plats shall be recorded in accordance with the statutory requirements, Section 236.25, prior to the time that lots are offered for sale, reference is made to the map for sale purposes, or use is made of lot and block numbers shown on the plat.

SECTION 6.0 DESIGN STANDARDS

6.1 Lot Sizes

- A) Lot sizes shall conform to the area and width dimensional requirements outlined in Part 1 Section 16.0 and Part II Section 12 of the Town of Spider Lake Zoning Ordinance. No lot shall be reduced below the minimum size for the zoning district in which it is located.
- B) The Town Plan and Review Commission may require larger lot sizes in cases of adverse soil, topographical, or locational conditions to provide a greater degree of protection for natural or community resource concerns.
- C) The size, shape, elevation, and slope of a lot shall permit the installation of sanitary facilities meeting the requirements of the Sawyer County Sanitary and Private Sewage Ordinance unless such needs are obviated by central or public facilities.
- D) In determining lot area, any part of a lot thirty (30) feet or less in width shall not be used in computing lot area nor shall the right-of-way of any public road be used in determining lot area or width.

6.2 Access

- A) Every lot created, and requiring approval under the terms of this Part, shall have access to a public street, road, or highway. Such access can be accomplished through the establishment of either a public or private road, as determined by the Town Plan and Review Commission.
- B) Where more than one (1) lot abuts a street, highway or road; a service road or other form of shared access may be required to allow a minimum number of access driveways.

6.3 Dedications

- A) Unless specifically waived by the Town Plan and Review Commission, all streets, roads, and other public ways which are proposed to be established to service lots created under this Part shall be offered for dedication to the county or town.
- B) The Town Plan and Review Commission may require the dedication, reservation, or easement of certain lands for public access points, parks, drainage ways, playgrounds, natural resource areas, or special use areas to a specified unit of government, subject to acceptance.

- C) Dedications shall be affected as provided in Section 236.29, Wisconsin Statutes. Dedication offers shall be limited to a duration of three years from the date of final land division approval by which time public acquisition must be exercised.
- D) Where open space land is conveyed in common to each of the owners of lots in a land division, a homeowners association or similar legally constituted body shall be created to maintain such land.

6.4 Improvements

- A) The applicant shall be responsible for the installation of survey monuments in accordance with the requirements of Chapter 236.15, Wisconsin Statutes.
- B) Unless waived by the Town Plan and Review Commission, the applicant shall be responsible for the construction of all roadways up to the minimum standards specified in this Ordinance.
- C) The Town Plan and Review Commission may require the applicant to provide other improvements to ensure quality land divisions which fulfill the intent of all Parts of this Ordinance. Such required improvements include the construction of sewer and water facilities, utility systems, drainage facilities, sidewalks, culverts, street lighting and signing, and other improvements deemed to be in the public interest.

6.5 Bonds

- A) The Town Plan and Review Commission may require the applicant to file with the Town a surety bond in which the applicant enters into a contract agreeing to install all required improvements. This contract and bond shall be subject to the approval of the Town Plan and Review Commission and may be in the form of a surety bond, certificate of deposit, certified check or other security equal in amount to the estimated cost of improvements.
- B) Required improvements shall be made by the applicant or his agents not later than one year from the date of final land division approval or at a later date specified by the Town Plan and Review Commission.
- C) Verification of improvement completion shall be made by the Town Plan and Review Commission. Upon termination of the bonding period, or completion of improvements, the Town Plan and Review Commission shall determine to what extent improvements have been completed and shall return all or a commensurate portion of the bond.

