

SAWYER COUNTY ZONING SHORELAND-WETLAND PROTECTION ORDINANCE

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

1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in s. 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31.

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

1.3 TITLE. Sawyer County Zoning Shoreland-Wetland Protection 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.

The following terms used in this ordinance mean:

- (1) **ACCESS AND VIEWING CORRIDOR:** means a strip of vegetated land that allows pedestrian access to the shore through the vegetative buffer zone.
- (2) **ACCESSORY STRUCTURE OR USE:** means 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.
- (3) **BACKLOT:** A lot without water frontage under any form of ownership.
- (4) **BASEMENT:** means the substructure or foundation of a building; the lowest habitable story of a building, usually below ground level.
- (5) **BOATHOUSE:** means any structure designed for the purpose of protecting or storing boats and related equipment for noncommercial purposes above the ordinary high-water mark (OHWM).

- (6) **BUFFER ZONE:** A strip of land 35 feet wide inland from the ordinary high-water mark of any navigable body of water, including but not limited to: streams, rivers, ponds, flowages and lakes. Term used synonymously with buffer area, buffer strip, and Shoreline Vegetation Protection Area (SVPA).
- (7) **BUILDING, HEIGHT OF:** means the vertical distance in feet to the peak from lowest grade.
- (8) **BUILDING ENVELOPE:** means the three dimensional space within which a structure is built.
- (9) **CRAWL SPACE:** means in a building without a basement, an unfinished shallow accessible space below the first floor, normally enclosed by the foundation wall through which workers can gain access to pipes, wires and equipment.
- (10) **DEPARTMENT:** means the Department of Natural Resources.
- (11) **DEVELOPMENT:** means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.
- (12) **DRAINAGE SYSTEM:** means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (13) **EXISTING DEVELOPMENT PATTERN:** means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
- (14) **FENCE:** A man-made structure consisting of wood, metal, wire, mesh, masonry or other material. Fences shall include any type of fence, wall trellis or similar structure.
- (15) **FLOODPLAIN:** means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
- (16) **FOOTPRINT:** means 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.
- (17) **“GARD GAZEBO” PERMIT:** means a land use permit issued in accordance with s.59.692(1v), Wis Stats. **GAZEBO/SCREENED BUILDING:** means 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.
- (18) **IMPERVIOUS SURFACE:** Surfaces which prevent or impede normal water infiltration and/or cause runoff to other areas. Includes, but not limited to: (1) all rooftops (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 elevated walkways with minimum gaps of $\frac{1}{8}$ " in their surface structure (e.g., wooden decks with open cracks between the deck boards) allowing water to readily pass through the structure are not considered an impervious surface. Any portion of a township road traversing a lot will not be included as part of the impervious surface for calculation purposes.
- (19) **INTERNAL IMPROVEMENT:** means modifications/alterations within a dwelling unit that do not result in the alteration of the dwelling envelope. A land use permit is not required for these activities.

- (20) **LOT, FRONT:** On shoreland lots, the front shall be the area from the shoreline landward. On nonshoreland lots, the front shall be the area from the road or road easement away from the road.
- (21) **LOT LINE, REAR:** any lot line that is generally parallel to a front line bounding the lot and does not intersect a front lot line. There may be multiple rear lot lines.
- (22) **LOT LINE, SIDE:** any lot line that is neither a front lot line nor a rear lot line.
- (23) **MAJOR RECREATIONAL EQUIPMENT/VEHICLES:** A travel trailer, pickup coach, motor home, camping trailer, tent or park model mobile home which is either dependent and/or self contained.
- (24) **MITIGATION:** means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (25) **NAVIGABLE WATERS:** means all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 144.26(2)(d), Wis. Stats, notwithstanding any other provision of law or administrative rule promulgated there under, shoreland ordinances required under s. 59.971, Wis. Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage 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 streams before ditching; and
 - c) Such lands are maintained in nonstructural agricultural use.
- (26) **NONCONFORMING STRUCTURE:** means 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.
- (27) **NONCONFORMING USE:** means 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.
- (28) **ORDINARY HIGH-WATER MARK (OHWM):** means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (29) **ORDINARY MAINTENANCE AND REPAIR (OM&R):** Ordinary and routine actions necessary to continue or restore the safe use of a structure which has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and staining, repair of exterior windows, sky lights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, the repair of walls, or the foundation, and internal improvements within the structural envelope without doing structural repair (See 15.9 ORDINARY REPAIR AND MAINTENANCE and 15.10 STRUCTURAL REPAIR/REPLACEMENT/EXPANSION).
- (30) **REGIONAL FLOOD:** means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular body of water because of like physical characteristics, once in every 100 years.
- (31) **RESORT:** means a for-profit business holding a Seller's Permit and licensed by the Wisconsin Department of Health and Family Services, which provides rental to the public of dwelling units contained in one or more permanent buildings used primarily for recreational use.

- (32) **RETAINING WALL:** A wall (a structure) constructed to hold in place earth and soils or to prevent the erosion of an embankment.
- (33) **ROUTINE MAINTENANCE OF VEGETATION:** means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (34) **SHORELANDS:** means lands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (35) **SHORELAND-WETLAND DISTRICT:** means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
- (36) **SLOPE:** means a 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.
- (37) **SPECIAL EXCEPTION (CONDITIONAL USE):** means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Zoning & Conservation Committee.
- (38) **STRUCTURE:** means 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.
- (39) **UNNECESSARY HARDSHIP:** means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- (40) **VARIANCE:** means an authorization granted by the Board of Appeals to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (41) **WET BOATHOUSE:** The maintenance and repair of nonconforming boathouses which extend beyond/below the OHWM of any navigable waters shall be required to comply with s. 30.121 Wis. Stats.
- (42) **WETLANDS:** means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
- (43) **WETLAND DELINEATION:** means the process of determining the boundary between non-wetland areas and wetlands. Sawyer County requires such delineation to be made by a Wisconsin certified delineator.
- (44) **ZONING & CONSERVATION COMMITTEE:** means the Sawyer County Zoning & Conservation Committee created by the County Board under s. 59.97(2)(a), Wis. Stats, to act in all matters pertaining to county planning and zoning.

3.0 SAWYER COUNTY RESPONSIBILITIES [NR 115.05(4)]

Sawyer County shall, to the full extent of its available resources, adopt, administer and enforce the following requirements.

