

## **SAWYER COUNTY ZONING ORDINANCE**

Published and Effective June 18, 1934

**Amended:** March 26, 1971; April 15, 1975; May 03, 1976; November 15, 1977; March 14, 1978; June 20, 1985; August 26, 1986; June 16, 1987; April 16, 1991; June 15, 1995; July 20, 1995; May 23, 1996; April 15, 1997; June 19, 1997; September 16, 1999; April 17, 2001; August 16, 2001; November 13, 2001; February 21, 2002; March 21, 2002; April 15, 2003; June 19, 2003; August 21, 2003; January 5, 2004; April 20, 2004; March 17, 2005; June 16, 2005; September 15, 2005; December 15, 2005; June 15, 2006; July 20, 2006; November 14, 2006; January 18, 2007; July 19, 2007; September 18, 2008; December 18, 2008; April 21, 2009; December 17, 2009; February 18, 2010; October 20, 2011; June 20, 2013; and July 17, 2014; May 21, 2015; November 10, 2015; December 17, 2015; June 16, 2016; October 20, 2016; August 17, 2017; September 21, 2017; June 21, 2018; February 21, 2019; April 16, 2019; June 20, 2019; July 15, 2020; December 17, 2020; June 17, 2021; July 15, 2022.

## **SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE**

### **1.1 AUTHORITY**

The Board of Supervisors of Sawyer County in regular session this first day of March, 1971 so amend all portions of the Sawyer County Zoning Ordinance except title and repeal those conflicting portions. This ordinance is adopted pursuant to the authorization of Sections 59.69, 59.692, 59.694, 87.30, 281.31 and 703.27 of the Wisconsin Statutes.

### **1.2 PURPOSE**

An ordinance regulating and restricting the location, construction, use of buildings, structures, and the use of land in the unincorporated portions of Sawyer County and for said purposes dividing the County into districts. Adopted for the promotion and protection of the public health, morals, safety, and the general welfare.

### **1.3 INTERPRETATION**

The provisions of this ordinance shall be held to the minimum requirements. Adopted for the promotion and protection of the public health, morals, safety, and the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards shall govern.

### **1.4 COMPLIANCE**

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Section 13.48 (13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12 (4) (a), Wisconsin Statutes, applies.

# **SAWYER COUNTY ZONING ORDINANCE**

## **SECTION 2.0 DEFINITIONS**

### **2.1 INTERPRETATION**

For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word person includes an individual, all partnerships, associations, and bodies politic and corporate; the word used or occupied as applied to any land or building shall be construed to include intended, arranged, or designed to be used or occupied. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

**(1) ACCESSORY STRUCTURE OR USE:** A detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use. Accessory structures include decks, patios, garages, sheds, yard barns, carports, quonset huts, shipping containers, semi-trailers, etc. Whether something is portable, temporary, or on skids; it is still considered a structure. See Section 4.26 for other requirements.

**(2) ADDITION (Non-conforming Parcel):** New construction performed on a building which increases the outside dimensions of the building. A minimum of 75% of the exterior wall area of the existing building must remain in place as exterior walls after completion of construction activities. Construction activities resulting in less than 75% of existing wall exterior area remaining in place, in total, shall be considered to be new/replacement construction.

**(3) AIRPORT:** The Hayward Municipal Airport located in S 24, T 41N, R 9W, Township of Hayward, County of Sawyer.

**(4) AIRPORT HAZARD:** Any structure, object of natural growth, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport or is otherwise hazardous to such landing or taking off.

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

**(6) ANTIQUE CAR:** A motor vehicle which has a model year of 1945 or earlier and which has not been altered or modified from the original manufacturer specifications.

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

**(8) BACKLOT:** A lot without water frontage under any form of ownership.

**(9) BOATHOUSES:** Any permanent structure designed solely for the purpose of protecting or storing watercraft and related equipment for noncommercial purposes. A gazebo, screened building or similar structure shall not substitute as a boathouse.

**(10) 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 man-made barriers or unplatted land.

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

## **SAWYER COUNTY ZONING ORDINANCE**

**(12) BUILDING, HEIGHT OF:** The vertical distance in feet to the peak from average grade.

**(13) BUNKHOUSE:** An independent stand-alone residential accessory structure without plumbing which is used as temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than **250 square feet** of open temporary guest space. See Sections 4.26 4) (a) and 4.26 4) (c).

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

**(15) CAMPING CABIN:** Any structure constructed, placed or used which is not major recreational equipment/vehicles, and advertised or designed for the temporary shelter of visitors, tourists, campers, or campground users, whether mobile or not, and is used strictly for shelter. The use of camping cabins shall meet the requirements of Section 6.610.

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

**(17) COLLECTOR:** Means the owner of one or more licensed antique, collector, hobbyist, or special interest vehicle.

**(18) COLLECTOR CAR:** A vehicle which is 20 years or older of consecutive years.

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

**(20) CONDITIONAL USE:** A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit for such use is granted by the Zoning Committee.

**(21) CONDOMINIUM:** Individually owned dwelling units that have an undivided interest in common elements, such as associated land, that is subject to a condominium declaration established under Chapter 703 of the Wisconsin Statutes.

**(22) COOKING AND FOOD PREPARATION FACILITIES:** Shall mean any area containing any or all of the following equipment: kitchen sink and/or other device for dishwashing, stove or other device for cooking, cabinets and/or shelves for storage of equipment and utensils, and counter or table for food preparation.

**(23) DEADEND STREET:** A street or portion thereof with only one vehicular outlet.

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

**(25) 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, excavating or drilling operations, and the deposition or extraction of earthen materials.

**(26) DNR:** The Wisconsin Department of Natural Resources.

## **SAWYER COUNTY ZONING ORDINANCE**

**(27) DOMESTIC ANIMAL:** Those animals commonly referred to as domesticated household pets. For the purpose of this ordinance domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, non-poisonous, non-venomous and non-constricting reptiles or amphibians, and other similar animals.

**(28) 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.

**(29) DWELLING:** A building designed or used exclusively as the living quarters for one or more families, including manufactured homes which meet the dimensional requirements as originally designed.

**(30) DWELLING, MULTI-FAMILY:** A dwelling or group of dwellings on one plot containing separate living quarters for two or more families but which may have joint services and/or facilities.

**(31) DWELLING UNIT:** A building or portion thereof with rooms arranged, designed, used or intended to be used for one family. Guesthouses with kitchen and bathroom facilities; and any accessory structures with a HABITABLE LIVING AREA are considered to be dwelling units. Houseboats and watercraft on land shall not be used as DWELLINGS or DWELLING UNITS. Only one dwelling unit is allowed per Lot.

**(32) DWELLING UNIT ENVELOPE:** The measurements of the outside of an existing DWELLING UNIT or STRUCTURE measured at the perimeter of the outside walls or support, including the height measurements from the vertical distance in feet to the peak from average grade. Attached unroofed building elements, such as porches, decks, patios, steps and other similar STRUCTURES are not included in such measurements.

**(33) EASEMENT:** Authorization by a property owner for the use by another, and for a specified purpose of any designated part of his or her property.

**(34) ESSENTIAL SERVICES:** Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include surface, underground, or overhead gas, electrical, steam, water, sanitary sewage, storm water 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 buildings.

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

**(36) FARM/AGRICULTURAL ANIMAL:** Those animals commonly associated with a farm or in an agricultural setting. For the purpose of this ordinance farm/agricultural animals shall include members of the equine family (horse, mules), bovine family (cows, bulls), poultry (chickens, turkeys), fowl (ducks, geese, game birds), swine (including pot-bellied pigs), rabbits, sheep, goats, bees, ratites (ostriches and emus), farm raised deer, llamas, alpacas and bison or any other animal associated with a farm, ranch or stable.

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

**(38) FLOOD:** A general and temporary condition of partial or complete inundation of normal dry land areas caused by the overflow or rise of rivers, streams, or lakes.

## **SAWYER COUNTY ZONING ORDINANCE**

**(39) FLOOD FRINGE:** That portion of the floodplain outside of the floodway, which is covered by flood waters during the regional flood; it is generally associated with standing water rather than rapidly flowing water.

**(40) FLOODPLAIN:** The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in Chapter NR 116, Wisconsin Administrative Code.

**(41) FLOODWAY:** The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe.

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

**(43) 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 a STRUCTURE or building shall be considered to be part of the footprint.

**(44) GARBAGE:** Discarded material resulting from the handling, processing, storage, and consumption of food.

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

**(46) 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.

**(47) HABITABLE LIVING AREA:** The enclosed floor area arranged for living or sleeping. The area can include multiple levels of an existing structure. The area does not include decks, open porches, garages or overhangs.

**(48) HOBBYIST CAR:** Same as collector car but can have mechanical or sheet metal modifications.

**(49) 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 produced by such home occupation.

**(50) 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.

**(51) 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 subbase 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

## **SAWYER COUNTY ZONING ORDINANCE**

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.

**(52) INDUSTRIAL SAND or “Frac Sand”** is that which refers to mineral extraction composed of silica, having grain size distribution required for industrial applications. More specifically, industrial sands consist of well-rounded and composed of mostly pure quarts.

**(53) INTERNAL IMPROVEMENT:** Modifications/alterations within a DWELLING UNIT that do not result in the alteration of the DWELLING UNIT envelope. A land use permit is not required for these activities.

**(54) KENNEL:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

**(55) 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.

**(56) LIVESTOCK:** Farm/agricultural animals traditionally used in the production of food, fiber or other animal products. For the purpose of this ordinance, “livestock” includes cattle, swine, poultry, sheep and goats. It does not include equine, bison, farm raised deer, fish, captive game birds, ratites, camelids or mink.

**(57) LOT:** A parcel of land occupied or capable of being occupied by one Building or one Dwelling Unit and the Accessory Buildings or uses customarily incidental to it, including such open spaces as are required by this ordinance.

**(58) LOT, AREA OF:** The contiguous, not separated by public roadway, of a lot between its front, rear, and side lot lines. Lot area must meet the minimum lot area requirements of Section 18.2.

**(59) LOT, FRONT:** On shoreland lots, the front shall be the area from the shoreline landward. On non-shoreland lots, the front shall be the area from the road or road easement away from the road.

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

**(61) LOT, WIDTH OF:** The width measured at right angles to its depth at all points along its depth. Lot widths shall meet the minimum lot width requirements of Section 18.3.

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

**(63) MAJOR RECREATIONAL EQUIPMENT/VEHICLES:** A travel trailer, pickup coach, motor home, camping trailer, tent or park model mobile trailers which is either dependent and/or self-contained.

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

- a) Metallic: iron ore, copper, zinc, silver, gold, nickel, cerium, chromite, columbium, magnesite, molybdenite, vanadium and zircon.

## **SAWYER COUNTY ZONING ORDINANCE**

b) Nonmetallic: stone, sand and gravel, clay talc, asbestos, graphite and marble.

c) Mineral fuel: petroleum, natural gas, coal, peat and nuclear fuel source materials.

**(65) MINERAL EXTRACTION:** The excavation or recovery of nonmetallic or mineral fuels through processes and techniques such as digging, drilling, strip-mining, quarrying, and underground methods. It shall include the extraction of top soil when such activities are undertaken or proposed to be undertaken as a distinct land use.

**(66) MINING, DRILLING, DIGGING, QUARRYING, ETC:** All or part of the process involved in the extraction and processing of nonmetallic mineral materials and mineral fuel. Such activities shall normally be divided into four distinct phases:

a) Exploration - onsite, 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.

b) Prospecting - examination of an area for the purposes of determining the quality and quantity of minerals other than by exploration, but including the obtaining or samples by physical means.

c) 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 top soil, washing, refining or processing of metallic, nonmetallic, or mineral fuel materials.

d) 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.

**(67) MITIGATION:** The requirement to restore shoreline buffer functions that have been lost or adversely affected through development.

**(68) MOBILE HOME:** Any structure manufactured or assembled prior to June 15, 1976 and originally designed to be capable of transportation by any motor vehicle upon public highways which does not require substantial onsite fabrication; which is intended for occupancy as a year-round residence. Mobile homes shall not be located in any zone district unless located in a mobile home park.

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

**(70) 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 school buses converted and vans.

**(71) 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.

**(72) NAVIGABLE WATER:** All natural inland lakes within Sawyer County and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this County which are navigable under the laws of this State. Under Section 281.31 (2) (d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule

## **SAWYER COUNTY ZONING ORDINANCE**

promulgated thereunder, shoreland ordinances required under Section 59.692, Wisconsin Statutes, and Chapter NR 115, Wisconsin Administrative Code, do not apply to lands adjacent to farm ditches if:

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

**(73) NONCONFORMING STRUCTURE:** A structure whose dimensions, location or other physical characteristics do not conform to the standards of the current zoning ordinance, although the use of the structure conforms to the requirements of the ordinance.

**(74) NONCONFORMING USE:** A building, structure, parcel dimensions or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district or zone in which it is situated.

**(75) ORDINARY HIGHWATER MARK:** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**(76) ORDINARY MAINTENANCE AND REPAIR:** Includes replacement of roofing, siding, windows, doors, painting and other general maintenance activities limited to the existing structural envelope. A land use permit is not required for these activities.

**(77) PARK MODEL TRAILER:** Park model trailers are recreation vehicles primarily designed as temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels, and have a gross trailer area not exceeding 400 square feet in the set—up mode. Park model trailers are allowed only in licensed campgrounds with a maximum of 30% of the total permitted sites being park models.

**(78) PICKUP COACH:** A structure designed to be mounted on a truck chassis for use as temporary living and housekeeping purposes.

**(79) PRIVATE DRIVEWAY EASEMENT:** An authorization given by one property owner to another for the exclusive access to one parcel of land.

**(80) PRIVATE ROAD EASEMENT:** An authorization usually given by the sub-divider or developer for access to newly created lots.

**(81) PRINCIPAL USE / PRINCIPAL STRUCTURE:** The primary use of a property or structure and the structure which houses a principal use of a lot.

**(82) PUBLIC SEWER:** A sewer owned and controlled by a public authority.

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

**(84) REGIONAL FLOOD:** A flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.

**(85) 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



## **SAWYER COUNTY ZONING ORDINANCE**

public of DWELLING UNITS contained in one or more permanent buildings used primarily for recreational use.

**(86) RETAINING WALL:** See 'STRUCTURE' for definition.

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

**(88) RUNWAY:** A level portion of an airport having a surface specially developed and maintained for the landing and take-off of aircraft.

**(89) SALVAGEABLE MATERIAL:** Inoperable and/or unlicensed vehicles, machinery or equipment, scrap metal or other junk or scrap materials which are of further usefulness mainly as a raw material for reprocessing, or as imperfect stock from which replacement or spare parts can be extracted.

**(90) SALVAGE YARD:** A solid waste disposal site or facility at which salvageable materials are stored or sold or at which wrecking, dismantling, or demolition of salvageable materials are conducted. Salvage yards do not include operations conducted by scrap metal, paper, fiber or plastic processors, or small storage areas for equipment such as are normally found adjacent to industrial and commercial establishments.

**(91) SEASONAL:** A dwelling that is constructed uninsulated and it is unsewered.

**(92) SELF-CONTAINED RECREATIONAL EQUIPMENT/VEHICLES:** A recreational vehicle which can operate independent of connections to sewer, water, and electric systems. Water storage and sewage holding tanks are located within the vehicle.

**(93) SHIPPING CONTAINERS/ INTERMODAL CONTAINERS:** A shipping container/ intermodal container, is a large, standardized shipping container or semi-trailer, designed and built for intermodal freight transport. Shipping containers/ intermodal container are to be treated as ACCESSORY STRUCTURES and subject to Land Use Permit requirements. Accessory structures are not allowed on vacant property unless the Conditional Use requirements under 4.26(1), (2), or (3) can be met. Shipping containers / intermodal containers are primarily used to store and transport materials and products efficiently and securely in the global containerized intermodal freight transport system. These containers are known under several names including, but not limited to, simply container, cargo or freight container, ISO container, semi-trailers, shipping, sea or ocean container, sea van or conex box, container van, sea can, c can, etc. Any Shipping Container/intermodal Container on any lot except zoned Industrial (I-1) or Commercial (C-1) requires Town Approval. More than one (1) Shipping Container/intermodal Container on any lot except zoned Industrial (I-1) or Commercial (C-1) requires Town Approval and a Conditional Use Permit (CUP). More than three (3) Shipping Container(s)/intermodal Container(s) on lots zoned Industrial (I-1) or Commercial (C-1) requires Town Approval and a Conditional Use Permit (CUP). This would include stacking of these containers.

**(94) SHORELANDS:** Lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**(95) SHORELINE VEGETATION PROTECTION AREA:** A strip of land 35 feet wide inland from the ordinary high-water mark of any navigable body of water, including but

## **SAWYER COUNTY ZONING ORDINANCE**

not limited to: streams, rivers, ponds, flowages and lakes. Term used synonymously with buffer zone, buffer area and buffer strip.

**(96) 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, word, model, banner, flag, pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction, or advertisement.

**(97) 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.

**(98) SPECIAL INTEREST VEHICLE:** Limited production vehicles that are 19 years and newer of consecutive years that have not been altered or modified from original manufacturers specifications, and because of its historic interest, is being preserved by hobbyists.

**(99) STORAGE SHED / STORAGE STRUCTURE:** means a structure used exclusively for the storage of tools, materials, and equipment and not used for human habitation.

**(100) STREET:** Includes streets, roads, avenues, or lanes.

**(101) 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 be limited to, concrete, flagstone and block patios; concrete slabs, retaining walls etc.

**(102) SUBDIVIDER:** Any person, firm, corporation, partnership, or association who shall lay out, for the purpose of sale or building development, any subdivision or part thereof as defined herein.

**(103) SUBDIVISION:** A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development.

**(104) SUPPORT / PARTS VEHICLE:** Means a motor vehicle generally in non-operable condition which is owned by the COLLECTOR to furnish parts which will enable the COLLECTOR to restore, preserve and maintain a SPECIAL INTEREST VEHICLE or ANTIQUE VEHICLE.

**(105) TEMPORARY GUEST QUARTERS:** Temporary Guest Quarters are the portion of a residential accessory structure which is used as a temporary guest area only; no Cooking and Food Preparation Facilities; and no greater than **499 square feet** of temporary guest space. Plumbing may be permitted in an Accessory Structure containing Temporary Guest Quarters. See Sections 4.26 4) (a) and 4.26 4) (b).

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

**(107) TRAVEL TRAILER:** A portable vehicle less than 10 feet wide by 50 feet long designed and used for temporary living and housekeeping purposes.

**(108) TREE:** Any object of natural growth, except farm crops which are cut at least once a year, and except shrubs, bushes, or plants which do not grow greater than a height of

## **SAWYER COUNTY ZONING ORDINANCE**

five (5) feet.

