

Chapter 30 - LAND USE^[1] Campground changes as approved by County Board on 10-21-2021

New language = yellow

Removed language = green and strike through

Changes made at County Board on 10/21/2021

Footnotes:

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Editor's note— Res. No. 2018-16, adopted June 5, 2018, repealed the former Ch. 30, §§ 30-1—30-756, and enacted a new Ch. 30 as set out herein. The former Ch. 30 pertained to similar subject matter and derived from Land Use Pamphlet, §§ 1.1—1.3, 2.1, 3.1, 3.2, 3.3(2)(a), (b), 3.5(1)—(9), 4.1, 4.2(1)—(5)(a)—(e), 4.2(6), 4.3(1)—(3), 5.0(A)—(F), (6)(a)—(d), 6.1—6.6, (7)(a), (b), 7.1, (8)(a),(b), (8)(1), 8.2, (9)(a),(b), 9.1—9.3, (10)(a),(b), 10.1, (11)(a),(b), 11.0, (12)(a),(b), 12.1, 12.2, (13)(b), 13.1, 13.2, (14)(a), (16)(a),(b), (17)(a),(b); Ord. No. 2010-03, § 5, 3-18-2010; Res. No. 2012-10, 4-17-2012; Res. No. 2013-10, 4-16-2013; Res. No. 2014-10, 5-22-2014; Res. No. 2014-11, 5-22-2014; Res. No. 2016-28, 9-22-2016; Res. No. 2016-29, 9-22-2016; Res. No. 2018-12, 4-17-2018.

State Law reference— Land use, planning and zoning, Wis. Stats. § 59.69(5)(e)

ARTICLE I. - IN GENERAL

Sec. 30-1. - Authority.

Pursuant to the authority granted in Wis. Stats. §§ 59.69, 59.694, 87.30, and 91.30, the county board does ordain and enact this chapter regulating and restricting the location, construction and use of buildings, structures, and the use of land in the unincorporated portions of the county and dividing the county into districts.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-2. - Applicability.

All of the towns of the county are subject to county shoreland and floodplain zoning within floodplain and shoreland areas described in chapter 22 and chapter 45. Where a county zoning ordinance enacted under a statute other than Wis. Stats. § 59.692 is more restrictive, that ordinance shall continue in full force to the extent of the greater restrictions.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-3. - Interpretation and severability.

The provisions of this chapter shall be held to be minimum requirements, adopted for the promotion and protection of the public health, morals, safety, or the general welfare. Whenever the requirements of this chapter are in contrast with the requirements of any other lawfully adopted regulations, ordinances, or private covenants, the most restrictive, or that imposing the higher standards, shall govern. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

(Res. No. 2018-16, 6-5-2018)

1 Sec. 30-4. - Definitions.

2 For the purposes of administering and enforcing this chapter, the terms or words used herein shall be
3 interpreted as follows: Words used in the present tense include the future; words in the singular number
4 include the plural number; and words in the plural number include the singular number. The word "shall" is
5 mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

6 *Accessory structure* means a subordinate structure on the same parcel as the principal structure which
7 is devoted to a use incidental to the principal use of the parcel. Accessory structures include, but are not
8 limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs, fences,
9 doghouses, swing sets, wood sheds, tool sheds, retaining walls, driveways, parking lots, sidewalks,
10 detached stairways and lifts. Non-habitable accessory structures which are detached and independent of
11 any other structure and which are less than 100 square feet in footprint (except for those which require
12 permits per other sections of the county ordinances) will not require a land use permit provided that such
13 structures meet the dimensional and setback requirements of this chapter and Chapter 22 floodplain
14 requirements. Any addition to a non-habitable accessory structure which results in the structure being larger
15 than 100 square feet will require a land use permit.

16 *Accessory use* means a use subordinate to and serving the principal use on the same lot, and
17 customarily incidental thereto.

18 *Addition* means a new, contiguous, weatherproof, roofed structure connected to an existing structure.

19 *Adult entertainment facility* means any facility, store or structure used in the distribution or viewing of
20 sexually-explicit or graphic material designed for adult viewing.

21 *Adult themed store/premise* means a business that sells or displays items related to sexual
22 gratification, such as sex toys, erotica, pornographic material, adult movies and adult magazines. This also
23 includes adult massage parlors, adult tanning salons and nudist camps/campgrounds.

24 *Attached building* means there are contiguous, weatherproof roof and walls between two or more
25 structures at least six feet wide at any point.

26 *Average lot width for non-riparian lots* is calculated by averaging the measurements of the shortest
27 horizontal distance between side lot lines at the following locations:

28 (a) The front lot line. For lot width averaging only, the definition of front lot line is the line which abuts
29 a road. For corner lots the higher ranking road will be considered the front. Ranking highest to
30 lowest is: Federal Road, State Road, County Road, Town/Village Road, Private Road. For corner
31 lots where each road has the same ranking then the shortest side shall be used for averaging
32 purposes. When the lot has no road frontage, or the road frontages are equal in ranking and
33 length, then the front will be considered the side which contains the access point to the lot.

34 (b) The building setback line (from the front lot line or road right-of-way whichever is greater).

35 (c) The rear lot line. For lot width averaging purposes only on non-riparian lots, the definition of rear
36 lot line is the line opposite the front lot line. When there are two or more lines opposite of the front
37 lot line the shortest line will be used for averaging purposes. When there is no line opposite of the
38 front lot line then a value of zero will be used for averaging purposes.

39 *Building* see definition of "Structure".

40 *Building envelope* means the three-dimensional space within which a structure is built.

41 *Bunkhouse/temporary guest quarters* means an accessory structure or part of an accessory structure
42 with or without plumbing which is used as temporary sleeping quarters only.

43 *Campground* means a parcel or tract of land owned by a person, business, state or local government
44 that is designed, maintained, intended, or used for the purpose of providing campsites offered with or
45 without charge, for temporary overnight sleeping accommodations which meets the requirements in section
46 30-543(b)(1)m.

1 *Camping unit* means any portable device, no more than 400 square feet in area, used as a temporary
2 shelter, including but not limited to a camping trailer, motor home, bus, van, pickup truck or tent that is fully
3 licensed, if required, and ready for highway.

4 *Camping type – seasonal* means camping where the unit is allowed to be stored on the campsite/parcel
5 during periods when the unit is not occupied or when the campground is not in operation.

6 *Camping type – temporary* means camping where the unit is removed when the unit is not occupied.

7 *Camping type – rustic/primitive* means camping as defined in ATCP 79.27.

8 *Camping unit - cabin* means a building or other structure as defined in ATCP 79.03(4). These are used
9 for temporary living quarters or shelter during periods of recreation, vacation or leisure time.

10 *Camping unit - mobile* means a tent, tent trailer, travel trailer, camping trailer (ATCP 79.03(5)), pickup
11 camper, motor home (ATCP 79.03(20)) or any other portable device or vehicular type structures as may be
12 developed, marketed or used for temporary living quarters or shelter during periods of recreation, vacation,
13 leisure time or travel.

14 *Camping unit - park model* means a camping unit that is built on a single chassis mounted on wheels
15 that has a gross trailer area of not more than 400 square feet in setup mode, and bears a label, symbol or
16 other identifying mark indicating construction to nationally recognized standards ANSI 119.5 (ATCP
17 79.03(23)). Typically these have the tongue and wheels removed after set-up and/or is skirted and not
18 meant to be mobile. A park model camping unit is not considered a mobile camping unit due to the fact of
19 its limited mobility. These are used for temporary living quarters or shelter during periods of recreation,
20 vacation or leisure time. These type of camping units are required to be connected to a POWTS; unless it
21 is located at a facility licensed to sell this type of camping unit and only located there for the purpose of
22 sale.

23 *Camping unit - yurt* means a building or other structure as defined in ATCP 79.03(42). These are used
24 for temporary living quarters or shelter during periods of recreation, vacation or leisure time.

25 *Chimney* means as defined in SPS 320.07(13) Wis. Adm. Code.

26 *Common open space* means undeveloped land within a planned residential development that has
27 been designated, dedicated, reserved or restricted in perpetuity from further development, and is set aside
28 in the interest of the residents of the development. Common open space shall not be part of individual
29 residential lots. It shall be substantially free of structures, but may contain historic structures and
30 archeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on
31 the approved development plan.

32 *Conservation easement* means the grant of a property right or interest from the property owner to a
33 unit of government or nonprofit conservation organization stipulating that the described land shall remain
34 in its natural, scenic, open or wooded state, precluding future or additional development.

35 *Conditional use* means a use that is specifically listed in a local zoning ordinance as a conditional use,
36 and that can only be permitted if the Burnett County Land Use and Information Committee determine that
37 the conditions specified in the ordinance for that use are satisfied.

38 *Corner lot* means a parcel that has public right-of-way frontage on two or more sides of the lot. This
39 would include both easement and fee roads.

40 *County zoning agency* means the committee or commission created or designated by the county board
41 under Wis. Stats. § 59.69(2)(a) to act in all matters pertaining to county planning and zoning. In Burnett
42 County this committee is called the land use and information committee.

43 *Department* means the department of natural resources.

44 *Development* means any artificial change to improved or unimproved real estate, including, but not
45 limited to, the construction of buildings, structures or accessory structures; the repair of any damaged
46 structure or the improvement or renovation of any structure, regardless of the percentage of damage or
47 improvement; the construction of additions or substantial improvements to buildings, structures or
48 accessory structures; the placement of buildings and structures; mining, dredging, filling, grading, paving,

1 excavation, or drilling operations; the storage, deposition or extraction of materials or equipment, and the
2 installation, repair or removal of public or private sewage disposal systems or water supply facilities.

3 *Development envelopes* means areas within which grading, lawns, pavement and buildings will be
4 located.

5 *Drainage system* means one or more artificial ditches, tile drains or similar devices which collect
6 surface runoff or groundwater and convey it to a point of discharge.

7 *Dwelling* means a building designed or used as the living quarters for one family. A dwelling includes
8 manufactured homes. Manufactured homes are built to meet standards established for manufactured
9 housing construction and safety standards as administered by the U.S. Department of Housing and Urban
10 Development (H.U.D.). This H.U.D. code took effect on June 15, 1976.

11 *Dwelling, duplex* means a dwelling on one parcel containing separate living units for two families which
12 may have joint services and must share a common wall and roof.

13 *Dwelling, multifamily* means a dwelling or group of dwellings on one parcel containing separate living
14 units for three or more families which may have joint services and must share a common wall and roof.

15 *Eave* means the part of a roof that overhangs the wall of a building or for items like a covered porch
16 the eave is that portion that overhangs the roof support post(s) and header.

17 *Essential services* means services provided by public and private utilities necessary for the exercise
18 of the principal use or service of the principal structure. These services include underground, surface or
19 overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communications
20 systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals,
21 sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes,
22 traffic signals, pumps, lift stations, and hydrants, but not including buildings and telecommunication towers.

23 *Expansion* means an addition to an existing structure regardless of whether the addition is vertical or
24 horizontal or both.

25 *Facility* means any property or equipment of a public utility, as defined in Wis. Stats. §§ 196.01 (5), or
26 a cooperative association organized under Wis. Stats. §§ 185 for the purpose of producing or furnishing
27 heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural
28 gas, heat, light, or power.

29 *Family* means one or more persons living, sleeping, cooking and eating on the same premises as a
30 single housekeeping unit.

31 *Farm* means all land under common ownership that is primarily devoted to agricultural use.

32 *Farm residence* means any of the following structures that is located on a farm:

33 (A) A single-family or duplex residence that is the only residential structure on the farm or is occupied
34 by any of the following:

- 35 1. An owner or operator of the farm.
- 36 2. A parent or child of an owner or operator of the farm.
- 37 3. An individual who earns more than 50 percent of his or her gross income from the farm.

38 (B) A migrant labor camp that is certified under Wis. Stats. § 103.92.

39 *Farming, general* means the production of crops or the raising of livestock or livestock products for
40 commercial gain.

41 *Farmland preservation area* means an area that is planned primarily for agricultural use or agriculture-
42 related uses, or both, and that is one of the following:

- 43 A. Identified as an agricultural preservation area or transition area in a farmland preservation plan
44 described in Wis. Stats. § 91.12(1).

1 B. Identified under Wis. Stats. § 91.10(1)(d) in a farmland preservation plan described in Wis. Stats.
2 § 91.12(2).

3 *Floodplain* means the land that has been or may be hereafter covered by flood water during the
4 regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch.
5 NR 116, Wis. Adm. Code.

6 *Floor Area* means the square foot measurement of all area within the outside of the exterior walls or
7 windows of the structure.

8 *Footprint* means the land area covered by a structure at ground level measured on a horizontal plane.
9 The footprint of a building includes the horizontal plane bounded by the furthest exterior wall and eave if
10 present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) - a
11 single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For
12 the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be
13 expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves
14 projected to natural grade. This constitutes a lateral expansion.

15 *Foundation* means the underlying base of a building or other structure, including, but not limited to,
16 pillars, footings and concrete and masonry walls.

17 *Generally accepted forestry management practices* (NR 1.25(2)(b), Wis. Adm. Code) means forestry
18 management practices that promote sound management of a forest. Generally accepted forestry
19 management practices include those practices contained in the most recent version of the department
20 publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
21 <http://dnr.wi.gov/topic/forestmanagement/documents/guidelines/foreword.pdf>

22 *Guest cabin* means the same as dwelling. See definition of "Dwelling".

23 *Habitable* means any room used for sleeping, living or dining purposes.

24 *Home occupation* means a gainful occupation conducted by a member of the family within his or her
25 place of residence where the space used is incidental to residential use and no article is sold or offered for
26 sale except such as is produced by such home occupation.

27 *Hospital*. Unless otherwise specified, the term "Hospital" shall be deemed to include sanitarium, clinic,
28 rest home, convalescent home and any other place for the diagnosis, treatment or other care of ailments,
29 and shall be deemed to be limited to places for diagnosis, treatment or other care of human ailments.

30 *Junkyard*. See "Salvage Yard".

31 *Livestock* means bovine animals, equine animals, goats, poultry, sheep swine, farm-raised deer, farm-
32 raised game birds, camelids, ratites, and farm-raised fish.

33 *Lot* means a parcel of land occupied or capable of being occupied by structures and/or uses consistent
34 with the provisions of this chapter and the Burnett County Subdivision Ordinance. Adjoining lands of
35 common ownership shall be considered a contiguous parcel even if divided by a public or private road,
36 easement or navigable rivers or streams.

37 *Lot area* means the horizontal projection of a parcel of land, exclusive of any portion of public right-of-
38 way or any portion of a lot 33 feet or less in width. Measurements are to be made by standard surveying
39 methods. This area shall be exclusive of lakebeds and easements. (This excludes blanket easements.)

40 *Lot of record* means any lot, the description of which is properly recorded with the Register of Deeds,
41 which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

42 *Lot lines* means any line dividing one lot from another.

43 *Maintenance and repairs* means any work done on a structure, including such activities as interior
44 remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors,
45 wiring, siding, roof and other nonstructural components; and repair of cracks in foundations, sidewalks,
46 walkways, and the application of waterproof coatings to foundations.

47 *Manufactured home* means the same as dwelling. See definition of "Dwelling".

1 *Mitigation* means balancing measures that are designed, implemented and function to restore natural
2 functions and values that are otherwise lost through development and human activities.

3 *Mobile home* means any structure originally designed to be capable of transportation by motor vehicle
4 upon public highway which does not meet standards established for manufactured housing construction
5 and safety standards as administered by the U.S. Department of Housing and Urban Development (H.U.D.).
6 This HUD code took effect on June 15, 1976. A mobile home is considered built before June 15, 1976, or
7 not built to a uniform construction code.

8 *Nonconforming structure* means an existing lawful structure or building which is not in conformity with
9 the provisions of the applicable zoning ordinance for the area which it occupies. If a nonconforming structure
10 is not used for a period of 12 months, any future use of the structure shall conform to this chapter.

11 *Nonconforming use* means a lawful use that existed immediately prior to adoption of a zoning
12 ordinance which prohibits or restricts said use. If a nonconforming use is discontinued for a period of 12
13 months, any future use shall conform to this chapter.

14 *Nonfarm residence* means a single-family or multi-family residence other than a farm residence.

15 *Nonprofit conservation organization* means any charitable corporation, charitable association or
16 charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the
17 natural scenic or open-space values of real property, assuring the availability of real property for agricultural,
18 forest, recreational or open-space use, protecting natural resources, maintaining or enhancing air or water
19 quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

20 *Non-riparian lot* means a lot or parcel of land which does not abut navigable water.

21 *Non-riparian owner* means someone who owns land which does not abut navigable water.

22 *Overlay district* means a zoning district that is superimposed on one or more other zoning districts and
23 imposes additional restrictions on the underlying districts.

24 *Parcel.* See "Lot".

25 *Planned residential development* means a housing development in a rural setting that is characterized
26 by compact lots and common open space, and where the natural features of the land are maintained to the
27 greatest extent possible. (Also known as a conservation subdivision).

28 *Planned unit development* means a zoning district which permits smaller non-riparian lots and
29 preserves open space preferably on the shoreland in perpetuity.

30 *POWTS* means a private onsite wastewater treatment system as defined in SPS 381 Wis. Admin.
31 Code.

32 *Previously developed* means a lot or parcel that was developed with a structure legally placed upon it.

33 *Principal structure* means a building or structure in which the principal use of the lot on which it is
34 located is conducted.

35 *Quarry* includes, but is not limited to; sand, gravel and marl pits.

36 *Reconstruction* means replacement of all, or substantially all (50 percent or more) of the components
37 of a structure or to the point when reconstruction of a principal structure will require the construction to be
38 done in accordance with the Uniform Dwelling Code, SPS 320-325 Wis. Admin. Code, or the Commercial
39 Building Code, SPS 361 Wis. Admin. Code.

40 *Regional flood* means a flood determined to be representative of large floods known to have occurred
41 in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any
42 given year.

43 *Renovation of a principle structure* means the process of improving a structure by alteration,
44 refurbishment and/or restoration, including the replacement of less than 50 percent of the structural
45 members, but not to the point of requiring compliance as a new structure under the Uniform Dwelling Code,
46 SPS 320-325 Wis. Admin. Code, or the Commercial Building Code, SPS 361 Wis. Admin. Code.

1 *Routine maintenance of vegetation* means normally accepted horticultural practices that do not result
2 in the loss of any layer of existing vegetation and do not require earth disturbance.

3 *Salvage yard* means a lot, land or structure, or part thereof, used for the collecting, storage or sale of
4 waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging
5 of machinery or vehicles not in running condition or for the sale of parts thereof.

6 *Salvageable material* means discarded material no longer of value as intended, but which is stored or
7 retained for salvage, sale or future reuse.

8 *Setback, front* means an open, unoccupied space on the same lot with the building between the front
9 line of the building and the front line of the lot and extending the full width of the lot. Front is considered the
10 side for which the site address of the lot is determined from and which is used to access the parcel. This
11 access must be maintained and meet the driveway requirements of this chapter.

12 *Setback, rear* means an open, unoccupied space on the same lot with the building between the rear
13 line of the building and the rear line of the lot and extending the full width of the lot. Rear is considered the
14 side opposite of the front lot line, road or driveway for which the site address of the lot is determined from
15 and which is used to access the parcel. This access must be maintained and meet the driveway
16 requirements of this chapter.

17 *Setback, side* means an open, unoccupied space on the same lot with the building situated between
18 the building and the side line of the lot and extending from the front yard to the rear yard.

19 *Sign* means any structure or natural object or part thereof or device attached thereto or printed or
20 represented thereon which is intended to attract attention to any object, product, place, activity, person,
21 institution, organization, or business, or which shall display or include any letter, word, banner, flag,
22 pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction,
23 or advertisement.

24 *Special exception* see definition of "Conditional use".

25 *Structure* means a principal structure or any accessory structure including but not limited to a garage,
26 shed, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit, either permanently or temporarily
27 attached to, placed upon, or set into the ground, lakebed or streambed or upon another structure.

28 *Structural alteration* means the replacement of or alteration of one or more of the structural
29 components of any structure.

30 *Structural component* means any part of the framework of a building or other structure. A structural
31 component may be non-load bearing, such as the gable end of a one-story house. Wall coverings, such as
32 siding on the exterior or drywall on the interior, are not included in the definition of structural component.

33 • The structural components of a building's exterior walls include the vertical studs, top and bottom
34 plates, sheathing and window and door sills and headers.