- 1) Appoint an administrator and additional staff to support the workload required by this ordinance.
- 2) Create a Zoning & Conservation Committee (Wis. Stats. 59.69), Board of Appeals (Wis. Stats 59.694) and a County planning agency [Wis. Stats 236.02(1) and 59.692(3)].
- 3) Establish a system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of all applications shall be filed in the office of the Zoning & Conservation Administrator.
- 4) Require regular inspection of permitted work in progress to ensure conformity of the finished structures with the terms of this ordinance.
- 5) Establish a variance procedure which authorizes the Board of Appeals to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- 6) Establish a conditional use procedure for uses presenting special problems.
- 7) Shall keep a complete record of all proceedings before the Board of Appeals, Zoning & Conservation Committee and planning agency.
- 8) Shall provide written notice to the appropriate regional office of the Department at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the County for review under Section 6.0 LAND DIVISION REVIEW. Upon request of the Department the County shall provide to the appropriate regional office a copy of any permit issued under Section 15.0 NONCONFORMING STRUCTURES AND USES.
- 9) Submit to the appropriate regional office of the Department, within 10 days after grant or denial, of copies of any permit granted under Section 15.0 NONCONFORMING STRUCTURES AND USES any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- 10) Require mapped zoning districts and the recording, on an official copy of such map, of all district boundary amendments.
- 11) Establish appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11), Wis. Stats.
- 12) Prosecute violations of the shoreland ordinance.
- 13) Establish a procedure for land division review that shall at a minimum, require the review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 3 or more parcels or building sites of 5 acres each or less within a 5-year period. In such review all of the following factors shall be considered: [NR 115 .05(2)]
 - a) Hazards to the health, safety or welfare of future residents.

- b) Proper relationship to adjoining areas.
 - c) Public access to navigable waters, as required by law.
 - d) Adequate storm drainage facilities.
 - e) Conformity to state law and administrative code provisions.
- 14) Adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. [NR 115.05(3)]
- a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812.
 - b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required
 - c) to comply with ch. Comm 83, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the County under s. 59.70 (5), Wis. Stats.
- 15) Ordinances.
- a) Ensure that the County's shoreland ordinance continues to comply with the requirements of ch. NR 115.
 - b) Provide the Department notice of public hearing on any proposed shoreland ordinance amendment and a copy of any decision denying or enacting the amendment.

4.0 PURPOSE AND INTENT

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

- 4.1 Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
- 1) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
 - 2) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems and to allow for some potential infiltration of run-off.
 - 3) Controlling filling and grading to prevent soil erosion problems.
 - 4) Limiting impervious surfaces to control run-off which carries pollutants.
- 4.2 Protect spawning grounds, fish and aquatic life through:
- 1) Preserving wetlands and other fish and aquatic habitat.
 - 2) Regulating pollution sources.
 - 3) Controlling shoreline alterations, dredging and lagooning.
- 4.3 Control building sites, placement of structures and land uses through:
- 1) Prohibiting certain uses detrimental to the shoreland area.
 - 2) Setting minimum lot sizes and widths.
 - 3) Setting minimum building setbacks from waterways.
 - 4) Setting the maximum height of near shore structures.
- 4.4 Preserve shore cover and natural beauty through:

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

5.0 AREAS TO BE REGULATED

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

5.1 Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds, and flowages. Lakes, ponds, and flowages in Sawyer County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Sawyer County" or are shown on United States Geological Survey quadrangle maps (1:24000 scale) or other zoning base maps, or if they meet statutory and case law definitions for navigable waterways.

5.2 Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. Rivers and streams in Sawyer County shall be presumed to be navigable if they are designated as continuous waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24000) or if they meet statutory and case law definitions for navigable waterways. Flood Insurance Rate Maps, flood hazard boundary maps, flood boundary-floodway maps, County soil survey maps or other existing County floodplain zoning maps shall be used to delineate floodplain areas.

5.3 Determinations of navigability and ordinary high-water mark.

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

5.4 Under 144.26(2)(d) Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated there under, this shoreland zoning ordinance does not apply to lands adjacent to farm drainage ditches if:

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

5.5 Shoreland -Wetland Maps. The Wisconsin Wetland Inventory maps approved as "FINAL" on November 6, 1984 are made part of this ordinance. The maps are on file in the office of the Zoning & Conservation Administrator for Sawyer County. In locating boundaries where an apparent discrepancy exists between the boundaries shown on the maps and actual field conditions at the time the maps were adopted, the Zoning & Conservation Department shall contact the District Headquarters of the DNR to determine if the boundaries as mapped are in error. If the DNR staff concur with the Zoning & Conservation Department that a particular area was incorrectly mapped, the Zoning & Conservation Department shall have the authority to immediately grant or deny a Shoreland/Floodplain Zoning Permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors on the official zoning map, the Zoning & Conservation Department shall be responsible for initiating a map amendment within a reasonable period of time, but not to exceed one (1) year following the determination.

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

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

5.8 Abrogation and Greater Restrictions. The provisions of this ordinance supersede all the provisions of any County Zoning Ordinance adopted under s. 59.692 Wis. Stats. which relate to shorelands. However, where an ordinance adopted under a statute other than s. 59.692 Wis. Stats. is more restrictive than this ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- 1) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- 2) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions but not otherwise.
- 3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants, or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

- 4) The following provisions of the Sawyer County Zoning Ordinance are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.

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

6.0 LAND DIVISION REVIEW

PURPOSE The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create 4 or more parcels or building sites of 19 acres each or less within a 5-year period to ensure that the creation of the new lots provides for development in compliance with the requirements of this code and other subdivision codes of the county. Refer to the Sawyer County Subdivision Ordinance.

7.0 SANITARY REGULATIONS

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

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

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

8.0 DIMENSIONS OF BUILDING SITES

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

8.2 Lots not served by public sanitary sewer. Minimum area and width for each lot. The minimum lot dimensions shall conform to the most restrictive requirements of either Table 12.0 LAKE CLASS DEVELOPMENT STANDARDS or Table 18.0 DIMENSIONAL REQUIREMENTS, Sawyer County Zoning Ordinance. Under no circumstances shall the minimum lot area be reduced to less than 20,000 sq. ft. and the minimum average lot width be reduced to less than 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

8.3 Lots served by public sanitary sewer. Minimum area and width for each lot. The minimum lot dimensions shall conform to the most restrictive requirements of either Table 12.0 LAKE

CLASS DEVELOPMENT STANDARDS or Table 18.0 DIMENSIONAL REQUIREMENTS, Sawyer County Zoning Ordinance. Under no circumstances shall the minimum lot area be reduced to less than 10,000 sq. ft. and the minimum average lot width be reduced to less than 65 feet with at least 65 feet of frontage at the ordinary high-water mark.

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

8.5 Substandard Lots. A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a single-family dwelling building site if all of the following apply: (Note: Lake Class Development Standards were initially adopted on April 15, 1997.)

- 1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- 2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- 3) The substandard lot or parcel is developed to comply with all other ordinance(s) requirements to include but not limited minimum structure setback requirements, installation of a private sewage disposal system etc.

8.6 Other substandard lots. Except for lots which meet the requirements of Section 8.5 SUBSTANDARD LOTS, a land use permit for the improvement of a lot having lesser dimensions than those stated in sections 8.2 and 8.3 shall be issued only if a variance is granted by the Board of Appeals.