**(109) UNDER CONSTRUCTION VEHICLES:** Any vehicle mechanically road worthy or being restored and licensed (not esthetically pleasing) (outside cosmetic not finished).

**(110) UNNECESSARY HARDSHIP:** That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with the restrictions governing area, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

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

**(112) USE CORRIDOR:** Altered area within the SHORELINE VEGETATION PROTECTION AREA to permit pedestrian access to a waterbody. Term used synonymously with view corridor.

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

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

**(115) WETLAND DELINEATION:** The process of determining the boundary between non-wetland areas and wetlands. Sawyer County requires such delineation to be made by a Wisconsin state certified delineator.

**(116) WETLAND/SHORELAND DISTRICT:** The zone district created as part of the shoreland zoning ordinance, comprised of lands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

**(117) 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.

**(118) 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.

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

**(120) YEAR ROUND:** A dwelling that is constructed insulated, winterized. It may contain an inside water pressure system and it may be sewerred.

**(121) ZONING COMMITTEE:** The County committee authorized by the County Board under Section 59.69, Wisconsin Statutes, to plan land use and act in all matters pertaining to county planning, zoning, and sanitation.

## **SECTION 3.0 ZONING DISTRICTS**

### **3.1 ESTABLISHMENT OF DISTRICTS**

For the purposes of this ordinance, the unincorporated areas of Sawyer County are hereby divided into the following types of districts:

## **SAWYER COUNTY ZONING ORDINANCE**

(1) R-1	Residential One
(2) RR-1	Residential/Recreational One
(3) RR-2	Residential/Recreational Two
(4) A-1	Agricultural One
(5) A-2	Agricultural Two
(6) C-1	Commercial One
(7) I-1	Industrial One
(8) F-1	Forestry One
(9) W-1	Wetland/shoreland One
(10) SP-1	Shoreland Protection One (overlay)
(11) PUD	Planned Unit Development

### **3.2 ZONING MAPS AND DISTRICT BOUNDARIES**

**3.21** The maps designated below are hereby adopted and made part of this ordinance.

- 1) Detailed Zoning Maps of Sawyer County adopted March 1, 1971, effective March 26, 1971 and revised as dated on each map.
- 2) Flood Insurance Rate Maps dated September 14, 1990.
- 3) Wisconsin Wetland Inventory Maps stamped "FINAL" on November 6, 1984.

**3.22** The location and boundaries of these districts are shown on the Detailed Zoning Maps of Sawyer County, consisting of separate maps of each township, and the Wisconsin Wetland Inventory Maps. These maps, together with all explanatory matter and regulations thereof are an integral part of this ordinance.

**3.23** The official copies of the Detailed Zoning Maps of Sawyer County, the Flood Insurance Rate Maps, and the Wisconsin Wetland Inventory Maps, together with a copy of this ordinance shall be kept at the County Zoning Administrator's office and shall be available for public inspection during working hours. Any changes affecting zone district boundaries or explanatory matter shall be made in accordance with the provisions of Section 59.69, Wisconsin Statutes, and Section 12 of this ordinance.

**3.24** District boundaries are normally lot lines, section and quarter section lines, centerlines of roads, highways, railroads, and alleys. Questions regarding exact locations of district boundaries shall be decided by the County Zoning Administrator. Decisions may be reviewed on appeal to the Board of Appeals as provided in Section 11 of this ordinance.

**3.25** For wetland boundaries where an apparent discrepancy exists between the wetland/shoreland district boundary shown on the Wisconsin Inventory Maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the DNR to determine if the wetland/shoreland district boundary as mapped is an error. If DNR staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zone district. In order to correct wetland mapping errors shown on the Wisconsin Inventory Maps, the

## **SAWYER COUNTY ZONING ORDINANCE**

property owner shall be responsible for initiating a wetland/shoreland map amendment within a reasonable period of time.

### **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 Maps of Sawyer County, State of Wisconsin, and in the text of this Ordinance.

#### **4.2 STANDARD DISTRICT REGULATIONS**

##### **4.21 Setback Requirements on Highways and Roads**

1) All State and US 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 130 feet from the centerline of the highway, or 66 feet from the right-of-way line, whichever is greater distance.

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 75 feet from the centerline of such highway or 42 feet from the right-of-way line, whichever is the greater distance.

3) All Town roads not otherwise designated Class A or Class B 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 63 feet from the centerline of the highway or 30 feet from the right-of-way line, whichever is greater. By ordinance, the Town of Bass Lake Town Board may deem certain roads within the Northwoods Beach Subdivision to have lesser setbacks.

4) A setback equal to the average setback of existing principal buildings located within 500 feet of a proposed building site and on the same side of the street, shall be permitted where five of these buildings do not conform with the appropriate setback line.

5) Minor, readily removable structures such as open fences or signs permitted by this ordinance may be placed within setback lines. Public utility equipment without permanent foundations are also permitted. When deemed necessary by the County Zoning Committee 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) Private Driveway Easements. The setback for principal and accessory structures shall be a minimum of 30 feet from the centerline of a private driveway easement that is 33 feet or less in width.

## **SAWYER COUNTY ZONING ORDINANCE**

7) Private Road Easements: The setback for principal and accessory structures on existing private road easements greater than 33 feet in width but less than 66 feet shall be a minimum of 48 feet from the centerline or 15 feet from the edge of the easement whichever is greater. Roads within a recorded subdivision do not apply.

### **4.211 ACCESSORY STRUTURE EXEMPTIONS**

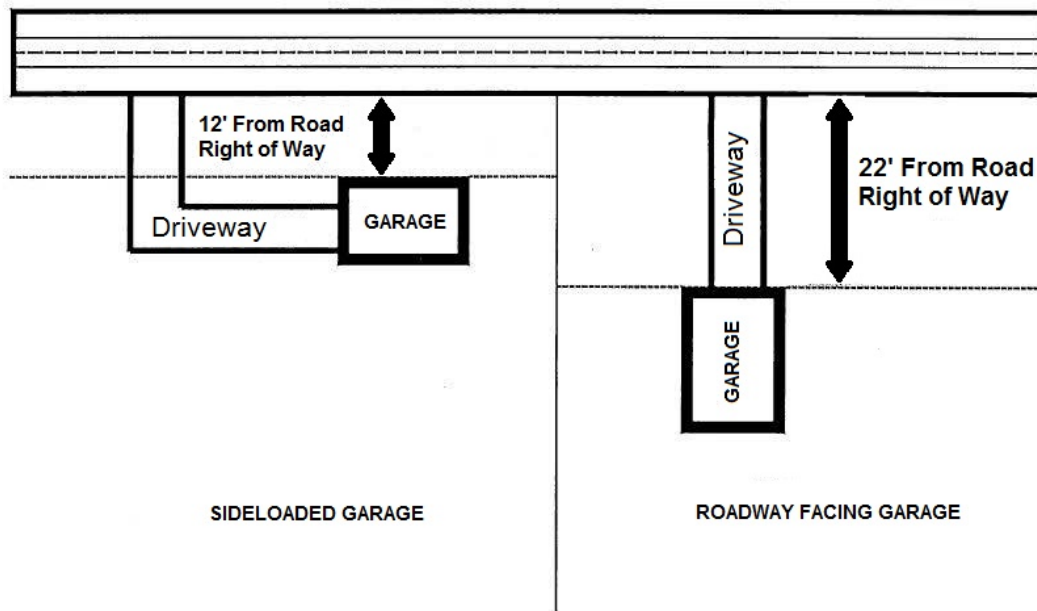
A roadway setback of less then what is required by section 4.21(3) and 4.21(7) may be permitted by the Zoning Administrator or his/her designee where lot depth, location or utilities, or other significant site limitations do not allow compliance with a roadway setback requirement. A detached accessory structure not exceeding six hundred (600) square feet in area and less than eighteen (18') in height may be constructed provided construction complies with the following:

- 1) Town Board approval; and
- 2) The resulting roadway setback is not less than twenty-two (22) feet from the road right-of-way where an accessory structure faces the roadway; and not less than twelve (12) feet where an accessory structure does not face the roadway (sideload); and
- 3) Vehicles and other equipment may not be stored or parked within the road right-of-way; and
- 4) All other standards of the ordinance are met.

(see diagram on next page)

# SAWYER COUNTY ZONING ORDINANCE

## REDUCED ROADWAY SETBACK



### 4.22 VISUAL CLEARANCE AT INTERSECTIONS

In each quadrant of every road intersection, there shall be designated a visual clearance triangle bounded by the road centerlines 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 2 ½ 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.

### 4.23 ACCESS DRIVEWAYS

Driveway access permits shall be obtained from the appropriate permitting authority.

## **SAWYER COUNTY ZONING ORDINANCE**

### **4.24 EXCESSIVE HEIGHT PERMITTED**

Heights of the following structures may exceed ordinance limits for the district in which it is to be located with the approval of the County Zoning Administrator: cooling towers, penthouse stacks, lookout towers, silos, wind mills, water tower spires, radio and television aerials, masts, antenna, and necessary mechanical appurtenances.

### **4.25 LOT SIZES**

1) After adoption of this ordinance, or an amendment thereto, no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Lots 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, but of substandard size, may be devoted to uses permitted in the district in which it is located, providing all other provisions are met. Additions to existing structures and the construction of accessory buildings when a principal structure exists on the premises may be permitted by permit provided all other requirements, regulations, and setbacks can be met.

2) If one or more substandard lots with continuous frontage have the same ownership as of the effective date of this ordinance, the lots involved shall be considered to be an individual parcel for the purposes of this ordinance. All lots which complied with section 4.25 prior to the effective date of this amendment shall be grandfathered in with regard to parcel dimensions.

3) Lots created after adoption of this ordinance and which are not served by public sewer systems shall meet the minimum area requirements of the Sawyer County Private Sewage System Ordinance and the Sawyer County Subdivision Control Ordinance.

4) Parcels of land existing and of record shall meet a minimum lot area of 20,000 square feet with a minimum average lot width of 100 feet. For these lots, the average lot width shall be calculated by measuring the lot width at right angles to its depth at all points along its depth.

### **4.251 CREATION OF LOTS**

1) Any LOT created after adoption of this ordinance, or an amendment thereto, shall contain in rectangular form, and extending rearward from the LOT FRONT, the minimum LOT AREA, LOT WIDTH and LOT DEPTH requirements contained in Section 18.0 DIMENSIONAL REQUIREMENTS.

2) Creation of LOTS in which the LOT DEPTH cannot be met within the first 200 feet

- a) LOT AREA shall be, at a minimum, 150% of the minimum requirements of Section 18.2 Required Lot Area.



## **SAWYER COUNTY ZONING ORDINANCE**

b) A minimum 5,000 square feet buildable area must be created within the lot and documented by Certified Survey Map or plat

### **4.26 ACCESSORY USES AND STRUCTURES**

Any permanent, roofed structure, serving as an accessory use if attached to the principal building, shall be considered part of the principal structure. Accessory structures shall conform to the setback and other dimensional requirements of the zone district within which it is located. Accessory structures are not allowed on vacant property unless the Conditional Use requirements under 4.26(1), (2), or (3) can be met.

An exemption is granted for one (1) STORAGE SHED / STORAGE STRUCTURE to be allowed on vacant parcels with the following requirements:

1. Parcel must contain a minimum of 20,000 square feet of land area.
2. This exemption is not allowed in platted subdivisions.
3. This exemption requires a Land Use Permit regardless of size and not to exceed 144 square feet of footprint area.
4. Must be less than 14' in height.
5. No habitation is allowed in these exempt structures.
6. Applicable accessory structure setbacks shall be applied.
7. A fire number/site address is required as part of this STORAGE SHED / STORAGE STRUCTURE exemption.
8. A SHIPPING CONTAINER / INTERMODAL CONTAINER in excess of 144 square feet is not allowed for this exemption.
9. Check with respective Town or County Highway Department if a driveway permit is required.

1) The construction of a single accessory structure on vacant property may be allowed under this subsection by Conditional Use with mandatory conditions required on approval for the following:

- a) that within 3 years a Land Use Permit for a principal dwelling be applied for, and
- b) the principal dwelling to be built within the permit time frame on the same parcel, and
- c) that failure to build principal structure will result in citation and order for removal of accessory structure, and
- d) approval by Town and Zoning Committee.

2) The construction of a single accessory structure on an adjacent parcel divided by a Public Roadway that does not contain the principal structure may be allowed under this subsection by Conditional Use provided that:

- a) the accessory structure cannot be constructed on that part of the parcel containing the principal structure due to the inability to meet minimum setbacks, and

## SAWYER COUNTY ZONING ORDINANCE

- b) lakefront parcels may be allowed an exemption from 4.26(2)(a) if Town and Zoning Committee determine in their Findings of Fact that placement of accessory structure on an adjacent parcel divided by a public roadway that does not contain the principal structure lessens the impact of impervious surface runoff to the lake, and
  - c) the proposed adjacent parcel is within 66' from the parcel containing the principal structure, and
  - d) the proposed adjacent parcel meets the minimum square footage requirements per current zone district standards and the proposed accessory structure meets all other Zoning Ordinance requirements and setbacks, and
  - e) a Conditional Use Permit may be approved by the Zoning Committee in any Zone District, provided that the Town has approved the Conditional Use for the placement of an accessory structure and both parcels are legally joined together (Deed Restriction) so they may not be sold separately unless approval by the Town and the Zoning Committee has been granted to separate the parcels. This process shall also be done by Conditional Use, and
  - f) in a platted subdivision, the maximum size allowed is 1,200 square feet and maximum height is 18'.
- 3) The construction of a single accessory structure on parcels of land that are divided by a public roadway and defined as one contiguous tract of land by deed or survey map will also require Conditional Use approval.
- 4) **Bunkhouse or Temporary Guest Quarters:** A single (one per lot/parcel) Bunkhouse or Temporary Guest Quarters will be permitted by Land Use Permit only in Zoning Districts which allow it, subject to the following conditions:
- **For a Temporary Guest Quarters Sections 4.26(4)(a) and 4.26(4)(b) apply;**
  - **For a Bunkhouse Sections 4.26(4)(a) and 4.26(4)(c) apply.**
- (a) Bunkhouse or Temporary Guest Quarters Accessory Structure shall conform to the setback and other dimensional requirements of the Zoning District within which it is located, to include all the conditions:
- (1) All of the setback requirements are met including shoreland, road, property line and wetland:
    - a. Bunkhouse or Temporary Guest Quarters are not eligible for reduced road setbacks in Section 4.211 ACCESSORY STRUCTURE EXEMPTIONS in Sawyer County Zoning Ordinance.
    - b. Bunkhouse or Temporary Guest Quarters are not eligible for a Conditional Use Permit under Section 4.26 ACCESSORY USES AND STRUCTURES in Sawyer County Zoning Ordinance.

## SAWYER COUNTY ZONING ORDINANCE

- (2) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be the first building on the Lot/Parcel, a Principal Dwelling must exist.
- (3) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be built on an out-lot.
- (4) Bunkhouse or Temporary Guest Quarters Accessory Structure cannot be split from original property if the result makes a non-conforming parcel.
- (5) New or existing Boathouses cannot become a Bunkhouse or Temporary Guest Quarters.
- (6) A Lot/Parcel may only contain either a Bunkhouse or a Temporary Guest Quarters, NOT both. A Lot/Parcel may contain additional Accessory Structures, but additional Accessory Structures may not be a Bunkhouse or contain Temporary Guest Quarters.
- (7) Must apply for a "Bunkhouse Sign" if lot contains a Bunkhouse or Temporary Guest Quarters. The separate Yellow "Bunkhouse Sign" is to be placed directly below Residence Fire Number sign on the property and affixed to Bunkhouse or Temporary Guest Quarters structure.
- (8) An Existing Bunkhouse or Temporary Guest Quarters Accessory Structure built after March 26, 1971 shall not be considered an "existing non-conforming" or "grandfathered" structure. All properties shall be in compliance with the adoption of this amended ordinance within 24 months after approval of the Sawyer County Board of Supervisors.

**(b) TEMPORARY GUEST QUARTERS:** Temporary Guest Quarters which are located within or as part of an Accessory Structure are subject to all the following conditions:

- (1) Temporary Guest Quarters shall not exceed 50 percent of the gross floor area of the accessory structure with a maximum of 499 square feet of temporary guest area. Square footage is measured as all area within the exterior walls of the guest area and all area within the exterior walls of the entire area of the structure. Enclosed porches will be included in these amounts; decks will not be included in these amounts. Guest areas including bathrooms, utility rooms, entryways, and closets will be included in the square footage not to exceed 499. The creation of walled off bedroom areas are prohibited. Storage area must be separate and segregated from any guest area (can have a door from the guest area to the storage area).
- (2) Maximum height of Temporary Guest Quarters Accessory Structure is limited to 35 feet from lowest grade to highest peak.
- (3) Plumbing, if installed, in the Temporary Guest Quarters Accessory Structure shall conform to the State & Sawyer County Sanitary Codes. If there is an existing Private Onsite Wastewater Treatment System (POWTS) on the lot it must be sized to handle the number of occupants in the Temporary Guest Quarters.
- (4) Cooking and Food Preparation Facilities are prohibited.
- (5) A Temporary Guest Quarters Accessory Structure shall require a Uniform Dwelling Code (UDC) Inspection.
- (6) Leasing, rental or use as a residence is strictly prohibited.

## **SAWYER COUNTY ZONING ORDINANCE**

- (7) A “Bunkhouse/Temporary Quest Quarters Agreement” document is recorded with the Register of Deeds outlining use restrictions prior to issuance of Land Use Permit.
  - (8) Temporary Guest Quarters Accessory Structures are subject to internal inspection by the Zoning Department.
- (c) **Bunkhouse:** Independent **stand-alone** Bunkhouse Accessory Structures (i.e. traditional bunkhouse) are subject to all the following conditions:
- (1) The Bunkhouse Accessory Structure does not exceed 250 square feet of footprint. Square footage is measured as the exterior wall area of the structure. The creation of walled off bedroom areas are prohibited. Enclosed porches and entryways will be included in the square footage not to exceed 250; decks will not be included in these amounts. **NO** other Accessory Structure components allowed as part of this structure (i.e. no garage portion, no bathroom portion, etc.).
  - (2) Plumbing of the Bunkhouse Accessory Structure is prohibited.
  - (3) Cooking and Food Preparation facilities are prohibited.
  - (4) A Bunkhouse shall require a Uniform Dwelling Code (UDC) Inspection.
  - (5) The height limit of the Bunkhouse Accessory Structure shall not exceed sixteen (16) feet from lowest grade to highest peak.
  - (6) Leasing, rental or use as a residence is strictly prohibited.
  - (7) A “Bunkhouse/Temporary Quest Quarters Agreement” document is recorded with the Register of Deeds outlining use restrictions prior to issuance of Land Use Permit.
  - (8) Bunkhouse Accessory Structures are subject to internal inspection by the Zoning Department.