35 • The structural components of a building's roof include the ridge board, rafters, rafter ties, or roof
36 trusses, and roof sheathing.

37 • The structural components of a building's floors and ceilings include girder(s), joist, bridging,
38 subfloor(s), and posts.

39 • The structural components of a building's foundation include footings, foundation walls and concrete
40 slabs.

41 *Structure height*: See Chapter 45 of the Burnett County ordinance for how this is determined.

42 *Substandard lots* means a legally created lot or parcel that met the minimum area and minimum width
43 requirements when created but does not meet current requirements for a new lot.

44 *Temporary living quarters* means for seasonal or temporary use for 180 cumulative days or less per
45 year.

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 chapter.

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

Variance means an authorization granted by the board of adjustment for land use variances or the land use and information committee for subdivision variances to construct, alter or use a building or structure, or reconfigure a parcel in a manner that deviates from the dimensional standards of this chapter.

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.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-5. - Adoption of comprehensive plan.

The county board does, by the enactment of Ordinance No. 2010-03, formally adopt the two documents composing the "Burnett County Year 2030 Comprehensive Plan" (including Volume 2: Plan Recommendations Report, and Volume 1: Inventory and Trends Report) pursuant to Wis. Stats. § 66.1001(4)(c).

(Res. No. 2018-16, 6-5-2018))

Sec. 30-6. - Adoption of farmland preservation plan.

The county board does, by enactment of Ordinance No. 2016-28, formally adopt the farmland preservation plan as part of the "Burnett County Year 2030 Comprehensive Plan" (including Volume 2: Plan Recommendations Report, and Volume 1: Inventory and Trends Report) pursuant to Wis. Stats. § 66.1001(4)(c).

(Res. No. 2018-16, 6-5-2018))

Secs. 30-7—30-26. - Reserved.

ARTICLE II. - ZONING DISTRICTS

DIVISION 1. - GENERALLY

Sec. 30-27. - Establishment of districts.

For the purposes of this article, the unincorporated areas of the county are hereby divided into the following types of districts:

Zoning Districts		
(1)	RR-1	Residential-Recreation District

(2)	RR-2	Residential-Recreation District
(3)	RR-3	Residential-Recreation District
(4)	A	Exclusive Agricultural District
(5)	A-1	Agricultural-Transition District
(6)	A-2	Agricultural-Residential District
(7)	A-4	AG/Forestry/Residential District
(8)	C-1	Commercial District
(9)	I-1	Industrial District
(10)	F-1	Forestry District
(11)	W-1	Resource Conservation District
(12)	PUD	Planned Unit Development District
(13)	UVOD	Unincorporated Village Overlay District
(14)	FPOD	Farm Preservation Overlay District
(15)	AP	Airport District
()	RR-RC	Residential Recreational – Recreational Commercial
(See permitted district uses and conditional uses in section 30-83 et seq.)		

1

2 (Res. No. 2018-16, 6-5-2018)

3 Sec. 30-28. - Zoning map and district boundaries.

4 For purpose of this chapter, the county, outside the incorporated villages and cities, is hereby divided
5 into the zoning districts identified and described in section 30-27. The boundaries of districts are established
6 as shown upon the maps designated as the "Zoning Map of Burnett County, Wisconsin," and the "Wisconsin
7 Wetlands Inventory Maps" for the county as depicted on the Department of Natural Resources Surface

Water Data Viewer. The wetland maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>. These maps are hereby adopted and made a part of this chapter. All notations, references and other information shown upon the zoning and wetland maps shall be as much a part of this chapter as if the matter and things set forth by said maps were fully described herein. The zoning maps are on display in the office of the zoning administrator.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-29—30-82. - Reserved.

DIVISION 2. - RR-1, RR-2 and RR-3 RESIDENTIAL-RECREATION DISTRICTS

Sec. 30-83. - Purpose.

- (a) The RR-1 district is intended to provide for year around residential development and essential recreation-oriented services in areas of high recreational value where soil conditions and other physical features will support such development without depleting or destroying natural resources. The minimum average lot width is 150 feet with a 30,000 square foot minimum area.
- (b) The RR-2 district is intended to provide medium size lots for residential-recreational development as a means of preserving estate living and allowing lot size sufficient enough for recreational value. The minimum average lot width is 200 feet with a minimum lot area of 1½ acres.
- (c) The RR-3 district is intended to provide for large size lots for residential-recreational development as a means to preserve the space characteristics of country living. The minimum average lot width is 300 feet with a minimum lot area of five acres.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-84. - Permitted uses.

The following are the permitted uses in the RR-1, RR-2 and RR-3 Residential-Recreation Districts:

- (1) One single-family dwelling.
- (2) Private garages and carports.
- (3) Horticulture and gardening.
- (4) Essential services and utilities to serve the principal permitted use.
- (5) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
- (6) Forest management programs.
- (7) Private residence for recreational rentals requiring state licensing under Wis. Admin. Code ch. ATCP 72, subject to county licensing requirements as listed in 30-455.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-85. - Conditional permit.

The following are the uses authorized by conditional permit in RR-1, RR-2 and RR-3 Residential-Recreation Districts:

- (1) Manufactured home parks and campgrounds subject to the provisions of article V of this chapter. Campgrounds are prohibited in the RR-1 and RR-2 districts. Campgrounds in the RR-3 district are limited to 25 sites, with one camping unit per site, and with only temporary camping units and/or rustic/primitive sites. Campgrounds in this district are to be in conjunction with, or accessory to, other permitted or conditionally permitted uses.
- (2) Telephone and power transmission towers, poles and lines, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures. (See article VI of this chapter for tower communication facilities.)
- (3) Recreational service oriented uses such as resorts and motels, restaurants and cocktail lounges, marinas, sport shops and bait sales, and other recreational services, which in the opinion of the land use and information committee are of the same general character or clearly incidental to a permitted use, or use authorized by conditional permit.
- (4) Livestock or other agricultural practices, subject to conditions set by the land use and information committee.
- (5) Mini-storage rental buildings or storage rental buildings for storage of personal property. Allowed by conditional permit in the RR-2 and RR-3 districts only. Such buildings are considered accessory structures.
- (6) Two-family dwelling units also known as duplexes. A two-family dwelling unit cannot be separate structures and must share a common wall and roof.
- (7) Home occupations or professional offices provided no such use occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance to be otherwise incompatible with the surrounding land uses. Expanded home occupations which may be carried on other than within the confines of the home and which may involve persons other than the resident family may be authorized where such activity will not be incompatible to the surrounding uses.
- (8) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites, except that sewage treatment and solid waste disposal facilities shall not be allowed.
- (9) Operate an animal control facility, animal shelter, animal boarding facility, domesticated animal breeding facility or have more than 15 domesticated animals.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-86—30-113. - Reserved.

DIVISION 3. - A EXCLUSIVE AGRICULTURAL DISTRICT

Sec. 30-114. - Purpose.

This district is intended to preserve productive agricultural land for food and fiber production, preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs, maintain a viable agricultural base to support agricultural processing and service industries, prevent conflicts between incompatible uses, reduce costs of providing services to scattered nonfarm uses, space and shape urban growth, implement the provisions of the county agricultural plan when adopted and periodically revised, to permit eligible landowners to receive tax credits under Wis. Stats. § 71.09(11).

(Res. No. 2018-16, 6-5-2018)

1 Sec. 30-115. - Lands included within this district.

2 This district is generally intended to apply to lands which are limited to exclusive agricultural use
3 including: lands historically exhibiting good crop yields, land capable of such yields, lands which have been
4 demonstrated to be productive for dairying, livestock raising and grazing, other lands which are integral
5 parts of such farm operations, land used for the production of specialty crops such as cranberries, ginseng,
6 mint, sod, fruits and vegetables, and lands which are capable of productive use through economically
7 feasible improvements such as irrigation or drainage.

8 (Res. No. 2018-16, 6-5-2018)

9 Sec. 30-116. - Permitted uses.

10 The following are the permitted uses in the A Exclusive Agricultural District:

11 (1) One single-family dwelling. These must meet the definition of farm residence or have existed
12 prior to January 1, 2014.

13 (2) Manufactured homes:

14 a. One manufactured home used for habitation that is not the primary place of residence shall
15 be permitted as an accessory building on an operating farm, providing:

16 1. A determination is made in writing by the land use and information committee, that one
17 or more of the occupants of the manufactured home derives a substantial portion of
18 their livelihood from the farm operation and/or substantially participates in the
19 operations of the farm, and provided with proper skirting or a foundation.

20 2. More than one manufactured home on the property may be permitted if needed for help
21 in conjunction with the farm operation upon county board approval and a conditional
22 permit from the land use and information committee.

23 b. The temporary use of a manufactured home, not to exceed one year unless an extension is
24 authorized in writing by the county board shall be permitted while a permanent dwelling is
25 under construction, providing the manufactured home and the permanent dwelling are
26 located on the same lot or parcel of land and providing a county sanitary permit has been
27 obtained for the permanent dwelling and that an approved private sewage system is utilized
28 by the temporary manufactured home.

29 (3) Pole buildings, garages, and any other buildings necessary to the farm operation or permitted
30 residential uses.

31 (4) General farming, including dairying, livestock and poultry raising, nurseries, greenhouses,
32 beekeeping, vegetable warehouses, seasonal sale of seed and fertilizer and other similar
33 enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage,
34 sewage, rubbish or offal; provided that no greenhouse or building for the housing of livestock or
35 poultry shall be located within 100 feet of any boundary of a residential lot other than that of the
36 owner or lessee of such greenhouse or building containing such livestock or poultry. Buildings
37 housing animals, barnyards, or feedlots for less than 250 animals shall be at least 100 feet from
38 any navigable water and shall be so located that manure will not drain into any navigable water.

39 (5) One roadside stand per farm, of not more than 300 square feet, used solely for the sale of
40 products more than 50 percent of which were produced on the premises provided sufficient off-
41 street parking space for customers is furnished and all setbacks are met.

42 (6) Forest management.

43 (7) Hunting, fishing and trapping.

44 (8) Maple syrup processing plant.

- (9) Signs. Signs not to exceed 32 square feet used exclusively to advertise sale of agricultural products produced on the premises, signs giving the name of the farm owner, and rural directory signs.
- (10) A transportation, utility, communication or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under state or federal law that preempts the requirement of a conditional use permit for that use may be a permitted use. All other transportation, utility, or communication uses must meet Wis. Stats. § 91.46(4). (See article VI of this chapter for tower communication facilities).
- (11) Logging shelters used for the purpose of temporarily storing logging equipment at the logging site or for the production of maple syrup.
- (12) For purposes of farm consolidation, farm residences or structures that existed prior to December 31, 2013, may be separated from a larger farm parcel.
- (13) And all other uses as allowed under Wis. Stats. §§ 91.01(2) and (19).

(Res. No. 2018-16, 6-5-2018)

Sec. 30-117. - Conditional uses.

The following are special uses permitted when the location of the use has been approved and a conditional permit has been granted by the land use and information committee after a public hearing. Such approval shall be consistent with the general purposes and intent of this chapter and shall be based upon such evidence as may be presented at such public hearing. The land use and information committee, in passing upon applications for these conditional use permits, shall consider the following factors:

- (1) The statement of purposes of this chapter and the A district.
- (2) The need of the proposed use for a location in an agricultural area.
- (3) The availability of alternative locations.
- (4) Compatibility with existing or permitted uses on adjacent lands.
- (5) The productivity of the lands involved.
- (6) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (7) The need for public services created by the proposed use.
- (8) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (9) The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-118. - Conditional permits.

The following are the uses authorized by conditional permit in the A agricultural district:

- (1) Single-family dwellings, in addition to permitted residences in subsection 30-116(1), providing one or more of the occupants is a parent or child of the operator of the farm, or when the dwelling is to be the retirement home of the present farm operator.
- (2) Canneries.
- (3) Cheese factories.

- (4) Condenseries.
- (5) Commercial feedlots and buildings housing 250 or more animals units.
- (6) Creameries.
- (7) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- (8) Facilities used to provide veterinarian services for livestock.
- (9) Facilities used in processing of agricultural products.
- (10) Fur farms when located not less than 1,000 feet from any residential building other than that of the owner of the premises, his agent or employee.
- (11) Public utility substations, power plants, relay stations and microwave receivers and transmitters, semi-public and private utility towers, receivers, transmitters and other similar necessary appurtenant facilities (see article VI of this chapter for tower communication facilities) as per Wis. Stats. § 91.46(4).
- (12) Airstrips when they are agriculture-related or governmental as per Wis. Stats. § 91.46(5).
- (13) Sawmills, when located 500 feet minimum distance from any residence other than that of the owner.
- (14) Mineral extraction for governmental and agricultural use only with an approved reclamation plan as per Wis. Stats. § 91.46(6).
- (15) Home occupations. When established in the agricultural zone district, the home occupation office shall be incidental to the primary use as an agricultural or residential use. No more than 25 percent of the floor area of a dwelling unit shall be occupied by such a use. The home occupation may be in the home or an outbuilding. There shall be no outside storage of goods, nor any additions exclusively for this use. Only one lighted nameplate not exceeding two square feet in area is allowed.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-119. - Conditions attached to conditional permits.

Upon a consideration of information supplied at the public hearing and a review of the standards contained in section 30-117, the following conditions may be attached to the granting of a conditional use permit: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screen, sureties, operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this division. Violation of these conditions shall constitute a violation of this chapter as provided in section 30-659.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-120. - Height, yards, area and access requirements.

(a) *Lot area.*

- (1) The minimum lot size to establish a residence farm operation is 35 contiguous acres, except as provided in subsections (a)(2) and (a)(3) of this section.
- (2) The minimum lot size shall be one acre and the maximum shall be five acres to establish a separate parcel for an additional residence for parents or children of the farm operator, or for persons earning a substantial part of their livelihood from the farm operation.

1 (3) Where an additional residence for persons specified in subsection (a)(2) of this section is located
2 on a farm without creating a separate parcel, the residence shall be at least 100 feet from other
3 residences.

4 a. For purposes of farm consolidation, farm residences or structures that existed prior to
5 December 31, 2013, may be separated from a larger farm parcel.

6 b. Lots or parcels having less than 35 acres but not less than one acre, that legally existed prior
7 to December 31, 2013, that are not a part of and contiguous to a larger farm unit, or which
8 have been granted a variance pursuant to section 30-698 et seq. by the board of adjustment,
9 may be utilized as residential sites and structures may be rebuilt in the event of damage or
10 destruction without the need for a variance provided that a building permit is obtained, and
11 all minimum setback requirements and the terms of the county private sewage system
12 ordinance codified in chapter 70, article II, are met. These would also need to comply with
13 Wis. Stats. § 91.46(2)(c).

14 (b) *Front yards.* There shall be a front yard provided between each building and front property lines as
15 required in article III, division 2 of this chapter.

16 (c) *Side yards.* There shall be a side yard provided each building and the property line of no less than ten
17 feet.

18 (d) *Rear yard.* The minimum depth of any rear yard shall be 40 feet.

19 (e) *Floor area.* Buildings used in whole or in part for residential purposes which are hereafter erected,
20 moved or structurally altered shall have a minimum floor area of 500 square feet.

21 (f) *Access.* Access shall be provided as required in article III, division 3 of this chapter.

22 (Res. No. 2018-16, 6-5-2018)

23 Sec. 30-121. - Standards for rezoning.

24 (a) The state department of agriculture, trade and consumer protection shall be mailed a copy of the
25 notice of a public hearing on a petition for a rezone and following the hearing a copy of the findings
26 upon which the decision to deny or grant the petition was based.

27 (b) Decision on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings
28 that consider the following:

29 (1) Adequate public facilities to serve the development are present or will be provided.

30 (2) Provisions of these facilities will not be an unreasonable burden to local government.

31 (3) The land is suitable for development.

32 (4) Development will not cause unreasonable air or water pollution, soil erosion or adverse effects
33 on rare or irreplaceable natural areas.

34 (5) The potential for conflict with remaining agricultural uses in the area.

35 (6) The need of the proposed development location in an agricultural area.

36 (7) The availability of alternative locations.

37 (8) The productivity of the agricultural lands involved.

38 (9) The location of the proposed development to minimize the amount of agricultural land converted.

39 (10) And all other considerations as per Wis. Stats. §§ 91.48(1), (2) and (3).

40 (Res. No. 2018-16, 6-5-2018)

1 Secs. 30-122—30-140. - Reserved.

2 DIVISION 4. - A-1 AGRICULTURAL-TRANSITION DISTRICT

3 Sec. 30-141. - Purpose.

4 This district is intended to provide for the orderly transition of agricultural land to other uses in areas
5 planned for eventual urban expansion; defer urban development until the appropriate local government
6 bodies determine that adequate public services and facilities can be provided at a reasonable cost; ensure
7 that urban development is compatible with local land use plans and policies; provide periodic review to
8 determine whether all or part of the lands should be transferred to another zoning district. Such review shall
9 occur:

- 10 (1) Upon completion or revision of the county agricultural preservation plan or municipal land use
11 plan which affects lands in the district; or
12 (2) Upon extension of public services such as sewer and water, necessary to serve urban
13 development.

14 (Res. No. 2018-16, 6-5-2018)

15 Sec. 30-142. - Lands included within this district.

16 This district is generally intended to apply to lands located adjacent to incorporated municipalities or
17 urbanized areas where such lands are predominantly in agricultural or related open space use but where
18 conversion to nonagricultural use is expected to occur in the foreseeable future. Lands indicated as
19 transition areas in the agricultural plan and similar lands are to be included.

20 (Res. No. 2018-16, 6-5-2018)

21 Sec. 30-143. - Permitted uses.

22 The following are the permitted uses in the A-1 Agricultural-Transition District: Same as section 30-
23 116 A Exclusive Agricultural District.

24 (Res. No. 2018-16, 6-5-2018)

25 Sec. 30-144. - Conditional uses.

26 The following are the uses authorized by conditional permit in the A-1 Agricultural-Transition District:
27 Same as sections 30-117, 30-118 and 30-119 A Exclusive Agricultural District.

28 (Res. No. 2018-16, 6-5-2018)

29 Sec. 30-145. - Lot size, height, yards and access.

30 The following are the minimum lot size, height, yards and access in the A-1 Agricultural-Transition
31 District: Same as section 30-120 A Exclusive Agricultural District.

32 (Res. No. 2018-16, 6-5-2018)

33 Sec. 30-146. - Rezoning.

1 The following are the standards for rezoning in the A-1 Agricultural-Transition District: Same as section
2 30-121 A Exclusive Agricultural District.

3 (Res. No. 2018-16, 6-5-2018)

4 Secs. 30-147—30-169. - Reserved.

5 DIVISION 5. - A-2 AGRICULTURAL-RESIDENTIAL DISTRICT

6 Sec. 30-170. - Purpose.

7 This district is intended to primarily provide for the continuation of general farming and related activities
8 in areas currently being used for such development and to additionally provide for limited residential
9 development.

10 (Res. No. 2018-16, 6-5-2018)

11 Sec. 30-171. - Permitted uses.

12 The following are the permitted uses in the A-2 Agricultural-Residential District:

- 13 (1) A one-family dwelling.
- 14 (2) All agricultural land uses, buildings and activities, including the growing of field crops, dairying,
15 livestock-raising, poultry farming, hog-raising, and so on.
- 16 (3) One roadside stand per farm, of not more than 300 square feet, used solely for the sale of
17 products more than 50 percent of which were produced on the premises provided sufficient off-
18 street parking space for customers is furnished and all setbacks are met.
- 19 (4) Cemeteries and mausoleums.
- 20 (5) Essential services and utilities intended to serve a permitted principal use on the premises.
- 21 (6) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 22 (7) A two-family dwelling provided the lot area and setback requirements of this district are met.
- 23 (8) Forest management programs.
- 24 (9) Private residence for recreational rentals requiring state licensing under Wis. Admin. Code ch.
25 ATCP 72, subject to county licensing requirements as listed in 30-455.
- 26 (10) Any use permitted under section 30-116 A Exclusive Agricultural District.

27 (Res. No. 2018-16, 6-5-2018)

28 Sec. 30-172. - Conditional permit.

29 The following are the uses authorized by conditional permit in the A-2 Agricultural-Residential District:

- 30 (1) Manufactured home parks and campgrounds subject to the provisions of article V of this chapter.
31 Campgrounds in this district are limited to 25 sites, with one camping unit per site, and with only
32 temporary camping units and/or rustic/primitive sites. Campgrounds in this district are to be in
33 conjunction with, or accessory to, other permitted or conditionally permitted uses.
- 34 (2) Vacation farms and other farm-oriented recreational uses such as riding stables, game farms
35 and fishing ponds intended and used for commercial use.