9.0 BACK LOT LAKE ACCESS

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

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

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

9.2 All private lake accesses; lake access easements; or outlots; deeded or contractual accesses for the purpose of backlot lake access shall meet the following requirements. Lake access parcels that were in the same ownership as of June 15, 1995 and remain in the same ownership, even though substandard in size, do not have to comply with this section. Such lake access parcels shall be restricted to backlot access for only a single family lot, a single building site, a single family unit, a single family condominium unit or any other single area of a condominium designated as a unit. Campsites/RV sites located on a backlot are prohibited from utilizing said access. Same ownership means that both the lake access parcel and its backlot must have the same owner. A lake access parcel and its backlot may be transferred to a different

owner. However, should the lake access parcel and its backlot be separated (i.e., different owners) the provisions of this section shall apply.

9.3 The access lot to a navigable waterway for backlot or off shore development shall meet the minimum lot and parcel size requirements of the Lake Class Development Standards. The lot width shall be measured at right angles at all points along its side lot lines and the minimum required lot area shall exclude any wetlands. A cleared strip, ten (10) feet wide to contain the path that allows access to the lake through the lake access corridor (see Lake Class Development Standards), is the only clearing that is allowed.

9.4 The number of single family lots, building sites, mobile home park sites, single family units and single family condominium units or other areas of a condominium designated as units utilizing said access shall be limited to not more than three (3). CAMPGROUND/RV sites located on a backlot are prohibited from utilizing said access.

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

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

9.7 The creation or use of land for a lake access shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 27.0 CONDITIONAL USE PERMITS. The Zoning & Conservation Committee shall consider the size, shape, depth, present and potential use of the lake and the effect of the private access on public rights in navigable waters.

9.8 Once created, a lake access parcel can never be built upon, unless its use as a lake access parcel is removed by a conditional use permit.

9.9 Major Recreational Equipment/Vehicles (i.e., camping equipment) shall not be placed on the parcel.

9.10 Shoreline Lots not having access per this Section or Section 10.0 ISLAND DEVELOPMENT shall have a dry land access meeting the minimum requirements of the Sawyer County Subdivision Control/Condominium Ordinance.

10.0 ISLAND DEVELOPMENT

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

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

10.1 The owner or developer of island lots shall provide a private lake access parcel on the mainland for ingress and egress to the island and for the storage of vehicles and boat trailers. The size of the mainland lake access easement or outlot shall meet the minimum lot and parcel size requirements of the Lake Class Development Standards. The minimum required lot area shall exclude any wetlands. A contiguous buffer area of 25 feet wide along each side lot line running the full depth of the lot shall remain in its natural state. The cutting of vegetation or trees or the construction/placement of buildings within the buffer area is prohibited.

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

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

10.4 The creation or use of mainland land for a lake access for island development shall be by conditional use only in the RR-1 and RR-2 zone districts in accordance with Section 27.0 CONDITIONAL USE PERMITS. The Zoning & Conservation Committee shall consider the size, shape, depth, present and potential use of and the effect of the mainland lake access on public rights in navigable waters.

11.0 LAKE CLASS DEVELOPMENT STANDARDS AND LISTS OF LAKES BY CLASSIFICATION

11.1 After adoption of this section, or an amendment thereto, no lot area shall be so reduced that the dimensional and yard requirements required by this ordinance cannot be met. Parcels of land existing and of record, i.e., documented by recording of a metes and bounds description; or a Certified Survey Map; or a recorded platted subdivision, but of substandard size to the Lake Class Development Standards are hereby conforming to the parcel size requirements but may be nonconforming for dwelling unit construction. The construction of new dwellings or replacement dwellings; 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. Dwelling(s) construction must meet the minimum setback requirements stated in Table 18.0 DIMENSIONAL REQUIREMENTS, Sawyer County Zoning Ordinance regardless of when the LOT was created.

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

12.0

LAKE CLASS DEVELOPMENT STANDARDS

(Sub Para)	Classification	Lot Size (Square Feet)	For each Single Family Dwelling Unit - Lot Width (Feet)	Shoreline Setback (Feet)	Lot Depth (Feet)	Vegetation Removal	Side Yard Setback for all Structures
(1)	General Development 1	20,000	100 *200	75	200	30' corridor within 35' of the ordinary highwater mark	10' minimum - 40' minimum total
(2)	Recreational Development 2	30,000	150 *300	75	200	30' corridor within 35' of the ordinary highwater mark	20' minimum - 50' minimum total
(3)	Natural Development 3	40,000	200 *400	75	200	30' corridor within 35' of the ordinary highwater mark	30' minimum - 60' minimum total
(4)	Rivers and Streams	30,000	150	75	200	30' corridor within 35' of the ordinary highwater mark	20' minimum - 50' minimum total
(5)	Wilderness Development	217,800 (5acres)	300 *600	100	500	30' corridor within 75' of the ordinary high-water mark	60' minimum - 120' minimum total

*Note: Two family dwelling/duplex. One mobile home park site or three (3) CAMPGROUND/RV sites are considered to be the equivalent of a single family DWELLING UNIT.

13.0 LIST OF LAKES CLASSIFICATION

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

Named lakes less than four acres in size and all unnamed lakes listed in the “Surface Water Resources of Sawyer County”, Wisconsin Department of Natural Resources are considered Class (5) Wilderness Development lakes.

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

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

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

The Township of Spider Lake existing zone district dimensional requirements supersede the General Development (1), Recreational Development (2), Natural Development (3) and Rivers and Streams Classification Development Standards.

<u>Classification 1</u>	Whitefish	Lower Clam
Barber		Mason
Birch	<u>Classification 2</u>	Moose
Chetac, Lake	Barker	Mosquito Brook Flowage
Chippewa, Lake	Black	Ole
Connor	Black Dan	Perch (S35, T40, R05)
Grindstone	Blaisdell	Lake of the Pines
Island (S02, T39, R05)	Blueberry	Pickrel (S14, T38, R03)
Lac Courte Oreilles	Brunet Flowage	Placid
Little Courte Oreilles	Burns	Radisson Flowage
Little Round (S36, T41, R08)	Clear	Tiger Cat Flowage
Lost Land	Durphee	** (Includes Upper Twin and McClaine)
Nelson	Evergreen	Totagatic Flowage
North	Fishtrap	Upper Holly
Round	Ghost	Upper Twin
Sand	Grimnh Flowage	White Birch
Sissabagama	Ham	Windfall
Smith	Hayward	
Spider	Hunter	
Teal	Lake Winter	

Classification 3

Callahan/Mud
Crazy Horse Flowage
Delano
Deer
Knuteson
Lower Holly
McClain
Osprey

Classification 4

Adler
Adina
Ashegon
Bean Brook Springs
Beaver (S18, T42, R06)
Beaver (S27, T41, R06)
Beaver Creek Spring
Bennett
Benson Springs
Bentley
Beverly
Billy Boy Flowage
Blue Gill
Boos
Boribo
Borns
Buckhorn Spring
Buff
Bulldog Spring
Bullhead(S28,T42,R06)
Bullhead(S36,T42,R09)
Bunker
Burd
Byrd
Camp Four (S06, T42, R06)
Camp Four, East (S11, T41, R07)
Camp Four, West (S11, T41, R07)
Camp Smith
Carpenter
Catfish
Cattail
Champagne
Chip
Christner