### **4.27 DRAINAGE, SANITATION, AND WATER SUPPLY**

- 1) No principal building 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 building 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 Code.
- 3) The County Zoning Administrator shall not hereafter authorize a building 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 dwelling units shall meet the location requirements of the Sawyer County Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.
- 4) Planned unit development shall be served by sewage facilities which meet the

## **SAWYER COUNTY ZONING ORDINANCE**

requirements of the Sawyer County Private Sewage System Ordinance and the applicable minimum standards of the Wisconsin Administrative Code.

### **4.28 ADVERSE EFFECTS ON PROPERTIES**

#### **4.281 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 shall not be allowed.

#### **4.282 SOIL REMEDIATION/LANDSPREADING OF CONTAMINATED SOILS**

1) No person shall land-spread, land-farm, or deposit on lands located in Sawyer County, any soil which is contaminated by petroleum products. This restriction does not apply to:

- a) Soils originating from a contaminated site within Sawyer County 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 for 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.

### **4.29 SETBACKS FROM WETLAND AREAS (NONSHORELAND)**

For lots that abut on non-navigable wetlands, all buildings and structures shall be setback a minimum of 40 feet from the wetland boundary.

## **4.3 SUPPLEMENTARY REGULATIONS**

### **4.31 OFF STREET PARKING**

- 1) Each parking space required shall be at least 200 square feet in area.
- 2) Residential uses shall be provided with at least one (1) parking space for each dwelling unit.
- 3) Commercial and industrial uses as listed and permitted in the zone districts shall be provided, except as noted below with one (1) parking space for each 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,

## **SAWYER COUNTY ZONING ORDINANCE**

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.

### **4.32 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 the Industrial District, such buildings shall be provided with a minimum of 400 square feet of off-street loading and unloading space.

## **4.4 AIRPORT SAFETY REGULATIONS**

**4.41 Definitions.** For the purpose of these regulations, certain words or terms used herein are amended into Section 2.0, Definitions of the Sawyer Country Zoning Ordinance.

**4.42 Airport Zones.** All zones established by this section are shown on the map dated March 18, 2014 entitled, Height Limitation Zoning Map of the Hayward Municipal Airport. This map, together with all explanatory matter and regulations thereof are an integral part of this ordinance. The official copy of the Height Limitation Zoning Map of the Hayward Municipal Airport together with a copy of this ordinance shall be kept at the County Zoning Administrators office and shall be available for public inspection during office hours.

**4.43 Height Limitation.** Except as otherwise provided in this ordinance, no structure shall be constructed, altered, located, or permitted to remain after such construction, alteration, or location, to a height in excess of the height limit indicated on the Height Limitation Map.

### **4.44 Use Restrictions.**

1) Activities. No use may be made of land in any zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, or make it difficult for pilots to distinguish airport lights and others, or result in glare in the eyes of pilots using the airport, or impair visibility, in the vicinity of the airport or otherwise endanger the landing, taking off or maneuvering of aircraft.

2) The restrictions contained in this ordinance shall not apply to objects which are less than thirty-five (35) feet in height above ground level at the object site.

## **SAWYER COUNTY ZONING ORDINANCE**

### **4.45 Nonconforming Use. Pursuant to Section 10.0**

### **4.46 Administration. Pursuant to Section 9.0**

### **4.47 Permits. Pursuant to Section 9.2**

**4.48 Hazard Marking and Lighting.** If the Board of Appeals grants a variance, the owner of the structure or tree in question shall permit the owner of the airport, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to the flyers the presence of an airport hazard.

### **4.49 Board of Appeals.**

1) Pursuant to Section 11.0.

2) Variances. Upon appeal in special cases, the Board of Appeals may, after investigation and public hearing, grant such variance from the terms of this ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this ordinance would result in unnecessary hardship, and such relief will do substantial justice and be in accord with the spirit of this ordinance, and does not create a hazard to the safe, normal operation of aircraft.

3) Fee: Submitted variance applications shall be accompanied by a fee to defray the cost of advertising, investigation, and processing. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

### **4.410 Violations pursuant to Section 16.0.**

### **4.411 Court Invalidation pursuant to Section 14.0.**

### **4.412 Effect and Force pursuant to Section 15.0.**

## **4.5 CHICKENS IN NONAGRICULTURAL ZONE DISTRICTS**

Towns shall select from the following options, that option that best satisfies a Town's position on the raising of chickens in nonagricultural zone districts. Each Town shall notify the Zoning Administrator in writing of that Town's decision by February 15, 2010. Towns not providing written notification will be considered to have selected Option One as their option. Towns may change the selected option by submitting a resolution to the Zoning Administrator. However, the option that is in effect on January 1<sup>st</sup> of any year shall apply throughout that year.

### **4.51 OPTION ONE – RAISING CHICKENS IS PROHIBITED.**

### **4.52 OPTION TWO – RAISING CHICKENS IS ALLOWED.**

The following requirements are applicable to the raising of chickens, hens only, in all non-agricultural zone districts.

1) A permit is not required to raise chickens.

## SAWYER COUNTY ZONING ORDINANCE

- 2) No property owner shall:
  - a) Keep a rooster.
  - b) Keep more than six (6) hens per 20,000 square feet of parcel area, but not to exceed 25 chickens maximum regardless of parcel size.
  - c) Keep any fowl (i.e., ducks, geese, guinea hens, turkeys etc.) other than chickens.
  - d) Keep chickens inside of a dwelling.
- 3) Enclosure.
  - a) Chickens shall have access to a secure, fully enclosed, well ventilated yet wind/weather proof, roofed structure at all times.
  - b) Chickens shall be completely enclosed at all times (i.e., chicken coop, fenced area to include overhead netting etc.) and shall not be allowed to roam free.
  - c) The enclosure shall meet the minimum setbacks required of a dwelling. The dimensional requirements of 18.0 shall apply.
  - d) Residue or waste related to the raising of chicken shall be disposed of so as not to create a health hazard (i.e., composted, applied as fertilizer, buried, transported off of the property etc.).

**Note:** The following table is provided for information only. A Town may change its option at any time by Town Resolution

### Town's Selected Option

Town	Option Selected	Date of Town Board Decision
Bass Lake	Option Two	January 11, 2010
Couderay	Option Two	January 13, 2010
Draper	Option Two	April 9, 2018
Edgewater	Option Two	February 9, 2010
Hayward	Option Two	November 26 2018
Hunter	Option Two	November 20, 2018
Lenroot	Option Two	January 11, 2010
Meadowbrook	Option Two	December 29, 2009
Meteor	Option Two	January 11, 2010
Ojibwa	Option Two	November 9, 2009
Radisson	Option Two	February 8, 2010
Round Lake	Option Two	August 9, 2012
Sand Lake	Option Two	January 12, 2010
Spider Lake	None	December 30, 2009
Weirgor	Option Two	February 9, 2010
Winter	Option Two	October 10, 2012

### SECTION 4.6 HORSES IN NON-AGRICULTURAL ZONE DISTRICTS (RR-1, RR-2 and F-1 Zone Districts)

- 1) Horses shall be permitted only on lots where a conditional use permit has been granted or on Agricultural zoned lands with Town approval. In acting on any



## **SAWYER COUNTY ZONING ORDINANCE**

conditional use permit for horses, the Zoning Committee may impose such conditions as are necessary to secure the objectives of this chapter, including, but not limited to, the alteration, demolition, or reconstruction of existing structures within the time limits established by the Zoning Committee, giving consideration, to the purposes of the chapter.

- 2) In addition to the general requirements of this chapter and any conditions imposed in approving the conditional use permit, each site shall conform to the following:
  - (a) Minimum lot size: Five acres.
  - (b) Number of horses permitted: The maximum number shall be set by the conditional use permit and shall depend on the specific site characteristics and conditions of the permit. The characteristics to be considered shall include, but not limited to: access to roads and equestrian trails; road conditions; streams and waterways; watersheds; vegetation; surrounding properties; slope; and visual impacts.
- 3) Stalls and corrals: New construction or remodeled stalls shall be a minimum 12 by 12 feet in size, and existing stalls shall be a minimum 10 by 10 feet in size. All stables shall have room turnouts. Turnouts shall have water for horses. Each horse shall have shelter available.
- 4) Boarding: Up to 50% of the permitted horses may be boarded horses.
- 5) Setbacks: For any new stable, at the time of construction, the stable shall be located not less than 20 feet from the nearest property line, recognizing that the Zoning Committee may require a greater setback in issuing a conditional use permit for the use based on existing site conditions and surrounding site conditions. Turnout and riding rings, fences shall be a minimum distance of 50 feet from neighboring property line. Other setback requirements shall be as defined in the County's Zoning Ordinance.
- 6) Residence: There shall be a full-time residence owner.
- 7) Stallions: Fencing shall be six feet in height. Signs shall be posted on stall doors, Turnout gates, and fences adjacent to trails indicating a stallion is kept therein. The owner shall disclose on the stable permit that a stallion is on premises.

## **SECTION 5.0 SIGNS**

### **5.1 General Provisions.**

**5.11 Permit Required.** Except as otherwise specifically authorized, no sign shall be located, erected, moved, reconstructed, extended, enlarged, or structurally altered within Sawyer County until a permit has been issued by the Sawyer County Zoning Administrator. No permit shall be issued for a sign not in conformity with the size, type,

## **SAWYER COUNTY ZONING ORDINANCE**

number, location, and use regulations affecting each zone district. Approval must be obtained by the Wisconsin Department of Transportation for any sign that is to be located on a State highway.

**5.12 Exceptions.** A permit shall not be required for the following classes of signs:

- 1) Class A Signs. Official traffic control signs and informational or directional notice erected by Federal, State, or local units of government.
- 2) Class B Signs. On-premise real estate signs, residential identification, warning, and similar signs not greater than four (4) square feet in area.

### **5.13 Prohibited Characteristics of Signs.**

- 1) No sign shall resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals or devices, except required signs on multiple use trails.
- 2) No sign shall be so located as to interfere with the visibility or effectiveness of any official traffic sign or signal, or with driver vision at any access point or intersection.
- 3) No sign shall be erected, relocated, or maintained so as to prevent free ingress or egress from any door, window, or fire escape and no sign shall be attached to a standpipe or fire escape.
- 4) No sign shall contain any rotating or moving parts, or be illuminated by flashing lights.
- 5) No sign shall exceed the maximum height limitation of the district in which it is located.
- 6) No sign shall be located on a lot so to reduce the required dimensional setback and side yard requirements of the district in which it is located.

## **5.2 CLASSIFICATION OF SIGNS REQUIRING A PERMIT**

**5.21 Class C. Signs:** On-premise signs which advertise a business activity or service performed on the property.

- 1) **Type 1:** Signs advertising a permitted home occupation or professional office. Such signs shall not exceed six (6) square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted.
- 2) **Type 2:** Signs or bulletin boards for public, charitable, or religious institutions. Such signs shall not exceed 12 square feet in area, and no more than one such sign for each highway upon which the property faces shall be permitted. Such signs may be placed at the right-of-way line of the highway.
- 3) **Type 3:** Signs advertising a business activity or a service available in a commercial or industrial area. Such signs shall not exceed 80 square feet in area when nonlighted, and if illuminated, shall not exceed 40 square feet in area. Not more than one such sign for each story may project more than six (6) feet beyond a building when attached

## **SAWYER COUNTY ZONING ORDINANCE**

thereto or be higher than four (4) feet above the top of the roof line. Free standing signs shall not exceed 20 feet in height above the ground. (Amended July 20, 1995)

4) **Type 4:** Signs advertising the sale of farm products that are produced on the premises. Such signs shall not exceed 32 square feet in area, and no more than three (3) non-lighted signs advertising produce may be erected within 100 feet of the stand.

5) **Type 5:** Signs advertising a resort or recreational business activity or product available. Such signs shall not exceed 20 square feet in area and no more than one (1) such sign for each highway upon which the property faces shall be permitted. Free standing signs shall not exceed 20 feet in height from the ground.

### **5.22 CLASS D SIGNS**

Signs or billboards which advertise a general brand of product, an area of interest, a business activity, or a service available which is not in direct relation to the use of the premises on which it is located. Such signs shall not exceed 300 square feet in area. Free standing signs shall be erected outside a line parallel to and 50 feet from the right-of-way line of the highway and shall not exceed 20 feet in height above the ground or be located within 300 feet of an existing residence. Such signs shall only be visible from a US or State trunk highway. Signs shall be located a minimum of 300 feet apart along the highway.

### **5.23 CLASS E SIGNS**

Off premise directory signs in the specific interest of the traveling public which advertise a business activity, an area of interest, or a service available.

1) **Type 1:** Recreational directory signs indicating the direction to a cottage, resort, residence, or similar use. Such signs shall not exceed four (4) square feet in area. When a common posting is provided, all such signs shall be attached thereto. Recreational directory signs may be placed at the right-of-way line of the highway provided they are not within 300 feet of an existing residence. Information on such signs may be of reflective material. Such signs shall not exceed 20 feet in height above the ground and shall be located a minimum of 300 feet apart along the highway.

2) **Type 2:** Signs advertising a business or activity conducted, area of interest, or service available. Such signs shall not exceed 12 square feet in area, and no more than two (2) such signs relating to any one use shall be permitted in the approaching direction along any one highway. A larger number of signs and a greater distance from the premises may be permitted by the Zoning Committee by a conditional use permit finding it necessary for directing the traveling public. Signs shall not be within 300 feet of an existing residence; shall not exceed 20 feet in height above the ground; and shall be located a minimum of 300 feet apart along the highway.

### **5.3 CLASS AND TYPE OF SIGNS PERMITTED IN VARIOUS ZONE DISTRICTS**

	<u>CLASS &amp; TYPE OF SIGN</u>	<u>ZONE DISTRICT</u>
1)	Class A Signs	All
2)	Class B Signs	All

## **SAWYER COUNTY ZONING ORDINANCE**

- |                  |  |
|------------------|--|
| 3) Class C Signs |  |
| Type 1           | R-1; RR-1; RR-2; I-1; A-1; A-2           |
| Type 2           | All                                      |
| Type 3           | C-1; I-1                                 |
| Type 4           | A-1; A-2; F-1; W-1                       |
| Type 5           | RR-1; RR-2; C-1; I-1; A-1; A-2; F-1      |
| 4) Class D Signs | C-1; I-1                                 |
| 5) Class E Signs |  |
| Type 1           | RR-1; RR-2; C-1; I-1; A-1; A-2; F-1; W-1 |
| Type 2           | RR-1; RR-2; C-1; I-1; A-1; A-2; F-1; W-1 |

### **5.4 NONCONFORMANCE**

Signs lawfully existing before the date of enactment of this ordinance may be continued although the use, size, or location does not conform with 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.

## **SECTION 6.0 REGULATION OF SPECIAL USES**

### **6.1 GENERAL PROVISIONS**

See Section 6.9

### **6.2 MINERAL EXTRactions**

#### **6.21 PURPOSE**

The purpose of this section is to protect mineral extraction operations against problems caused by intrusion of incompatible land uses, to allow for protection of deposits of minerals and, to insure that all metallic, nonmetallic, and mineral fuels operations are 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 the Wisconsin Statutes.

#### **6.22 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) below.

- 1) Applicants for a conditional use permit under 6.22 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

## **SAWYER COUNTY ZONING ORDINANCE**

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 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 the conditional use application. The regular conditional use permit shall be granted for a period not to exceed five (5) years, but may be renewed or revised upon re-application for periods of five (5) years.

3) Applicants seeking temporary conditional use permits for exploratory mining or drilling and/or prospecting phases may be required to supply the Zoning Committee 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 for mining shall be established by the Zoning Committee. The fee schedule shall be posted in the office of the Zoning Administrator.

### **6.23 RULES AND STANDARDS FOR NONMETALLIC MINING**

The following rules and standards shall apply to any nonmetallic mineral extraction operations judged by the Zoning Administrator to meet the definitional tests. Non-metallic mining does not include removal from the earth of products or commodities that contain only minor or incidental amounts of non-metallic minerals, such as sod, agricultural crops, ornamental or garden plants, forest products, or nursery stock.

1) Hot mix plants, asphalt mixing plants and rock crushers shall conform to state, federal, or local pollution standards. The location and operation of asphalt mixing plants, rock crushers and hot mix plants shall be requested by conditional use application.

2) Setback requirements for asphalt mixing plants, hot mix plants and rock crushers. Asphalt mixing plants, hot mix plants and rock crushers operating in nonmetallic mines active as of August 16, 2001, shall be located not less than 1,000 feet from any residence, hotel, motel or resort.

3) Nonmetallic mineral extraction operations existing as of August 16, 2001. The requirements of 2) above shall not apply in those situations where:

- a) The permit holder of the mine owns the residence.
- b) Residences not owned by the permit holder were constructed after August 16, 2001.
- c) Residences not owned by the permit holder were constructed with a land use permit issued after August 16, 2001.
- d) The property owner of the property on which the residence is located provides a written/notarized agreement to the Zoning Office stating that the property owner has waived the setback requirements.

## **SAWYER COUNTY ZONING ORDINANCE**

4) Nonmetallic mineral extractions approved after August 16, 2001. The requirements of 2) above shall not apply in those situations where residences, hotels, motels and resorts are constructed with a land use permit issued after the approval of the operation of a new nonmetallic mine extraction operation by the Sawyer County Zoning Committee at a public hearing.

5) 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 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 1 ½ foot horizontal to one (1) foot vertical, except that banks or cuts located within 200 feet of a road right-of-way shall be sloped no steeper than 3:1, 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.

6) Nonconforming Nonmetallic Operations. Pre-existing 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-year period prior to the effective date of this section and which is not in conformity with the provisions of the ordinance. The continuation of such non-conforming 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 50% of its current area unless it is permanently changed to conform to the requirements of this ordinance.

### **6.24 RULES AND STANDARDS FOR NON-METALLIC MINING AND MINERAL FUEL MINING ACTIVITIES.**

1) Applications for conditional use permits to conduct nonmetallic mineral extraction or processing activities and conditional use permits to conduct mineral fuel extractions or processing activities shall be accompanied by the following information:

a) Ownership and management data: information on location of the proposed site of the operations, ownership of the land, leasehold, 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 Zoning Committee to determine accountability for all conditions that it decides to impose upon the activities and the information shall be sufficiently detailed and complete to accomplish this purpose.

b) Operations plan data: full and complete information on the precise nature of mineral extractions or processing activity that is proposed to be undertaken.

c) Reclamation plan data: full and complete information on the nature of reclamation which the applicant proposes to undertake.