- (3) Agricultural processing industries, warehouses, slaughterhouses, rendering and fertilizer plants.
- (4) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreation areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites, except that sewage disposal plants and garbage incinerators shall not be permitted.
- (5) Telephone and power transmission towers, poles and lines, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures. (See article VI of this chapter for tower communication facilities).
- (6) Quarrying, mining, and processing of products from these activities, subject to the provisions of article V of this chapter.
- (7) Airports.
- (8) Home occupations or professional offices provided no such uses occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding land uses. Expanded home occupations which may be carried on other than within the confines of the home and which may involve persons other than the resident family may be authorized where such activity will not be incompatible with the surrounding land uses.
- (9) Mini-storage rental buildings or storage rental buildings for storage of personal property. Such buildings are considered accessory structures.
- (10) Recreational/tourism-oriented uses such as resorts, sport shops, bait sales, gift/novelty shops, agricultural production, retail and other recreational/tourism services/activities, which in the opinion of the land use and information committee are of the same general character or clearly incidental to a permitted use, or use authorized by conditional permit.
- (11) Winery for manufacturing and warehousing of wine and spirits with associated retail and wholesale sales. Wine theme-related retail shops, restaurant, lounge, and event facilities as approved by conditional permit.
- (12) Operate an animal control facility, animal shelter, animal boarding facility, domesticated animal breeding facility or have more than 15 dogs.
- (13) Any which are the same as sections 30-117, 30-118 and 30-119 A Exclusive Agricultural District.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-173—30-197. - Reserved.

DIVISION 6. - A-4 AG/FORESTRY/RESIDENTIAL DISTRICT

Sec. 30-198. - Purpose.

The purpose of the A-4 district is to allow limited rural residential development on lands in predominantly agriculture or forestry. Residential lots are limited to minimize impacts associated with agricultural, forestry and open space development. Residents of this district may experience conditions associated with farming or forestry that are not necessarily compatible with residential use.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-199. - Permitted uses.

1 The following are the permitted uses in the A-4 district:

- 2 (1) One single-family dwelling, as defined in Wis. Stats. § 91.01(19).
- 3 (2) All agricultural land uses, buildings and activities, including the growing of field crops, truck crops,
4 dairying, livestock raising, poultry farming, as defined in Wis. Stats. § 91.01(2).
- 5 (3) One roadside stand per farm, of not more than 300 square feet, used solely for the sale of
6 products more than 50 percent of which were produced on the premises provided sufficient off-
7 street parking space for customers is furnished and all setbacks are met.
- 8 (4) Cemeteries limited to family plots only.
- 9 (5) Essential services and utilities intended to serve a permitted principal use on the premises.
- 10 (6) Customary accessory uses provided such uses are clearly incidental to a principal permitted use.
- 11 (7) Forest management programs.
- 12 (8) Any use permitted under section 30-116 A Exclusive Agricultural District.

13 (Res. No. 2018-16, 6-5-2018)

14 Sec. 30-200. - Conditional permit.

15 The following are the uses authorized by conditional permit in the A-4 district:

- 16 (1) Vacation farms and other farm-oriented recreational uses such as riding stables, game farms
17 and fishing ponds intended and used for commercial or private residential use, as defined in Wis.
18 Stats. § 91.01(1).
- 19 (2) Slaughterhouses, rendering and fertilizer plants.
- 20 (3) Public and semi-public uses, as defined in Wis. Stats. § 91.46(5), including, but not limited to,
21 the following: public and private schools, churches, public parks and recreation areas, hospitals,
22 rest homes and homes for the aged, fire and police stations, historic sites, except that sewage
23 disposal plants and garbage incinerators shall not be permitted, as defined in Wis. Stats. §
24 91.46(5).
- 25 (4) Telephone and power transmission towers, poles and lines, substations, relay and repeater
26 stations, equipment housing and other necessary appurtenant equipment and structures (see
27 article VI of this chapter for tower communication facilities) as defined in Wis. Stats. § 91.46(4).
- 28 (5) Quarrying, mining, and processing of products from these activities, subject to the provisions of
29 article V of this chapter as defined in Wis. Stats. § 91.46(6).
- 30 (6) Airports, as defined in Wis. Stats. §§ 91.46(4), (5) and 91.01(1).
- 31 (7) Home occupations or professional offices provided no such use occupies more than 25 percent
32 of the total floor area of the dwelling, not more than one nonresident person is employed on the
33 premises, and such use will not include an operational activity that would create a nuisance to be
34 otherwise incompatible with the surrounding land uses. Expanded home occupations which may
35 be carried on other than within the confines of the home and which may involve persons other
36 than the resident family may be authorized where such activity will not be incompatible to the
37 surrounding land uses, as defined in Wis. Stats. §§ 91.01(b) and (d).
- 38 (8) Any which are the same as sections 30-117, 30-118 and 30-119 A Exclusive Agricultural District.
39 Same as sections 30-117, 30-118 and 30-119 A Exclusive Agricultural District.

40 (Res. No. 2018-16, 6-5-2018)

41 Sec. 30-201. - Conditions attached to conditional permits.

1 Upon a consideration of information supplied at the public hearing and a review of the standards
2 contained in section 30-117, the following conditions may be attached to the granting of a conditional use
3 permit: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal
4 facilities; landscaping and planting screen, sureties, operational controls and time of operation; air pollution
5 controls; erosion prevention measures; location of the use; and similar requirements found necessary to
6 fulfill the purpose and intent of this division. Violation of these conditions shall constitute a violation of this
7 chapter as provided in section 30-659.

8 (Res. No. 2018-16, 6-5-2018)

9 Sec. 30-202. - Height, yards, area and access requirements.

10 (a) *Lot area.*

11 (1) The minimum lot size to establish a residence farm operation is 35 contiguous acres, except as
12 provided in subsections (a)(2) and (a)(3) of this section.

13 (2) The minimum lot size shall be one acre and the maximum shall be five acres to establish a
14 separate parcel for an additional residence for parents or children of the farm operator, or for
15 persons earning a substantial part of their livelihood from the farm operation.

16 (3) Where an additional residence for persons specified in subsection (a)(2) of this section is located
17 on a farm without creating a separate parcel, the residence shall be at least 100 feet from other
18 residences.

19 a. For purposes of farm consolidation, farm residences or structures that existed prior to
20 December 31, 2013, may be separated from a larger farm parcel.

21 b. Lots of parcels having less than 35 acres but not less than one acre, that legally existed prior
22 to December 31, 2013, that are not a part of and contiguous to a larger farm unit, or which
23 have been granted a variance pursuant to section 30-698 et seq. by the board of adjustment,
24 may be utilized as residential sites and structures may be rebuilt in the event of damage or
25 destruction without the need for a variance provided that a building permit is obtained, and
26 all minimum setback requirements and the terms of the county private sewage system
27 ordinance codified in chapter 70, article II, are met.

28 (b) *Front yards.* There shall be a front yard provided between each building and front property lines as
29 required in article III, division 2 of this chapter.

30 (c) *Side yards.* There shall be a side yard provided [between] each building and the property line of no
31 less than ten feet.

32 (d) *Rear yard.* The minimum depth of any rear yard shall be 40 feet.

33 (e) *Floor area.* Buildings used in whole or in part for residential purposes which are hereafter erected,
34 moved or structurally altered shall have a minimum floor area of 500 square feet.

35 (f) *Access.* Access shall be provided as required in article III, division 3 of this chapter.

36 (Res. No. 2018-16, 6-5-2018)

37 Sec. 30-203. - Standards for rezoning.

38 (a) The state department of agriculture, trade and consumer protection shall be mailed a copy of the
39 notice of a public hearing on a petition for a rezone and following the hearing a copy of the findings
40 upon which the decision to deny or grant the petition was based.

41 (b) Decision on petitions for rezoning areas zoned for exclusive agricultural use shall be based on findings
42 that consider the following:

- (1) Adequate public facilities to serve the development are present or will be provided.
- (2) Provisions of these facilities will not be an unreasonable burden to local government.
- (3) The land is suitable for development.
- (4) Development will not cause unreasonable air or water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
- (5) The potential for conflict with remaining agricultural uses in the area.
- (6) The need of the proposed development location in an agricultural area.
- (7) The availability of alternative locations.
- (8) The productivity of the agricultural lands involved.
- (9) The location of the proposed development to minimize the amount of agricultural land converted.
- (10) And all other considerations as per Wis. Stats. §§ 91.48(1), (2) and (3).

(Res. No. 2018-16, 6-5-2018)

Secs. 30-204—30-223. - Reserved.

DIVISION 7. - C-1 COMMERCIAL DISTRICT

Sec. 30-224. - Purpose.

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

(Res. No. 2018-16, 6-5-2018)

Sec. 30-225. - Permitted uses.

The following are the permitted uses in the C-1 Commercial District; facilities such as, but not limited to, the following:

- (1) Retail stores and shops offering convenience goods and services.
- (2) Business and professional offices and studios.
- (3) Banks and savings and loan offices.
- (4) Public and semi-public buildings and institutions.
- (5) Commercial entertainment facilities; such as a dance hall, wedding venue or convention center.
- (6) Laundromats.
- (7) Restaurants.
- (8) Taverns.
- (9) Medical and dental clinics.
- (10) Auto service stations and maintenance facilities.
- (11) Public and private marinas.
- (12) Recreation service oriented facilities as stated in the RR-1, RR-2 and RR-3 districts.
- (13) Motels and tourist homes.

- 1 (14) Roominghouses and boardinghouses.
- 2 (15) Farm implement sales firms.
- 3 (16) Dwelling of owner or employee of a commercial establishment on the same parcel which is
- 4 physically attached to a commercial establishment; or if not physically attached then it must be
- 5 on one parcel that is at least 60,000 square feet and 150 feet in average lot width.
- 6 (17) Essential services and utilities intended to serve a permitted principal use on the premises.
- 7 (18) Adult themed stores/premises; however these must be located at least 1,320 feet from any
- 8 residential zoning district (RR-1, RR-2, RR-3, A-2, A-3 and A-4), at least 1,320 feet from any
- 9 single family, duplex, or multi-family dwelling, and at least 1,320 feet from any church, park,
- 10 licensed daycare or school.
- 11 (19) Adult entertainment facility; however these must be located at least 1,320 feet from any
- 12 residential zoning district (RR-1, RR-2, RR-3, A-2, A-3 and A-4), at least 1,320 feet from any
- 13 single family, duplex, or multi-family dwelling, and at least 1,320 feet from any church, park,
- 14 licensed daycare or school.
- 15 (20) Gas stations, convenience stores, truck stops and car washes.
- 16 (21) Drive-in establishments offering in-car service to customers.
- 17 (22) Licensed daycare facility.

18 (Res. No. 2018-16, 6-5-2018)

19 Sec. 30-226. - Conditional uses.

20 The following are the uses authorized by conditional permit in the C-1 commercial district:

- 21 (1) Public and semi-public conditional uses as stated in the RR-1, RR-2 and RR-3 districts.
- 22 (2) New and used car sales establishments.
- 23 (3) Wholesaling establishments.
- 24 (4) Transportation terminals.
- 25 (5) Outdoor theaters.
- 26 (6) Miniature golf, go-karts and amusement parks.
- 27 (7) Telephone and power transmission towers, poles and lines, substations, relay and repeater
- 28 equipment and structures. (See article VI of this chapter for tower communication facilities.)
- 29 (8) Manufactured home and camper sales establishments.
- 30 (9) Mini-storage rental buildings or storage rental buildings for storage of personal property. Such
- 31 buildings are considered accessory structures.
- 32 (10) Any outdoor retail or commercial activity that is not listed under permitted or conditional uses
- 33 and which in the opinion of the land use and information committee is of the same general
- 34 character of said permitted or conditional uses or clearly incidental to the districts uses (e.g., flea
- 35 markets, outdoor retail, curio or souvenir business). Outdoor retail activities in conjunction with
- 36 an existing commercial business operated less than seven calendar days per year are exempt.
- 37 (11) Light manufacturing/industrial (see article VII of this chapter).
- 38 (12) Operate an animal control facility, animal shelter, animal boarding facility, domesticated animal
- 39 breeding facility or have more than 15 dogs.

40 (Res. No. 2018-16, 6-5-2018)

1 Secs. 30-227—30-245. - Reserved.

2 DIVISION 8. - I-1 INDUSTRIAL DISTRICT

3 Sec. 30-246. - Purpose.

4 This district is intended to provide for manufacturing and industrial operations which on the basis of
5 actual physical and operational characteristics would not be detrimental to surrounding areas by reason of
6 smoke, noise, dust, odor, traffic, physical appearance or similar factors relating to public health, welfare
7 and safety. Those industries requiring outdoor storage for raw materials and/or finished products may be
8 required to provide fence or screen in accordance with the provisions of article VII of this chapter.

9 (Res. No. 2018-16, 6-5-2018)

10 Sec. 30-247. - Permitted uses.

11 The following are the permitted uses in the I-1 Industrial District:

- 12 (1) Manufacturing, assembly, fabricating and processing plants and similar type industrial operations
13 consistent with the purposes of this district.
- 14 (2) General warehousing.
- 15 (3) Accessory uses clearly incidental to a permitted use.
- 16 (4) Essential services and utilities intended to serve a permitted principal use on the premises.

17 (Res. No. 2018-16, 6-5-2018)

18 **Editor's note**— Any use determined to be objectionable by the land use and information
19 committee on the basis of pollution, noise, dust, smoke, vibration, odor, flashing lights, or danger
20 of explosion may be permitted only upon the issuance of a conditional use permit setting forth
21 dimensional and site requirements, performance standards, aesthetic controls, and pollution
22 standards for that particular use. See article VII of this chapter.

23 Sec. 30-248. - Conditional uses.

24 The following are the uses authorized by conditional permit in the I-1 Industrial District:

- 25 (1) Salvage yards subject to the provisions of article V of this chapter.
- 26 (2) Quarrying, mining and processing of products from these activities subject to the provisions of
27 article V of this chapter.
- 28 (3) Telephone, telegraph and power transmission towers, poles and lines including transformers,
29 substations, relay and repeater stations, equipment housing and other necessary appurtenant
30 equipment and structures. (See article VI of this chapter for telecommunication facilities.)
- 31 (4) Transfer stations used for garbage, recycling, rubbish or offal, subject to the applicable provisions
32 of the Wisconsin Administrative Code and the provisions of article VIII of this chapter.

33 (Res. No. 2018-16, 6-5-2018)

34 Secs. 30-249—30-274. - Reserved.

DIVISION 9. - F-1 FORESTRY DISTRICT

Sec. 30-275. - Purpose.

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

(Res. No. 2018-16, 6-5-2018)

Sec. 30-276. - Permitted uses.

The following are the permitted uses in the F-1 Forestry District:

- (1) Forest management programs.
- (2) Harvesting of wild crops such as marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- (3) Multiple use recreational trails and wildlife refuges.
- (4) One single-family dwelling.
- (5) Horticulture and gardening.
- (6) Essential services and utilities intended to serve a permitted principal use on the premises.
- (7) Accessory uses clearly incidental to a permitted use.
- (8) Private residence for recreational rentals requiring state licensing under Wis. Admin. Code ch. ATP 72, subject to county licensing requirements as listed in 30-455.
- (9) Any use permitted under section 30-116 A Exclusive Agricultural District.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-277. - Conditional uses.

The following are the uses authorized by conditional permit in the F-1 Forestry District:

- (1) Public and private parks, playgrounds and winter sports area.
- (2) Dams, plants for production of electric power and flowage areas.
- (3) Campgrounds subject to the provisions of article V of this chapter. Campgrounds in this district are limited to 25 sites, with one camping unit per site, and with only temporary camping units and/or rustic/primitive sites; except that camping cabin/yurts, not served by plumbing or electricity, may be permitted by conditional use permit on rustic/primitive sites.
- (4) Forest-connected industries such as sawmills, debarking operations, chipping facilities and similar operations.
- (5) Recreation and youth camps.
- (6) Riding stables.
- (7) Shooting ranges.
- (8) Quarrying and mining operations subject to the provisions of article V of this chapter.
- (9) Year around residences for caretakers of recreational areas and caretakers of plants used for production of electric power.

(10) Telephone and power transmission towers, poles and lines, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio and television stations and transmission towers, fire towers and microwave radio relay towers. (See article VI of this chapter for tower communication facilities.)

(11) Airports.

(12) Operate an animal control facility, animal shelter, animal boarding facility, domesticated animal breeding facility or have more than 15 dogs.

(13) Any which are the same as sections 30-117, 30-118 and 30-119 A Exclusive Agricultural District.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-278—30-302. - Reserved.

DIVISION 10. - W-1 RESOURCE CONSERVATION DISTRICT

Sec. 30-303. - Purpose.

This district is intended to be used to prevent the destruction of natural or manmade resources and to protect watercourses including the shorelands of navigable waters, and areas which are not adequately drained, or which are subject to periodic flooding, where developments would result in hazards to health or safety; would deplete or destroy resources; or be otherwise incompatible with the public welfare.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-304. - Permitted uses.

The following are the permitted uses in the W-1 Resource Conservation District:

(1) Fish hatcheries and fish and wildlife ponds.

(2) Soil and water conservation programs.

(3) Forest management programs.

(4) Wildlife preserves.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-305. - Conditional uses.

(a) The following are the uses authorized by conditional permit in the W-1 Resource Conservation District:

(1) Drainage where such activity will not be in conflict with the stated purpose of this district.

(2) Public and private parks.

(3) Dams, plants for the production of electric power and flowage areas.

(4) Grazing where such activities will not be in conflict with the stated purposes of this district.

(5) Orchards.

(6) Telephone and power transmission towers, poles and lines, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures, radio

1 and television stations and transmission towers, fire towers, and microwave radio relay towers.
2 (See article VI of this chapter for tower communication facilities.)

3 ~~(7) Campgrounds subject to the provisions of article V of this chapter.~~

4 (8) Quarrying and mining operations subject to the provisions of article V of this chapter and when
5 not in conflict with the stated purposes of this district.

6 (b) No use shall involve dumping or filling, or mineral, soil or peat removal or any other use that would
7 disturb the natural fauna, flora, watercourses, water regimen, or topography.

8 (Res. No. 2018-16, 6-5-2018)

9 Secs. 30-306—30-350. - Reserved.

10 DIVISION 11. - PUD PLANNED UNIT DEVELOPMENT DISTRICT

11 Sec. 30-351. - Purpose.

12 (a) The PUD district is intended to provide for large scale residential or residential-recreation
13 development. This district shall have no definite boundaries until such are approved by the county
14 board on the recommendation of the land use and information committee in accordance with
15 procedures prescribed for zoning amendments by Wis. Stats. § 59.69. Plans for the proposed
16 development shall be submitted in duplicate, and shall show the location, size and proposed use of all
17 structures and land included in the areas involved.

18 (b) The plans may provide for a combination of single-family and multi-family development as well as
19 related commercial uses, provided that the plans conform to section 30-352.

20 (c) The Planned Unit Development is intended to permit smaller non-riparian lots where the physical
21 layout of the lots is so arranged as to better assure the control of pollution and preservation of ground
22 cover than would be expected if the lots were developed with the normal lot sizes and setbacks and
23 without special conditions placed upon the Planned Unit Development at the time of its approval. A
24 condition of all Planned Residential Unit Development is the preservation of certain open space,
25 preferably on the shoreland, in perpetuity.

26 (Res. No. 2018-16, 6-5-2018)

27 Sec. 30-352. - Minimum requirements.

28 The following are the minimum requirements in the PUD planned unit development district:

29 (1) A single area of at least five acres is involved.

30 (2) Each residential building and lot in the district will conform to the RR-1 district requirements, and
31 each commercial building and lot will conform to the C-1 district requirements.

32 (3) Adequate streets and sidewalks as determined to serve the needs of the area involved will be
33 provided.

34 (4) Adequate access to public streets and proper internal circulation will be provided.

35 (5) Adequate sewer and water facilities are possible and will be provided if deemed necessary by
36 the land use and information committee. Each commercial or residential lot must include such
37 physical features necessary as to provide for sewage and water facilities in accordance with the
38 county sanitary code and SPS 383, Wis. Admin. Code.

39 (6) The development will constitute a reasonable extension of the living areas in the county and will
40 be compatible with surrounding land uses.