Christy
Colbroth
Company
County Line Lake
Currier
Davies
Davis
Dead
Dead Lake Spring
Delano
Devils
Eagle Nest
Eddy Creek Pond
Eddy Creek Spring
Emerald Spring
Evelyn
Farnsworth
Fawn (S15, T42, R07)
Fawn (S11, T40, R06)
Filing Shed
Foo
Forty-One Creek Spring
Garbutt
Ghost Creek Spring
Glover
Goodman
Goodwin
Goose
Grant
Graveyard Spring
Green (S14, T40, R08)
Green (S29, T38, R09)
Grindstone Springs
Gurno
Hadley
Hanson
Hauer Springs
Hay Creek Springs
Hegmeister
Helane, L
Heron
Hess
Holmes
Hope

Horseshoe (S12,T42,R07)
Horseshoe(S11, T42, R07)
Hub
Hungry
Ike
Indian
Indian School
Island
Jacques
James
Johnson (S36, T40, R09)
Johnson (S3, T42, R07)
Kelly
Knuteson Spring
Larson
Lewis
Little Cranberry
Little Grindstone
Little Ole
Little Round (S09, T41, R09)
Little Sand
Little Sissabagama
Little Spring
Long
Lost (S17, T40, R07)
Lost (S26, T38, R08)
Lovejoy
Lower Dead Lake Spring
Lower Grindstone Spring
Lower Hauer Spring
Lower Twin
Lynch
Maple Spring
McClaine (S6, T42N, R6W)
McLaren
McDermott
Meadow
Miller
Milny
Minnemac
Mirror
Mosquito Brook Spring
Moss Creek Spring
Mossback

Mud (S07, T40, R09)
Mud (S16, T39, R05)
Mud (S17, T38, R09)
Mud (S27, T39, R09)
Mukwonago
Murphy
Murray
Noble
One Shoe
Osgood
Pac-wa-wong
Pac-wa-wong Spring
Pancake
Parslow
Partridge Crop
Patsy
Pearce
Pelican
Perch (S25, T42, R06)
Petty
Phipps Flowage
Phipps Lake
Phipps Spring
Pickerel(S32, T38, R09)
Pike
Pine Island
Porcupine
Price Creek Spring
Red Ike
Reed
Ring
Rogers
Runzel (Mud) (S27, T39, R09)
Rush
Sabin
Saddle
Schoolhouse
Sickles
Silverthorn
Snag
Snipe
South L. (North)
South L. (South)
Spring (S12, T40, R09)

Spring (S14, T41, R07)
Spruce
Star
Stearns
Summit
Sunfish
Swamp
Tamarack
Teal River Flowage
Thomas
Thornapple Spring
Tripp
Trout
Turk Spring
Turtle
Twenty-Seven Lake
Two Axe
Two Boys
Two Deer
Upper Grindstone Spring
Venison
Venison Spring
Villard
Weirgor
Weirgor Spring
Whiplash
Williams
Wilson
Windigo
Wise

14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS

General: Ch NR 115.05(1)(b) Building setbacks. Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

Measurement: All setback distances shall be measured from the overhang or appendage such as a deck, horizontally to the closest point of the ordinary high-water mark.

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

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

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

14.4 Wetland types (navigable or non-navigable) shall be determined by a representative of the Zoning & Conservation Department. Certification of wetland delineation, if required, is the responsibility of the property owner.

14.5 Exempt Structures

- 1) Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats. [“GARD GAZEBO”] shall be permitted if the following conditions are met:
 - a) The structure that is the subject of the request for a “GARD GAZEBO” permit has no sides, or has open or screened sides. Knee walls of 32 inches or less will be considered open construction.
 - b) That part of a structure that is nearest to the water shall be located at least 35 feet landward from the ordinary high-water mark.
 - c) The structure shall not be constructed on slopes in excess of 20%.
 - d) The total combined footprint of all of the structures within the shoreland setback area of the property will not exceed 200 square feet. Walkways, stairways, and boathouses without decks shall be excluded in calculating this square footage.
 - e) The structure shall blend with native or restored vegetation at the site during the growing season.
 - f) The eave overhang shall not exceed one foot.
 - g) The side yard setback shall be the greater of 10 feet, or as stated in Table 12.0 LAKE CLASS DEVELOPMENT STANDARDS.
 - h) The structure height shall not exceed 12 feet above the lowest grade within the

- structure footprint.
- i) Decks/floors to include support systems shall not exceed two (2) feet above existing grade.
 - j) Roofs of existing structures (i.e., boathouses, nonconforming accessory structures) shall not be converted to decks/seating areas.
 - k) Water, gas and sewer utilities shall not be connected to the structure.
 - l) Standard erosion and storm-water runoff controls must be implemented.
 - m) Mitigation shall be required and shall meet the requirements of Section 18.0 MITIGATION REQUIREMENTS. Failure to comply with mitigation provisions may cause the Zoning & Conservation Department to issue an order for removal or relocation of the structure allowed by the “GARD GAZEBO” permit.
- 2) Satellite dishes. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth antennas that are two meters or less in diameter may be placed within the vegetative buffer zone provided they are located within the access and viewing corridor.
- 3) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. Comm 83 and the Sawyer County Private Sewage System Ordinance, and other utility structures that have no feasible alternative location outside of the minimum setback provided that:
- a) A land use permit is obtained for above ground structures (i.e., towers, water towers, pumping stations etc.),
 - b) A mitigation plan utilizing best management practices is approved by the Zoning & Conservation Department to infiltrate or otherwise control storm water runoff.
- 4) Stairways, walkways and lifts. The Zoning & Conservation Administrator may permit a stairway, walkway or lift in the setback area only when it is essential to provide pedestrian access to a legally permitted pier, boat hoist or boathouse because of steep slopes, rocky or wet, unstable soils, and when the following conditions are met:
- a) There are no other locations or facilities on the property which allow adequate access to a pier, boat hoist or boathouse. Only one stairway or one lift is allowed, not both, except where there is an existing stairway and the lift will be mounted to or is immediately adjacent to the existing stairway.
 - b) Such structures shall be placed on the most visually inconspicuous route to the shoreline and shall avoid environmentally sensitive areas.
 - c) Vegetation which stabilizes slopes or screens structural development from view shall not be removed.
 - d) Structures shall be colored and screened by native, non-invasive vegetation so as to be inconspicuous when viewed against the shoreline.
 - e) Canopies, roofs and sides are prohibited. Open railings may be provided where required for safety.
 - f) A maximum of 60 inches (outside dimensions) is allowed for stairways, walkways and lifts.
 - g) Landings are allowed where required for safety purposes and shall not exceed 40 square feet. Attached benches, seats, tables, etc. are prohibited.