## **SAWYER COUNTY ZONING ORDINANCE**

2) Standards for decisions by the Zoning Committee in conditional use applications for mineral extraction or processing activities. In order to grant a conditional use permit, the Zoning Committee must find:

- a) The mineral extraction and/or processing is an allowable conditional use in the zone district, and an appropriate land use at the site in question, based upon consideration of such factors as:
  - (i) Existence of mineral deposits; and
  - (ii) Proximity of the site to transportation facilities and to market areas; and
  - (iii) Ability of the operation, as described in the proposed operations plan, to avoid harm to the public health, safety, and welfare and to the legitimate interests of nearby properties.
- b) That an operations plan, which the Zoning Committee shall direct be imposed as a condition of approving the conditional use permit, will protect affected public and private rights against undue interference; and
- 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 Zoning Committee shall attach such conditions to each approved application as are necessary to assure that the operation will satisfy the standards set forth above. These conditions may be conveyed as deed restrictions.
- e) The conditional use permit shall be in effect for a period specified by the Zoning Committee not to exceed five (5) years and may be renewed or revised upon re-application for periods of five (5) years. All permitted operations shall be inspected at least once every year by the Zoning Committee or its agents and shall be inspected at the time a request for renewal is before the Zoning Committee to determine if all conditions of the operation are being complied with.
  - (i) 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.
  - (ii) Permits may be amended upon application to allow extensions or alterations in operations under new ownerships or managements.
- f) A termination of mining or drilling activities on a site which is the subject of an approved conditional use permit for a period of one year or more shall dis-title the permit holder to a right of renewal at the end of the permit period, despite compliance of former operations will all conditions of the original permit, unless:
  - (i) Such a discontinuance was specified as part of the original operations plan; or
  - (ii) The operator has submitted and had Zoning Committee approval of an amendment to the original permit placing the operation in inactive status with accompanying conditions as to interim or partial reclamation.
- g) The Zoning Committee shall require reasonable assurance that the conditions it imposes will be satisfied. Such assurance shall be achieved through some combination of:

## **SAWYER COUNTY ZONING ORDINANCE**

- (i) Performance bonds or substitute guarantees in the form of pledged collateral;
- (ii) Establishment of escrow accounts into which deposits shall be made to assure financial resources for investments in reclamation work;
- (iii) Clear identification of the relationship between landowners, lessees, licenses, and operators and the signing of written pledges by those persons who assume responsibility for various elements of the conditions imposed.

3) Non-metallic mining whose proposed active size is expected to exceed 25 acres in area OR 25 feet in depth OR are proposed as an “industrial sand” mine may be required, at the discretion of the Zoning and Conservation Department, to follow this section as well as the balance of 6.23 and 6.24. Included are:

- a) Must file a digital and hard copy of reclamation plan a minimum of 60 days before the first public hearing for the conditional use permit.
  - (i) Reclamation plans must follow the Large Pit Reclamation Plan guidelines as provided by the Department.
  - (ii) A review fee must accompany the reclamation plan.
  - (iii) Must include a “road use agreement” under WI State Statute 349.16 with all municipalities whose public roads are used for ingress, egress, or other functions of the mine.
- b) A stormwater management plan may be required at the discretion of the Zoning and Conservation Department based on the recommendations of the reclamation plan reviewer.
- c) Wetland mitigation may be required through the Wisconsin Department of Natural Resources.

4) Impacts of particular concern to the Zoning Committee in evaluating plans and proposals, and in enumerating conditions, prior to the granting of conditional use permits for mineral extractions activities. The Zoning Committee 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



## **SAWYER COUNTY ZONING ORDINANCE**

- Potential off-road vehicle use on access roads
- Create aesthetics problems
- Affect surface or groundwater quality
- c) Production Activities
  - Remove vegetation
  - Create noise and odor problems
  - Displace wildlife
  - Create aesthetics problem
  - 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 stream
  - Cause bank erosion
  - Mix topsoil with substrate
  - Change wildlife habitat
  - Displace wildlife
  - Create aesthetics problems
  - Potential safety problems
  - Change drainage patterns
  - Encourage off-road vehicle use and trespass problems

### **6.25 Metallic Mining Ordinance**

See separate Sawyer County Zoning Ordinance regarding Metallic Mining Exploration, Prospecting, Bulk Sampling and Mining and Reclamation.

## **6.3 SALVAGE YARDS**

### **6.31 GENERAL**

No salvage yard shall be permitted in Sawyer County 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 County Zoning Committee and a Conditional Use Permit obtained.

### **6.32 LOCATIONAL CRITERIA**

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

- 1) Within 1,000 feet of any navigable lake, pond, or flowage.
- 2) Within 300 feet of a navigable river or stream.
- 3) Within a floodplain.
- 4) Within a 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

## **SAWYER COUNTY ZONING ORDINANCE**

environment.

### **6.33 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 Zoning Committee in writing. The plan of operation shall include at a minimum the following:

1) A map and aerial photograph of the area showing land use and a zone district map showing zone districts within one-half ( $\frac{1}{2}$ ) 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 yard, 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 onsite 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 responsible for actual operation and maintenance of the yard.
- g) Operation procedures which detail how compliance will be achieved with Section 6.34.

### **6.34 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 owners name and the hours the yard will be open. Letters shall be a minimum of 2 inches high with one-half ( $\frac{1}{2}$ ) inches minimum width and in a color distinct from its background.

## **SAWYER COUNTY ZONING ORDINANCE**

6) The operation shall be conducted in an orderly and aesthetic manner.

### **6.35 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.

### **6.36 ANTIQUE AND HOBBY VEHICLES**

#### **6.361 ANTIQUE, SPECIAL INTEREST VEHICLES AND PARTS CARS.**

- 1) A COLLECTOR may engage in collecting and refurbishing ANTIQUE, SPECIAL INTEREST VEHICLES and parts cars without a permit provided that SUPPORT VEHICLES, SPECIAL INTEREST VEHICLES needing restoration and VEHICLES UNDER CONSTRUCTION, will fall under the guidelines of the WI Statue 341.266 (4) where they have to be out of sight when not in use by aesthetically pleasing fences buildings, and or natural barriers. Further activities must be conducted in accordance with (2) (a) – (d) below.
  - 2) (a) Cars, which are SUPPORT VEHICLES and UNDER CONSTRUCTION VEHICLES, will not be seen from frontage roads and adjoining property lines when properly stored.
    - (b) Any large acreage areas exceeding 300 feet from a roadway may not need to fall under fencing and storage guidelines provided there are natural barriers hiding the vehicles.
    - (c) Any person that does not follow these guidelines and are notified of violation by Sawyer County Zoning, will be subject to removal of vehicles from property after 45 days of non-compliance at the owner's expense.
    - (d) Any time a vehicle that is under construction is not returned to its storage areas within a 72-hour period is subject to a daily fine to be determined by Sawyer County.
  - 3) Cars unlicensed or inoperable (19 years or newer) that do not fall into the COLLECTOR CAR and HOBBYIST guidelines are subject to restrictions imposed by Sawyer County or Town of jurisdiction.
  - 4) Any person that is in the business of buying and restoring COLLECTOR CARS will follow zoning laws for commercial and conditional use permits.

#### **6.362 PRIVATELY OWNED MOTOR VEHICLES**

- 1) Motor vehicles may be located on privately owned property provided that inoperable or unlicensed motor vehicles or motor vehicle bodies are not visible at any time of the

## **SAWYER COUNTY ZONING ORDINANCE**

year from off of the property. Non-visibility methods would include, but not be limited to, existing characteristics of the property that prevent off property visibility (i.e., vegetation, trees, topography etc.), existing enclosed storage buildings, screening fencing that meet the requirements of Section 7.0 SCREENING AND FENCING, 7.13 EXTENT or new enclosed storage buildings, screening or fencing created per Section 7.0 SCREENING AND FENCING, 7.13 EXTENT.

2) All privately owned properties shall comply with this section within three (3) months of the adoption date (December 15, 2005) of this amendment.

### **6.37 EXEMPTIONS:**

1) Federal, State, County, Town, and municipal owned facilities.

2) Auto service repair garages and auto body shops are exempt for up to thirty (30) days on vehicles which are placed or stored for repair purposes.

### **6.38 FORCE AND EFFECT**

Following adoption by the County Board of Supervisors, Section 6.3 shall be in full effect and force as provided in Section 59.69, Wisconsin Statutes.

## **6.4 GARBAGE AND REFUSE DISPOSAL SITES**

No garbage or refuse disposal sites shall be permitted in Sawyer County except in conformance with the rules and regulations of NR 180 and NR 151 of the Wisconsin Administrative Code.

## **6.5 MOBILE HOME PARKS**

Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located within Sawyer County except in a mobile home park, the plan of which has been approved by the County Zoning Committee and the appropriate State agency. Such parks shall meet the following requirements:

**6.51** Minimum size - Ten (10) acres.

**6.52** Maximum number of mobile home sites - Six (6) per acre.

**6.53** Minimum width of mobile home site - 40 feet.

**6.54** Maximum height of mobile home - 25 feet.

**6.55** Minimum distance between mobile homes - 20 feet.

**6.56** Minimum distance between mobile home and service road- 10 feet.

**6.57** Each mobile home site shall be connected to a public or common water supply system and a public or common sewage disposal system.

**6.58** All drives, parking areas, and walkways, shall be hard 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 a quarter (1 1/4) parking spaces for each mobile home space.

## **SAWYER COUNTY ZONING ORDINANCE**

**6.59** 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.

**6.510** Minimum side yard setbacks - 40 feet at all front, side and rear lot lines of the mobile home park.

**6.511** Each mobile home shall be placed on a four (4) inch crushed rock base and of size to accommodate the use. The stand should provide for practical placement on and removal from the lot of the mobile home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. The size of the development will be acceptable if it is suitable for the general market to be served by the individual proposal and fits the dimensions of mobile homes anticipated. The location of each stand shall be at such elevation, distance, and access way that placement and removal of the mobile home is practical. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipation loads during all seasons should be used.

**6.512**-All mobile home parks shall be screened in accordance with Section 7.0 of this ordinance.

**6.513**-All mobile homes shall meet the construction standards of the Mobile Home Manufacturing Association.

**6.514**-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 Code.

## **6.6 TRAILER CAMPS AND CAMPGROUNDS**

Camping cabins and park model trailers must be located in a Federal, State, County, Town, or in a privately owned campground; the plan of which has been approved by the County Zoning Committee and appropriate State agency; and only "operational to public" from April 1 until December 1 with a "Manager or Designee" available twenty-four (24) hours per day.

**6.61** Minimum lot or parcel size - ten (10) acres

**6.62** Maximum number of sites - five (5) per gross acre of campground, unless otherwise determined by Conditional Use Permit that site conditions require a lesser number of sites.

**6.63** Each site shall be plainly marked and surfaced.

**6.64** All drives and parking areas other than those at individual sites shall be surfaced, at least gravel surfaced, and all lighting must be "down lighting".

**6.65** Central toilet, shower, and washing facilities shall be provided in sufficient quantity, as determined by the State Department of Health and Social Services requirements.

**6.66** Water supply and the manner of sewage disposal shall comply with the regulations of the Sawyer County Private Sewage System Ordinance and the appropriate

## **SAWYER COUNTY ZONING ORDINANCE**

requirements of the Wisconsin Administrative Code.

**6.67** No site shall be less than 75 feet from the ordinary high water mark (OHWM), 75 feet from the property lines of the camp, and must meet required road setbacks for a site as required in Section 4.21 SETBACK REQUIREMENTS ON HIGHWAYS AND ROADS.

**6.68** Marshland and shoreline areas shall not be altered.

**6.69** The screening provisions of Section 7.0 of the ordinance shall be met.

**6.610** 1) Camping Cabins: The construction, placement, installation or use of a camping cabin shall be by land use permit issued only to licensed campgrounds. Camping cabins shall not exceed 300 square feet in area; shall not exceed 12 feet in height; and the connection to or installation of gas, water, or sewer shall be prohibited. Camping cabins shall not have a second story or loft.

2) Park Model Trailers: No land use permit is required. The placement of park model trailers, are allowed in licensed campgrounds only. The chassis must remain on wheels and be no more than 400 square feet in size in the setup mode. The construction of a foundation underneath shall be prohibited.

**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.

**6.611** Construction of additions, decks, patios and similar structures.

1) The construction or placement of any structure shall meet all minimum requirements specified in this ordinance.

2) Non-conforming campsites are “grandfathered” for the placement only of “camping equipment.” Structures, other than a small platform not exceeding 4’ x 4’ that is absolutely essential at a doorway for safe ingress and egress, are not allowed.

3) The construction of walled structures, including screened enclosures, on individual sites that impart the impression that they are attached to “camping equipment” is prohibited.

4) Replacement roofs:

a) Roofs supported solely by the “camping equipment” are allowed provided that:

(1) A Land Use Permit is issued in accordance with Section 9.2 LAND USE PERMITS.

(2) The roof eave line shall not extend more than 12 inches beyond the perimeter of the walls of the “camping equipment.”

b) Roofs supported by other means (i.e., poles, posts etc.) are prohibited.

5) A single detached accessory structure (i.e., sheds, storage unit) may be constructed or placed on an individual campsite, Camping Cabin, or Park Model Trailer provided that:

a) All minimum setback requirements are met, including a minimum 10’ setback from another camper on another site.

b) Detached accessory structures (i.e., sheds, storage unit) for individual campsites may not exceed 100 square feet in total.

c) All other requirements of Section 6.6 are met.

## **SAWYER COUNTY ZONING ORDINANCE**

- 6) Open detached structures (i.e., decks, patios etc.) may be constructed on an individual camp site, Camping Cabin, or Park Model Trailer provided that:
- a) A Land Use Permit is issued in accordance with Section 9.2 LAND USE PERMITS.
  - b) All minimum setback requirements are met, including a minimum 10' setback from another camper.
  - c) If covered, the cover must be fabric and removed when the campground is closed.
  - d) The length shall not extend beyond the enclosed body of the "camping equipment."
  - e) Open detached patio and deck structures shall not exceed a total of 240 sq ft in size.
  - f) Open detached patio and deck structures shall not exceed over 18" in height from lowest adjacent grade.
  - g) All other requirements of Section 6.6 are met.
- 7) Existing walled structures are allowed ordinary maintenance and repair, but shall not be replaced.

### **6.7 PLACEMENT OF MAJOR RECREATIONAL EQUIPMENT/VEHICLES –**

**"CAMPING" – TOWN OPTIONS.** Note: For ease of interpretation and reading, the term "camping equipment" shall be used in lieu of "major recreational equipment/vehicles." The term "camping" shall refer to the placement and/or use of camping equipment. The intent of "camping" is not to create a permanent residence but is to be temporary in nature.

Towns shall select from the following options, the option that best satisfies a Town's position on "camping". Each Town shall notify the Zoning Administrator in writing of that Town's decision by May 1, 2004. **Towns not providing written notification will be considered to have selected Option One as the camping option.** The following criteria shall apply to all "camping" options:

- 1) Tent camping in dwelling yards is permitted.
- 2) Walled/screened/roofed additions shall not be constructed onto camping equipment. Commercially procured camping accessory structures intended for temporary use (i.e., pole framed screen porches and screen rooms, awnings attached to vehicles and trailers etc.) are permitted.
- 3) Accessory structures (i.e., decks, gazebos, boathouses, storage buildings etc.) are not permitted on vacant properties used for camping. Privies/outhouses are allowed with the issue of the appropriate sanitary permit.
- 4) The placement of camping equipment shall meet the minimum setbacks that would be required of a dwelling.
- 5) Campsites shall be subject to inspection by County and Town Board officials/staff.
- 6) Driveway permits may be required per Town, County, or State ordinance.
- 7) Camping by organized groups (i.e., Boy/Girl Scouts, 4-H Clubs etc.) is permitted.
- 8) Towns may request a change of camping option by submitting a Town resolution to the Sawyer County Zoning Committee.

## **SAWYER COUNTY ZONING ORDINANCE**

- 9) Towns may assess fees and issue permits at their discretion.
- 10) Towns may allow individual exceptions to the option selected on a case-by-case basis.
- 11) Complaints shall be initially addressed by Town officials. If a resolution cannot be obtained by the Town, the matter shall be brought to the attention of the Zoning and Conservation Department for enforcement.
- 12) Existing “camping” shall not be “grandfathered.” All properties shall be in compliance with the Town’s selected option within 12 months after the adoption of this amendment by the Sawyer County Board of Supervisors.
- 13) An emergency 911/Property Address sign shall be obtained.

### **6.71 OPTION ONE - MOST RESTRICTIVE – “CAMPING” NOT PERMITTED.**

1) Camping equipment may be parked or stored on the owner’s lot provided that the lot contains a dwelling. Camping equipment shall not be used for camping, living or housekeeping purposes or as an accessory structure. The property owner shall make every attempt to ensure that the presence of his/her camping equipment is as unobtrusive as possible (i.e., by parking the vehicles/equipment in a carport, in a building, behind a building away from streets, away from lot lines, beyond the view of neighboring property owners etc.). The option selected is the choice of the property owner and is not subject to enforcement action.

2) Camping equipment not located on a lot containing a residence must be located in a Federal, State, County, Town, or a privately owned campground the plan of which has been approved by the County Zoning Committee and the appropriate State agency, or in a commercial storage area.

3) Camping equipment may be used for camping on any lot for which a Land Use Permit has been issued for the construction of a dwelling. The use of the camping equipment must be in accordance with the appropriate “Town option” should the dwelling not be habitable within eighteen (18) months of the issue date of the permit.

### **6.72 OPTION TWO - “CAMPING” PERMITTED ON OFF WATER LOTS BUT NOT ON WATERFRONT LOTS.**

- 1) IMPROVED LOTS – LOTS CONTAINING A DWELLING). See 6.71(1) above.
- 2) VACANT LOTS – (LOTS THAT DO NOT CONTAIN A DWELLING) AND DO NOT HAVE FRONTAGE ON NAVIGABLE PUBLIC WATERS. Camping is permitted. See 6.71(2) above.
- 3) VACANT LOTS – (LOTS THAT DO NOT CONTAIN A DWELLING) AND DO HAVE FRONTAGE ON NAVIGABLE PUBLIC WATERS. Camping is not permitted.
- 4) Sanitation/septic system requirements shall be enforced.
- 5) A property address (fire number) sign is required.