- (7) Erosion control shall be designed/planned to minimize pollution and to follow the standards outlined in article XII of chapter 45.
- (8) The area proposed for home sites is located in a district that permits residential use.
- (9) The project area may include lands in more than one zoning district.
- (10) All structures must have minimum setbacks of ten feet to side lot lines, 30 feet to front lot lines, 40 feet to rear lot lines and 40 feet to wetlands.
- (11) Open space. At least 50 percent of the project area shall be undivided and restricted in perpetuity from further development. Open space shall be deed and plat restricted to nonstructural agricultural, forestry, recreational or environmental protection uses except that accessory structures essential to the open space uses may be approved. A private on-site wastewater treatment system may be located in such an area provided no suitable site is available on the lot served by the system. Open space shall be contiguous. In this section contiguous shall mean at least 33 feet in width. Any restriction placed on use of lands, which is required by this chapter, or which was placed as a condition of approval of a planned residential development shall vest in the county the right to enforce the restriction against anyone who has or acquires an interest in the land subject to the restriction. If the open space is to be held in common by owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain it. Open space may be:
- A. Dedicated to the public. Land dedicated to the public must be accepted by action of the governing body of the accepting unit of government.
 - B. Retained by the former owner, or held in individual ownership, while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.
 - C. Held in common by the residents of the planned residential development.
 - D. Held as individual outlots by owners of the planned residential development.
 - E. Held by a nonprofit conservation organization acceptable to the county. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- (12) Density. The number of platted home sites shall not exceed 125 percent of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, widths and water frontage provided by the applicable provisions of this chapter, chapter 10, chapter 22, chapter 45, chapter 58 and chapter 70 of the Burnett County Ordinances. This figure shall be determined by use of the development yield analysis provided in the application and approval process of the applicable chapters.
- (13) Design guidelines for approval.
- A. Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, crop land, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes, regulated floodplains and avoidance of a fragmented landscape.
 - B. All residential lots and dwellings shall be encouraged into clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site, and conflicts between incompatible uses.
- (14) Site development and land disturbing.
- A. Existing natural drainage ways shall be retained to the greatest extent possible.

1 B. Existing natural vegetation shall be preserved in areas where disturbance outside the
2 building envelope is not essential.

3 (Res. No. 2018-16, 6-5-2018)

4 Secs. 30-353—30-391. - Reserved.

5 DIVISION 12. - UVOD UNINCORPORATED VILLAGE OVERLAY DISTRICT

6 Sec. 30-392. - Purpose.

7 (a) The UVOD Unincorporated Village Overlay District is created to accommodate the land use patterns
8 of those established unincorporated villages where, in order to ensure development consistent with
9 the intent of this chapter, special provisions shall be applied.

10 (b) The UVOD Unincorporated Village Overlay District shall include all the area indicated on the official
11 county land use/zoning maps designated as UVOD Unincorporated Village Overlay District.

12 (Res. No. 2018-16, 6-5-2018)

13 Sec. 30-393. - Permitted uses.

14 The following are the permitted uses in the UVOD unincorporated village overlay district: Any use
15 permitted in the underlying district.

16 (Res. No. 2018-16, 6-5-2018)

17 Sec. 30-394. - Conditional uses.

18 The following are the uses authorized by conditional permit in the UVOD Unincorporated Village
19 Overlay District: Any conditional use authorized in the underlying districts.

20 (Res. No. 2018-16, 6-5-2018)

21 DIVISION 13. - FPOD FARM PRESERVATION OVERLAY DISTRICT

22 Sec. 30-395. - Purpose.

23 The FPOD Farm Preservation Overlay District provides for the conservation and protection of lands
24 planned for farmland preservation in the Burnett County Farmland Preservation Plan. This district is an
25 overlay district applying the provisions of the Exclusive Agricultural District (A District) in addition to the
26 underlying district requirements. This overlay will only be applied within areas planned for farmland
27 preservation in the Burnett County Farmland Preservation Plan and zoned Exclusive Agriculture (A),
28 Agricultural-Transition (A-1), Agricultural-Residential (A-2), Ag/Forestry/Residential (A-4), Forestry (F-1),
29 and Resource Conservation (W-1).

30 (Res. No. 2018-16, 6-5-2018)

31 Sec. 30-396. - Permitted uses.

32 The following are the permitted uses in the FPOD Farm Preservation Overlay District:

(1) Any permitted use authorized in the Exclusive Agriculture District (A).

(Res. No. 2018-16, 6-5-2018)

Sec. 30-397. - Conditional uses.

The following are the uses authorized by conditional permit in the FPOD Farm Preservation Overlay District:

(1) Any conditional use authorized in the Exclusive Agriculture District (A).

(Res. No. 2018-16, 6-5-2018)

Sec. 30-398. - Conditions attached to conditional permits.

Upon a consideration of information supplied at the public hearing and a review of the standards contained in section 30-117, the following conditions may be attached to the granting of a conditional use permit: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screen, sureties, operational controls and time of operation; air pollution controls; erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this division. Violation of these conditions shall constitute a violation of this chapter as provided in section 30-659.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-399. - Height, yards, area and access requirements.

(1) Same as those listed in the Exclusive Agricultural District (A).

(Res. No. 2018-16, 6-5-2018)

Sec. 30-400. - Standards for rezoning.

(1) Same as those listed in the Exclusive Agricultural District (A).

(Res. No. 2018-16, 6-5-2018)

Secs. 30-401—30-405. - Reserved.

DIVISION 14. - AP AIRPORT DISTRICT

Sec. 30-406. - Purpose.

The AP Airport District is intended for municipal and private airports, providing service for passengers and/or cargo.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-407. - Permitted uses.

The following are the permitted uses in the AP Airport District:

- (1) Municipal or private airports.
- (2) Public or private hangar.
- (3) Terminals.
- (4) Facilities for passengers, cargo, and supply or repair of airplanes and aviation related businesses.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-408. - Conditional uses.

The following are the uses authorized by conditional permit in the AP airport district:

- (1) Commercial and light industrial uses compatible with the airport facility plan and permitted uses.
- (2) Government facilities, structures, or buildings. All uses are subject to the county airport ordinance and any/all federal and state regulations.
- (3) Campgrounds with only temporary camping units, with one camping unit per site. Campgrounds in this district are to be in conjunction with, or accessory to, other permitted or conditionally permitted uses.

(Res. No. 2018-16, 6-5-2018)

DIVISION __. – RR-RC RESIDENTIAL RECREATION-RECREATIONAL COMMERCIAL DISTRICT

Sec. 30-___. - Purpose.

The RR-RC Residential Recreation-Recreational Commercial District is intended to provide for a mixed use of seasonal and year round residential development in close proximity to essential recreation-oriented services in areas of high recreational value. Residential users should expect relatively high intensity recreation-oriented commercial uses to be ongoing within this district. Recreational Commercial uses should be directly supporting the recreational uses of the immediate area and district. This “floating” district is available to rezone to for uses appropriate within it, subject to consistency and compatibility with the Town and County's Comprehensive Land Use Plans, and approval by the Town Board (where applicable). The minimum parcel size for rezoning to this district is 10 acres. Minimum lot size within the district is an average of 150 feet in width, and with a 30,000 square foot minimum area.

Sec. 30-___. - Permitted uses.

The following are the permitted uses in the RR-RC Residential Recreation-Recreational Commercial district:

- (1) One single family dwelling.
- (2) Private garages and carports.
- (3) Horticulture and gardening.
- (4) Essential services and utilities to serve the permitted uses.
- (5) Customary accessory uses provided such uses are clearly incidental to the principal permitted use.
- (6) Private residence for recreational rentals requiring state licensing under Wis. Admin. Code ch. ATCP 72, subject to county licensing requirements as listed in 30-455.

(7) Home occupations or professional offices provided no such uses occupies more than 25 percent of the total floor area of the dwelling, not more than one nonresident person is employed on the premises, and such use will not include an operational activity that would create a nuisance or be otherwise incompatible with the surrounding land uses.

(8) Convenience stores.

(9) Licensed daycare facility.

Sec. 30- ____ . - Conditional uses.

The following are the uses authorized by conditional use permit in the RR-RC Residential Recreation-Recreational Commercial district:

(1) Campgrounds with up to with 100 units, with one camping unit per site, subject to the provisions of article V of this chapter.

(2) Recreational service oriented uses such as resorts and motels, restaurants and cocktail lounges, marinas, sport shops and bait sales, and other recreational services, which in the opinion of the land use and information committee are of the same general character or clearly incidental to a permitted use, or use authorized by conditional permit.

(3) Two-family dwelling units also known as duplexes. A two-family dwelling unit cannot be separate structures and must share a common wall and roof.

(4) Mini-storage rental buildings or storage rental buildings for storage of personal property when in conjunction with, and accessory to, a campground approved by a conditional use permit.

(5) Expanded home occupations or professional offices, provided such use will not include an operational activity that would create a nuisance and/or be determined incompatible or inconsistent with the existing or historical uses of the parcel by the land use and information committee. Expanded home occupations may be carried on other than within the confines of the home and may involve persons other than the resident family.

(6) Drive-in establishments offering in-car service to customers.

(7) Telephone and power transmission towers, poles and lines, substations, relay and repeater stations, equipment housing and other necessary appurtenant equipment and structures. (See article VI of this chapter for tower communication facilities.)

(8) Public and semi-public uses including but not limited to the following: public and private schools, churches, public parks and recreational areas, hospitals, rest homes and homes for the aged, fire and police stations, historic sites, except that sewage treatment and solid waste disposal facilities shall not be allowed.

Secs. 30-409—30-412. - Reserved.

DIVISION 15. - ZONING SCHEDULE

Sec. 30-413. - Dimensional requirements.

SCHEDULE OF MINIMAL DIMENSIONAL REQUIREMENTS ^{(1), (3)}

	RR-1 and RR-RC	RR-2	RR-3	A	A-1	A-2	A-4	C-1	I-1	F-1
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Minimum required lot area (square feet and acres)	30,000 ⁽²⁾	1½ Acres	5 Acres ⁽⁸⁾	35 Acres ⁽⁶⁾	35 Acres ⁽⁶⁾	10 Acres ⁽⁸⁾	35 Acres ⁽⁶⁾	30,000	1 Acre	20 Acres ⁽⁸⁾
Minimum required average lot width	150	200	300 ⁽⁸⁾	300	300	300 ⁽⁸⁾	300	150	200	300 ⁽⁸⁾
Setback required										
Front	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	30 ⁽⁵⁾	50 ⁽⁵⁾	30 ⁽⁵⁾
Side	10	10	10	10	10	10	10	10	10	10
Rear	40	40	40	40	40	40	40	20	40	40
Minimum floor area, dwelling (square feet)										
3 Bedrooms	700	700	700	700	700	700	700	700	700	700
2 Bedrooms	600	600	600	600	600	600	600	600	600	600
1 Bedroom	500	500	500	500	500	500	500	500	500	500
Building height limit	40 ⁽⁷⁾	40 ⁽⁷⁾	40 ⁽⁷⁾	40 ^{(4) (7)}	40 ^{(4) (7)}	40 ^{(4) (7)}	40 ^{(4) (7)}	40 ⁽⁷⁾	60 ⁽⁷⁾	40 ⁽⁷⁾

1

2 Notes:

3 ⁽¹⁾ Unless specified elsewhere in this chapter or on the official zoning map the dimensional
4 requirements of this schedule shall apply to the respective listed districts. A planned residential
5 development may be approved by the land use and information committee as a conditional use
6 in any zoning district that permits residential use, but not A and A-1 zoning districts. Requirements
7 for the W-1 resource conservation and PUD planned unit development are contained on the
8 official zoning maps.

9 ⁽²⁾ Minimum for one-family dwellings: Add 5,000 for each additional unit over one.

10 ⁽³⁾ Plus any additional area required by Wisconsin Administrative Code.

11 ⁽⁴⁾ Farm buildings are exempt from building height limit unless restricted in other sections or
12 chapters. See section 30-658(d)(1) for the definition of farm buildings.

(5) See section 30-443 et seq. for additional setback requirements.

(6) Minimum lot size 40 acres (nominal 1/4, 1/4 section) with one-time additional split of a one to five acre parcel per 40 acres.

(7) Shoreland areas and Airport District may have different height restrictions.

(8) Density development allows for flexibility in the size and number of parcels to be created within a nominal 1/4, 1/4 of a section (40 acres), based on zoning district. The maximum development density credits shall be calculated by using the density development formula and rounding down to the nearest whole number. Development credits represent the total parcels into which the original zoned parcel may be divided, provided they meet all other applicable zoning and subdivision ordinances. Development credits are assigned to the existing parcel and parcels created based on the density development formula. These credits will determine whether created parcels can be further divided under the density standard. Persons purchasing or proposing to develop parcels should contact the Burnett County Land Services Department to determine if development credits are available for the parcel. Density development is only allowed in the following districts; RR-3, A-2 and F-1.

Condominium-type development, per WI § 703, may be permitted by conditional permit using density development standards. The maximum density will be determined with the method used for standard development. Condominium development in the RR-1 zoning district may also be permitted using minimum standards of 30,000 feet ² area; 150 foot average lot width.

Density Development Formula

Number of acres divided by density standard for district equals number of total development credits (rounded to nearest whole number).

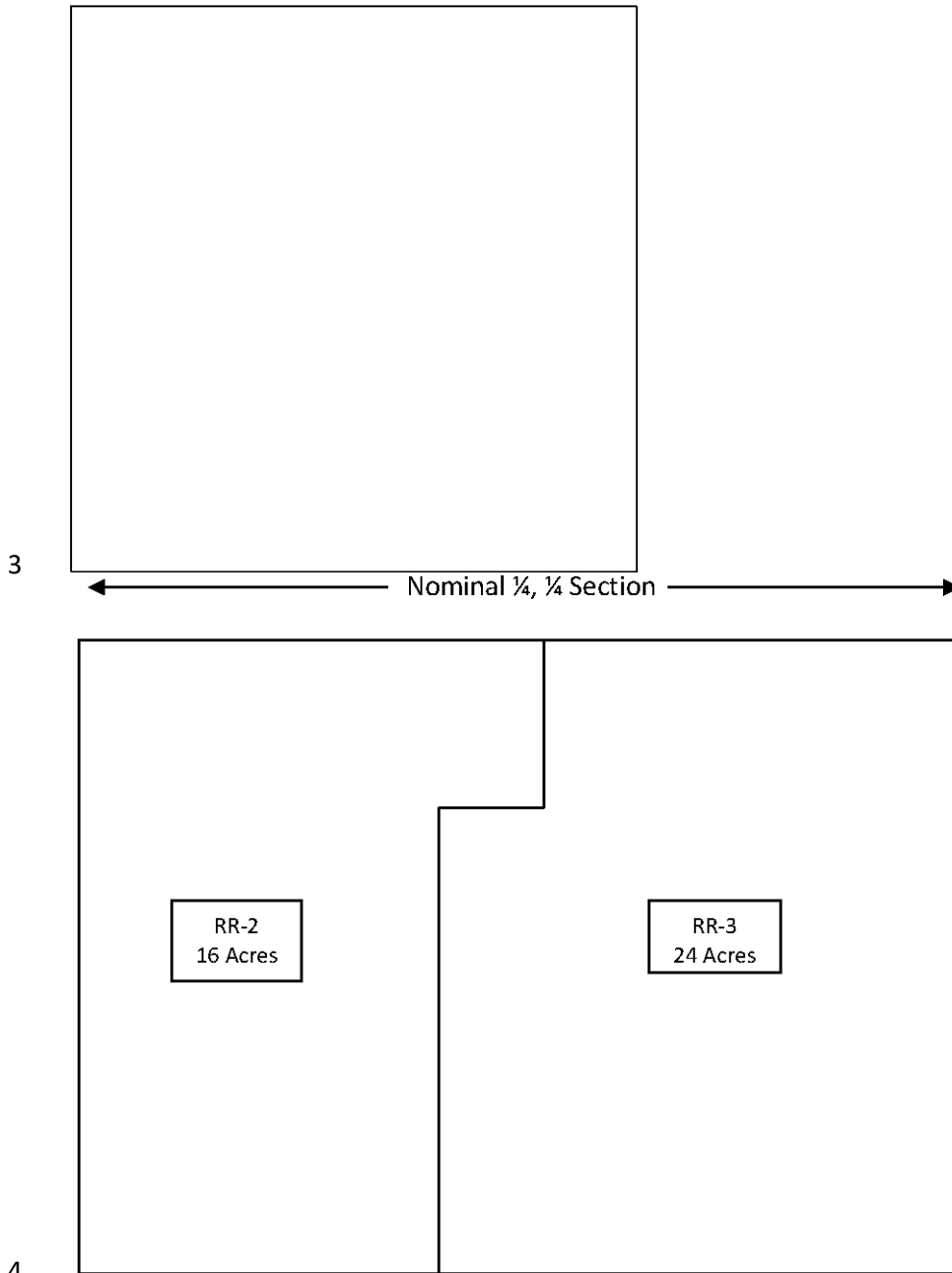
For example: Forty acres divided by five acres (Density Standard for RR-3) equals eight maximum development credits * for original parcel.

*(Preliminary survey required to demonstrate developable parcels exist)

SCHEDULE OF DENSITY AND MINIMUM LOT SIZE ^{(1),(7)}

	RR-3	A-2	F-1
Density Standard (DS)	5	10	20
Maximum Development Density - Using Formula	Maximum 8 development credits	Maximum 4 development credits	Maximum 2 development credits
Minimum lot size using DS	1 acre *	1 acre *	1 acre *
Minimum lot width using DS	150 *	150 *	150 *

- 1 * Riparian parcels must meet minimum average lot width per zoning district.
- 2 Below is an example of how density development would be applied.



5 *A 24 acre parcel zoned RR-3*

6 *Step 1:* The maximum development density shall be calculated by dividing the acres of a zoned parcel
7 by the zoning district density standard and rounding down to the nearest whole number to determine
8 the total development credits.

9 RR-3: 24 acres divided by 5 density standard = 4.8 or 4 development credits.

1 *Step 2:* Development credits represent the total parcels upon which the original zoned parcel may be
2 divided and meeting all other applicable zoning requirements.

3 A total of four development credits are available for the 24 acre lot. As a result, one development
4 credit is applied to the existing lot and three other lots could be created. All lots must be a
5 minimum of one acre and at least 150 feet in width.

6 *Step 3:* The land owner of the 24 acre parcel could create one lot at time or all three new lots at one
7 time. Development credits will be tracked within the land services department.

8 (Res. No. 2018-16, 6-5-2018)

9 Secs. 30-414—30-419. - Reserved.

10 DIVISION 16. - PRD PLANNED RESIDENTIAL DEVELOPMENT

11 Sec. 30-420. - Purpose.

12 A PRD Planned Residential Development is intended to permit smaller lots where the physical layout
13 of the lots is so arranged as to better control pollution, preserve ground cover and promote the objectives
14 of this chapter than would be possible if normal development standards were applied. This may be
15 accomplished by increasing shoreline setbacks and by clustering structures on one or more portions of the
16 parcel. A condition of all planned residential developments is the preservation of open space in perpetuity,
17 preferably along the shoreline, and, in nonshoreland areas, the maintenance of the natural features of the
18 land to the greatest extent possible.

19 (Res. No. 2018-16, 6-5-2018)

20 Sec. 30-421. - Requirements.

21 The land use and information committee may at its discretion, upon its own motion or upon petition,
22 authorize a planned residential development as a conditional use application as provided under article VIII
23 of this chapter. The committee may authorize a specific project upon finding after a public hearing that the
24 following facts exist:

25 (1) *Location and area.* The area proposed for home sites is located in a district that permits
26 residential use. Gross project area shall include total project area less any areas below the
27 ordinary high-water mark of navigable waters and may include lands in more than one zoning
28 district.

29 (2) *Pollution and erosion control.* The location and nature of the private on-site wastewater treatment
30 systems, which will serve the home sites individually or collectively, is in compliance with the
31 county sanitary code and Wis. Admin. Code ch. SPS 383.

32 (3) *Open space.* At least 50 percent of the project area shall be undivided and restricted in perpetuity
33 from further development. Open space may be:

34 a. Dedicated to the public.

35 b. Retained by the former owner, or held in individual ownership, while a nonprofit conservation
36 organization or other qualified organization holds a conservation easement prescribing the
37 acceptable uses for the common open space.

38 c. Held in common by the residents of the planned residential development.

39 d. Held as individual outlots by owners of the planned residential development.