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

14.6 Other Structures

- 1) Fences.
 - a) With the exception of agricultural use fences in agricultural zone districts, fences are prohibited within 75' of the ordinary high-water mark.
 - b) Existing nonagricultural fences shall not be replaced, expanded or enlarged but may be maintained to their existing dimensions and type of material.
 - c) No fence shall exceed eight (8) feet in height and shall not obstruct the adjoining property owners view of the water.
- 2) Retaining walls shall not be allowed within 75' of the ordinary high-water mark of navigable waters, within 75 feet of navigable wetlands or within 40 feet of non-navigable wetlands.
 - a) A need for retaining walls shall not be created by excavation activities.
 - b) Existing retaining walls, at their point of replacement/major repair, shall be:
 - i. Removed, or
 - ii. Reduced in height, or
 - iii. Rebuilt as deemed necessary by the Zoning & Conservation Department.

14.7 Public reserve/access strip (Grindstone Lake and Lac Courte Oreilles). The setback from the lakeside lot line of parcels adjacent to the public reserve/access strip shall be the greater of 75' from the ordinary high-water mark or 10' from the lot line.

14.8 Placement of commercial signs.

- 1) Signs shall not be located within the buffer zone/SPVA
- 2) A Conditional Use Permit is required.
- 3) Only one sign is allowed.
- 4) Such signs shall:
 - a) Not exceed 24 square feet in area.
 - b) Not exceed 12 feet in height
 - c) Be located on the same premises as the business.
 - d) If lighted, only with down focused lighting.
 - e) If lighted, the lights shall be turned off at close of business.
- 5) Mitigation may be required. See Section 18.0 MITIGATION REQUIREMENTS for details.

15.0 NONCONFORMING USES AND STRUCTURES

15.1 Purpose. Many existing structures were built prior to shoreland zoning regulations being enacted. To protect water quality, fish and wildlife habitat, and natural scenic beauty, some control is needed over the modification and reconstruction of these structures.

15.2 General rule for nonconforming uses. Pursuant to ss. 59.69(2)(a) Stats., this ordinance may not prohibit the continuation of the lawful use of a building, structure or property which is not in

conformity with the provisions of this ordinance, that exists on the effective date of this ordinance.

15.3 Discontinued nonconforming uses. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

15.4 Maintenance of nonconforming principal structures. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS of this ordinance may be maintained and repaired within its existing building envelope. Maintenance includes such activities as interior remodeling, plumbing, insulation, and replacement of windows, doors, siding or roof.

15.5 Vertical expansion of nonconforming principal structures. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS may be expanded vertically with a shoreland permit, provided that all of the following requirements are met:

- 1) the use of the structure has not been discontinued for a period of 12 months or more
- 2) the existing principal structure is at least 40' from the OHWM
- 3) Vertical expansion cannot exceed the 26' height limit described in Section 22.0 HEIGHT STANDARDS.
- 4) Issuance of the permit requires approval of a mitigation plan that is implemented by the date specified in the permit and includes the following:
 - a) Enforceable obligations of the property owner to establish or maintain the mitigation measures.
 - b) The measures adequately offset the impacts of the project on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty
 - c) The mitigation measures must be proportionate to the amount and impacts of the expansion.
 - d) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- 5) All other provisions of this ordinance shall be met.

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

- 1) The expanded area must meet the building setback requirements

- 2) All other provisions of the shoreland ordinance are met.
- 3) A mitigation plan is not required solely for this type of expansion

15.7 Replacement or relocation of nonconforming principal structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback of Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS may be replaced or relocated on the property with a permit provided that all of the following requirements are met:

- 1) the use of the structure has not been discontinued for a period of 12 months or more
- 2) the existing principal structure is at least 40' from the OHWM
- 3) No portion of the replaced or relocated structure is located any closer to the OHWM than the closest portion of the existing principal structure
- 4) The county determines that no other location is available on the property to build a principle structure of comparable size that would result in compliance with the shoreland setback.
- 5) Issuance of the permit requires approval of a mitigation plan that is implemented by the date specified in the permit and includes the following:
 - a) Enforceable obligations of the property owner to establish or maintain the mitigation measures
 - b) The measures adequately offset the impacts of the project on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty
 - c) The mitigation measures must be proportionate to the amount and impacts of the expansion
 - d) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- 6) The permit shall require that all other structures on the lot or parcel that do not comply with the shoreland setback requirement and are not exempt to be removed by a specified date.

15.8 The county shall issue a permit that requires that all other structures on the lot or parcel that do not comply with the shoreland setback requirement in Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS and are not exempt under SECTION 14.5 EXEMPT STRUCTURES to be removed by the date specified in the permit.

15.9 Ordinary Maintenance and Repair (OM&R). Those maintenance activities that any homeowner would do to keep their home in good repair. Examples would be the painting/staining of the building, replacing roof shingles and sheathing, replacing shingles with metal roofing and replacing exterior siding, windows and doors. Note: Siding replaced over existing sheathing is OM&R, siding replaced over existing studs or framing materials is structural component replacement. Window replacement that results in the construction of a new exterior wall is structural replacement, not OM&R. More particularly, when addressing the roof,

the original trusses/rafters must remain in place as these are structural components. Replacement of structural members would not be considered to be OM&R. The purpose of OM&R is to allow the property owner the opportunity to keep the nonconforming structure in good repair, but not alter the structure or significantly extend the life of the structure.

15.10 Structural Repair/Replacement/Expansion. The primary difference between OM&R and the repair/replacement of structural components is that OM&R does not significantly extend the life of the structure, while the repair/replacement of structural components is considered to significantly extend the structure's life. Examples of structural components are the foundation, exterior walls, floor, roof and other components that, in the judgment of office staff, if repaired or replaced would extend the structure's useful life. Expansion of the structure includes not only a change in footprint (horizontal expansion) but also includes vertical expansion (i.e., second story, basement etc.).

16.0 ACCOMODATIONS FOR DISABLED RESIDENTS

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

The permit shall be subject to the following conditions:

- a) The Zoning & Conservation Administrator shall clearly state on the permit the conditions that are applicable to its issue.
- b) Only the minimum relaxation of dimensional, density or other standards needed to provide reasonable accommodation shall be approved.
- c) No use, structure or other relaxation of standards shall be approved that would violate or undermine the stated purposes of this ordinance.
- d) The permit shall expire once the property is no longer used by a disabled resident and all nonconforming structures no longer required shall be removed within six months of the permit expiration date.
- e) The permit, with attached conditions, shall be recorded in the Office of the Sawyer County Register of Deeds at the expense of the applicant. A copy of the recorded permit shall be maintained in the Zoning & Conservation Department.
- f) Within six months of the recording of a property transfer document the new landowner shall remove all nonconforming structures no longer required by a disabled resident.
- g) A Doctor's Statement/Certificate is required for validation of disability.