**SAWYER COUNTY ZONING ORDINANCE**

**6.73 OPTION THREE - “CAMPING” PERMITTED ON BOTH “LAKE” AND OFF “LAKE” LOTS.**

**1) IMPROVED LOTS – (LOTS CONTAINING A DWELLING)**

- a) A property owner may store not more than two (2) camping vehicles/trailers on his/her property.
- b) The owner(s) of any improved lot in Sawyer County may have overnight guests stay in either the owner’s or the guest’s camping equipment for up to fourteen (14) days per calendar year. One guest camping vehicle/trailer will be allowed on any improved parcel for a total of 14 days per calendar year.
- c) For special events such as family reunions and holiday weekends, up to five (5) major recreational equipment/vehicles will be allowed on any improved parcel for a period of up to 7 days per calendar year.

**2) VACANT LOTS – LOTS THAT DO NOT CONTAIN A DWELLING AND MAY OR MAY NOT HAVE FRONTAGE ON NAVIGABLE PUBLIC WATERS. Camping is permitted.** The following restrictions shall apply:

- (a) Only one campsite per lot shall be allowed.
- (b) Camping equipment shall be parked as unobtrusively as possible and screened from roads and neighboring properties by vegetation.
- (c) Wheels shall not be removed from vehicles/trailers.
- (d) Vehicles/trailers shall have current license plates displayed.
- (e) Camping equipment shall be removed from the property by December 1<sup>st</sup> of each year and may not be returned until March 1<sup>st</sup> of the following year.
- (f) Two (2) guest units will be allowed at the campsite for a period not to exceed fourteen (14) days per calendar year.
- (g) A property address (fire number) sign is required.
- (h) Sanitation/septic system requirements shall be enforced.

**6.74 OPTION FOUR -- LEAST RESTRICTIVE – ALL “CAMPING” PERMITTED.**

Camping equipment may be used for unrestricted “camping” and may be parked or stored on the owner’s lot. Sanitation/septic system requirements shall be enforced.

Note: The following table is provided for information only. A Town may change its camping option at any time by Town Resolution

Town’s Selected Camping Option

Town	Option Selected	Date of Town Board Decision
Bass Lake	6.73 - “Option Three”	8-9-2004
Couderay	6.74 - “Option Four”	3-10-2004
Draper	6.73 - “Option Three”	3-8-2004
Edgewater	6.73 - “Option Three”	3-9-2004
Hayward	6.73 - “Option Three”	3-9-2004
Hunter	6.73 - “Option Three”	3-10-2004
Lenroot	6.73 - “Option Three”	3-8-2004
Meadowbrook	6.73 - “Option Three”	2-24-2004
Meteor	6.74 - “Option Four”	3-8-2004
Ojibwa	6.73 - “Option Three”	3-8-2004

## SAWYER COUNTY ZONING ORDINANCE

Radisson	6.74 - "Option Four"	3-8-2004
Round Lake	<del>6.74 - "Option Four"</del>	<del>3-11-2004</del>
	6.73 - "Option Three"	10-12-2006 ZC Public Hearing: 10-20-2006
Sand Lake	6.73 - "Option Three"	3-9-2004
Weirgor	6.74 - "Option Four"	3-9-2004
Winter	6.73 - "Option Three"	6-18-2004

### 6.8 KENNEL FOR SMALL DOMESTIC ANIMALS

A kennel for small domestic animals shall meet the following minimum requirements:

**6.81 Lot size** - five (5) acres.

**6.82 Lot width** - 200 feet.

**6.83 Side yard setback** - 50 feet.

**6.84 Back yard setback** - 50 feet.

**6.85 Front yard setback**-Section 4.21 Setback Requirements on Highways and Roads.

**6.86 Sanitary facilities provided for under Section 2 of the Sawyer County Private Sewage System Ordinance.**

**6.87 Perimeter fencing.** Minimum height of five (5) feet with minimum depth underground of twelve (12) inches; minimum fence gauge of eleven (11).

**6.88 Living quarters on same premises as kennel;** occupancy restricted to property owner-operator.

**6.89** Subject to the provisions of Chapter 174 of the Wisconsin Statutes.

### 6.9 SPECIAL USE APPLICATION

**6.91 General.** Land uses listed as permitted by a special use application in the A-1 and F-1 zone districts are allowed only after review, consideration, and approval of the Town Board and the Zoning Administrator. This category recognizes that land uses vary in their degree of impact on both community and resources. Special uses are considered less critical than conditional uses, but of such importance that they shall be subject to review by the Town Board and the Zoning Administrator.

**6.92 Application.** Application for a special use shall be made to the Zoning Administration and will then be forward to the Town Board for their review and approval. Upon approval by the Town Board, the application shall be submitted to the Zoning Administrator. In addition to the information required under Section 9.2, Land Use Permit, the Zoning Administrator may require the applicant to submit other pertinent data and information necessary to properly evaluate the request, including a construction material list.

**6.93 Review.** Special use applications will not require a Public Hearing subject to Section 13.0. However, if during its review, the Zoning Administrator in their discretion finds a proposed special use to be of significant concern, it may be upgraded to conditional use status and subject to those review processes and public hearing.

## SAWYER COUNTY ZONING ORDINANCE

**6.94 Conditions.** The Zoning Administrator and/or the Town Board may attach any special provisions or condition to a special use application deemed necessary to further the goals and objectives of this ordinance. The Zoning Administrator and/or the Town Board shall be guided by those factors listed in Section 8.0 of this ordinance.

**6.95 Approval and Permits.** Upon review and approval of a special use application by the Zoning Administrator, the property owner shall obtain a land use permit for such use in accordance with the requirements of Section 9.2.

### **6.96 Special Events (1-3 Days).**

Special events do not include auctions or family gatherings such as weddings, birthday parties, etc.

- 1) Approval must be granted by the Sawyer County Zoning Committee and the respective Town Board for any special event held in the county that will exceed one hundred (100) people. Applicants must contact the respective Town Clerk and the Zoning and Conservation Office to be placed on the Town and Sawyer County Zoning Committee agendas at least thirty (30) days prior to the event date. Written approval from the Town Board must be obtained.
- 2) A Special Events application, plot plan of event site and a plan of operations containing the following information shall be submitted to the Town Board and the Sawyer County Zoning Committee for approval:
  - a) Type of event being held.
  - b) Time period the event will take place.
  - c) Location of Sanitary facilities.
  - d) Location of water.
  - e) Location of entries and exits.
  - f) Parking area.
  - g) Garbage dumpsters.
  - h) Straight line distance from the event area to the nearest private residence.
  - i) What roads will be affected? Will there be traffic control?
  - j) Will there be security/law enforcement throughout the event?
  - k) Will there be ambulance/medical staff on premises?
  - l) Will food/beverages be sold on the premises?
  - m) Will there be overnight camping? If so, the provisions of Section 6.7, Major Recreational Equipment/Vehicles, may apply.
- 3) Events utilizing Sawyer County owned lands/property, with the permission of the Sawyer County Board of Supervisors or any committee authorized to act on behalf of the Sawyer County Board of Supervisors must provide proof of insurance of the event.
- 4) Proof of insurance is required.
- 5) Events held within the City of Hayward and incorporated areas are exempt from all requirements of this Section.
- 6) Approval must be granted by the Sawyer County Zoning Committee for any special events held in the county that will exceed five-hundred (500) people. A

## **SAWYER COUNTY ZONING ORDINANCE**

letter of approval from the Town Board must be obtained. Applicants must contact the respective Town Clerk and the Zoning Office to be placed on the Town and Sawyer County Zoning Committee agendas at least thirty (30) days prior to the event date.

### **6.10 MOTELS**

Motels shall be constructed or located on a lot or area that meets the following dimensional requirements. It shall be the base minimum parcel size and lot width of the zone district in which it will be located plus 5,000 square feet of area for every unit over one; and any additional area required by Wisconsin Administrative Code. For example, a proposed 10-unit motel in the non-shorelands of an RR-1 Zone District would require 20,000 sq. ft with a minimum lot width of 100' plus 45,000 sq. ft (9 x 5,000 sq. ft). This would equal 65,000 square feet or 1.49 acres. The motel shall meet all minimum setback requirements.

## **SECTION 7.0 SCREENING AND FENCING**

### **7.1 GENERAL PROVISIONS**

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

**7.11 Approval Required.** Any use or conditional use listed in this ordinance requiring screening or fencing shall be permitted only when authorized by the County Zoning Committee and subject to its approval of a screening or fencing plan for that particular use.

**7.12 Objective.** Planting or other suitable screening including fences or free-standing walls shall be required when deemed necessary for the screening or enclosure purposes by the County Zoning Committee; such as around outdoor storage yards, industrial property lines, salvage yards, refuse disposal sites, quarries, mines, mobile home parks, and 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.
- 5) A suitable setting for the particular use and other facilities.

### **7.13 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 minimum reflected glare, and to afford

## **SAWYER COUNTY ZONING ORDINANCE**

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

## **SECTION 8.0 CONDITIONAL USE**

### **8.1 GENERAL PROVISIONS**

One of the purposes of this ordinance is to divide the unincorporated portions of the County into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible and substantially uniform.

There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems, the use of its particular location presents from a zoning standpoint; including the impact of those uses upon neighboring land or public facilities and the public need for the particular use at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are hereby classified as conditional uses and are subject to the provisions herein.

### **8.11 APPROVAL REQUIRED**

- 1) Any conditional use listed in this ordinance shall be permitted only when authorized by the County Zoning Committee and subject to its approval. Upon such approval, issuance of a conditional use permit will be granted.
- 2) The approval of the conditional use shall expire twelve (12) months from the date of the approval if the conditional use permit has not been obtained.

### **8.12 BASIS OF APPROVAL**

The County Zoning Committee shall consider the effect of such grant on the health, general welfare, safety, and economic prosperity of the county and of the immediate area in which such use would be located; including such considerations as the effect on established character and quality of the area, its physical attractiveness, existing topography, drainage features, erosion potential, vegetative cover, the prevention and control of water pollution, the location with respect to floodplains and floodways, the movement of traffic, and the relationship to existing or proposed roads, the demand for

## **SAWYER COUNTY ZONING ORDINANCE**

related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect resulting from noise, dust, smoke, odor, and other factors.

### **8.2 PROCEDURE**

**8.21 Application.** Applications for a conditional use shall be made to the County Zoning Administrator who shall refer the application within 60 days to the County Zoning Committee. In addition to the information required under Section 9.2 for a land use permit, the County Zoning Committee may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.

**8.22 Fees.** The fee for filing of applications for conditional use shall be established by the County Zoning Committee. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

**8.23 Public Hearing.** The Zoning Committee shall schedule a public hearing on the application within 60 days after it is filed, and shall give notice as required in Section 13.2 of this ordinance.

**8.24 Recording.** When a conditional use has been granted, an appropriate record shall be made of the land use and structures permitted and such use shall be applicable solely to the structures, use, and property and in some cases to the property owner, subject to the recording of a deed restriction.

**8.25 Termination.** Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the Zoning Committee.

**8.26 Permits.** When a conditional use has been approved by the Zoning Committee, the property owner shall obtain a permit for such use, in accordance with the requirements of Section 9.2, Land Use Permits.

## **SECTION 9.0 ADMINISTRATOR**

### **9.1 COUNTY ZONING ADMINISTRATOR**

**9.11** The County Zoning Committee shall appoint a County Zoning Administrator for the administration and enforcement of the provisions of this ordinance. The County Zoning Committee may also authorize designation of a Deputy Zoning Administrator to assist in the enforcement and administration of this ordinance.

**9.12 Duties.** In administering and enforcing this ordinance, the County Zoning Administrator and any of his or her deputies shall perform the following duties:

- 1) Provide necessary forms and applications for permits.
- 2) Issue land use permits where the provisions of this ordinance have been complied with.

## **SAWYER COUNTY ZONING ORDINANCE**

- 3) Issue conditional use permits when authorized by the County Zoning Committee.
- 4) Survey the county, upon adoption of this ordinance and when necessary, upon passage of amendments, identify and record information relative to nonconforming uses and structures unless exempted by State Statute 59.69(10)(3)(d).
- 5) Maintain files of applications, permits, and other relevant information.
- 6) Make an annual report of his or her activities to the County Zoning Committee and to the County Board.
- 7) Make onsite inspections as required in administering and enforcing this ordinance.
- 8) Be responsible for the proper notice requirements for hearing and like matters.
- 9) Investigate and report violations of this ordinance to the County Zoning Committee and/or Corporation Counsel.

### **9.13 POWERS**

The County Zoning Administrator and his or her duly appointed deputies shall have the powers and authority including but not limited to the following:

- 1) Access to any structure or premise for the purpose of performing his or her duties between 8:00 am and 6:00 pm. Issuance of a special inspection warrant may be requested upon the discretion of the Zoning Administrator.
  - (a) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and issue cease and desist orders requiring the cessation of any building, moving, alterations, or use which is in violation of the provisions of this ordinance.
  - (b) Determine whether or not specific ordinance requirements shall be waived and a permit should be issued in situations where the applicant alleges that he or she is handicapped or disabled and is entitled to "reasonable accommodations" under the Federal Fair Housing Act, 42 U.S.C. ss 3601-3631, or the Wisconsin Open Housing Law, s. 106.04, Wisconsin Statutes, or where the owner of a place of public accommodations alleges that certain zoning restrictions must be waived in order to make the public accommodations accessible to the disabled.

### **9.2 LAND USE PERMITS**

#### **9.21**

- 1) Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the Zoning Administrator before any new development is initiated or the placement of, construction of, or alteration of, or addition to any structure is initiated.
- 2) No land use permit shall be issued for a structure designed or intended for human use or occupancy before a Fire number, Certified Soil Test, and Sanitary application is filed in the office of the Zoning Administrator. If applicable, a separate "Bunkhouse Sign" (yellow sign) will be required (sign to be placed directly below Residence Fire Number and affixed to Bunkhouse or Temporary Guest Quarters structure.) if lot contains a Bunkhouse or Temporary Guest Quarters as listed under 4.26 (4) in the Sawyer County Zoning Ordinance.
- 3) The Zoning Administrator shall not issue a permit for a structure or a use not in

## **SAWYER COUNTY ZONING ORDINANCE**

conformity with the requirements of this ordinance.

4) The fee for filing applications for land use permits shall be established by the County Zoning Committee. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

5) A permit fee and permit shall be waived for the placement of, or construction of, or alteration of, or addition to any structure whereby the placement contains 100 square feet or less; the structure to be constructed contains 100 square feet or less; or an alteration or addition results in an increase of 100 square feet or less. An application with applicable fees must still be filed with the Zoning Department for SHORELAND properties for any structures and for accessory structure exemptions specified in Section 4.26.

6) No land use permit shall be issued for any structure moved or placed that does not have an approximate assessed value of surrounding structures within 500 feet. Determination of assessed value shall be established by the Town Assessor.

7) Within twelve (12) months after the land use permit issue date, all buildings or structures indicated on the permit that are intended for human use or occupancy shall be completely enclosed.

Note: The following comment is not a part of the ordinance requirements, but rather reflects usual office practice. Up to a 6-month extension may be granted to the expiration date of a land use permit if the property owner can demonstrate a need for the extension before the expiration date of issued permit.

### **9.22 APPLICATION PROCEDURE**

An application for a land use permit shall be made to the Zoning Administrator upon forms furnished by the county and shall include the following:

- 1) Name and address of applicant and property owner.
- 2) Legal description of the property and type of proposed use.
- 3) A Scaled map or drawings showing accurately the location, size and shape of the lot(s) involved; existing and/or proposed structure(s) including the location of any public or private road or easement, or any wetland(s) or watercourse(s) and the existing and proposed use of each structure.
- 4) Other information requested on the permit application deemed necessary by the Zoning Administrator for proper enforcement of these regulations.
- 5) In situations where the applicant is requesting that certain zoning restrictions be waived in order to provide equal housing opportunities, or access to public accommodations, for a handicapped or disabled person:
  - (a) The nature of the handicap or disability.
  - (b) An explanation of the need for a waiver of specified zoning restrictions.
  - (c) A discussion of alternative solutions that have been considered, if any.

### **9.23 EXPIRATION**

A land use permit shall expire twelve (12) months from the date of issuance if no action has begun on the project within that time. One extension of up to six months maybe



## **SAWYER COUNTY ZONING ORDINANCE**

granted, if requested prior to the date of the permit.

### **9.24 GENERAL REQUIREMENTS FOR OBTAINING A LAND USE PERMIT**

- 1) Apply for a Fire Number.
- 2) If applicable, a separate "Bunkhouse Sign" (yellow sign) will be required (sign to be placed directly below Residence Fire Number and affixed to Bunkhouse or Temporary Guest Quarters structure.) if lot contains a Bunkhouse or Temporary Guest Quarters as listed under 4.26 (4) in the Sawyer County Zoning Ordinance.
- 3) Have a Certified Soil Test done.
- 4) Have a Wisconsin licensed plumber apply for a Sanitary Permit.
- 5) Contact the Zoning Office for a Land Use Application or print one from our website.
- 6) Apply for and pay the fee for the Land Use Permit prior to beginning construction. Citations and orders for removal may apply in those instances where construction begins without the issue of the proper permits.
- 7) Town permits may also be required. Contact the respective Town Clerk.
- 8) Contact the Uniform Dwelling Code inspector for inspections that are needed.
- 9) A Major Grading Permit is needed for excavating over 10,000 square feet and a Minor Grading Permit may be needed on shoreland property under other circumstances. (see Sawyer County Shoreland-Wetland Protection Ordinance Section 8.2)
- 10) Check Flood Plain requirement.

## **SECTION 10.0 NONCONFORMING USES**

### **10.1 CONTINUATION OF NONCONFORMING USES**

The lawful use of a building, structure, sign, or property which existed at the time this ordinance, or an applicable amendment to this ordinance, took effect and which is not in conformity with the provisions to this ordinance, including the routine maintenance of such a building or structure, may be continued, subject to the following conditions.

**10.11** If a nonconforming use is discontinued for twelve (12) consecutive months, removed from the premises, or destroyed by such causes as fire or wind, any future use of the building, structure, or property shall conform to this ordinance.

**10.12** The maintenance and repair, additions or alterations of nonconforming structures may continue provided there is no increase in the nonconformity.

**10.13** Uses nuisances shall not be permitted to continue as nonconforming uses.

**10.14** If the Zoning Administrator determines that any portion of a building addition or remodeling or reconstruction project required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans Disabilities Act, that portion of the project costs that are necessary to provide equal housing opportunity for handicapped or disabled persons shall not be counted in determining whether or not the 50% limit would be exceeded.

### **10.2 ESTIMATED FAIR MARKET VALUE**

**10.21** No structural alteration, or addition to any building or structure with a nonconforming use or any nonconforming building or structure, over the life of the

## **SAWYER COUNTY ZONING ORDINANCE**

building or structure, shall exceed 50 percent of the building or structure's current estimated fair market value unless it is permanently changed to conform to the requirements of this ordinance.