- 1 e. Held by a nonprofit conservation organization acceptable to the county. The conveyance to
2 the nonprofit conservation organization must contain appropriate provisions for reversion in
3 the event that the organization becomes unwilling or unable to uphold the terms of the
4 conveyance.

5 (Res. No. 2018-16, 6-5-2018)

6 Sec. 30-422. - Dedication.

7 Land dedicated to the public must be accepted by action of the governing body of the accepting unit
8 of government. If the open space is to be held in common by owners of lots in the development, a
9 homeowner's association or similar legally constituted body shall be created to maintain it. Any restriction
10 placed on use of lands, which is required by this article, or which was placed as a condition of approval of
11 a planned residential development shall vest in the county the right to enforce the restriction against anyone
12 who has or acquires an interest in the land subject to the restriction.

13 (Res. No. 2018-16, 6-5-2018)

14 Sec. 30-423. - Open space.

15 Open space shall be deed- and plat-restricted to nonstructural agricultural, forestry, recreational or
16 environmental protection uses except that accessory structures essential to the open space uses may be
17 approved. A private on-site wastewater treatment system may be located in such an area provided no
18 suitable site is available on the lot served by the system. Open space shall be contiguous.

19 (Res. No. 2018-16, 6-5-2018)

20 Sec. 30-424. - Density.

21 The number of platted home sites shall not exceed 125 percent of those which would have been
22 possible if the same land were platted in accordance with the minimum lot sizes, setbacks and widths
23 provided by the applicable provisions of this chapter and chapter 58, pertaining to subdivisions. This figure
24 shall be determined by use of the development yield analysis provided in the application and approval
25 process of this section.

26 (Res. No. 2018-16, 6-5-2018)

27 Sec. 30-425. - Lot sizes, widths, setbacks, and vegetation protection.

28 The minimum lot size for such development shall be 30,000 square feet with a 150-foot minimum
29 average lot width and side yard setbacks of ten feet minimum, and 40 feet in total. Front yard setback shall
30 be 30 feet, and rear yard setback shall be 40 feet.

31 (Res. No. 2018-16, 6-5-2018)

32 Sec. 30-426. - Design guidelines for approval.

- 33 (a) Roadways, lots and building envelopes shall be located in areas where they will have the least effect
34 on forests, environmentally sensitive areas, crop land, pasture, meadow, farm buildings and historic
35 structures, and where they will retain or enhance the visual character of the rural landscape. However,
36 in resolving conflicts between these interests, priority shall be given to protection of waterways and
37 their buffers, steep slopes, regulated floodplains and avoidance of a fragmented landscape.

- (b) All residential lots and dwellings shall be encouraged into clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site, and conflicts between incompatible uses.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-427. - Site development and land disturbing guidelines.

- (a) Existing natural drainageways shall be retained to the greatest extent possible.

- (b) Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-428. - Application procedure and approval process for a planned residential development.

- (a) *Initial conference.* Before submitting a conditional use application for a planned residential development, the subdivider shall schedule an appointment with the land services department staff to discuss the procedure for approval of a planned residential development, including submittal requirements and design standards.

- (b) *Initial application.* After the initial conference, the subdivider shall submit a conditional use application and a series of maps and descriptive information to the land services department according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined.

- (1) *Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch equals 50 feet.*

- a. Land contours based at a minimum upon the most recent Burnett County Lidar data.
- b. United States Department of Agriculture Natural Resource Conservation Service soil type locations and characteristics. Location of bedrock and areas of high potential for groundwater contamination should also be noted.
- c. Hydrological characteristics, including surface water bodies, floodplains, wetlands, groundwater recharge and discharge areas, natural swales, drainageways and steep slopes.
- d. Land cover on the site, according to general cover type, including comments on the health and condition of trees and other vegetation.
- e. Current and past land use, all buildings and structures on the land, cultivated areas, paved areas, and all encumbrances, such as easements and covenants. Any waste sites, brownfields or waste disposal practices should also be disclosed.
- f. Known critical habitats for rare, threatened or endangered species.
- g. Views of the site from surrounding roads, and/or nearby elevated areas, indicating on the map where photographs were taken.
- h. Unique geological resources, such as rock outcrops or glacial features.
- i. Cultural resources, if applicable, such as historic buildings, archaeological sites, and burial sites.

- (2) *Development yield analysis.* The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under this chapter, consistent with the minimum lot size, lot widths, setbacks and other provisions of this chapter and compare it to the number of dwellings

proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g., floodways) shall be excluded from the development yield analysis.

(3) *Site analysis and concept plan.* Using the inventory provided in subsection (b)(1) of this section, the development yield analysis provided in subsection (b)(2) of this section, and the design standards in sections 30-425 through 30-427, the subdivider shall submit a concept plan including at least the following information at a scale of no less than one inch equals 50 feet:

- a. Open space areas indicating which area is to remain undeveloped.
- b. Boundaries of areas to be developed and proposed general roadway and lot layout.
- c. Number and type of housing units proposed.
- d. Proposed methods for and location of water supply, stormwater management and sewage treatment.
- e. Inventory of preserved and disturbed natural features and prominent views.
- f. Preliminary development envelopes showing areas for lawns, pavement, buildings and grading.
- g. Proposed methods of ownership and management of open space.

(4) *General location map.* The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies, wetlands or wooded areas within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than one inch equals 400 feet.

(c) *Review of initial application.* Within 30 days following the filing of a complete application for conditional use, the land services department shall meet with the subdivider to review the application. Staff from appropriate state agencies may also be requested by the county to review the conditional use application. The land services department shall make the determination of whether the application is complete. (For the purpose of this chapter, a complete application accepted by the land use and information committee may include a preliminary plat as provided for in the subdivision control ordinance codified in chapter 58, which may be subject to modification through the public hearing process.) Upon determination that the application is complete, the application will be scheduled for a public hearing for a conditional use permit as provided under article VIII of this chapter. (This public hearing may include review of the preliminary plat.)

(d) *Review of conditional use.* The conditional use application for a planned residential development shall be reviewed in accordance with the provisions of article VIII of this chapter, and the requirements of this section. Approval of the conditional use application is required prior to the filing of the preliminary plat as required under the subdivision control ordinance codified in chapter 58.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-429—30-434. - Reserved.

ARTICLE III. - SUPPLEMENTARY REGULATIONS

DIVISION 1. - GENERALLY

Sec. 30-435. - Application of regulations.

The use of any land or water; the size, shape, and placement of lots; the use, size, height, type, and location of structures thereon; and the provisions for open spaces shall be in compliance with the regulations set forth on the "Official Zoning Map, Shoreland-Wetland Map and Floodplain Maps, Burnett County, Wisconsin," and in the text of this chapter.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-436—30-442. - Reserved.

DIVISION 2. - STANDARD DISTRICT REGULATIONS

Sec. 30-443. - Setback requirements on highways and roads.

- (a) All state and U.S. numbered highways are hereby designated class A highways. The setback line for class A highways and for any other roads designated as major roads on official maps in effect in the county shall be 66 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 130 feet from centerline when no survey exists.
- (b) All county trunk highways not otherwise designated as class A highways are hereby designated class B highways. The setback for class B highways and for roads designated as arterial roads on official maps in effect in the county shall be 42 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 75 feet from centerline when no survey exists.
- (c) All town roads not otherwise designated class A or class B highways are hereby designated class C highways. The setback for class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the county shall be 30 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 63 feet from centerline when no survey exists.
- (d) A setback equal to the average setback of all existing principal buildings located within 300 feet of a proposed building site and on the same side of the road for class A, class B and class C highways, shall be permitted where three of these buildings do not conform to the appropriate setback line. The proposed principal building shall not be constructed closer than 25 feet to the right-of-way unless allowed per subsection (h).
- (e) When deemed necessary by the county land use and information committee in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any structures erected within setback lines.
- (f) Any proposed or planned roads (e.g., frontage roads, service roads, access roads, etc.) indicated in the county land use/zoning maps shall require all buildings to meet the required setbacks designated above. Any proposed or planned roads not designated shall be considered class C highways for setback purposes.
- (g) Structural setbacks from privately constructed roads (except individual driveways) shall be 40 feet from the centerline of the physical road or center of the easement when applicable.
- (h) Within the unincorporated village overlay district a minimum structural setback distance of ten feet from the right-of-way line of any street, road or alley shall be maintained. Special structural setback reductions will be permitted within the unincorporated village overlay if there are at least three existing principal buildings, built to less than the required setback (ten feet), within 300 feet on either side of the proposed site, the reduced setback may be equal to but no closer than the setback of the closest adjacent principal building.
- (i) Public utility equipment without permanent foundations are allowed, such as; overhead telephone, overhead electric, open fences less than ten feet in height, underground telephone, underground electric, underground fiber optic, underground gas, underground public sewer, underground public water as long as they have approval from the department/agency who has oversight of the highway/road that it will not be a safety hazard. Public utility equipment with foundations and roofed or enclosed buildings must be at least ten feet from any property line and must have approval from the department/agency that has oversight of the highway/road that it will not be a safety hazard. No roofed or enclosed building shall be more than ten feet in height. When deemed necessary by the county land use and information committee in connection with development such as highway improvement

1 programs, property owners and public utilities may be required to remove, at their own expense and
2 without right of compensation, any such structures erected within setback lines. No public/private utility
3 pole, tower or structure located within any road right-of-way shall exceed a height of 75 feet.

4 (Res. No. 2018-16, 6-5-2018)

5 Sec. 30-444. - Principal structure density.

6 Only one principal structure is allowed per parcel. In commercial and industrial districts more than one
7 principal structure is allowed provided that the maximum potential density, as demonstrated by survey, is
8 not being exceeded.

9 (Res. No. 2018-16, 6-5-2018)

10 Sec. 30-445. - Excessive height permitted.

11 Heights of the following structures may exceed chapter limits for the district in which they are to be
12 located with the approval of the county land use and information committee via conditional use permit:
13 cooling towers, stacks, lookout towers, utility towers, water towers, spires, commercial radio and
14 commercial television aerials, masts, antennas and necessary mechanical appurtenances.

15 (Res. No. 2018-16, 6-5-2018)

16 Sec. 30-446. - Lot sizes.

17 (a) After adoption of this chapter, no lot area shall be so reduced that the dimensional and yard
18 requirements required by this chapter cannot be met. Lots existing and of record prior to adoption of
19 this chapter, but of substandard size, may be devoted to uses permitted in the district in which located.

20 (b) Substandard lots. A legally created lot or parcel that met minimum area and minimum average width
21 requirements when created, but does not meet current lot size requirements, may be used as a building
22 site if all the following apply:

23 (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by
24 plat or survey pursuant to Wis. Stats. § 236.

25 (2) The substandard lot or parcel has never been developed with one or more of its structures placed
26 partly upon an adjacent lot or parcel. Removing a structure or structures placed partly upon
27 adjacent lot or parcel does not make the lots/parcels separate.

28 (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

29 (c) Lots created after adoption of this chapter and which are not served by public sewer systems shall
30 meet minimum requirements of the Burnett County Ordinances.

31 (Res. No. 2018-16, 6-5-2018)

32 Sec. 30-447. - Accessory uses and structures.

33 (a) Any permanent structure serving as an accessory use, if attached to the principal building, shall be
34 considered a part of the principal building. If such structure is not attached to the principal building, it
35 shall conform to the setback and other dimensional requirements of the district within which it is
36 located.

(b) A single (one per lot/parcel) bunkhouse/temporary guest quarters will be permitted by land use permit where:

- (1) The bunkhouse/temporary guest quarters shall be located within or as part of an accessory structure.
- (2) The bunkhouse/temporary guest quarters shall not exceed 50 percent of the gross floor area of the accessory structure with a maximum of 499 square feet of habitable floor area. Square footage is measured as all area within the exterior walls of the habitable area and all area within the exterior walls of the entire area of the structure. Enclosed porches will be included in these amounts, decks will not be included in these amounts. Although not habitable by definition bathrooms, utility rooms, kitchens, entry ways, closets and interior stairwells will be included in the square footage not to exceed 499. Storage area must be separate and segregated from any habitable area (can have a door from the habitable area to the storage area).
- (3) All setback requirements are met including road, property line and wetland.
- (4) Minimum average lot width of 100 feet and minimum lot area of 30,000 square feet are provided.
- (5) Plumbing, if installed, conforms to the county sanitary code.
- (6) Leasing, rental or use as a residence is strictly prohibited.
- (7) A document is recorded outlining use restrictions.
- (8) The lot/parcel does not exceed the principal building density allowed.
- (9) Not allowed in commercial or industrial districts.
- (10) The POWTS on the lot must be sized to handle the number of occupants in the principal structure.

(c) A single (one per lot/parcel) independent bunkhouse/temporary guest quarters will be permitted by land use permit where:

- (1) The structure does not exceed 250 square feet of footprint. Square footage is measured as the exterior wall area of the structure. Enclosed porches will be included in this amount, decks will not be included in these amounts. Entry ways and interior stairwells will be included in the square footage not to exceed 250.
- (2) Plumbing of the structure would be prohibited.
- (3) All setback requirements are met including road, property line and wetland.
- (4) Minimum average lot width of 100 feet and minimum lot area of 20,000 square feet are provided.
- (5) Leasing, rental or use as a residence is strictly prohibited.
- (6) A document is recorded outlining use restrictions.
- (7) The lot/parcel does not exceed the principal building density allowed.
- (8) Not allowed in Commercial or Industrial districts.
- (9) The height limit shall not exceed 20 feet as measured in Chapter 45 of the Burnett County ordinances.
- (10) The POWTS on the lot must be sized to handle the number of occupants in the principal structure.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-448. - Drainage, sanitation and water supply.

- (a) No principal building intended for human use or occupancy shall be erected, structurally altered, or relocated on a lot, unless provision is made for safe and adequate facilities for water supply and disposal of sewage in accordance with the regulations of the county sanitary code and the appropriate requirements of the Wisconsin Administrative Code.
- (b) The county zoning administrator shall not hereafter authorize a building to be erected, structurally altered, or relocated which has a POWTS unless the plans for the system have been reviewed in accordance with the provisions of the county sanitary code and the Wisconsin Administrative Code, and a sanitary permit has been issued, if required. POWTS for dwelling units shall meet the location requirements of the county sanitary code and the applicable minimum standards of the Wisconsin Administrative Code.
- (c) Planned unit developments shall be served by POWTS facilities that meet the requirements of the county sanitary code and the applicable minimum standards of the Wisconsin Administrative Code.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-449. - Contiguous parcels.

Contiguous parcels which are platted by either a Certified Survey Map, State Plat, or County Plat will be treated as individual parcels. Ownership by the same individual of the contiguous lots does not make the lots combined. Tax roll listing does not make platted lots combined. Setbacks must be met for each individual parcel. The contiguous lots shall not be treated as a single parcel for Land Use/Zoning purposes until the requirements of Burnett County Ordinance 58-29(c) or (d) have been met.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-450. - Setbacks for structure eaves.

Up to a two foot wide eave will be allowed within any setback. Eaves greater than two feet wide will need to meet the setbacks. No deck, platform, sidewalk, lean-to, overhang, walking surface or other structure or structural component will be allowed within the setback unless permitted by other ordinances, state law, federal law or variance.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-451. - Setbacks for deposition of human remains.

The site for the deposition of human remains shall meet all setbacks including, but not limited to; lake, stream, pond, river, wetlands, side line, front line, rear line and road right-of-way. This includes any above or below ground items and/or structures such as; grave, cremation ashes, casket, vault, crypt, mausoleum, columbarium, headstone, plaque, marker, urn or monument.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-452. - Wetlands.

- (a) A setback of 40 feet from the wetland to the nearest part of a building or structure shall be required for all buildings and structures, except for those structures exempt under other provisions.
- (b) Locating wetland boundaries. Where an apparent discrepancy exists between the wetland district boundary shown on the Wisconsin Wetland Inventory Maps (as referenced in section 30-28 of this chapter) and actual field conditions, the county shall contact the department to determine if the map is in error. If the department determines that a particular area was incorrectly mapped as wetland or

1 meets the wetland definition but was not shown as wetland on the map, the county shall have the
2 authority to immediately grant or deny a permit in accordance with the applicable regulations based
3 on the department determination as to whether the area is wetland.

- 4 (c) Purpose to protect wetlands. Wetlands should be protected to prevent water pollution, protect aquatic
5 life and wildlife habitat, to preserve natural beauty, to reduce flood hazards to life and property. When
6 development is permitted in a wetland, the development should occur in a manner that minimizes
7 adverse impacts upon the wetland.

- 8 (d) Permitted uses. The following uses shall be allowed subject to the general zoning regulations:

- 9 (1) Activities and uses which do not require the issuance of a land use permit but which must be
10 carried out without filling, flooding, draining, dredging, ditching, tiling or excavating:

- 11 a. Hiking, fishing, trapping, hunting, swimming, boating, snowmobiling and skiing.
12 b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits
13 and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
14 c. The practice of silviculture, including the planting, thinning, and harvesting of timber, except
15 as regulated under chapter 45.
16 d. The pasturing of livestock.
17 e. The cultivation of agricultural crops.
18 f. The construction and maintenance of duck blinds that comply with state and federal hunting
19 regulations.

- 20 (2) Permitted uses which do not require a land use permit and which may involve filling, flooding,
21 draining, dredging, ditching, tiling or excavating but only to the extent specifically provided below:

- 22 a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry
23 conditions that would have an adverse impact on silvicultural activities if not corrected.
24 b. The cultivation of cranberries including flooding, dike and dam construction or ditching
25 necessary for the growing and harvesting of cranberries.
26 c. The maintenance and repair of existing agricultural drainage systems including ditching,
27 tiling, dredging, excavating and filling necessary to maintain the level of drainage required to
28 continue the existing agricultural use. This includes the minimum filling necessary for
29 disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is
30 placed on existing spoil banks where possible.
31 d. The construction or maintenance of fences for the pasturing of livestock, including limited
32 excavating and filling necessary for such construction and maintenance.
33 e. The construction or maintenance of piers, docks or walkways built on pilings, including limited
34 excavating and filling necessary for such construction and maintenance.
35 f. The maintenance, repair, replacement or reconstruction of existing town and county highways
36 and bridges, including limited excavating and filling necessary for such maintenance, repair,
37 replacement or reconstruction.

- 38 (3) Uses which require the issuance of a land use permit and which may include limited filling,
39 flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically
40 provided below:

- 41 a. The construction and maintenance of roads which are necessary to conduct silvicultural
42 activities or agricultural cultivation provided that:
43 1. The road cannot as a practical matter be located outside the wetland;
44 2. The road is designed and constructed to minimize the adverse impact upon the natural
45 functions of the wetland enumerated in this section;

3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
4. Road construction activities are to be carried out in the immediate area of the roadbed only.
- b. The construction and maintenance of nonresidential buildings provided that:
 1. The building is essential for and used solely in conjunction with raising of waterfowl, minnows, or other wetland or aquatic animals; or some other use permitted in a wetland;
 2. The building cannot, as a practical matter, be located outside the wetland;
 3. Such building is not designed for human habitation and does not exceed 500 square feet in floor area; and
 4. Only the limited filling or excavating necessary to provide structural support for the building is authorized.
- c. The establishment and development of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries and public boat launching ramps and attendant access roads, provided that:
 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. ch. 29, where applicable.
 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in subsections 30-452(d)(3)a.1.-4.; and
 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, fiber optic, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided that:
 1. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in this section.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-453. - Wetland prohibited uses.

Any use not listed in section 30-452 is prohibited.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-454. - Resorts and condominiums.

The construction of additional rental cabins/dwellings within an existing resort or the construction of additional dwelling units within a recorded condominium shall meet the minimum average lot width and parcel size requirements of the zoning district standards. To determine the number of total cabins/dwelling

units allowed, take the total lot or parcel size and divide by the zoning district requirement. No principal structure shall be located less than 20 feet from an existing principal structure and shall meet all road, lot line, wetland and POWTS setbacks.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-455. - Short-term rental.

Any person who maintains, manages, or operates a short-term rental, as defined in Wis. Stats. 66.0615(1)(dk), for more than ten nights each year shall obtain a Short-Term Rental License from the county.