17.0 SHORELAND VEGETATION REQUIREMENTS

General: The purpose of tree, shrubbery and vegetative cutting and removal regulations applicable to the shoreland area that consider sound forestry and soil conservation practices is to protect natural scenic beauty, control erosion, protect fish and wildlife habitat and reduce effluent and nutrient flow from the shoreland.

17.1 BUFFER ZONE/SHORELINE VEGETATION PROTECTION AREA

General: To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, land that extends a minimum of 35' landward from the OHWM shall be established as a vegetative buffer zone. The removal of vegetation in this buffer zone is prohibited except as follows:

- 1) Removal of vegetation, to include logging, on parcels regardless of parcel size is allowed only in accordance with the requirements of this section. (See Section 17.3 RESOURCE MANAGEMENT AND AGRICULTURAL EXEMPTIONS for possible exemptions.)
- 2) Creation of access and viewing corridors. Access and viewing corridors may be created provided that:
 - a) No single corridor shall exceed the lesser of 30% of the shoreline frontage or 30 feet as measured perpendicular to the side lot lines at the shoreline.
 - b) Corridors shall be more or less perpendicular to the shoreline.
 - c) There shall be a minimum separation distance of 100 feet between corridors on the same lot.
 - d) No corridor shall be established closer than 10 feet to a side lot line.
 - e) The combined width of all corridors on the same lot may not exceed the lesser of 30% of the shoreline frontage or 200 feet.
 - f) Corridors are created by the selective removal of shrubs and saplings (a young tree not over four inches in diameter at chest height) and the selective delimiting of larger trees to provide a filtered view.
- 3) Public and private watercraft launching sites are allowed provided they comply with the following standards:
 - a) Construction on slopes steeper than 20% over a 50 foot horizontal distance is prohibited;
 - b) An access site on residential property shall not be allowed if an alternative site on the waterway is available to the general public;
 - c) Access sites shall be located within the use corridor; and
 - d) A State Chapter 30 permit shall be obtained for all construction below the ordinary high-water mark.
- 4) Existing privately owned boat launch sites may be maintained with the use of fill material provided that:
 - a) None of the fill material is allowed to migrate below the ordinary high-water mark,
 - b) The fill material is immediately seeded/sodded after placement.
 - c) The site shall not be used for launching activities until completely vegetated.
- 5) Vegetation removal.
 - a) The following vegetation removal practices are allowed provided that there is minimal soil disturbance and replanting with native vegetative species takes place concurrently. The property owner shall contact the Zoning & Conservation Department prior to vegetation removal to determine if a permit shall be required.
 - i) Exotic or invasive species.
 - ii) Damaged vegetation.
 - iii) Diseased vegetation.
 - iv) Vegetation causing an imminent safety hazard.

- b) A property owner may be granted a permit for additional vegetation management activities in the buffer zone with a detailed plan that shows all of the following:
 - i) The plan must show that the project is designed to control erosion by limiting sedimentation into the waterbody
 - ii) The plan must show that the project is designed to improve the plant community by replanting in the same area
 - iii) The plan must show that the project is designed to maintain and monitor the newly restored area
 - iv) Any permit issued under this section must include an enforceable restriction to preserve the newly restored area.

17.2 Cutting more than 35 feet inland.

- 1) From the inland edge of the 35 foot buffer zone/shoreline vegetation protection area to the 75' setback distance from the ordinary high-water mark the selective removal of trees, shrubbery and vegetation shall be allowed using accepted practices to protect water quality.
- 2) From the inland edge of the 75' setback distance from the ordinary high-water mark to the outer limits of the shoreland, the cutting of trees, shrubbery and vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

17.3 Resource management and agricultural exemptions. The following activities are exempted from the provisions of Section 17.1 BUFFER ZONE/SHORELAND VEGETATION PROTECTION AREA and Section 17.2 CUTTING MORE THAN 35 FEET INLAND

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

18.0 MITIGATION REQUIREMENTS

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

only to the lot for which a Land Use Permit is issued. This section is not applicable to those Chippewa Flowage properties subject to the restrictive covenants implemented by the 1984 Chippewa Reservoir Settlement Agreement (i.e., 100-foot and 200-foot buffer zones).

1) Waterfront properties with an existing intact shoreline vegetative protection area. The application for a land use permit will require property owner certification on a form provided by the Zoning & Conservation Department of an intact buffer zone/shoreline vegetative protection area.

2) Waterfront properties without an intact shoreline vegetative protection area. The application for a land use permit will require a Mitigation Plan and Implementation Schedule to be approved by the Zoning & Conservation Department prior to the issuance of the land use permit.

3) Mitigation responsibilities for condominiums.

- a) Mitigation is the responsibility of the condominium association and shall be in accordance with a mitigation plan approved by the Sawyer County Zoning & Conservation Department.
- b) Once approved, a plan can only be amended with the approval of the Sawyer County Zoning & Conservation Department.
- c) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning & Conservation Department and the president of the association has submitted a letter to the Zoning & Conservation Department stating that the association accepts responsibility for the mitigation.
- d) Mitigation responsibilities for mobile home parks with shoreline frontage is the responsibility of the owner of the mobile home park and shall be in accordance with a mitigation plan approved by the Sawyer County Zoning & Conservation Department.
- e) Once approved, a plan can only be amended with the approval of the Sawyer County Zoning & Conservation Department.
- f) Land Use Permits shall not be issued until a copy of the approved plan has been submitted to the Zoning & Conservation Department.

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

- 1) Earth Disturbance Regulation Purpose: Earth disturbance in the shoreland area can cause sedimentation into waterbodies during construction, can impact run-off rates from new construction and compaction caused by equipment operation, and can impact fish and wildlife habitat and natural scenic beauty.
- 2) General Standards. Filling, grading, lagooning, dredging, ditching or excavating may be permitted in the shoreland area provided that:
 - a) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
 - b) Any earth disturbance in a shoreland-wetland district meets the requirements of Section 20.1 PERMIT CONDITIONS and Section 23.0 W-1: WETLAND/SHORELAND ONE DISTRICT

- c) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
 - d) Any fill placed in the shoreland area is protected against erosion by the use of measures meeting the Wisconsin Construction Site Technical standards during construction and appropriate vegetative cover upon completion of the project.
- 3) Permit Required. A shoreland permit is required:
- a) For any filling or grading of any area which is within 300 feet landward of the ordinary high-water mark of navigable water and which has surface drainage toward the water and on which there is either:
 - i) Any filling or grading on slopes of more than 20%.
 - ii) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
 - iii) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
 - b) A conditional use permit shall be required for any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

20.0 SOIL CONSERVATION PRACTICES AND AGRICULTURAL DRAINAGE MAINTENANCE

Soil conservation practices such as tilled terraces, runoff diversions and grassed waterways used for erosion control shall not require a permit under Section 19.0 FILLING, GRADING, LAGOONING. DREDGING, DITCHING AND EXCAVATING when designed and constructed to NRCS technical standards. Agriculture drainage maintenance in the shoreland zone is not exempt from the requirements of Section 19.0 FILLING, GRADING, LAGOONING. DREDGING, DITCHING AND EXCAVATING and shall require a permit that requires the following:

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

20.1 PERMIT CONDITIONS. In granting a shoreland permit under Section 19.0 - FILLING, GRADING, LAGOONING. DREDGING, DITCHING AND EXCAVATING, the Zoning & Conservation Administrator shall attach the following conditions, where appropriate,

- 1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 2) Temporary ground cover (such as sod, mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- 3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- 4) Lagoons shall be constructed to avoid fish trap conditions.
- 5) Fill shall be stabilized according to accepted technical standards.