**10.22** If the alteration or addition of a building or structure which a nonconforming use or a nonconforming building or structure is prohibited because it is in excess of 50 percent of the current estimated fair market value, the property owner may still make the proposed alteration, addition, or repair if:

- 1) A nonconforming use is permanently changed to a conforming use;
- 2) The property owner obtains a variance from the Board of Adjustment or the circuit court finds in the property owners favor;
- 3) The Zoning Committee and Board of Supervisors approve an amendment in the zone district upon petition from the property owner, pursuant to Section 12.0 of this ordinance.

**10.23** The current estimated fair market value shall be determined from property assessment records, or, if these records are insufficient/inadequate, the current estimated fair market value shall be determined by a State certified appraiser at the expense of the property owner/applicant.

**10.24** If the zoning administrator determines that any portion of a building addition or remodeling or reconstruction project is required to be allowed under the Federal Fair Housing Act, the Wisconsin Open Housing Law or the Americans with Disabilities Act, that portion of the project costs that are necessary to provide equal housing opportunity for handicapped or disabled persons shall not be counted in determining whether or not the 50% limit would be exceeded.

## **10.3 RESTORATION OF CERTAIN NONCONFORMING STRUCTURES**

**10.31** Nonconforming Structures Located Outside of the Shorelands

- 1) Refer to State Statutes 59.69(10m) Restoration of Certain Nonconforming Structures.
- 2) Restoration shall be in accordance with all provisions of other applicable ordinances.

**10.32** Nonconforming Structures Located Within the Shorelands  
See Sawyer County's Shoreland/Wetland Protection Ordinance.

## **SECTION 11.0 BOARD OF APPEALS**

### **11.1 COMPOSITION**

A Board of Appeals is hereby created. Such Board shall be appointed in accordance with the provisions of Section 59.694 of the Wisconsin Statutes.

### **11.2 RULES**

**11.21 Call for meetings.** The Board of Appeals shall meet at the call of the Chairman

## **SAWYER COUNTY ZONING ORDINANCE**

at a fixed time and place, and at such other times as the Board of Appeals may determine.

**11.22 Open Meetings.** All meetings of the Board of Appeals shall be open to the public.

**11.23 Public Hearing Location.** Any Public Hearing which the Board of Appeals is required to hold under Section 11.26, Powers and Duties of the Board of Appeals, shall be held in a place as convenient as may be to the location or locations to be considered at such public hearings by name, address, or other commonly known means of identification, shall be included in the notice given of such hearing.

**11.24 Notification of Public Hearing.** Notice of any public hearing which the Board of Appeals is required to hold under the terms of this ordinance shall specify the date, time, and place of the hearing, and matter to come before the Board of Appeals at such hearing, and such notice shall be given as required in Section 13.2 of this ordinance.

**11.25 Minutes.** The 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.

### **11.26 Powers and Duties**

1) The Board of Appeals shall adopt such additional rules as it deems necessary to carry into the effect the regulations of the County Board.

2) It shall hear and decide appeals where it is alleged there is 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**

**11.31 The Board of Appeals** may grant upon application a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that literal enforcement of the provisions of the ordinance will:

- 1) Result in unnecessary hardship on the applicant;
- 2) Due to special conditions unique to the property; and
- 3) Such variance is not contrary to the public interest.

**11.32** A variance shall not grant or increase any use of property which is prohibited in the zone district.

**11.33** Before passing on an application for a variance, the Board of Appeals shall hold

## **SAWYER COUNTY ZONING ORDINANCE**

a public hearing pursuant to Section 13.2 of this ordinance.

### **11.4 APPEALS**

**11.41 Appeals to the Board of Appeals** may be made by any person aggrieved or by an officer, department, board or bureau of the County affected 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 Board of Appeals, a notice of appeal specifying the reasons for the appeal. The Zoning Administrator or other officer whose decision is in question shall transmit within 60 days to the Board all the papers constituting the record concerning the matter appealed.

### **11.42 HEARING APPEALS**

1) The Board of Appeals shall fix a reasonable time for a hearing on the appeal. The Board shall give public notice thereof by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time, and place of the hearing and the matters to come before the Board. Notice shall be mailed to the parties in interest.

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

3) The final disposition of an appeal to the Board of Appeals shall be in the form of a written decision or order signed by the chairman, secretary or designee of the board or by the board's legal counsel. 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 determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the appeal.

## **SECTION 12.0 AMENDMENTS**

### **12.1 PROCEDURE**

**12.11** The County Board may from time to time, alter, supplement, or change boundaries of zone and use districts and the regulations contained in this ordinance in accordance with the requirements of Section 59.69 (5) (e), Wisconsin Statutes, Chapter NR 115, Wisconsin Administrative Code, and Section 12.3 of this ordinance where applicable.

**12.12** Amendments to this ordinance may be made on petition of any interested party as provided in Section 59.69 (5) (e), Wisconsin Statutes.

**12.13** Every petition for a text or map amendment filed with the County Clerk shall be referred to the County Zoning Agency.

### **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.

## **SAWYER COUNTY ZONING ORDINANCE**

### **12.3 REZONING OF LANDS IN THE WETLAND/SHORELAND ONE DISTRICT**

**12.31** 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 DNR 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 County Clerk;
- 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 County Zoning Committee's findings and recommendations on each proposed amendment within ten (10) days after submission of those findings and recommendations to the County Board; and
- 4) Written notice of the County Board's decision on the proposed amendments within ten (10) days after it is issued.

### **12.32 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; or
- (g) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(1) If the DNR notifies the County Zoning agency 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 12.32 of this ordinance, that amendment, if approved by the County Board, shall contain the following provision:

This amendment shall not take effect until more than 30 days have elapsed after written notice of the County Board's approval of this amendment is mailed to the Department of Natural Resources. During that 30-day period, the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Sections 59.692 (6), Wisconsin Statutes. If the Department of Natural Resources does so notify the County Board, the effect of this amendment shall be stayed until the Section 59.692 (6) adoption procedure is completed or otherwise terminated.

## **SAWYER COUNTY ZONING ORDINANCE SECTION 13.0 PUBLIC HEARINGS**

### **13.1 NOTICE**

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

### **13.2 PROCEDURE**

#### **13.21 Posting and Publishing**

1) Notice of public hearings shall be given as provided in Section 59.69 (5) or 59.694 (6), Wisconsin Statutes. The last insertion of a Class 2 notice shall not be published less than ten (10) days before the date of the public hearing.

2) When the hearing involves a proposed change in the zone district classification of any property, or the granting of a conditional use, the Town in which the affected land is located shall be notified as required in Section 59.69 (5) (e) (2), Wisconsin Statutes. A 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 the County, within 300 feet of any part of the land included in such proposed change or conditional use at least ten (10) days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any decision made on a change in zone district or conditional use.

3) When the hearing involves an application for a variance, the Town in which the affected land is located shall be notified as required in Section 59.69 (5) (e) (2), Wisconsin Statutes. A 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 the county, within 500 feet of any part of the land included in such proposed variance at least ten (10) days before such public hearing. The failure of such notice to reach any property owner shall not invalidate any decision made on a variance.

#### **13.22 NOTICE WITHIN SHORELANDS**

1) Written notice shall be given to the appropriate district office of the Department of Natural Resources at least ten (10) days prior to hearings on proposed variances, conditional uses, appeals for map or text interpretations, and map or text amendments.

2) 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 Department of Natural Resources within ten (10) days after they are granted or denied.

### **13.3 APPEARANCES**

At a public hearing, any party may appear in person, by agent, or by attorney.

### **13.4 FEES**

The fee for filing hearing applications for variances, conditional uses, appeals for map or

## **SAWYER COUNTY ZONING ORDINANCE**

text interpretations, and map amendments shall be established by the Zoning Committee to defray the cost of advertising, investigations, and processing. A copy of the current fee schedule shall be posted in the office of the Zoning Administrator.

### **SECTION 14.0 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.

### **SECTION 15.0 FORCE AND EFFECT**

Following passage and publication by the County Board of Supervisors, this ordinance shall be in full effect and force as provided in Section 59.69 Wisconsin Statutes.

### **SECTION 16.0 ENFORCEMENT AND PENALTIES**

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation, including building contractors or their agents shall be deemed a violation. A violation which is not corrected on the order of the Zoning Administrator shall be referred to the District Attorney or Corporation Counsel who shall expeditiously prosecute violations. Any person, firm or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than ten (\$10.00) dollars nor more than two hundred (\$200.00) dollars per offense, together with the taxable cost of action. Each day which the violation exists shall constitute a separate offense.

### **SECTION 17.0 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 permitted by the Zoning Administrator, uses similar to those listed as Conditional Uses may be permitted by the Zoning Committee.

#### **17.1 R-1: Residential One District**

This district provides for one-family and two-family year-round residential development 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 areas, which can be economically and readily served by utilities and municipal facilities.

##### **A) Permitted Uses**

- 1) One family and two-family year-round dwellings.
- 2) Private garages, carports, and boathouses.
- 3) Essential services and utilities intended to serve the principal permitted use.
- 4) Signs subject to the provisions of Section 5.0.
- 5) Horticulture and gardening.
- 6) 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 or private nuisance.

## **SAWYER COUNTY ZONING ORDINANCE**

7) Licensed In-Home Day Care/Child Care (no more than 8 children)

### **B) Uses Authorized by Conditional Use**

- 1) Multi-family (3 or more) dwelling units.
- 2) Rooming or boarding houses.
- 3) Mobile home parks subject to the provisions of Section 6.5.
- 4) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police station, and historic sites.
- 5) Telephone, telegraph, and power transmission towers, poles and lines, including transformers, substations, relay and repeater stations, equipment housing, and other necessary appurtenant equipment and structures.
- 6) Home occupation or professional offices provided no such use occupies more than 25% of the total floor area of the dwelling, not more than one nonresident 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 surround residential area.
- 7) No use shall involve sewage disposal plants, garbage incinerators and maintenance, repair or storage buildings.
- 8) Accessory structures on vacant property according to Section 4.26 (1) or an accessory structure on property lying across the Town or County Road from the principle structure. See Section 4.26(2)

### **17.2 RR-1: Residential/Recreational One 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-family and two-family dwellings.
- 2) Private garages, carports, and boathouses.
- 3) Horticulture and gardening.
- 4) Essential services and utilities intended to serve the principal permitted use.
- 5) Signs subject to the provisions of Section 5.0.
- 6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
- 7) Licensed In-Home Day Care/Child Care (no more than 8 children)

#### **B) Uses Authorized by Conditional Use**

- 1) Mobile home parks subject to the provisions of Section 6.5.
- 2) Telephone, 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,



## **SAWYER COUNTY ZONING ORDINANCE**

sport shops, bait sales, and other recreational services which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.

- 4) Hair salon and barber shop
- 5) Private or wholesale carpentry or woodworking shop; limited to property owner.
- 6) Greenhouse and florist.
- 7) Professional offices and studios.
- 8) Bed and Breakfast establishments.
- 9) Taxidermy.
- 10) Real estate office.
- 11) Childcare center, play school.
- 12) Shrub, tree nursery.
- 13) Lake access subject to provisions of Section 4.412.
- 14) Lake access for island development subject to provisions of Section 4.413.
- 15) MULTI-DWELLING DEVELOPMENT (i.e. **new** condominium, hotel, motel or resort, or other development which is the same general scale and character). (Does not include the conversion of existing properties to a condominium ownership, existing resorts, motels, hotels or any other existing multi dwelling development unless more rental/dwelling units are being proposed by plat or other means that would be in addition to the existing rental/dwelling units.)
- 16) Public and private parks, playgrounds and water sports areas.
- 17) Churches
- 18) Accessory structures on vacant property according to Section 4.26 (1) or an accessory structure on property lying across the Town or County Road from the principle structure. See Section 4.26(2)
- 19) Funeral Homes
- 20) Horses

### **17.3 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-family and two-family dwellings.
- 2) Private garages, carports, and boathouses.
- 3) Horticulture and gardening.
- 4) Essential services and utilities intended to serve the principal permitted use.
- 5) Signs subject to the provisions of Section 5.0.
- 6) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
- 7) Will allow a cabin resort to build additional cabin(s) provided lot area requirements are met.
- 8) Licensed In-Home Day Care/Child Care (no more than 8 children)

## **SAWYER COUNTY ZONING ORDINANCE**

### **B) Uses Authorized by Conditional Use**

- 1) Mobile home parks and campgrounds subject to the provisions of Section 6.5 and Section 6.6.
- 2) Telephone, 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, bait sales, and other recreational services which in the opinion of the County Zoning Committee are of the same general character or clearly incidental to a permitted use or use authorized by conditional permit.
- 4) Kennel for small domestic animals subject to the provisions of Section 6.8.
- 5) Hair salon and barber shop.
- 6) Private or wholesale carpentry or woodworking shop; limited to property owner.
- 7) Greenhouse and florist.
- 8) Professional offices and studios.
- 9) Bed and Breakfast establishments.
- 10) Taxidermy.
- 11) Real estate offices.
- 12) Childcare center, play school.
- 13) Shrub, tree nursery.
- 14) Lake access subject to provisions of Section 4.412.
- 15) Lake access for island development subject to provisions of Section 4.413.
- 16) MULTI-DWELLING DEVELOPMENT or other similar development including a condominium, hotel, motel or resort, or other development, which in the opinion of the County Zoning Committee, are of the same general scale and character. Does not include conversions of existing properties to a different form of ownership (i.e., to condominium ownership) unless DWELLING UNITS are being proposed by plat or other means that would be in addition to the existing rental/DWELLING UNITS. Does not include existing MULTI-DWELLING DEVELOPMENTS unless creating additional DWELLING UNITS.
- 17) Public and private parks, playgrounds and water sports areas.
- 18) Churches
- 19) Accessory structures on vacant property according to Section 4.26 (1) or an accessory structure on property lying across the Town or County Road from the principle structure. See Section 4.26(2)
- 20) Funeral Homes
- 21) Horses

### **17.4 A-1: Agricultural One District**

This district is intended to provide for the continuation of general farming and related activities in those areas best suited for such development, and to provide for orderly development of residential, commercial and industrial development.

### **A) Permitted Uses**

## **SAWYER COUNTY ZONING ORDINANCE**

- 1) Year-round dwellings occupied by owners and/or persons engaged in farming activities on the premises. Town Board and Zoning Administrator approval is required for owners and/or persons not engaged in farming activities on the premises.
- 2) Buildings, structures or improvements that are an integral part of or incidental to an agricultural use as defined in Wisconsin State Statutes 91.01(2):
  - a) Crop or forage production
  - b) Keeping livestock
  - c) Beekeeping
  - d) Nursery or Christmas tree production
  - e) Floriculture
  - f) Aquaculture
  - g) Fur farming.
  - h) Forest management
- 3) Agricultural processing industries and warehouses, except slaughterhouses, rendering, fertilizer plants and commercial smokehouses.
- 4) An activity or business operation that is an integral part or incidental to an agricultural use.
- 5) Vacation farms and other farm oriented recreational uses such as riding stables, winter sports activities, and game farms.
- 6) Roadside stands for the sale of products grown on the premises if sufficient off-street parking space for customers is provided.
- 7) Essential services and utilities intended to serve a permitted principle use on the premises.
- 8) Signs subject to the provisions of Section 5.0
- 9) Soil and water conservation programs.
- 10) Drainage where such activity will not be in conflict with the stated purposes of this zone district.
- 11) Licensed In-Home Day Care/Child Care (no more than 8 children and no more than 4 employees and does not impair or limit the current or future agricultural use of the farm or of the other farmland)
- 12) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 13) Enrolling land in a federal agricultural commodity payment program of a federal or state agricultural land conservation payment program.

### **B) Uses Authorized by Conditional Use**

- 1) 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.
- 2) Slaughterhouses, rendering, fertilizer plants, and commercial smokehouses.
- 3) Public and semi-public uses including but not limited to the following: Public and private schools, churches, public parks and recreation areas, rest homes, senior citizen complexes, group homes, hospitals, homes for the aged, fire and police stations, and historic sites.

## **SAWYER COUNTY ZONING ORDINANCE**

4) Transportation, communications, pipeline, electronic transmission, utility or drainage use provided that the following apply:

- a. The uses are consistent with and compatible with agricultural uses, accessory uses or agricultural related use.
- b. The use and location are reasonable and appropriate, considering alternative locations or are specifically approved under state or federal law.
- c. The use is reasonably designed to minimize conversion land at and around the site from agricultural use or open space.
- d. The use does not substantially impair or limit the current or future agricultural uses or surrounding parcels of land that are Zone Districts A-1 or A-2
- e. The construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

5) Kennel for small domestic animals subject to the provisions of Section 6.8.

6) Non-metallic mineral and mineral fuel exploration; non-metallic mineral and mineral fuel prospecting; non-metallic mineral and mineral fuel operation; and non-metallic mineral and mineral fuel reclamation, subject to Section 6.2.

7) Agricultural equipment/implement sales and service and facilities providing agricultural supplies, storage, and processing of agricultural wastes.

8) Private or wholesale carpentry or woodworking shop; limited to property owner.

9) Portable sawmill.

10) Professional offices and studios.

11) Taxidermy.

12) Real estate office.

13) Mini storage unit warehouse.

14) Bed and Breakfast establishments.

15) Event Barns

16) New and used car sales establishments.

17) Wholesaling establishments.

18) Transportation terminals.

19) Amusement parks.

20) Golf courses.

21) Cemeteries, mausoleums and columbarium.

22) Commercial bulk fuel storage facilities.

23) Sod and topsoil removal for resale, subject to NR 415.04. (may also require County Grading Permit or WI DNR storm water management plan)

24) Accessory structure on vacant property lying across the Town or County Road from the principal structure. See Section 4.26(2)

25) Like or similar uses in the opinion of the Sawyer County Zoning Committee, subject to the procedures for obtaining a conditional use permit.

### **C) Conflict with State Statute**

If any permitted uses or uses authorized by Conditional Use Permit conflict with Wisconsin State Statute Chapter 91 State Statute will prevail.

## **SAWYER COUNTY ZONING ORDINANCE**

### **17.5 A-2: Agricultural Two District**

This district is intended to provide for light and hobby farming and related activities; and to provide for orderly development of residential, agricultural, and commercial activities in those areas best suited for development.