6.6 Streets and Roads

- A) Construction of public streets and roads shall conform to the applicable town and county standards and shall be consistent with the provisions found in Chapter 86.26, Wisconsin Statutes.
- B) Streets and roads shall be located with due regard to topographical conditions, natural features, existing and proposed utilities, and land use, and public safety and convenience. Where practicable, streets shall intersect at right angles to afford maximum visibility.
- C) All cul-de-sacs shall have a minimum radius of no less than forty-five (45) feet.
- D) All roads and access easements over six hundred (600) feet or serving more than two (2) lots will terminate a cul-de-sac.
- E) Roads shall be named in accordance with the Sawyer County Property Address System Ordinance. Approved road names shall appear on the appropriate document (Plat)
- F) Public Roads: All roads in a Town, County or State Subdivision Plat shall be public roads, unless the governing municipality chooses not to accept the roads.
 - 1) Right-of-way shall be at least 66 feet in width (public and private). Shall have a minimum traveled road width of 20 feet and shall have a minimum height clearance of 16 feet.
 - 2) Before the final plat is approved by the Town Plan and Review Commission, the subdivider shall build all roads to Town specifications or shall file a performance bond with the Town Clerk ensuring that the roads will be built within 3 years from the date of final approval or before more than 50% of the lots are sold, whichever comes first. The amount of the bond shall be determined by the Town. A copy of the bond shall be submitted to the Zoning Administrator.
- G) Owner's certificates of dedication shall be used on Certified Survey Maps of minor subdivisions when public roads are created.
- H) Private Driveway Easements
 - 1) Private driveway easements shall be for the exclusive access to one parcel only.
 - 2) An exception can be made for up to two parcels if no future division of parcels could be made under the terms of this Part.
 - 3) The right of way shall be a minimum of 33' in width and shall have a minimum traveled road width of 20' and shall have a minimum height clearance of 16'.

I) Private Road Easements

These provisions shall apply to all private roads intended to provide access to newly created parcels.

- 1) Private roads are only allowed in minor subdivisions (by CSM) and shall meet the following requirements:
 - a) A minimum of 66' wide private road right of way shall provide access from a public road to no more than 4 lots.
 - b) A private road shall not exceed the greater of 1,320' in length or the length of a quarter-quarter section.
- 2) Shall have a height clearance of 16' and shall have a minimum traveled road width of 20'.
- 3) Private roads serving County and State Subdivisions are not allowed except as provided in 6.1.3.
- 4) All private dead-end roads shall have sufficient side and overhead clearance to allow access for emergency, police, fire, utility and school bus usage. Dead-end roads over 600 feet shall have an improved turnaround/cul-de-sac at the end.
- 5) Private roads that are existing and owned by the subdivider at the time of the effective date of this Part that are proposed to provide access to newly created parcels, shall meet the requirements as specified in this section.
- 6) Private roads from an existing public road to the newly created lot(s) shall be clearly labeled and the recorded access (volume and page) shall be shown on the map.

SECTION 7.0 ENVIRONMENTAL IMPACT ANALYSIS

The purpose of an Environmental Impact Analysis is to provide the Town Plan and Review Commission and the Town Board with the information necessary for them to carefully evaluate proposed actions in order to assure safe, healthful, productive, and aesthetically pleasing surroundings. The purpose includes the need to prevent development in areas not generally capable of physically supporting the proposed development, prevent development inconsistent with surrounding land uses, sustain those species of flora which are common to the area, with particular concern for those species on the federal or state threatened or endangered species lists; providing the habitat necessary to sustain the various species of fauna common to the area, with particular concern for those species on the federal or state threatened or endangered species lists; prevent development in areas having vegetative cover which is easily destroyed or damaged; provide for development along shorelines in a manner which will not deplete or destroy the character of the shoreline resources; prevent and control water pollution; protect spawning grounds, fish and aquatic life; prevent depletion and pollution of groundwater resources; minimize erosion; minimize the potential for flooding; and assure development does not destroy or deplete wetlands and their resources. An Environmental Impact Analysis shall inform public officials and employees and the public of the environmental and economic effects of actions that have been proposed, increase the exchange of information, lead to development consistent with the above-stated purpose, and be used as a planning tool for broad aspects of decision making.

7.1 Criteria for Requiring an E.I.A.

An Impact analysis shall be required for any subdivision consisting of twenty-five (25) lots or more.