1. The license must be renewed annually. Once all the requirements listed below have been satisfied and agreed to by the parcel owner, the Land Services Department will issue a license.
 - a. Private On-Site Wastewater Sanitary System (POWTS) shall accommodate design flow for number of occupants being rented to and for the number of occupants being advertised for.
 - b. The use of camping units in conjunction with the rental of the parcel(s) is prohibited.
 - c. State license, as defined in Wis. Stats. 97.01(15k), shall be obtained and presented to the Land Services Department prior to obtaining county license.
 - d. Applicant shall provide a local contact located within 50 miles of driving distance of the rental parcel(s).
 - e. Property line(s) must be identified and designated so it will be clear to the tenant.
 - f. All current zoning violations must be fully resolved and corrected before a license will be issued/renewed by the county.
 - g. County has permission to inspect the entire parcel during normal working hours before and during license period to investigate any complaints or possible violations.
 - h. Private On-Site Wastewater Sanitary System (POWTS) shall be serviced/inspected per Wisconsin Administrative Code requirements and reported to the county per requirements.
 - i. No parking allowed on road(s), in the road right-of-way, in ingress/egress easements, or on top of Private On-Site Wastewater Sanitary System (POWTS) components.
 - j. The annual county license shall commence on February 1st and expire on January 31st. A new license shall be obtained with any change of ownership, and shall be obtained prior to operation by the new owner. Licenses not renewed by March 1st will be charged up to three times the fee as the late fee.
 - k. Applicant shall provide a document that outlines rental guidelines. Items to be included in the rental guidelines are: occupancy limit, parking requirements, garbage collection/service, local contact name with phone number, emergency contact information (911, police, fire, etc), state license # with state contact information, county contact information and a blank area for the county license number.
 - l. A weather proof placard with a display area of at least five inches x seven inches with a font size of at least 12 Times New Roman listing the guidelines from item (k) shall be posted on an exterior wall of each habitable structure within two feet of the main entrance door. The bottom of the placard shall be located five feet above the height of the sill plate of the main entrance.
 - m. Additional rental guidelines can be required by the owner; however they are not required for item (k) or (l).
 - n. Applicant can't be delinquent on property taxes or local room taxes.
 - o. Applicant shall pay the required county annual license fee.

2. Once the license is approved by the county, the county will send a copy of the license to all adjacent property owners and to the town clerk.
3. If a conditional use permit (CUP) has been obtained in the past (and is still active, valid and all CUP conditions have been satisfied), a license from the county is still required, the 2018 year license will be issued with no fee, in the 2019 year those will need to pay the renewal fee.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-456—30-479. - Reserved.

DIVISION 3. - OFF-STREET PARKING

Sec. 30-480. - Parking.

Any building hereafter erected or placed on a lot shall be provided with off-street parking spaces for those using such building.

- (1) Each parking space required must be at least 180 square feet of usable parking area.
- (2) Residential uses shall be provided with at least one parking space for each dwelling unit.
- (3) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below, with one parking space for each 200 square feet of retail floor area for commercial uses and one parking space for each 400 square feet of useable floor area for industrial uses. However, restaurants, taverns and similar establishments shall be provided with at least one space for each three seats devoted to patron use; motels, tourist cabins and similar establishments, shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least five spaces for each person employed to serve customers.
- (4) Public gathering uses shall be provided with at least one space for each three patrons to be accommodated on the premises.
- (5) Off-street parking will not be required in the unincorporated village overlay district (UVOD) where parking is allowed and provided for on public right-of-way.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-481. - Off-street loading and unloading.

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

(Res. No. 2018-16, 6-5-2018)

Sec. 30-482. - Driveways and private roads.

- (a) Private roads are described as those serving more than one parcel. All private roads serving multiple parcels shall be a minimum width of 33 feet. All private roads which serve new agricultural, industrial, residential or commercial buildings shall meet the following within 60 days of land use permit issuance:

- (1) Private roads shall have a minimum clearance width of 20 feet. Any curves in private roads must not be less than 100-foot radius.
- (2) Overhead clearance shall be established at a minimum height of 13 feet.
- (3) Private roads must provide an adequate turnaround area that will accommodate a 30-foot long fire truck. The turnaround space can be provided by one of the following methods:
 - a. If a circle private road is constructed, it must have a radius of no less than 35 feet to the centerline; or
 - b. A turnaround space free of trees and other obstructions may be provided if it has the dimensions of not less than 60 feet by 50 feet.
- (b) Driveways are described as serving only one parcel. All driveways which serve new agricultural, industrial, residential or commercial buildings that are greater than 75 feet from a public or private road shall meet the following within 60 days of land use permit issuance:
 - (1) Driveways shall have a minimum clearance width of 20 feet. Any curves in driveways must not be less than 100-foot radius.
 - (2) Overhead clearance shall be established at a minimum height of 13 feet.
 - (3) Driveways exceeding 150 feet in length must provide an adequate turnaround area that will accommodate a 30-foot long fire truck. The turnaround space can be provided by one of the following methods and shall be within 75 feet of the principal building:
 - a. If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline;
 - b. A turnaround space free of trees and other obstructions may be provided if it has the dimensions of not less than 60 feet by 50 feet; or
 - c. A turnout may be provided with the following dimensions: the length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet. The turnout may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet at the rear. In addition, a minimum of 40 feet of driveway must be provided between the building and the turnout to allow enough room to back a 30-foot long fire truck into the turnout.
- (c) Exemptions from the provisions of this section would include:
 - (1) New buildings that are 75 feet or less from a public or private road.
 - (2) Those portions of both private roads and driveways that are restricted by existing easement.
- (d) In the interest of public safety and better delivery of emergency services, the county board encourages and recommends that existing private roads and driveways be upgraded to these minimum standards.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-483—30-489. - Reserved.

DIVISION 4. - FENCES AND RETAINING WALLS

Sec. 30-490. - Fences.

- (a) Solid fences. A solid fence is considered to be wood panels, wood boards, metal panels, glass panels, or any other type of fence structure besides chain link, wood rail, or wire.
- (b) Agricultural/livestock open type fences might be exempt under other statutes. These are only allowed in zoning districts which allow livestock or via a conditional use permit in other districts.
- (c) Open fences. An open fence is considered to be a chain link, wood rail or wire.

- (d) Fence height is measured from the lowest original grade at the fence location perpendicular to the slope to the highest point of any fence component.
- (e) Any open or solid fence ten feet or less in height is allowed to be placed on the side, front, or rear lot line with a setback of zero feet and a wetland setback of five feet. Lake setbacks still apply in this case.
- (f) Any open or solid fence ten feet or less in height is allowed to be placed on the road right-of-way line with a setback of zero feet and a wetland setback of five feet. Lake setbacks still apply in this case.
- (g) No county land use permit will be required for open or solid fences if they comply with the above criteria.
- (h) Any open or solid fence over ten feet in height will be treated as an accessory structure and must meet all accessory structure setback requirements and requires a land use permit.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-491. - Retaining walls.

- (a) Any retaining wall three feet or less in height is allowed to be placed on the road right-of-way line with a setback of zero feet. These retaining walls will also have a side, front and rear setback of zero feet. These retaining walls will have a wetland setback of ten feet. Lake/river setbacks must be met. No land use permit is required for these.
- (b) Any retaining wall with a height greater than three feet and less than six feet is allowed to be placed with a road right-of-way setback of ten feet. These retaining walls will also have a side, front and rear setback of ten feet. These retaining walls will have a wetland setback of 20 feet. A land use permit will be required for any retaining wall with a height greater than three feet. Lake/river setbacks must be met.
- (c) Any retaining wall with a height greater than six feet and less than ten feet must meet road right-of-way setbacks. These retaining walls will also be required to meet all side, front and rear setbacks. These retaining walls will have a wetland setback of 40 feet. A land use permit is required for any retaining wall with a height greater than three feet. Lake/river setbacks must be met.
- (d) Any retaining wall ten feet or greater in height will require engineered drawings and must be certified by a Wisconsin professional engineer within one month of construction completion. The certification must be submitted to the county land services department within one month of construction completion. A land use permit is required for these and all setbacks must be met. Lake/river setbacks must be met.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-492—30-520. - Reserved.

ARTICLE IV. - SIGN REGULATIONS

Sec. 30-521. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial speech means any sign wording, logo or other representation advertising a business, profession, commodity, service or entertainment for business purposes.

Noncommercial speech means any message that is not commercial speech, which includes, but is not limited to, messages concerning political, religious, social, ideological, public service and informational topics.

1 *Nonconforming sign* means any sign which was lawful prior to but which does not comply with the
2 terms of this article (or its amendment).

3 *Ordinary high-water mark* means the point on the bank or shore up to which the presence and action
4 of surface water is so continuous as to leave a distinctive mark such as erosion, destruction or prevention
5 of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

6 *Sign* means a display, illustration, structure or device that directs attention to an idea, object, product,
7 place, activity, person, institution, organization or business.

8 *Sign, area*, means the total size of the sign including all components.

9 *Sign, banner*, means any sign of lightweight fabric or similar material that is permanently mounted to
10 a pole or a building at one or more edges. Flags that comply with section 30-523(d)(3) shall not be
11 considered banners.

12 *Sign, beacon*, means any light with one or more beams directed into the atmosphere or directed at
13 one or more points not on the same zone lot as the light source; also, any light with one or more beams
14 that rotate or move.

15 *Sign, building*, means any single-faced sign painted on, attached to or erected against the exterior wall
16 of a building, structure, marquee, canopy or awning. Also including any sign placed on the interior of a
17 window or painted on a window such that it can be read from the outside of the building.

18 *Sign component* means any element of a sign or its source of support (excluding a building), including
19 but not limited to support structure, accessories, wiring, framing. Paint, vinyl, paper, fabric, light bulbs,
20 diodes, or plastic copy panels on a sign do not constitute components.

21 *Sign, freestanding*, means any sign supported by structures or supports that are placed on or anchored
22 in the ground and that are independent from any building or other structure, including, but not limited to, a
23 ground-mounted sign, detached sign, pole sign, pylon sign or monument sign.

24 *Sign, incidental*, means a sign that is not legible to a person of ordinary eyesight with vision adequate
25 to pass a state driver's license exam standing at ground level at a location on the public right-of way or on
26 other private property.

27 *Sign, monument*, means a freestanding sign where the base of the sign structure is on the ground.

28 *Sign, off-premises*, means a sign, which displays a commodity, product, service, activity or any other
29 person, place, thing or idea other than noncommercial speech, which is not located, found or sold on the
30 premises upon which such sign is located.

31 *Sign, off-premises directional*, means a sign displayed for the sole purpose of assisting wayfinding
32 through disclosure of no more than the name of a place, its distance from the sign and one directional
33 arrow.

34 *Sign, on-premises*, means a sign which only displays a commodity, product, service, activity or any
35 other person, place, thing or idea, which is located, found or sold on the premises upon which such sign is
36 located, or a noncommercial speech.

37 *Sign, on-premises directional*, means a sign at the exit or entrance of premises that have two or more
38 driveways.

39 *Sign, portable*, means any sign not permanently attached to the ground or other permanent structure,
40 or a sign designed to be transported, including, but not limited to, signs designed to be transported by
41 means of wheels; signs converted to A- or T-frames; balloons used as signs; umbrellas used for advertising;
42 and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said
43 vehicle is used for transportation in the normal day-to-day operations of the business.

44 *Sign, projecting*, means any sign affixed to a building or wall in such a manner that its leading edge
45 extends more than six inches beyond the surface of such building or wall.

46 *Sign, property address*, means a sign as provided for in section 54-40 et seq., the county uniform rural
47 numbering system.

1 *Sign, roof*, means any sign erected and constructed wholly on and over the roof of a building, supported
2 by the roof structure and extending vertically above the highest portion of the roof.

3 *Sign, special event*, means a sign that is temporary in nature and is not permanently mounted or
4 attached to the ground or sign surface, and is used for special events, such as but not limited to, grand
5 openings, promotions, seasonal sales, garage sales, craft sales, graduation or birthday parties, festivals or
6 fairs.

7 *Sign, temporary*, means any sign that is used only for a limited period of time and is not permanently
8 mounted.

9 (Res. No. 2018-16, 6-5-2018)

10 Sec. 30-522. - Findings and purpose.

11 (a) *Findings of fact*. The county board hereby finds as follows:

- 12 (1) Exterior signs have a substantial impact on the character and quality of the environment.
- 13 (2) Signs provide an important medium through which individuals may convey a variety of messages.
- 14 (3) Signs can create safety hazards that threaten the public health, safety or welfare. Such a safety
15 threat is particularly great for signs that are structurally inadequate, or that may confuse or distract
16 drivers or pedestrians, or that may interfere with official directional or warning signs.
- 17 (4) Signs can also threaten the public welfare by creating aesthetic concerns and detriments to
18 property values. Such aesthetic concerns and detriments to property values are particularly great
19 when an accumulation of signs results in visual clutter, or when one or more signs spoil vistas or
20 views, or when one or more signs add or increase commercialism in noncommercial areas.
- 21 (5) The ability to erect signs serving certain functions, such as an address sign or a sign announcing
22 that the property on which it sits is for sale or for lease is an integral part of nearly every property
23 owner's ability to realize the fundamental attributes of property ownership. The same cannot be
24 said for signs serving other functions, such as billboards erected so as to be visible from public
25 rights-of-way. Such signs are primarily designed to take advantage of an audience drawn to that
26 location by the public's substantial investment in rights-of-way and other public property.
- 27 (6) Signs serving certain other functions, such as small signs that serve a purely directional function,
28 are necessary to enable visitors or residents to efficiently reach their intended destinations.
29 Experience teaches that citizens often plan as if such signs will be present in those settings, so
30 in the absence of such signs, frustration and disorientation will result, and time and fuel will be
31 wasted.
- 32 (7) With one narrow exception, only static signs (which change, if at all, only on rare occasions when
33 they are repainted or covered with a new picture) constitute a customary use of signage in the
34 county. The only nonstatic signs that constitute a customary use of signage in the county are
35 components of on-premises signs for which frequent changes are necessary for the purpose of
36 updating numerical hour-and-minute, date, or temperature information. Such signs are unique
37 because their accuracy depends upon their ability to frequently change, and because in their
38 customary use such signs are less apt to distract drivers or pedestrians to a dangerous degree
39 than other types of nonstatic signs. In Commercial zoning districts a digital sign is allowed to
40 change its message once every six seconds. Each change of message shall be accomplished in
41 one second or less.
- 42 (8) No signs that exceed the size or spacing limitations of this section constitute a customary use of
43 signage in the county.
- 44 (9) The county's land use regulations have included the regulation of signs in an effort to foster
45 adequate information and means of expression and to promote the economic viability of the
46 community, while protecting the county and its citizens from a proliferation of signs of a type, size,

1 location and character that would adversely impact upon the aesthetics of the community or
2 threaten health, safety or the welfare of the community. The appropriate regulation of the physical
3 characteristics of signs in the county and other communities has had a positive impact on the
4 safety and the appearance of the community.

5 (b) *Purpose.* The purpose of this section is to:

- 6 (1) Regulate signage in a manner that does not create an impermissible conflict with statutory,
7 administrative, or constitutional standards, or impose an undue financial burden on the county.
- 8 (2) Provide for fair and consistent enforcement of the sign regulations set forth herein under the
9 zoning authority of the county.
- 10 (3) Improve the visual appearance of the county while providing for effective means of
11 communication and orientation, particularly in those settings in which the need for such
12 communication or orientation is greater, consistent with constitutional guarantees and the
13 county's findings and other purposes.
- 14 (4) Maintain, enhance and improve the aesthetic environment of the county, including its scenic
15 views and rural character consistent with the county land use plan purpose of each zoning district,
16 by preventing visual clutter that is harmful to the appearance of the community, protecting vistas
17 and other scenic views from spoliation, and preventing or reducing commercialism in
18 noncommercial areas.
- 19 (5) Regulate the number, location, size, type, illumination and other physical characteristics of signs
20 within the county in order to promote the public health, safety and welfare.

21 (c) *Effective date.* This article shall be effective on January 21, 2009.

22 (Res. No. 2018-16, 6-5-2018)

23 Sec. 30-523. - Provisions applicable to all signs.

24 (a) *Applicability.* The following regulations and standards are applicable to all signs in all zoning districts,
25 including permanent, temporary, on-premises and off-premises signs, unless otherwise provided by
26 this section:

27 (b) *Substitution clause and sign content.*

- 28 (1) Subject to the landowner's consent, noncommercial speech of any type may be substituted for
29 any duly permitted or allowed commercial speech; provided, that the sign structure or mounting
30 device is legal without consideration of message content. Such substitution of message may be
31 made without any additional approval or permitting. This provision prevails over any provision to
32 the contrary in this article. The purpose of this provision is to prevent any inadvertent favoring of
33 commercial speech over noncommercial speech, or favoring of any particular noncommercial
34 message over any other noncommercial message. This provision does not create a right to
35 increase the total amount of signage on a lot or parcel, nor does it affect the requirement that a
36 sign structure or mounting device be properly permitted.
- 37 (2) All noncommercial speech is considered on-premises signage and is entitled to the privileges
38 that on-premises signs receive under this section.
- 39 (3) No commercial speech is allowed on a sign, other than a message drawing attention to a
40 business or service legally offered on the premises, except as allowed in section 30-525(c) and
41 (e).

42 (c) *Signs in the public right-of-way.*

- 43 (1) No sign or its structural components shall be erected or temporarily placed within any road,
44 highway, right-of-way, public easement or upon any public property, except for the following,
45 which may be placed without a permit:

- a. Public signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to posting legal notices, identifying property, or to direct or regulate pedestrian or vehicular movements or pertaining to traffic control or safety.
 - b. Property address signs per chapter 54, article II, division 2, the county uniform rural numbering system.
 - c. Information signs of a public utility regarding its poles, lines, pipes or facilities.
 - d. Signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right-of-way, for the purpose of ensuring safety.
- (2) Unauthorized signs erected or temporarily placed within any road, highway, right-of-way, public easement or upon any public property may be removed by the county or town in which the sign is located at the sign owner's expense.
- (d) *Signs exempt from regulation.* The following signs shall be exempt from regulation under this section:
- (1) Governmental signs erected by or on behalf of a government body for the purpose of carrying out an official duty or responsibility, including but not limited to posting legal notices, identifying public property and indicating a public use except any of these signs larger than 32 square feet must meet setback, size, placement and illumination requirements.
 - (2) Signs that are traffic control devices and are permitted or allowed by the state manual on uniform traffic control devices published by the state department of transportation.
 - (3) Up to three flags on a single lot or parcel containing only noncommercial speech the combined area of which is less than 100 square feet in size. Flags not within this definition are deemed banners and freestanding signs subject to permit. For purposes of this subsection, a single lot includes but is not limited to an area to which a member of a condominium association, cooperative association, or residential real estate management association has a separate ownership interest or a right to exclusive possession or use.
 - (4) Interior signs located completely within a building and not visible from outside the building.
 - (5) Incidental signs.
 - (6) Temporary freestanding signs, containing no commercial speech, two square feet or less in size in farm fields.
 - (7) Temporary freestanding signs, containing no commercial speech, 36 square inches or less in size in any lawn.
- (e) *Suspension of certain size, shape, placement and content restrictions of signs during an election campaign period.*
- (1) Subject only to the exceptions in subsection (e)(5) of this section, during an election campaign period, signs containing noncommercial speech may be placed upon residential property notwithstanding any other restriction in this section of the size, shape, placement or content of any sign.
 - (2) For purposes of this subsection, the term "election campaign period" means:
 - a. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
 - b. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.