#### **A) Permitted Uses**

- 1) Year-round dwellings occupied by owners and/or persons engaged in farming activities on the premises. Town Board and Zoning Administrator approval is required for owners and/or persons not engaged in farming activities on the premises.
- 2) Buildings, structures or improvements that are an integral part of or incidental to an agricultural use as defined in Wisconsin State Statutes 91.01(2):
  - a) Crop or forage production
  - b) Keeping livestock (not to exceed 15 animal units {1000 pound – 1 au} per 40 acres prorated)
  - c) Beekeeping
  - d) Nursery or Christmas tree production
  - e) Floriculture
  - f) Aquaculture
  - g) Fur farming.
  - h) Forest management
- 3) An activity or business operation that is an integral part or incidental to an agricultural use.
- 4) Vacation farms and other farm oriented recreational uses such as riding stables, winter sports activities, and game farms.
- 5) Roadside stands for the sale of products grown on the premises if sufficient off-street parking space for customers is provided.
- 6) Essential services and utilities intended to serve a permitted principle use on the premises.
- 7) Signs subject to the provisions of Section 5.0
- 8) Soil and water conservation programs.
- 9) Drainage where such activity will not be in conflict with the stated purposes of this zone district.
- 10) Licensed In-Home Day Care/Child Care (no more than 8 children and no more than 4 employees and does not impair or limit the current or future agricultural use of the farm or of the other farmland)
- 11) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 12) Enrolling land in a federal agricultural commodity payment program of a federal or state agricultural land conservation payment program.

#### **B) Uses Authorized by Conditional Use**

- 1) 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

## **SAWYER COUNTY ZONING ORDINANCE**

Wisconsin Administrative Code.

- 2) Agricultural processing industries, warehouses and commercial smokehouses, except slaughterhouses, rendering, and fertilizer plants.
- 3) Public and semi-public uses including but not limited to the following: Public and private schools, churches, public parks and recreation areas, rest homes, senior citizen complexes, group homes, hospitals, homes for the aged, fire and police stations, and historic sites.
- 4) Transportation, communications, pipeline, electronic transmission, utility or drainage use provided that the following apply:
  - a. The uses are consistent with and compatible with agricultural uses, accessory uses or agricultural related use.
  - b. The use and location are reasonable and appropriate, considering alternative locations or are specifically approved under state or federal law.
  - c. The use is reasonably designed to minimize conversion land at and around the site from agricultural use or open space.
  - d. The use does not substantially impair or limit the current or future agricultural uses or surrounding parcels of land that are Zone Districts A-1 or A-2
  - e. The construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 5) Kennel for small domestic animals, veterinarian clinic, grooming, and boarding subject to Section 6.8
- 6) Non-metallic mineral and mineral fuel exploration; non-metallic mineral and mineral fuel prospecting; non-metallic mineral and mineral fuel operation; and non-metallic mineral and mineral fuel reclamation, subject to Section 6.2.
- 7) Agricultural equipment/implement sales and service and facilities providing agricultural supplies, storage, and processing of agricultural wastes.
- 8) Private or wholesale carpentry or woodworking shop; limited to property owner.
- 9) Portable sawmill.
- 10) Professional offices and studios.
- 11) Taxidermy.
- 12) Real estate office.
- 13) Mini storage warehouses.
- 14) Bed and Breakfast establishments.
- 15) Event Barns
- 16) New and used car sales establishments.
- 17) Wholesaling establishments.
- 18) Beauty salon.
- 19) Craft and collectibles establishments.
- 20) Golf courses and miniature golf.
- 21) Cemeteries, mausoleums and columbarium.
- 22) Commercial bulk fuel storage facilities.
- 23) Sod and topsoil removal for resale, subject to NR 415.04. (may also require County Grading Permit or WI DNR storm water management plan)
- 24) Medical and dental offices.
- 25) Accessory structure on property lying across the Town or County Road from the

## **SAWYER COUNTY ZONING ORDINANCE**

principal structure. See Section 4.26(2)

26) Like or similar uses in the opinion of the Sawyer County Zoning Committee, subject to the procedures for obtaining a conditional use permit.

### **C) Conflict with State Statute**

If any permitted uses or uses authorized by Conditional Use Permit conflict with Wisconsin State Statute Chapter 91 State Statute will prevail.

**17.6 C-1: Commercial One District** This district is intended to provide for the orderly and attractive grouping, at appropriate 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) Public and private marinas.
- 12) Recreation service-oriented facilities as stated in the RR-1 District.
- 13) Motels.
- 14) Rooming and boarding houses.
- 15) Mini-warehouse storage.
- 16) Living quarters on same premises of the business, provided that occupancy is restricted to the property owner, or business operator, and his immediate family.

### **B) Uses Authorized by Conditional Use**

- 1) Public and semi-public conditional uses as stated in the R-1 District.
- 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) Automotive race track including stock cars, snowmobiles, and motorcycles.
- 10) Non-metallic mineral and mineral fuel exploration; non-metallic mineral and mineral fuel prospecting; non-metallic mineral and mineral fuel operation; and non-metallic mineral and mineral fuel reclamation, subject to Section 6.2.
- 11) Commercial bulk fuel storage facilities.

## **SAWYER COUNTY ZONING ORDINANCE**

### 12) Funeral Homes

#### **17.7 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, physical appearance, or 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) Metal and Wood Assembly, fabrication, and manufacturing
- 2) Electronics assembly, fabrication and manufacturing
- 3) Clothing manufacturing
- 4) Warehousing, storage and distribution facilities connected with permitted uses
- 5) Welding shops
- 6) Auto body shops, including auto repair
- 7) Municipal use
- 8) Emergency service facility
- 9) Public utility and/or structures
- 10) Crematoriums
- 11) Accessory uses clearly incidental to a permitted use

##### **B) Uses Authorized by Conditional Use**

- 1) Salvage yards, subject to the provisions of Section 6.3.
- 2) Non-metallic mineral and mineral fuel exploration; non-metallic mineral and mineral fuel prospecting; non-metallic mineral and mineral fuel operation; and non-metallic mineral and mineral fuel reclamation, subject to Section 6.2.
- 3) 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.
- 4) Commercial bulk storage of gasoline, propane, chemicals, and other materials of an explosive nature.
- 5) Storage and/or disposal of toxic and hazardous materials.
- 6) Chemical manufacturing
- 7) Foundries
- 8) Food processing
- 9) Fertilizer processing
- 10) Tool and die manufacturing
- 11) Redi-mix concrete and gravel production

Any other industrial use not listed in the above sections or any industrial use which is determined to be objectionable by the Zoning Committee on the basis of its potential of detrimental or harmful effects to the surrounding area or public, may be permitted only



## **SAWYER COUNTY ZONING ORDINANCE**

upon the issuance of a conditional use whereby the zoning committee may set performance standards, pollution standards, aesthetic controls, and dimensional and site requirements in order to ensure the public health, safety and general welfare of the county.

**C) Metallic mineral Exploration, Prospecting and Bulk Sampling** shall be permitted in the I-1 Industrial One District as set forth in Section 6.25. Metallic Mining shall be permitted in the I-1 Industrial One District upon issuance of a Conditional Use Permit/Mining Permit or a Local Agreement/Mining Permit, pursuant the terms set forth in Section 6.25.

**17.8 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 it as a conditional use certain recreational activities which when adequately developed are not incompatible to 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.
- 5) Drainage where such activity will not be in conflict with the stated purposes of this district.
- 7) Year round or seasonal dwellings permitted by a special use application subject to Section 6.9 or a Conditional Use per Section 18.5 and/or 18.6.
- 8) Licensed In-Home Day Care/Child Care (no more than 8 children)

### **B) Uses Authorized by Conditional Use**

- 1) Public and private parks, playgrounds, and water sports areas.
- 2) Dams, plants for the production of electric power and flowage areas.
- 3) Trailer camps and campgrounds subject to the provisions of Section 6.6.
- 4) Forest connected industries such as sawmills, debarking operations, chipping facilities, and similar operations.
- 5) Recreation and youth camps.
- 6) Riding stables.
- 7) Shooting ranges.
- 8) Non-metallic mineral and mineral fuel exploration; non-metallic mineral and mineral fuel prospecting; non-metallic mineral and mineral fuel operation; and non-metallic mineral and mineral fuel reclamation, subject to Section 6.2.
- 9) Year-round residence for caretakers of recreation areas.
- 10) Telephone, 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,

## **SAWYER COUNTY ZONING ORDINANCE**

transmission towers, fire towers, microwave radio relay towers, and pipelines.

11) 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.

12) Sod and topsoil removal for resale, Subject to NR 415.04.

13) Commercial bulk fuel storage facilities.

14) Accessory structures on vacant property according to Section 4.26 (1) or an accessory structure on property lying across the Town or County Road from the principle structure. See Section 4.26(2)

### **17.9 W-1: Wetland/Shoreland One District**

**Designation.** This district shall include all wetlands within the jurisdiction of this ordinance which are wetlands of five (5) acres or more, excluding point systems, and which are shown on the Wisconsin Wetland Inventory Maps that are adopted and made part of this ordinance. The regulatory provisions of this district do not require town approval and are not subject to town disapproval within the shoreland area described in Section 4.43. A portion of a wetland which is less than five (5) acres in size, and which is located in the unincorporated area within the county, shall be included in the wetland/shoreland district where the wetland as a whole is five (5) acres or larger, but extends across municipal or county boundaries so that a wetland is not regulated in its entirety by the County.

**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 wetlands.

#### **A) Permitted Uses**

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chapters 30 and 31, 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, tiling, or excavating except as allowed under Sections 17.9(a)(2) or 17.9(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 pasturing of livestock.

(d) The cultivation of agricultural crops.

(e) The practice of silviculture, including the planting, thinning, and harvesting of timber.

## **SAWYER COUNTY ZONING ORDINANCE**

(f) 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, tiling, 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 cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.

(c) The maintenance and repair of existing agricultural drainage systems where permissible by Section 30.20, Wisconsin Statutes, including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Chapter 30, Wisconsin Statutes, and that dredged spoil is placed on existing spoil banks where possible.

(d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.

(e) The construction or maintenance of piers, docks, or walkways built on pilings, including limited excavating and filling necessary for such construction or maintenance and

(f) 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 permit under Section 9.2 and which may include limited filling, flooding, draining, dredging, ditching, tiling, 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 that:

1) The road cannot as a practical matter be located outside the wetland;

2) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.32;

3) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and

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

(b) The construction or maintenance of nonresidential buildings provided that:

1) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals;

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 500 square feet in floor area; and

## **SAWYER COUNTY ZONING ORDINANCE**

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

(c) The maintenance and repair of existing private roads, driveways and bridges providing:

1) The applicant must provide documentation that the road, driveway, or bridge existed prior to June 20, 1985;

2) The cross section of the roadbed may not be enlarged beyond what can be documented under 1 above;

3) The road shall not be realigned;

4) Maintenance activities are carried out in the immediate area of the roadbed only; and

5) Construction work must be done to minimize adverse impact on the natural functions of wetlands as enumerated in Section 12.32.

### **B) Uses Authorized by 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, tiling, or excavating, but only to the extent specifically provided below:

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

(a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Chapter 29, Wisconsin Statutes, where applicable;

(b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Section 17.9 (3) (a) (1-4); and

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

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 that:

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

(b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in Section 12.32.

### **C. PROHIBITED USES**

Any use not listed in Sections 17.9 (A) (1-3) and (B) (1-2) is prohibited, unless the

## **SAWYER COUNTY ZONING ORDINANCE**

wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with Section 12.3 of this ordinance and Section 59.97 (5) (e), Wisconsin Statutes.

**17.10 SP: Shoreland Protection One District (Overlay district)** This district provides for the protection of waters and shoreland, and for safe and orderly shoreland development in Sawyer County. 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 the shore cover and the natural beauty. This district includes all lands in the unincorporated areas of the County within the following distances from the normal highwater elevation of navigable water: 1,000 feet from a lake, pond, or flowage, and 300 feet from a river, stream, or to the landward side of a flood plain whichever distance is greater.

### **A) Permitted Uses**

- 1) Any use permitted in the underlying districts, subject to the shoreland provisions of this ordinance.
- 2) Any accessory use permitted in the underlying districts, subject to the shoreland provisions of this ordinance.

### **B) Uses Authorized by Conditional Use**

- 1) Any conditional use authorized in the underlying districts, subject to the shoreland provisions of this ordinance.

## **17.11 PUD: Planned Unit Development District**

The PUD District is intended to provide for large-scale residential and/or commercial uses only. This district shall have no definite boundaries until such as approved by the County Board on the recommendation of the Zoning Committee in accordance with the procedures prescribed for zoning amendments by Section 59.69 of the Wisconsin Statutes. Plans for the proposed development shall be submitted in duplicate, and shall show the location, size, and proposed use of all structures and land included in the areas involved. The plans may provide for a combination of single and multi-family development as well as related commercial uses, provided the plans include that:

- 1) A single area of at least five (5) acres is involved.
- 2) Each residential building and lot in the district will conform to the R-1 District requirements and each commercial building and lot will conform to the C-1 District requirements by conditional use permit only.
- 3) Adequate streets and sidewalks as determined to serve the needs of the area involved will be provided.
- 4) Adequate access to public streets and proper internal circulation will be provided.
- 5) Adequate sewer and water facilities will be provided.
- 6) The development will constitute a reasonable extension of the living areas in the county and will be compatible with surrounding land uses.

**SAWYER COUNTY ZONING ORDINANCE**

**SECTION 18.0 DIMENSIONAL REQUIREMENTS**

		R-1	RR-1	RR-2	A-1	A-2	C-1	I-1	F-1
18.1	Building Height Limit*	35	35	35	35	35	35	60	35
18.2	Required Lot Area (sq./ft)								
	With public sewer	10,000**	10,000	10,000	5 acres	5 acres	10,000	1 acre	5 acres
	Without public sewer	20,000**	20,000	20,000	5 acres	5 acres	20,000	1 acre	5 acres
18.3	Minimum Lot Width								
	With public sewer	75	75	75	300	300	75	200	300
	Without public sewer	100***	100***	100***	300	300	100	200	300
18.4(a)	Yard Required								
	Front	30	30	30	50	50	10	50	30
	Rear	40	40	40	50	50	20	50	40
	Side:								
	Principal Building	10	10	10	20	20	10	20	10
		30	30	30	50	50	10	50	30
	Accessory Building	5	5	5	10	10/50	5	10	5
18.4(b)	Yard Required [See NOTE (1) below]								
	Side-Principal Building	10							

**SAWYER COUNTY ZONING ORDINANCE**

18.5	Floor Area, Residence (sq./ft) [See NOTE (2) below								
	1 Bedroom	500	500	500	500	500	500	500	500
	2 Bedrooms	600	600	600	600	600	600	600	600
	3 Bedrooms	700	700	700	700	700	700	700	700
18.6	Minimum Residence Width [See NOTE (2) below]	20'	20'	20'	14'	14'	14'	----	20'
18.7	Minimum Lot Depth (Added July 20, 1995)								
	With public sewer	---	---	---			---		
	Without public sewer	200	200	200			200		

**\* Subject to Section 4.4 Airport Safety Regulations**

**\*\*Minimum for one-family**, add 5,000 sq./ft for each additional unit over one plus any additional area required by applicable Wisconsin Administrative Code A-2 Dimensional Requirements (Added July 20, 1995)

**\*\*\*On Shoreline lots**, the minimum lot width shall be 100 feet and a minimum of 100 feet of frontage at the ordinary highwater mark.

**NOTE (1):** Reduced side lot line setbacks for principal buildings are applicable only if all of the following requirements are met: (1) Only in the Village of Stone Lake Original Plat, Village of Stone Lake First Addition and Village of Stone Lake Outlots all located in S19, T 39N, R 9W, (2) By ordinance adopted by the Town of Sand Lake Board and (3) On public sewer and public water supplied lots only.

**NOTE (2):** Requirements may be reduced with the approval of a Variance per Section 11.3.

# SAWYER COUNTY WIND ENERGY SYSTEM ORDINANCE

Adopted December 20, 2007

SECTION 1.0 PURPOSE, AUTHORIZATION AND INTERPRETATION	SECTION 7.0 SIGNAL INTERFERENCE
SECTION 2.0 DEFINITIONS	SECTION 8.0 VIOLATIONS
SECTION 3.0 STANDARDS	SECTION 9.0 ADMINISTRATION AND ENFORCEMENT
SECTION 4.0 GENERAL REQUIREMENTS	SECTION 10.0 PENALTIES
SECTION 5.0 CONDITIONAL USE PERMIT PROCEDURE	SECTION 11.0 RELATIONSHIP TO OTHER ORDINANCES
SECTION 6.0 ABANDONMENT AND RESTORATION	SECTION 12.0 SEVERABILITY

## **SECTION 1.0 PURPOSE, AUTHORIZATION AND INTERPRETATION**

To oversee the permitting of wind energy systems for the purpose of preserving and protecting public health and safety; preserving and protecting natural resources such as forests, flowages, lakes, rivers, streams and wetlands; to allow for the orderly development of land, protect property values and the quality of life of nearby property owners; and esthetic conditions within the County; without significantly increasing the cost of, or decreasing the efficiency of wind energy systems. This ordinance is adopted pursuant to the authority granted by Wis. Stat. secs. 59.69, 59.694 and 66.0401. This ordinance does not repeal, abrogate, annul, impair, or interfere with any existing ordinance.

## **SECTION 2.0 DEFINITIONS**

- 1. ADMINISTRATOR:** The Sawyer County Zoning Administrator, Deputy Zoning Administrator or other Zoning Department employee designated by the Sawyer County Zoning Committee.
- 2. COMMITTEE:** The Sawyer County Zoning Committee.
- 3. FLICKER or SHADOW FLICKER:** The effect that results when the shadow cast by the rotating blade of a wind energy system moves across a fixed point.
- 4. NONPARTICIPATING PROPERTY:** Real property on which either there is no large wind system or there is a large wind system that is in a different wind farm system than another large wind system.



**5. OWNER:** The person or entity that owns a wind system.

**6. PARTICIPATING PROPERTY:** Property on which a large wind system is located and that is in the same wind farm system as another large wind system.

**7. TOTAL HEIGHT:** The vertical distance from ground level to the tip of a wind turbine blade when the tip is at its highest point.

**8. WIND ENERGY SYSTEM:** Equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.

**9. WIND ENERGY SYSTEM (types):**

(a) **LARGE WIND ENERGY SYSTEM:** A wind energy system that has a nameplate capacity of more than 50 kilowatts and one wind tower or turbine.

(b) **SMALL WIND ENERGY SYSTEM:** A wind energy system that has a nameplate capacity of 50 kilowatts or less and one wind tower and turbine.

(c) **PERSONAL WIND ENERGY SYSTEM:** A wind energy system that has a nameplate capacity of 10 kilowatts or less, one wind tower and turbine, a maximum height of 35 feet, is not visible from adjacent properties, produces no measurable noise and complies with all other zoning regulations.