- 6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 7) The property is responsible for any damage caused to neighboring properties through increased run-off, grade changes, etc.

21.0 IMPERVIOUS SURFACE STANDARDS

Purpose: Impervious surface standards are intended to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. Impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface shall require all of the following:

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

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

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

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

21.4 The limitation on impervious surfaces located more than 300 feet from the ordinary high-water mark may be increased to no more than thirty percent (30%) only with the submission and approval of the Zoning & Conservation Department of a Rainwater/Snow Run-off Retention

Plan containing the same information required in Section 21.3 1) through 3) for a Conditional Use Permit.

21.5 Wilderness Development Lakes Class Development Standards

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

21.6 Existing impervious surfaces

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

- c) The relocated or modified impervious surface meets the applicable setback requirements of Section 14.0 SETBACKS FROM NAVIGABLE WATER AND WETLANDS

22.0 HEIGHT STANDARDS

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

22.2 Height Limitations: any construction that results in a structure taller than 35' is prohibited. Non-conforming principal structures may not exceed 26' in height.

22.3 Structure height shall be measured from the lowest adjacent grade to roof peak.

23.0 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 5.0 AREAS TO BE REGULATED. 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.

Note: Major electrical generating facilities and high-voltage transmission lines that have obtained a certificate of public convenience and necessity under s. 196.491, Stats., are not subject to the requirements of this section.

23.1 Permitted Uses

The following uses are allowed subject to the general requirements of s. ch. NR 115.05, the provisions of chs. 30 and 31, Wis. Stats., and other state and federal laws, if applicable:

- 1) Activities and uses which do not require the issue of a permit but must be carried out without any filling, flooding, draining, dredging, ditching, tiling, or excavating:
 - 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 and that does not involve filling, flooding, draining, dredging, ditching, tiling or excavating.
 - c) The practice of silvaculture, including the planting, thinning and harvesting of timber, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done except as required to construct and maintain roads which are necessary to

- conduct silvaculture activities, which cannot as a practical matter be located outside the wetland, and which are designed and constructed to minimize the adverse impact upon the natural functions of the wetland, or except as required for temporary water level stabilization measures to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvaculture activities if not corrected.
- d) The pasturing of livestock and the construction and maintenance of fences, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
 - e) The cultivation of agricultural crops if cultivation can be accomplished without filling, flooding or artificial drainage of the wetland through ditching, tiling, dredging or excavating except that flooding, dike and dam construction, and ditching shall be allowed for the purpose of growing and harvesting cranberries. The maintenance and repair of existing drainage systems (such as ditching and tiling) shall be permitted. The construction and maintenance of roads shall be permitted if the roads are necessary for agricultural cultivation, cannot as a practical matter be located outside the wetland, and are designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
 - f) The construction and maintenance of duck blinds provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
 - g) The construction and maintenance of nonresidential structures, not to exceed 500 square feet, used solely in conjunction with the raising of waterfowl, minnows, or other wetland or aquatic animals, or used solely for some other purpose which is compatible with wetland preservation if the structure cannot as a practical matter be located outside the wetland, provided that no filling, flooding, draining, dredging, ditching, tiling or excavating is done.
 - h) The construction and maintenance of piers, docks and walkways, including those built on pilings, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done.

23.2 Conditional Uses

All of the following uses are allowed subject to the issue of a conditional use permit per Section 27.0 CONDITIONAL USE PERMITS.

- 1) The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves and private wildlife habitat areas, provided that no filling is done and that any private wildlife habitat area is used exclusively for that purpose. The owner or operator of a new private recreation or wildlife area to be located in a shoreland-wetland zone district shall be required to notify the Zoning & Conservation Department of the proposed project before beginning construction. Ditching, excavating, dredging, dike and dam construction shall be allowed in wildlife refuges, game preserves, and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
- 2) The construction and maintenance of electric, gas, telephone water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their

members, which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for such construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

3) The construction and maintenance of railroad lines which cannot as a practical matter be located outside the wetland, provided that any filling, excavating, ditching or draining necessary for the construction or maintenance is done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.

4) The maintenance, repair, replacement, and reconstruction of existing Town and County highways and bridges.

23.3 Prohibited Uses

Any use not permitted is prohibited unless the wetland or portion thereof is rezoned by amendment of the County shoreland zoning ordinance in accordance with s. 59.69 (5) (e), Wis. Stats., and the procedures outlined in Section 5.5 Shoreland-Wetland Maps

24.0 CONDOMINIUMS

24.1 New Condominiums – created on vacant property. Includes properties from which existing structures have been removed for the creation of the condominium. All new condominium development of land that is not part of an existing condominium of record shall be in accordance with WisStat.703.27 and shall comply with all requirements of this ordinance as they pertain to the issue of land use permits for residential dwelling construction.

24.2 New condominiums – created from a LOT containing existing structures. Table 12.0 LAKE CLASS DEVELOPMENT STANDARDS and minimum zone district parcel size requirements shall not apply when creating the condominium. However, Table 12.0 LAKE CLASS DEVELOPMENT STANDARDS and minimum zone district parcel size requirements shall apply when a unit is to be replaced.

24.3 Existing Condominiums. Upon adoption of this amendment, (adopted December 18, 2003 - effective January 5, 2004) existing condominiums of record, as indicated by the recording of a condominium plat and condominium declaration, that do not meet the minimum requirements for residential development as stated in this ordinance may expand only to the extent of the existing and proposed units as indicated on the recorded plat. The creation of additional units beyond those indicated on the plat shall be in accordance with Section 24.2 above.

25.0 ADMINISTRATIVE PROVISIONS

25.1 The Zoning & Conservation Administrator shall have the following duties and powers:

- 1) Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.
- 2) Issue permits and certificates of compliance and inspect properties for compliance with this ordinance.
- 3) Keep records of all permits issued, inspections made, work approved and other official actions.

- 4) Provide copies of variances, special exceptions and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.
- 5) Investigate and refer violations of this ordinance as necessary.