7.2 Evaluation Procedures

- A) The applicant, the Zoning Administrator, and the Town Plan and Review Commission shall hold an informal meeting to review a general description of the project.
- B) In order to receive approval of a Preliminary Plat, the applicant must submit an Environmental Impact Analysis at least thirty (30) days prior to the consideration of the preliminary plat to the Town Plan and Review Commission.
- C) Before passing upon the application for a Preliminary Plat, the Town Plan and Review Commission shall hold a public hearing.
- D) The Town Plan and Review Commission shall give public notice of any hearing by publication of a Class Two (2) notice of the official newspaper to the Town not less than fifteen (15) days or more than twenty (20) days prior to the hearing, as well as mailed notice to the parties. The notice shall be posted in three (3) public places in the town. Also, a copy of the notice shall be mailed to the owners of all lands, within the town, within five hundred

(500) feet of any part of the land included in such a Preliminary Plat at least ten (10) calendar days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any decision made on a Preliminary Plat.

- E) The Zoning Administrator and the Town Plan and Review Commission shall request review of an EIA by the State of Wisconsin Department of Natural Resources and the State of Wisconsin Department of Industry, Labor and Human Relations. The Zoning Administrator and Town Plan and Review Commission may request review of the EIA by any other body or individuals it sees fit.
- F) The Planning Committee may, in writing waive the requirement that the applicant provides an EIA in those unique instances where this tool is deemed unnecessary to aid in the decision making process.

APPENDIX A

GUIDELINES FOR ENVIRONMENTAL IMPACT ANALYSIS

I. 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.

II. Required Content of Environmental Impact Analysis

A) The Nature of the Site and Surrounding Area:

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

B) The Proposed Development and Planned Alterations

- 1) 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.
- 2) 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. List all provisions
 - a) Landscaping details for limiting soil erosion.
 - b) Draining or filling of wetlands.

- c) Shoreland alterations.
 - 3) Describe proposed alterations of the existing vegetation, and include any provisions being made to preserve or supplement the existing vegetation.
 - 4) Describe plans to dispose of storm and meltwater runoff.
 - 5) Describe the proposed waste disposal system:
 - a) What type of sewage disposal system is anticipated?
 - b) What is the anticipated volume of sewerage to be generated?
 - c) What are the proposed plans for solid waste disposal?
 - 6) Describe the locations and estimated demands of proposed wells.
- C) Impact of the Development on the Natural Surroundings:
- 1) List the species of fish, fowl, or land animals common to the area and their required habitats. Please state what measures will be taken to preserve these habitats. Also, list all flora and fauna common to the area which are on the federal or state threatened or endangered species lists. Please state what efforts will be taken to assure the development does not further threaten these species.
 - 2) If the site has frontage on navigable water:
 - a) What allowances will be made for natural erosion processes?
 - b) What provisions will be made to retard shoreline or bank erosion?
 - c) What provisions will be made to avoid enrichment of the water bodies due to sewerage or runoff?
 - 3) How will surplus runoff from fertilized lawns or fields or from roads be directed off the property?
 - 4) List any irreversible or irretrievable commitments of resources that would be involved.
- D) Alternatives to Proposed Action:
Possible alternatives to potential problem-causing aspects of the project should be discussed. The feasibility of the alternatives should also be brought out.
- E) Economic-Social Impact

- 1) Population
 - a) What is the maximum anticipated population of the development?
 - b) Estimate the total user days per year.
- 2) Economic Benefits

Assessments of the expected economic benefits the community will receive, such as:

 - a) Inputs into construction trade.
 - b) Increases in assessed property value.
 - c) Total anticipated tax revenue.
 - d) Increased retail sales.
- 3) Services

This Section will assess some of the costs and consequences of servicing the proposed development.

 - a) Total length of proposed roads.
 - b) Estimated annual cost of snow plowing.
 - c) Assessment of potential traffic loads on roads leading from the subdivision to commercial centers.
 - d) Estimated annual amount of solid waste generated.
 - e) Estimated annual cost for schools.
 - f) Distance from the nearest hospital, responsible fire department, and full-time police headquarters.
 - g) Assessment of the potential pressure placed on public recreational facilities and any provisions for reducing such pressure within the development itself.
- 4) Assessment of effects resulting from the changing of present land use patterns