(d) **WIND FARM SYSTEM:** A wind energy system that includes more than one wind tower.

**10. WIND TOWER:** The monopole, freestanding, or guyed structure than supports a wind turbine generator.

### **SECTION 3.0 STANDARDS**

**1. Structure.** A wind tower must be of monopole construction to the extent practicable. If monopole construction is not practicable, a wind tower must be of freestanding construction to the extent practicable. If monopole or freestanding construction is not practicable, a wind tower may be guyed.

**2. Location. A WIND ENERGY SYSTEM may be located on County property if approval is granted by the COMMITTEE and any other committee of the Sawyer County Board of Supervisors with jurisdiction over that property and the approval of the Sawyer County Board of Supervisors.**

**(a) LARGE WIND ENERGY SYSTEMS and WIND FARM SYSTEMS may be located only in areas that are zoned Agricultural One (A-1), Agricultural Two (A-2), Forestry One (F-1) and in the Industrial One (I-1) zone district provided that the parcel has a minimum size of five acres.**

**(b) SMALL WIND ENERGY SYSTEMS and PERSONAL WIND ENERGY SYSTEMS may be permitted in all zone districts.**

**3. Setbacks.**

**(a) A WIND ENERGY SYSTEM shall not be located closer than 1.1 of its total height from:**

- i. Lot lines,**
- ii. public road right-of-way,**
- iii. power or telephone line right-of-way (buried or above ground),**
- iv. pipeline right-of-way or**
- v. driveway/access easement.**

**(b) A WIND ENERGY SYSTEM shall not be located closer than 300' from:**

- i. The ordinary high-water mark of navigable waters and**
- ii. public parks.**

**(c) Reduced setbacks may be allowed for 3. (a)(i)-(v) and (b)(ii) above if written permission is granted by the affected property owner for a specific lesser setback and recorded with the Sawyer County Register of Deeds.**

**(d) The WIND ENERGY SYSTEM in a LARGE WIND ENERGY SYSTEM and each WIND ENERGY SYSTEM in a WIND FARM SYSTEM shall be setback at least 300' from the residence of a NONPARTICIPATING PROPERTY unless written permission is granted by the affected property owner for a specific lesser setback and recorded with the Sawyer County Register of Deeds.**

**4. Spacing and Density.** A WIND ENERGY SYSTEM must be separated from every other WIND ENERGY SYSTEM, to include those on adjacent properties and those owned by others, by a sufficient distance so that it does not interfere with another WIND ENERGY SYSTEM.

**5. Height.** The total height of a WIND ENERGY SYSTEM shall not exceed 150 feet unless a greater height is approved by the COMMITTEE.

**6. Clearance.** The vertical distance from ground level to the tip of a wind turbine blade when the blade is at its lowest point must be at least 35 feet, except for PERSONAL WIND ENERGY SYSTEMS.

**7. Access.** A WIND TOWER, including any climbing aids, must be secured against unauthorized access by means of a locked barrier or security fence.

**8. Electrical Wires.** All electrical wires associated with a WIND ENERGY SYSTEM, other than wires necessary to connect the wind turbine to its base and to overhead collection lines, must be located underground.

**9. Code Compliance.** All WIND ENERGY SYSTEMS must comply with the National Electrical Code, the National Electrical Safety Code, and all applicable state and federal codes and regulations.

**10. Lighting.** A WIND TOWER and turbine may not be artificially lighted unless such lighting is required by the Federal Aviation Administration. If lighting is required, the lighting must comply with FAA minimum requirements and, whenever possible, be at the lowest intensity allowed, avoid the use of strobe or other intermittent white lights, and use steady red lights. If more than one lighting alternative is available, the alternative that causes the least visual disturbance must be used.

**11. Equipment.** The electrical disconnect and rotor braking system shall be located under the sweep area of the blade assembly.

**12. Appearance, Color, and Finish.** The exterior surface of any visible components of a WIND ENERGY SYSTEM must be a non-reflective, neutral color. WIND TOWERS and turbines in a WIND FARM SYSTEM that are located within one mile of each other on a PARTICIPATING PROPERTY must be of uniform design, including tower type, color, number of blades, and direction of blade rotation.

**13. Signs.** No wind turbine, tower, building, or other structure associated with a WIND ENERGY SYSTEM may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building, or other structure associated with a WIND ENERGY SYSTEM so as to be visible from any public road.

**14. Noise.** The noise generated by the operation of a WIND ENERGY SYSTEM may not exceed the ambient noise level by more than [5 dB(A)] as measured at any point on property adjacent to the parcel on which the wind energy system is located. The noise level generated by the operation of a wind system will be determined during the investigation of a noise complaint by comparing the sound level measured when the wind generator blades are rotating to the sound level measured when the wind generator blades are stopped.

**15. Flicker or Shadow Flicker.** The owner of a WIND ENERGY SYSTEM must take such reasonable steps as are necessary to prevent, mitigate, and eliminate shadow flicker on any occupied structure on a NONPARTICIPATING PROPERTY.

#### **SECTION 4.0 GENERAL REQUIREMENTS**

**1. Conditional Use Permit.** A conditional use permit is required to be approved by the COMMITTEE for all WIND ENERGY SYSTEMS. Application must be on a form provided by the Administrator. The Committee may, by unanimous approval, delegate its authority to the Administrator to issue permits for PERSONAL WIND ENERGY SYSTEMS only. The Committee, by a majority vote of its members, may withdraw this authorization at any time.

**2. Fees.**

(a) The application for conditional use permit for a SMALL WIND ENERGY SYSTEM and a LARGE WIND ENERGY SYSTEM not included in a WIND FARM SYSTEM and the application for a conditional use permit for a PERSONAL WIND ENERGY SYSTEM must be accompanied by the fee required for a conditional use permit.

(b) The application for a conditional use permit for a WIND FARM SYSTEM must be accompanied by the fee required for a conditional use permit, plus a \$100 processing fee for each WIND ENERGY SYSTEM included in the wind farm system.

**3. Site Plan – LARGE WIND ENERGY SYSTEMS and WIND FARM SYSTEMS.**

a (a) The OWNER must provide a site plan and pay the fee for a site plan review if such review is required by the Committee.

(b) The site plan shall contain at a minimum the following information:

- i. Name, corporate status, address, and telephone number of the person signing the application and certifying that the application is true and correct.
- ii. Name, corporate status, address, and telephone number of the system owner.
- iii. Name, signature, corporate status, address, and telephone number of the landowner.
- iv. Legal description of the property and a description of a benchmark on the property, including its elevation expressed in feet and tenths of feet.
- v. Number, description, and design specifications of each WIND ENERGY SYSTEM, including the manufacturer, model, capacity, blade length, height, lighting, and total height of each WIND SYSTEM.
- vi. Blueprints or drawings that have been approved by a registered professional engineer showing a cross section, elevation, and diagram for any tower and tower foundation.
- vii. Scale diagram showing proposed location of aboveground and underground electrical wiring, access routes, landscaping, and fencing.
- viii. Statement describing any hazardous materials that will be used on the property and how those materials will be stored.
- ix. Location of any above ground utility lines within or adjacent to the property.
- x. Existing buildings and structures within one-half mile of the property, including any church, hospital, public library, residence, and school.
- xi. Any sewer service planning area and incorporated municipal boundary within one-half mile of the property.
- xii. Copy of a Certificate of Authority and Environmental Assessment, if applicable, from the Wisconsin Public Service Commission.
- xiii. Statement that each wind energy system will be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.
- xiv. Statement that the owner will construct and operate each wind energy system, or wind farm system in compliance with all applicable local, state, and federal codes, laws, orders, regulations, and rules.

xv. Statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by SECTION 7.0 ABANDONMENT AND RESTORATION (4) and that any removal and reclamation costs incurred by the County will become a lien on the property and may be collected from the landowner in the same manner as property taxes.

xvi. Any additional information (e.g., environmental assessment etc.) that may be required by the Committee.

#### 4. Site Plan – SMALL WIND ENERGY SYSTEMS.

(a) The owner must provide a site plan and pay the fee for a site plan review if such a review is required by the Committee.

(b) The site plan shall contain at a minimum the following information:

i. Name, address, telephone number and signature of the property owner.

ii. Legal description of the property.

iii. Number, description, and design specifications of the wind tower including the manufacturer, model, capacity, blade length, height, lighting, and total height.

iv. Blueprints or drawings that have been approved by a registered professional engineer or system installer, showing a WIND ENERGY SYSTEM diagram and height.

v. A diagram of convenient scale showing: the proposed location of the WIND ENERGY SYSTEM, aboveground and underground electrical wiring; system setback distance to property lines, overhead utility lines within or adjacent to the property and all existing and proposed buildings and structures within a distance equal to 150% of the height of the tower.

vi. Copy of a Certificate of Authority and Environmental Assessment, if required by the Wisconsin Public Service Commission.

vii. Statement that each WIND ENERGY SYSTEM shall be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.

viii. Statement that the owner will construct and operate the system in compliance with all applicable local, state, and federal codes, laws, orders, regulations, and rules.

ix. Statement signed by the landowner acknowledging that the landowner is financially responsible if the owner fails to reclaim the site as required by SECTION 7.0 ABANDONMENT AND RESTORATION (4) and that any removal and reclamation costs incurred by the County will become a lien on the property and may be collected from the landowner in the same manner as property taxes.

x. Any additional information that may be required by the Committee.

**5. Site Plan – PERSONAL WIND ENERGY SYSTEMS.**

**(a) The site plan shall contain at a minimum the following information:**

- i. Name, address, telephone number and signature of the property owner.**
- ii. Legal description of the property.**
- iii. Description and design specifications of system including the manufacturer, model, capacity, blade length, height, lighting, and total height.**
- iv. A diagram of convenient scale showing that the proposed location of the WIND ENERGY SYSTEM meets those structure setbacks that are the greater of those required in the Sawyer County Zoning Ordinance or 1.1 times the TOTAL HEIGHT of the system.**
- v. Copy of a Certificate of Authority and Environmental Assessment, if required by the Wisconsin Public Service Commission.**
- vi. Statement that the WIND ENERGY SYSTEM shall be installed in compliance with manufacturer's specifications, along with a copy of the manufacturer's specifications.**
- vii. Statement that the owner will construct and operate the system in compliance with all applicable local, state, and federal codes, laws, orders, regulations, and rules.**

**6. Expiration. A permit issued pursuant to this ordinance expires if the WIND ENERGY SYSTEM is not installed and functioning within 2 years from the date the permit is approved by the Committee. The Committee may extend the permit in response to a written request made prior to its expiration if the Committee determines that the request is reasonable under the circumstances.**

**7. Financial Assurance.**

**(a) LARGE WIND ENERGY SYSTEMS and WIND FARM SYSTEMS. The owner must provide a performance bond, completion bond, or other financial assurance of at least \$20,000 for each LARGE WIND ENERGY SYSTEM to guarantee the performance of the restoration requirement set forth in Section 6.0 ABANDONMENT AND RESTORATION.**

**(b) SMALL WIND ENERGY SYSTEMS. The Committee may at its discretion require financial assurance.**

**(c) PERSONAL WIND ENERGY SYSTEMS. The Committee may at its discretion require financial assurance.**

**SECTION 5.0 CONDITIONAL USE PERMIT PROCEDURE**

1. A person may submit an application to the Administrator for a conditional use permit for a WIND ENERGY SYSTEM. The application must be on a form approved by the Administrator and must be accompanied by 10 copies of a scaled drawing, other descriptive information sufficient to enable the Committee to determine whether the requirements of this ordinance will be satisfied, and such other information as may be specified on the application form. The Administrator will review the application materials for completeness and may request that the applicant provide additional

information. When the Administrator determines that the application is complete, the Administrator will forward it to the Committee.

2. The Committee will conduct a hearing on the application after the publishing of a class 2 hearing notice.

3. The Committee may grant a conditional use permit if it determines that the requirements of this ordinance are met and that granting the permit will not unreasonably interfere with the orderly land use and development plans of the County. The Committee may in writing and with findings of fact supported by documentation and/or testimony:

(a) Include conditions in the permit and waive or reduce the burden of this ordinance if, in the Committee's judgment, such actions meet and serve the purpose of this ordinance (SECTION 1.0 PURPOSE, AUTHORIZATION AND INTERPRETATION).

(b) The Committee may consider the following factors when setting conditions (These factors shall not be considered to be all inclusive):

- i. Proposed ingress and egress.
- ii. Proximity to transmission lines to link the system to the electric power grid.
- iii. Number of WIND TOWERS and their location.
- iv. Nature of land use on adjacent and nearby properties.
- v. Location of other WIND ENERGY SYSTEMS in the surrounding area.
- vi. Surrounding topography.
- vii. Proximity to residential structures, residential zoning districts, or areas identified for future residential use.
- viii. Design characteristics that may reduce or eliminate visual obtrusiveness.
- ix. Possible adverse effects on migratory birds, raptors, and other animals and wildlife.



- x. Possible adverse effects of stray voltage, interference with broadcast signals, shadow effect, and noise.
- xi. Impact on the orderly development, property values, and esthetic conditions within the County.
- xii. Effect on public and private roads.
- xiii. Recommendation of the Town Board.
- xiv. Any other factors that are relevant to the proposed system.

4. The installation and continued operation of a WIND ENERGY SYSTEM is contingent upon compliance with any conditions that are set by the Committee, including fees and licenses.

5. The Committee's decision, the reason for its decision, and any conditions will be recorded in the Committee's minutes. The Administrator will issue a conditional use permit or inform the applicant that the conditional use permit has been denied.

6. Any person or persons jointly or severally aggrieved by any decision of the Committee, or any taxpayer, or any officer, department board or bureau of the County may commence an action with the Sawyer County Board of Appeals to review the Committee's decision in whole or in part, within thirty (30) days after the filing of the decision in the office of the Committee.

#### **SECTION 6.0 ABANDONMENT AND RESTORATION**

1. A WIND ENERGY SYSTEM that is out of service for a continuous 12-month period will be deemed to have been abandoned and the Administrator may issue a Notice of Abandonment to the owner. If, within 30 days of receipt of a Notice of Abandonment, the owner provides the Administrator with written information showing that the system has not been abandoned, the Administrator will withdraw the Notice.

2. An owner shall provide the Administrator with a written Notice of Termination of Operations if the operation of a WIND ENERGY SYSTEM is terminated. Such notice shall be provided within 30 days of system operation termination.

3. A WIND ENERGY SYSTEM must be removed within 3 months of the mailing date of the Notice of Abandonment unless the Administrator withdraws the Notice or within 6 months of providing Notice of

Termination of Operations. The Notice of Abandonment shall be mailed by certified mail to the address of the property owner as listed by Land Records Department. The owner must remove all:

- (a) Wind turbines, aboveground improvements, and outdoor storage;
- (b) Foundations, pads, and underground electrical wires and reclaim the site to a depth of 4 feet below the surface of the ground; and
- (c) Hazardous material from the property and dispose of the hazardous material in accordance with Federal and State law.

4. If the owner fails to remove a WIND ENERGY SYSTEM and reclaim the site, the County may remove or cause the removal of the system and the reclamation of the site. The County may recover the cost of removal and reclamation from any financial assurance provided by the owner pursuant

to SECTION 4.0 GENERAL REQUIREMENTS (6.). Any removal or reclamation cost incurred by the County that is not recovered from the owner will become a lien on the property where the removal or reclamation takes place and may be collected from the landowner in the same manner as property taxes.

**SECTION 7.0 SIGNAL INTERFERENCE** The owner of a WIND ENERGY SYSTEM must take such reasonable steps as are necessary to prevent, eliminate, or mitigate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals. If within 12 months of the installation of a WIND ENERGY SYSTEM, adjacent property owners can justify to the Committee that the system is causing unreasonable interference with such signals as received on their properties, the Committee shall give the system owner not more than 3 months to correct the interference problem. Should the Committee be convinced at the end of that 3-month period that the interference has not been adequately abated, the Committee may order the removal of the system.

**SECTION 8.0 VIOLATIONS** It is unlawful for any person to construct, install, maintain, modify, or operate a WIND ENERGY SYSTEM that is not in compliance with this ordinance or with any condition contained in a conditional use or land use permit issued pursuant to this ordinance.

**SECTION 9.0 ADMINISTRATION AND ENFORCEMENT**

1. This ordinance shall be administered by the Administrator.

2. The Administrator may enter any property for which application has been made for a conditional use or land use permit under this ordinance to verify the information on the application and to determine

whether the conditions stated in the issued permit have been met. The Sheriff or the Sheriff's designee may enter any property for which a land use permit has been issued under this ordinance to conduct an inspection to determine whether there is any violation of SECTION 3.0 STANDARDS (14).

3. The Administrator may issue orders to abate any violation of this ordinance. The Sheriff or the Sheriff's designee may issue an order to abate a violation of SECTION 3.0 STANDARDS (14).

4. The Administrator may issue a citation for any violation of this ordinance. The Sheriff or the Sheriff's designee may issue a citation for any violation of SECTION 3.0 STANDARDS (14).

5. The Administrator may refer any violation of this ordinance to the Corporation Counsel for enforcement. The Sheriff may refer a violation of SECTION 3.0 STANDARDS (14) to Corporation Counsel for legal action.

6. Nothing in this section shall be construed to prevent the County from using any other lawful means to enforce this ordinance.

#### **SECTION 10.0 PENALTIES**

1. **LARGE WIND ENERGY SYSTEM or a WIND FARM SYSTEM.** Any person who fails to comply with any provision of this ordinance or of a conditional use permit or a land use permit issued pursuant to this ordinance shall, upon conviction thereof, forfeit at least \$500 but not more than \$1,000 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any person who is in default of payment of a forfeiture or costs may be imprisoned in the County jail until the forfeiture or costs are paid, except that the period of imprisonment may not exceed 30 days.

2. **SMALL WIND ENERGY SYSTEM or PERSONALWIND ENERGY SYSTEM.** Any person who fails to comply with any provision of this ordinance or of a conditional use permit or a land use permit issued pursuant to this ordinance shall, upon conviction thereof, forfeit at least \$100 but not more than \$500 for each offense. A separate offense shall be deemed committed on each day during which a violation occurs or continues. Any person who is in default of payment of a forfeiture or costs may be imprisoned in the County jail until the forfeiture or costs are paid, except that the period of imprisonment may not exceed 10 days.

3. The failure of any employee, official, or officer of the County to perform any official duty imposed by this code will not subject the employee, official, or officer to the penalty imposed for violation of this code unless a penalty is specifically provided.

**SECTION 11.0 RELATIONSHIP TO OTHER ORDINANCES**

This ordinance does not abrogate, annul, impair, interfere with, or repeal any existing ordinance.

**SECTION 12.0 SEVERABILITY** The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.