- 1 (3) If the owner of the property has rented some or all of the property to another, the renter may
2 exercise the right in any area of the property that he or she occupies exclusively, and the owner
3 of residential property may exercise the right in any portion of the property not occupied
4 exclusively by a renter.
- 5 (4) If another part of this section, including the substitution clause provisions of section 30-523(b)
6 creates a right to erect or display a particular type of sign, this subsection does not in any way
7 limit the exercise of that right, whether or not the sign is erected or displayed during an election
8 campaign period.
- 9 (5) Exceptions.
- 10 a. No owner or renter may place a sign that is contrary to a size, shape, or placement regulation
11 of this section if:
- 12 1. Such regulation is necessary to ensure traffic or pedestrian safety; or
13 2. The sign has an electrical, mechanical or audio auxiliary.
- 14 b. This section shall not affect the county's authority to enforce any regulation against a sign
15 that is prohibited from being erected or displayed under Wis. Stats. § 12.035 or 84.30.
- 16 (f) *Prohibited signs.* All signs, other than those permitted herein, shall be prohibited, including but not
17 limited to:
- 18 (1) Signs that fail to satisfy one or more of the applicable regulations set forth in sections 30-523
19 and 30-524.
- 20 (2) Beacons except those associated with emergencies and aircraft facilities.
- 21 (3) Bench signs.
- 22 (4) Bus shelter signs.
- 23 (5) Flying signs, such as blimps or kites, designed to be kept aloft by mechanical, wind, chemical or
24 hot air means that are attached to the property, ground or other permanent structure.
- 25 (6) Inflatable signs that are attached to the property, ground or other permanent structure, including
26 but not limited to balloons.
- 27 (7) Signs and components and elements of faces of signs that move, shimmer, or contain reflective
28 devices.
- 29 (8) Signs which emit any odor, noise or visible matter other than light.
- 30 (9) Signs painted directly on a building, fence, tree, and stone or similar object, except those on
31 windows or buildings as allowed in sections 30-525(a) and 30-525(b)(5).
- 32 (10) Off-premises signs, except as allowed in sections 30-523(e), 30-525(c) and (e), and 30-526(a).
- 33 (11) Pennants.
- 34 (12) Portable signs in excess of 32 square feet. Each parcel is allowed one portable sign up to 32
35 square feet in size. This sign must meet all other requirements such as setbacks, height,
36 placement and illumination standards.
- 37 (13) Projecting signs.
- 38 (14) Roof signs.
- 39 (15) Signs on utility poles (except for utility company signs for safety and informational concern).
- 40 (16) No advertising message or sign shall be affixed to any transmission facility.
- 41 (17) A vehicle used as a sign or as the base for a sign where the primary purpose of the vehicle in
42 that location is its use as a sign.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-524. - Standards.

(a) *Placement standards.*

- (1) Signs shall not be placed on any property without the property owner's written approval.
- (2) Building signs shall be placed below the roofline.
- (3) No person shall place a sign which will obstruct or interfere with a driver or pedestrian's ability to see a road, highway, traffic sign, signal, railway crossing, crossroad or crosswalk. No sign or its structural components shall be erected or temporarily placed within the vision triangle of a road or highway.
- (4) Double-faced signs shall be placed back-to-back (parallel) with not more than 18 inches between facings.

(b) *Dimensional standards.*

- (1) Every portion of any sign and its structural components and mounting devices must meet the specified setbacks.
- (2) Signs shall be setback at least ten feet from any right-of-way.
- (3) Signs shall be setback at least 20 feet from all side and rear yard lot lines.
- (4) Freestanding signs shall be separated from other structures by a minimum of ten feet, measured from edge of roof overhang to sign.
- (5) The maximum height of any freestanding sign shall be 20 feet above the average elevation at the site of the sign.
- (6) Sign area or size will be measured by the smallest square, rectangle or combination thereof which will encompass the entire sign, including the writing, representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. It will not include the base, apron, supports, structural members, framework, poles, roof, embellishments or decorative base when such area meets the other regulations of this article.
- (7) Multifaced signs shall not exceed two times the allowed square footage of single-faced signs.

(c) *Illumination standards.*

- (1) Externally illuminated signs shall have a shielded light source, which is downwardly directed.
- (2) Illuminated signs shall be designed so as not to direct any light or produce glare onto adjacent properties or toward navigable waters.
- (3) The county may specify the hours a sign may be illuminated and limit its brightness while illuminated. The hours of illumination or brightness limitations may be established at any time, including during the life of the sign.
- (4) The lighted portions of an auxiliary canopy shall be backlit and considered sign area, which will be limited by the wall sign regulations of the underlying zoning district.
- (5) Signs and sign components and elements of faces of signs shall not flash, move, travel or use animation. In Commercial zoning districts a digital sign is allowed to change its message once every six seconds. Each change of message shall be accomplished in one second or less.
- (6) Unless a sign's only illumination is external and uncolored, the following additional regulations shall also apply to that sign:
 - a. No illuminated off-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted.

- b. No illuminated on-premises sign which changes in color or intensity of artificial light at any time while the sign is illuminated shall be permitted, except one for which the changes are necessary for the purpose of correcting hour-and-minute, date, temperature information or in Commercial zoning districts a digital sign is allowed to change its message once every six seconds. Each change of message shall be accomplished in one second or less.
- c. A sign that regularly or automatically ceases illumination for the purpose of causing the color or intensity to have changed when illumination resumes shall fall within the scope of the prohibitions of subsections (a) and (b) of this section.
- d. The scope of prohibitions of subsection (c)(6) of this section include, but are not limited to, any sign face that includes a video display, LED lights that change in color or intensity, "digital ink," and any other method or technology that causes the sign face to present a series of two or more images or displays.
- (d) *Construction and maintenance standards.*
- (1) All signs, supports and accessories and construction shall meet applicable state building codes and the Uniform Sign Code and the Uniform Building Code as published by the International Conference of Building Officials, to ensure that the signs and their construction are structurally sound and safe.
- (2) Sign display surfaces shall be properly coated or covered, attached and maintained.
- (3) Off-premises signs shall contain the sign owner's name, address and phone number in the lower left corner on the back of the sign. It must be visible and readable by a person standing on the ground without using magnification.
- (4) All signs using electric power shall have a cutoff switch on the outside of the sign and on the outside of the building or structure to which the sign is attached.
- (5) All signs, supports and accessories shall be maintained in good repair.
- (6) When any use is discontinued for a period of 180 consecutive days, all signs and sign supports relating to that use shall be removed.
- (7) Signs that do not carry fully readable messages are in structural disrepair or damaged and are left without repair for 60 consecutive days shall be removed.
- (e) *Sign maintenance and repair.*
- (1) Signs and their structural components may be maintained or repaired with a land use permit for sign maintenance and repair, provided there is no enlargement or alteration to the sign, mounting devices or structural components of the sign.
- (2) A permit is not required if the only change is to a sign's message or copy, provided there is no enlargement or alteration to the sign or structural components of the sign. This does not relieve the owner of the need to comply with every applicable legal requirement other than the duty to obtain a permit.
- (f) *Overlay districts.*
- (1) Signs in the overlay districts are allowed subject to the standards and permitting requirements of the underlying zoning district.
- (2) An on-premises sign in the shoreland overlay districts under chapter 45, pertaining to shoreland regulations, is allowed subject to the following additional standards:
- a. A land use permit for signage is required for all permanent signs.
- b. Any sign visible from the water shall be setback to meet the setbacks from the ordinary high-water mark (OHWM).

c. Maximum area of any such sign on a riparian lot shall be 32 square feet, unless in a Commercial zoning district then the maximum sign area shall be determined based on other standards in this chapter.

(3) An on-premises sign in the floodplain district is allowed subject to the following additional standards:

a. A land use permit for signage is required for all permanent signs.

b. Any sign in a designated floodplain boundary shall be subject to all provisions of the county floodplain ordinance codified in chapter 22.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-525. - Sign types.

(a) *Signs permitted by zoning district.* The following tables identify the signs allowed in each zoning district, and the circumstances in which certain types of signs are permitted if those signs are not prohibited as set forth in section 30-523(f), satisfy all other applicable regulations set forth in sections 30-523 and 30-524 and satisfy the specific requirements that are identified by sign type in subsections (b), (c), (d) and (e) of this section.

Sign Type =		On-Premises						Off-Premises	
Zoning District		Freestanding	On Building	Area or Neighborhood	Agricultural	Home Occupation	Directional	Directional	Additional Standards May Apply
A	Exclusive Agriculture	A/P	P	N	A	A	P	P	Yes
A-1	Agricultural-Transition	A/P	P	N	A	A	P	P	Yes
A-2	Agricultural-Residential	A/P	N	P	A	A	P	P	Yes
A-4	Agriculture/Forestry/Residential	A/P	N	P	A	A	P	P	Yes
AP	Airport	P	P	P	N	N	P	P	Yes

C-1 and RR-RC	Commercial and RR-RC	P	P	P	N	N	P	P	Yes
F-1	Forestry	P	P	P	N	N	P	P	Yes
I-1	Industrial	P	P	P	N	N	P	P	Yes
RR-1, 2, 3	Residential-Recreational	A/P	N	P	A	A	P	P	Yes
S W-1	Shoreland-Wetland (See chap 45 for definition of this district)	P	N	N	N	N	P	P	Yes
W-1	Resource Conservation	P	N	N	N	N	P	P	Yes

1

2 A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

3 P = Land use permit for signage required but subject to compliance with all other applicable regulations of
4 this section.

5 A/P = Either allowed without a land use permit or allowed with a land use permit subject to compliance
6 with all other applicable regulations of this section.

7 N = Not permitted.

8 TABLE 2. TEMPORARY SIGNS PERMITTED BY ZONING DISTRICT

Sign Type =	On-Premises	Off-Premises	
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Zoning District		Constructi on	Developm ent	Real Estat e	Employm ent	Speci al Event	Directio nal	Electi on	Additio nal Standar ds May Apply
A	Exclusive Agriculture	A	A	A	N	A	A	A	Yes
A-1	Agricultural- Transition	A	A	A	A	A	A	A	Yes
A-2	Agricultural- Residential	A	A	A	A/N	A	A	A	Yes
A-4	Agriculture/Forestry /Residential	A	A	A	A/N	A	A	A	Yes
AP	Airport	A	A	A	A	A	A	A	Yes
C-1 and RR-1 RC	Commercial and RR- RC	A	A	A	A	A	A	A	Yes
F-1	Forestry	A	A	A	A	A	A	A	Yes
I-1	Industrial	A	A	A	A	A	A	A	Yes
RR-1, 2, 3	Residential- Recreational	A	A	A	A	A	A	A	Yes
SW-1	Shoreland-Wetland (See chap 45 for definition of this district)	A	A	A	A	A	A	N	Yes

W-1	Resource Conservation	A	A	A	A	A	A	N	Yes
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1

2 A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

3 N = Not permitted.

4 A/N = Either allowed without a permit or not permitted subject to compliance with all other applicable regulations of this section.

6

TABLE 3. PERMANENT SIGN STANDARDS

	On-Premises									Off-Premises
	Freestanding									
Standard	Residential	Nonresidential	Commercial and RR-RC	Industrial	On Building	Area or Neighborhood	Agricultural	Home Occupation	Directional	Directional
Number	1/lot or Parcel	1/frontage	1/frontage - parcels with over 800 ft of road frontage are allowed one additional sign	1/frontage	Unlimited on 3 faces	1/Entrance	1/frontage	1/lot or parcel	2/place	2/place
Size	6 s.f.	32 s.f./sign 64 s.f. total	80 s.f./sign 120 s.f. total	80 s.f./sign 120 s.f. total	80 s.f./sign 240 s.f. total for	32 s.f./sign	32 s.f./sign 64 s.f. total	2 s.f./sign Minor 6	2-4 s.f./sign 4-8 s.f. total	2-4 s.f./sign 4-8 s.f. total

					building s with a footpri nt up to 20,000 s.f. 120 s.f./sign 360 s.f. total for building with a footpri nt 20,000 s.f. or larger			s.f./sign Major		
Heigh t	6 ft.	6-12 ft.	6-20 ft.	20 ft.	N/A	20 ft.	12 ft.	6 ft.	6-12 ft.	12 ft.
Type	Freesta nding	Monum ent	Freesta nding or monum ent	Wall/Wi ndow	Freesta nding	Freestan ding	Freesta nding	Freesta nding	Freesta nding	Freesta nding
Permi t	A	PP	PP	PP	P	P	A	A/PP	P	P
Additi onal Stand ards May Apply	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

1

2 A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

3 P = Land use permit for signage required but subject to compliance with all other applicable regulations of

this section.
 PP = These uses may also require a special exception permit.

TABLE 4. TEMPORARY SIGN STANDARDS

	On-Premises					Off-Premises
Standard	Construction	Development	Real Estate	Employment	Special Event	Directional
Number	2/site	1/frontage	1/frontage	1/frontage	1/residential 2/nonresidential	3/activity
Size	80 s.f. total	64 s.f.	6 s.f./sign residential 32 s.f./sign nonresidential	6 s.f.	32 s.f./Freestanding 32 s.f. /Banner	6 s.f. per sign
Height	12 ft.	12 ft.	6 ft. (res.) 12 ft. (nonres.)	6 ft.	12 ft. (freestand) 20 ft. (banner)	6 ft.
Type	Freestanding	Freestanding	Freestanding	N/A	Freestanding Banner	Freestanding
Permit	A	A	A	A	A	A
Timeframe	Yes	Yes	Yes	Yes	15 Days/Event or 45 Days/Year	48 hours + Event + 24 hours

A = Allowed without permit but subject to compliance with all other applicable regulations of this section.

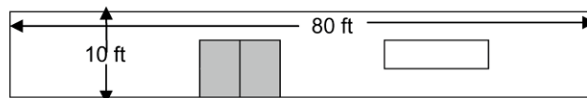
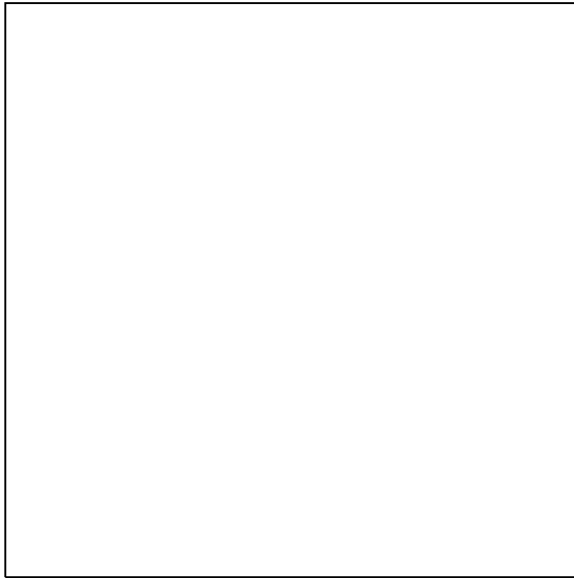
(b) *Permanent on-premises signs.*

(1) Permanent on-premises signs that are not prohibited as defined in section 30-523(f) are permitted subject to the standards in this section, if those signs satisfy all other applicable regulations set forth in section 30-524, and standards specific to the zoning district in which they are located as set forth in subsection (a) of this section and below.

(2) A permanent on-premises sign is allowed on residential property in the A exclusive agriculture, A-1 agricultural-transition, A-2 agricultural-residential, A-4 agriculture/forestry/residential, and RR-1, 2, 3 residential-recreational zoning districts subject to the following additional standards:

- a. No permit is required.
- b. One sign per lot or parcel.

- 1 c. Maximum area of any such sign shall be six square feet.
- 2 d. Maximum height shall be six feet.
- 3 e. Any such sign shall be a freestanding design.
- 4 f. Any such sign shall not be illuminated.
- 5 (3) A permanent on-premises sign is allowed on property used for nonresidential uses legally
- 6 allowed or permitted in the A exclusive agriculture, A-1 agricultural-transition, A-2 agricultural-
- 7 residential, A-4 agriculture/forestry/residential, and RR-1, 2, 3 residential-recreational zoning
- 8 districts subject to the following additional standards:
 - 9 a. A land use permit for signage is required.
 - 10 b. One sign per road or highway frontage.
 - 11 c. Maximum area of any such sign shall be 32 square feet per sign.
 - 12 d. Any such sign area shall not exceed 64 square feet in aggregate.
 - 13 e. Maximum height shall be six feet in the residential and 12 feet in the agricultural zoning
 - 14 districts.
 - 15 f. Any such sign shall be a monument or freestanding design.
- 16 (4) A permanent on-premises sign is allowed in the AP airport, C-1 commercial, F-1 forestry, I-1
- 17 industrial, RR-RC residential recreation-recreation commercial, SW-1 shoreland-wetland, and W-
- 18 1 resource conservation zoning districts subject to the following additional standards:
 - 19 a. A land use permit for signage is required.
 - 20 b. One sign per road or highway frontage. Except parcels that have over 800 ft of road frontage,
 - 21 in the commercial zoning district only, are allowed one additional sign.
 - 22 c. Maximum area of any such sign shall be 80 square feet per sign.
 - 23 d. Any such sign area shall not exceed 120 square feet in aggregate.
 - 24 e. Maximum height shall be 20 feet.
 - 25 f. Any such sign shall be a freestanding design.
- 26 (5) A permanent on-premises building sign on a building used for agricultural, commercial or
- 27 industrial purposes is allowed subject to the following additional standards:
 - 28 a. A land use permit for signage is required.
 - 29 b. Any number of signs may be installed on a building wall or window.
 - 30 c. The total area of all building signs on any face shall not exceed ten percent of the area of the
 - 31 facade, including wall and window, with a maximum allowable sign area of 80 square feet
 - 32 per face and 240 square feet in total for buildings with a footprint under 20,000 square feet.
 - 33 For buildings with a footprint of 20,000 square feet or larger the total area of all building signs
 - 34 on any face shall not exceed ten percent of the area of the facade, including wall and window,
 - 35 with a maximum allowable sign area of 240 square feet per face and 360 square feet in total.



80ft x 10 ft = 800 sq ft			
			<u>x10%</u>
			80 sq ft
of wall and/or window signage			

- d. The allowable area of building signs for multitenant buildings with individual entrances from the outside shall be calculated based on the exterior wall/window area of the space the tenant occupies. Each tenant frontage shall be considered a separate wall/window.
- e. The allowable area of building signs for a parcel with multiple buildings shall not exceed 240 square feet in total if all buildings have a total footprint under 20,000 square feet and shall not exceed 360 square feet in total if all buildings have a total footprint of 20,000 square feet or larger.
- f. Auxiliary canopies are allowed building signs based on the surface area of the canopy (vertical surface below the roof line).
- g. Location.
 1. Building signs may be placed on not more than three walls/windows of rectangular shaped structures or not more than 75 percent of the major walls/windows on nonrectangular shaped structures.
 2. Signs may be attached flat against or pinned away from a building wall/window, but shall not extend or protrude more than 18 inches from the wall/window.
 3. Signs may be attached to the facade of a building, but shall not extend above the roofline.
 4. Signs may be on a building canopy, awning or marquee. Such sign will be considered a building sign on the wall, canopy, marquee or awning on which it is attached.
- (6) A permanent area or neighborhood sign on property used for residential, commercial or industrial uses is considered an on-premises sign under this section if it does no more than identify that area or neighborhood, and is allowed subject to the following additional standards:
 - a. A land use permit for signage is required.
 - b. No more than one sign is allowed for every road or highway entrance to a development.
 - c. The maximum area of any such sign shall be 32 square feet per sign.

- 1 d. Any such sign shall be setback at least ten feet from the right-of-way, unless incorporated
2 into a county-approved entrance design.
- 3 e. Any such sign shall be a freestanding design.
- 4 f. Any such sign shall not be internally lighted.
- 5 (7) A permanent sign on property on which agricultural products are legally grown and legally offered
6 for sale is considered an on-premises sign under this section if it does no more than draw attention
7 to a product legally offered on the premises, and is allowed subject to the following additional
8 standards:
- 9 a. One sign per road or highway frontage.
- 10 b. Maximum area of any such sign shall be 32 square feet per sign.
- 11 c. Maximum cumulative sign area per sale location shall be 64 square feet.
- 12 d. Maximum height shall be 12 feet.
- 13 e. Any such sign shall be a freestanding design.
- 14 f. Any such sign shall not be illuminated.
- 15 g. Agricultural products shall be produced on the site.
- 16 h. Signs for seasonal roadside stands shall be placed when products are available.
- 17 (8) A permanent sign on property on which a home occupation is taking place is considered an on-
18 premises sign under this section if it does no more than draw attention to a product or service
19 lawfully offered on the premises, and is allowed subject to the following additional standards:
- 20 a. One sign per home occupation, exterior or interior visible from the outside.
- 21 b. Home occupation sign maximum area shall be six square feet.
- 22 c. Maximum height shall be six feet.
- 23 d. Any such sign shall be a freestanding design.
- 24 e. Any such sign shall not be illuminated.
- 25 (9) A permanent on-premises directional sign is allowed in any zoning district subject to the following
26 additional standards:
- 27 a. A land use permit for signage is required.
- 28 b. A maximum of two signs for each place with two driveways may be displayed. For purposes
29 of this subsection, one business, farm or organization shall constitute only one place.
- 30 c. Maximum area of any such sign shall be two square feet per sign at a controlled intersection
31 or on a two-lane road or highway or four square feet per sign on a multilane highway.
- 32 d. Maximum height shall be six feet for the residence and agricultural residential zoning districts
33 and 12 feet for any other zoning district.
- 34 e. Any such sign shall be a freestanding design.
- 35 f. Signs shall be placed outside the right-of-way. In no case shall any part of the sign or its
36 structural components be located within the right-of-way.
- 37 g. To ensure that the sign serves only a directional purpose, it shall contain only the name of a
38 place and direction arrow to the place and may not also be used to advertise.
- 39 (c) *Permanent off-premises directional signs.*
- 40 (1) A permanent off-premises directional sign is allowed in any zoning district subject to the following
41 additional standards:

- a. A land use permit for signage is required for each sign pole or support structure.
- b. There shall be no more than one sign pole or support structure per each 500 linear feet of frontage on a road or highway.
- c. Signs shall be co-located and stacked on a single support structure where possible.
- d. A maximum of two signs for each place may be displayed per sign structure. For purposes of this subsection, one business, farm, residence or organization shall constitute only one place.
- e. Maximum area of any such sign shall be two square feet per sign at a controlled intersection or on a two-lane road or highway or four square feet per sign on a multilane highway.
- f. Maximum height shall be 12 feet.
- g. Maximum width of any such sign shall be four feet per sign.
- h. Signs shall be placed outside and may abut the right-of-way. In no case shall any part of the sign or its structural components are located within the right-of-way.
- i. To ensure that the sign serves only a directional purpose, it shall contain only the name of a place, business or facility, distance and direction arrow to the place, business or facility and may not also be used to advertise. See examples in this subsection.
- j. Any such sign shall be a freestanding design.
- k. All signs on a pole or support structure shall have a similar background with white or black text.
- l. All sign designs shall maintain consistency in design standards.
- m. All signs shall have a minimum side setback of two feet.