25.2 Land Use Permits

- 1) When Required. Except where another section of this ordinance specifically exempts certain types of development from this requirement, a land use permit shall be obtained from the Zoning & Conservation Administrator before any new development, as defined in Section 2.0 DEFINITIONS or any change in the use of an existing building or structure, is initiated.
- 2) Application. An application for a land use permit shall be made to the Zoning & Conservation Administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:
 - a) Name and address of applicant and property owner.
 - b) Legal description of the property and type of proposed use.
 - c) A sketch of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
 - d) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - e) Plans for appropriate mitigation when required.
 - f) Payment of the appropriate fee.
 - g) Additional information required by the Zoning & Conservation Administrator.
 - h) Submittal of any information needed to comply with the mitigation standards of this ordinance.
- 3) Expiration of Permit.
 - a) Land use permits shall expire 12 months from the date issued if no substantial work has commenced.
 - b) The Zoning & Conservation Administrator may grant up to a six (6) month permit extension.
- 4) Building/Structure Completion. Within twelve (12) months of the land use permit issue date, all buildings indicated on the permit shall be completely constructed, enclosed and final finished (i.e., painted, stained, sided etc.). All other structures indicated on the permit shall be completely constructed and final finished.

26.0 CERTIFICATES OF COMPLIANCE

26.1 Occupancy/Use Certificates. No land shall be occupied or used and no building hereafter erected, altered or moved shall be occupied, until a certificate of compliance is issued by the Zoning & Conservation Administrator.

- 1) The certificate of compliance shall certify that the building or premises or part thereof, and the proposed use thereof, conform to the provisions of this ordinance.
- 2) Application for such certificate shall be concurrent with the application for a zoning permit.

- 3) The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning permit, if the building or premises or proposed use thereof conforms with all the provisions of this ordinance.

26.2 The Zoning & Conservation Administrator may issue a temporary certificate of compliance for part of a building, pursuant to rules and regulations established by the County Board.

26.3 Upon written request from the owner, the Zoning & Conservation Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this ordinance.

26.4 Mitigation/Buffer Zone/SVPA Compliance Certificates

- 1) A certificate of mitigation compliance shall be issued by the Zoning & Conservation Department upon verification that the mitigation responsibilities required in Section 18.0 MITIGATION REQUIREMENTS have been fulfilled or that the buffer zone/SVPA is intact.
- 2) A copy of the certificate shall be filed in the Zoning & Conservation Department and shall include photographs of the mitigated/Buffer Zone/SVPA area.
- 3) At the discretion of the Zoning & Conservation Administrator, the timeframe for Zoning & Conservation Department staff to verify mitigation compliance shall be extended beyond the land use permit expiration date a sufficient amount of time to ensure that compliance is attained.

27.0 CONDITIONAL USE PERMITS

27.1 Application for a Conditional Use permit. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Zoning & Conservation Administrator and a conditional use permit has been granted by the Zoning & Conservation Committee. To secure information upon which to base its determination, the Zoning & Conservation Administrator may require the applicant to furnish, in addition to the information required for a land use permit, the following information:

- 1) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
- 2) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- 3) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- 4) Specifications for areas of proposed filling, grading, lagooning or dredging.
- 5) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.

27.2 Notice, Public Hearing and Decision. Before passing upon an application for a conditional use permit, the Zoning & Conservation Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Zoning & Conservation Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The

Zoning & Conservation Committee shall state in writing the grounds for granting or refusing a conditional use permit.

27.3 Standards Applicable to All Conditional Uses. In deciding a conditional use application, the Zoning & Conservation Committee shall evaluate the effect of the proposed use upon:

- 1) The maintenance of safe and healthful conditions.
- 2) The prevention and control of water pollution including sedimentation.
- 3) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- 4) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- 5) The location of the site with respect to existing or future access roads.
- 6) The need of the proposed use for a shoreland location.
- 7) Its compatibility with uses on adjacent land.
- 8) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- 9) Location factors under which:
 - a) Domestic uses shall be generally preferred;
 - b) Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
 - c) Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.

27.4 Conditions attached to Conditional Uses. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Zoning & Conservation Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. In granting a conditional use permit, the Zoning & Conservation Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Committee may impose any reasonable permit conditions to affect the purpose of this ordinance.

27.5 Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the Department within 10 days after it is granted or denied.

27.6 Revocation. Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked.

28.0 VARIANCES The Board of Appeals may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates all of the following:

- 1) Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
- 2) The hardship is due to special conditions unique to the property; and
- 3) Is not contrary to the public interest.

29.0 USE VARIANCES NOT TO BE GRANTED A variance shall not grant or increase any use of property which is prohibited in the shoreland-wetland zone district.

30.0 NOTICE, HEARING AND DECISION Before passing on an application for a variance, the Board of Appeals shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department district office within 10 days of the decision.

31.0 BOARD OF APPEALS (See Sawyer County Board of Appeals – Rules and By-laws) The chair of the County Board shall appoint a Board of Appeals consisting of 3 or 5 members under s. 59.694, Wis. Stats. The County Board shall adopt such rules for the conduct of the business of the Board of Appeals as required by s. 59.694(3), Wis. Stats.

31.1 Powers And Duties

- 1) The Board of Appeals shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694, Wis. Stats.
- 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 standards of this ordinance pursuant to Section 28.0 Variances.
- 4) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

31.2 Appeals to the Board. Appeals to the Board of Appeals may be made by any person aggrieved or by an officer, department, board, committee or bureau of the county affected by any decision of the Zoning & Conservation Administrator or other administrative officer. Such appeal shall be made within a 30 day period, 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 & Conservation Administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

31.3 Hearing Appeals and Applications for Variances.

- 1) The Board of Appeals shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under ch. 985, Wis. Stats, 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. Written notice shall be given to the appropriate regional office of the Department at least 10 days prior to hearings on proposed shoreland variances and appeals for map or text interpretations.
- 2) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances and appeals for map or text interpretations shall be submitted to the appropriate regional office of the Department within 10 days after they are granted or denied.
- 3) The final disposition of an appeal or application to the Board of Appeals shall be in the form of a written resolution or order signed by the chairman and secretary of the board. Such resolution shall state the specific facts which are the basis of the board's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- 4) At the public hearing, any party may appear in person, agent, or by attorney.

32.0 SEVERABILITY

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

33.0 FEES The Sawyer County Zoning & Conservation Committee may adopt fees for the following:

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

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
Accessory building	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 (2) below]								
Side-Principal building	10							
	10							
18.5 Floor Area, Residence (sq/ft) [See NOTE (3) below]								
1 Bedroom	800 (500)	500	500	500	500	500	500	500
2 Bedrooms	900 (600)	600	600	900(600)	600	600	600	600
3 Bedrooms	1,000 (700)	700	700	1,000(700)	700	700	700	700
18.6 Minimum Residence Width [See NOTE (3) 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 4.5 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): Refer to Section 12.0 LAKE CLASS DEVELOPMENT STANDARDS TABLE for parcels created after April 15, 1997.

NOTE (2): 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 S 19, 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 (3): Requirements may be reduced with the approval a Conditional Use per Section 8.0 Conditional Use.