(2) All signs placed off-premises shall have the property owner's permission.

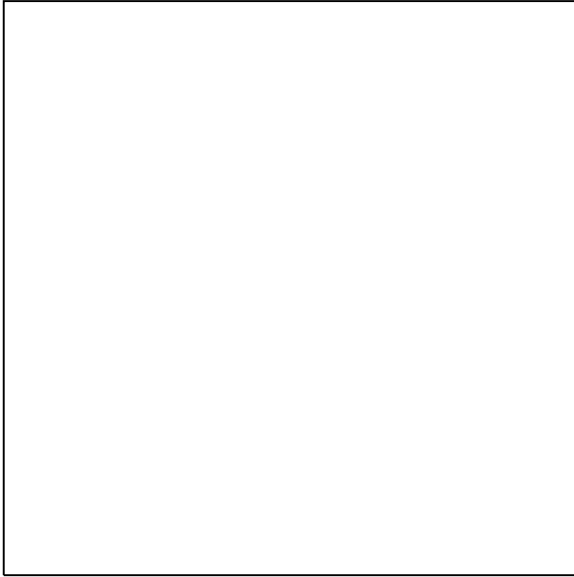
STACKED DIRECTIONAL SIGNAGE

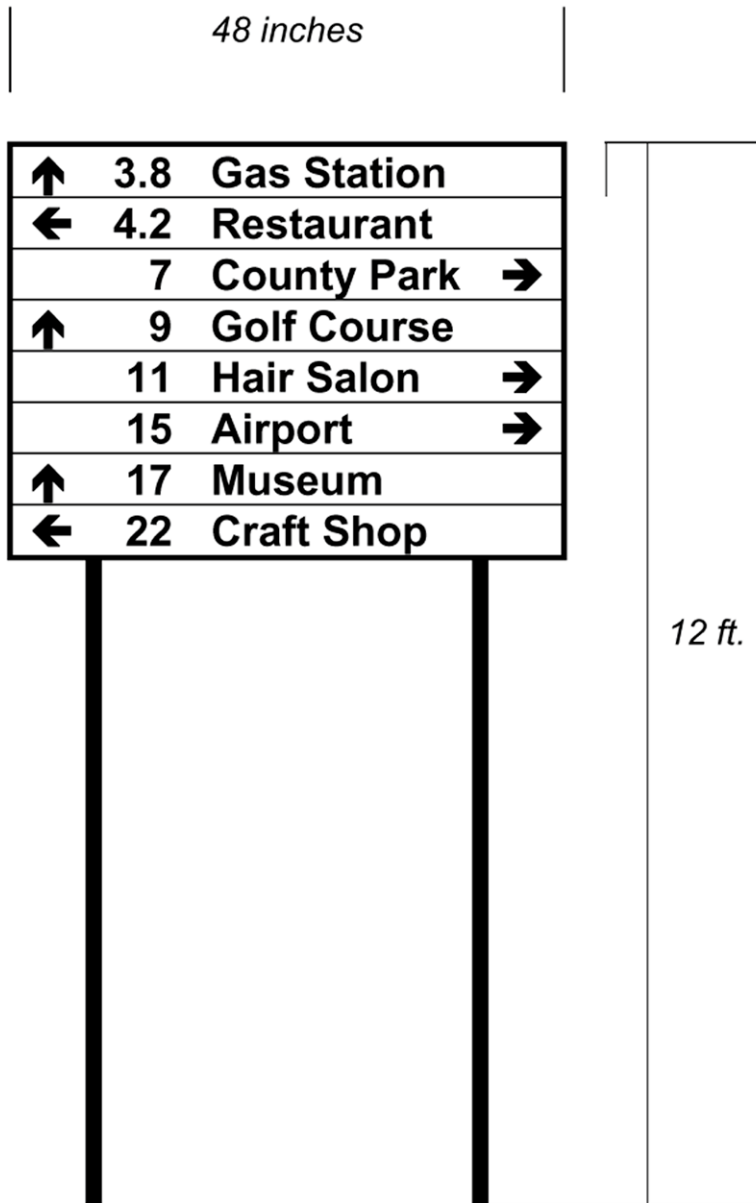
ILLUSTRATIVE DIAGRAMS

(not to scale)

Sample A. Stacked 6-inch by 48-inch signs

1

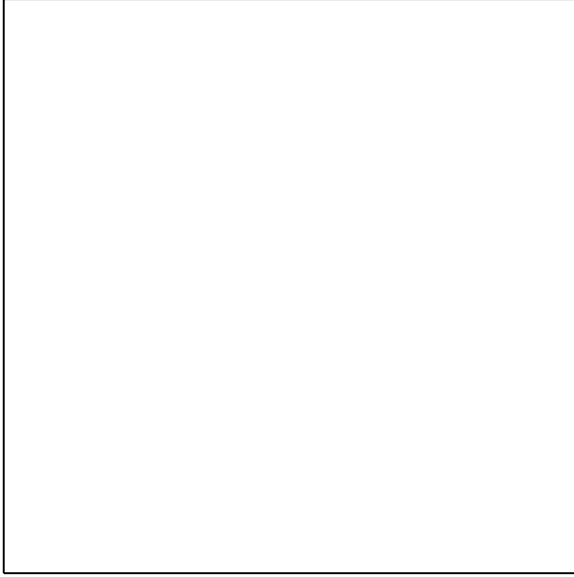


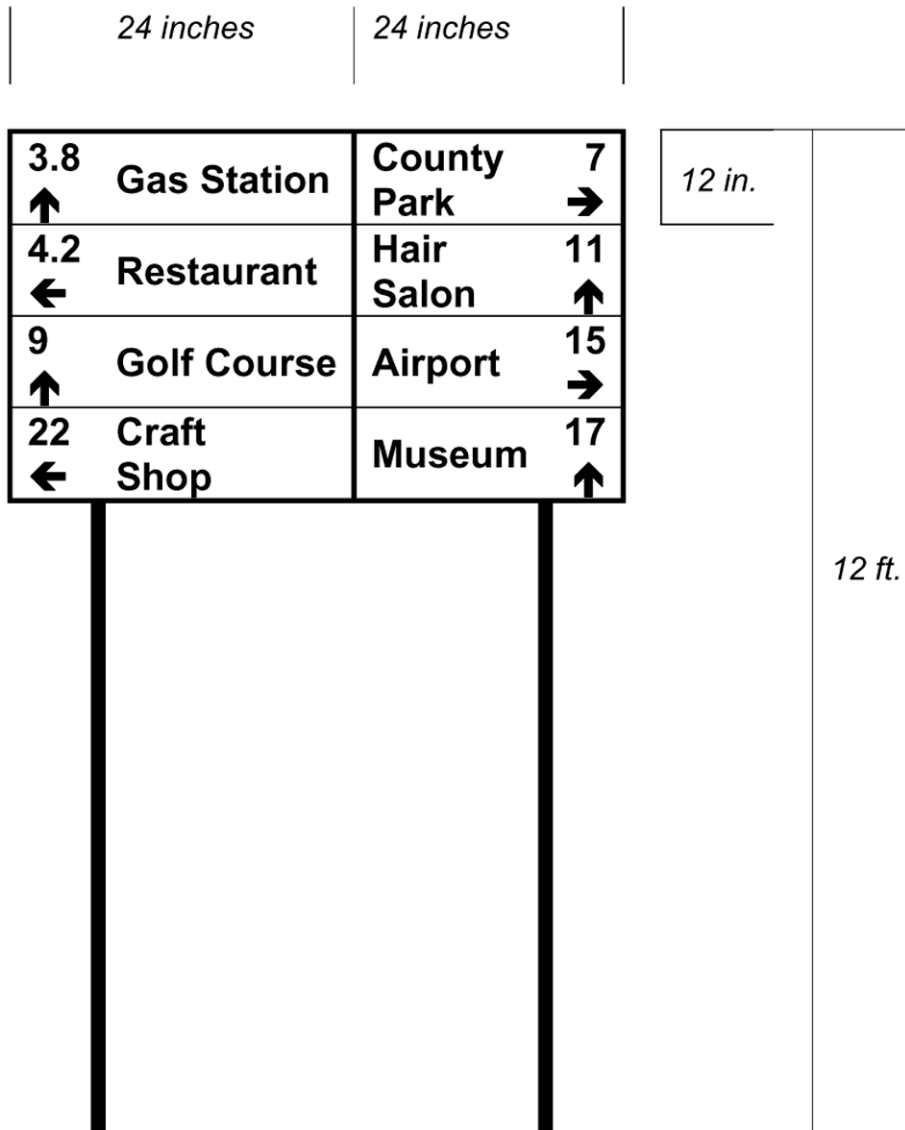


1

2 Sample B. Stacked 12-inch by 24-inch signs

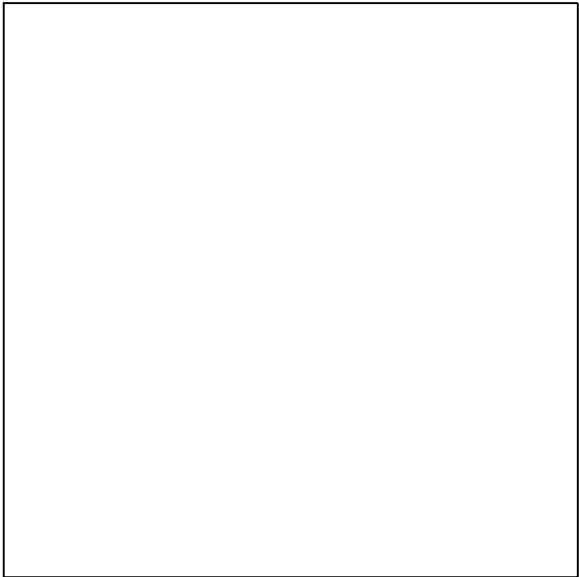
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1

2 Sample C. Mixed stacked signs.



1

24 inches

24 inches

3.8 ↑	Gas Station	County Park	7 →
4.2 ←	Restaurant	Hair Salon	11 ↑
↑ 9	Golf Course		
	Airport		15 →
	Museum		17 ↑
← 22	Craft Shop		

12 in.

6 in.

12 ft.

2

3 (d) Temporary on-premises signs.

- 1 (1) Any sign that will exceed the permitted timeframe will require a land use permit for signage.
- 2 (2) The following temporary signs are permitted to be placed on the lot or parcel to which they refer
- 3 without a land use permit for signage, subject to the applicable standards:
- 4 a. A temporary on-premises sign on a construction site is allowed in any zoning district, subject
- 5 to the following additional standards:
- 6 1. Maximum of two signs per construction site.
- 7 2. Any such sign area shall not exceed 80 square feet in aggregate.
- 8 3. Maximum height shall be 12 feet.
- 9 4. Any such sign shall be a freestanding design.
- 10 5. Any such sign shall be removed within seven days of when construction is completed.
- 11 b. A temporary on-premises sign erected on a nonresidential development project, or erected
- 12 on a residential development project at the time that the development includes ten or more
- 13 dwelling units for sale or lease, is allowed in any zoning district subject to the following
- 14 additional standards:
- 15 1. One sign per road or highway frontage for each project.
- 16 2. Maximum area of any such sign shall be 64 square feet
- 17 3. Maximum height shall be 12 feet.
- 18 4. Any such sign shall be a freestanding design.
- 19 5. A sign shall be at least 200 feet from any preexisting residence.
- 20 6. A sign shall not be installed until construction has started or the project is approved by
- 21 the county.
- 22 7. Sign shall be removed when the project is 80 percent completed, sold or leased.
- 23 c. A temporary on-premises real estate sign for the sale, rent or lease of property is allowed in
- 24 any zoning district subject to the following additional standards:
- 25 1. One sign per road or highway frontage.
- 26 2. For residential property, the maximum sign area shall be six square feet and maximum
- 27 sign height shall be six feet.
- 28 3. For residential property, the maximum sign area for a parcel including a model home
- 29 shall be 32 square feet and the maximum sign height shall be 12 feet.
- 30 4. For nonresidential property, the maximum sign area shall be 32 square feet and
- 31 maximum sign height shall be 12 feet.
- 32 5. Any such sign shall be a freestanding design.
- 33 6. Any such sign shall be removed within seven days following the sale or lease of the
- 34 property.
- 35 d. A temporary on-premises sign on nonresidential property for which one or more positions of
- 36 employment are open is allowed subject to the following additional standards:
- 37 1. One sign per road or highway frontage.
- 38 2. Maximum area of any such sign shall be six square feet.
- 39 3. Maximum height shall be six feet.
- 40 4. Any such sign shall be removed when all positions of employment on the property have
- 41 been filled.

- 1 e. A temporary on-premises sign on property to be used for a special event is allowed in any
2 zoning district, subject to the following additional standards:
- 3 1. One sign per road or highway frontage.
- 4 2. Maximum height shall be 12 feet in the residence and agricultural residential zoning
5 districts and 20 feet in any other zoning districts.
- 6 3. Maximum area of any such sign shall be 32 square feet.
- 7 4. Signs may be displayed for not more than 15 days per event or 45 days per calendar
8 year.
- 9 5. If a sign is displayed on residential property one banner or one freestanding sign is
10 allowed for each event.
- 11 6. If a sign is displayed on nonresidential property, any combination of two banners or
12 freestanding signs, with a total sign area of 64 square feet, is allowed for each event.
- 13 7. Signs shall only be placed before and during event and shall be removed 24 hours after
14 completion of the event.
- 15 (e) *Temporary off-premises signs.* A temporary off-premises directional sign is allowed in any zoning
16 district, subject to the following additional standards:
- 17 (1) A maximum of three signs for each event or activity may be displayed.
- 18 (2) All signs placed off-premises shall have the property owner's permission.
- 19 (3) Maximum area of any such sign shall be six square feet.
- 20 (4) Maximum height shall be six feet.
- 21 (5) Signs shall be placed outside and may abut the right-of-way.
- 22 (6) Signs shall only be placed during the event and up to 48 hours before and 24 hours after the
23 completion of the event.
- 24 (7) Any such sign shall be a freestanding design.
- 25 (8) To ensure that the sign serves only a directional purpose, it shall contain only the name of a
26 place, date, time, distance and direction arrow to the place and may not also be used to advertise.

27 (Res. No. 2018-16, 6-5-2018)

28 Sec. 30-526. - Administration.

29 (a) *Nonconforming signs.*

- 30 (1) Nonconforming permanent freestanding signs larger than 80 square feet, lawfully existing on
31 January 21, 2009, shall be allowed to continue in use, but shall not be altered other than to change
32 the message, relocated, added to, or repaired in excess of 50 percent of the assessed value of
33 the sign, without being brought into compliance with this section.
- 34 (2) Nonconforming permanent building signs lawfully existing on January 21, 2009, shall be allowed
35 to continue in use, and may be repaired provided the repair does not increase the nonconforming
36 aspect of the sign, but shall not otherwise be altered other than to change the message, relocated,
37 or added to, without being brought into compliance with this section.
- 38 (3) After a nonconforming sign has been removed, it shall not be replaced by another nonconforming
39 sign.
- 40 (4) Nonconforming temporary signs lawfully existing on January 21, 2009, shall be removed no later
41 than three years after January 21, 2009, or by an earlier date if so required by a regulation in

place when the sign was erected. Nonconforming temporary signs shall not be rebuilt, relocated or altered other than to change a message.

(5) If a nonconforming permanent sign's use is discontinued for a period of 12 months, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification by the zoning administrator.

(6) If a nonconforming temporary sign's use is discontinued for 60 consecutive days, the nonconforming sign shall be removed or brought into compliance with this section within 60 days of notification by the zoning administrator.

(7) Nonconforming permanent freestanding signs 80 square feet or smaller, lawfully existing on January 21, 2009, can be allowed to be reconstructed, or repaired, without being brought into compliance with this section. However the sign shall not increase in size and height, the sign must not be within a road right-of-way, and the property owner must obtain a county permit prior to reconstruction or repair. Any other required permits must also be obtained prior to reconstruction or repair. If no county sign permit is obtained prior to reconstruction then the sign is not allowed.

(b) *Permit required.* A land use permit for signage is required prior to the improvement, erection, construction, reconstruction, enlargement or alteration of any sign, structural component or mounting device unless otherwise provided by this section.

(c) *Land use permit for signage.* A properly completed application for a land use permit for signage shall be made to the zoning administrator upon forms furnished by the county. The following information shall be provided:

(1) Applicant contact information.

(2) Property owner contact information.

(3) Property information, site address, legal description, tax identification number, zoning district.

(4) Project information including a description of the sign plan for the site and total proposed signage, including all permanent and temporary signage.

(5) A site plan, drawn to scale, to include:

a. Dimensions and area of the lot or parcel.

b. Location of all existing and proposed structures and signs with distances measured from the lot lines and right-of-way of all abutting roads or highways.

c. In the shoreland and floodplain districts, location of the OHWM of any abutting navigable waterways, floodplain, floodway and flood-fringe limits as determined from floodplain zoning maps used to delineate floodplain areas

d. Location of existing or future access driveways and roads or highways.

e. Location of all existing and proposed structures and signs with distances measured from any wetlands within 100 feet of the site.

(6) Conceptual drawings of all proposed signs with dimensions.

(7) Information on all lighting and electrical components.

(8) Method of construction and/or attachment to a building or in the ground shall be explained in the plans and specifications.

(9) Contact information for whoever will be erecting the signs.

(10) Attach all related permits or permit applications.

(11) Calculations for compliance with the Uniform Building Code and the Uniform Sign Code for construction.

1 (12) Additional relevant information deemed necessary by the zoning administrator to apply all
2 applicable ordinance requirements and standards, such as photos, cross section drawings,
3 specialized engineering plans and landscaping.

4 (13) If additional information is requested, the application shall not be considered a properly
5 completed application and timeframes for processing shall not commence until the additional
6 information is received.

7 (d) *Permit decision and appeal process.*

8 (1) A land use permit for signage applicant or permit holder may appeal a determination or an order.
9 Appeal procedures are established in article XI of this chapter, pertaining to the board of
10 adjustment.

11 (2) When a permit of any kind is required for a sign, the zoning administrator shall deny, approve
12 with conditions, or approve without conditions such permit in an expedited manner no more than
13 30 days from the receipt of a complete application for such a permit, including the applicable fee.

14 a. If the permit is denied or approved with conditions, the county shall prepare a written
15 decision, stating a reason or reasons for the action and describing the applicant's appeal
16 rights under article XI of this chapter, pertaining to the board of adjustment, and provide it to
17 the applicant.

18 b. When the board of adjustment receives an appeal it shall hear such appeal and take action
19 subject to the county board of adjustment rules and bylaws and Wis. Stats. § 59.694.

20 c. If the appeal is denied or approved with conditions, the county shall prepare a written decision
21 within ten days of its decision, stating a reason for the action and provide it to the applicant.

22 (3) When a permit of any kind is required for a sign, and the permit application or permit appeal
23 demonstrates that the sign would comply with all applicable requirements of this section, the
24 permit application or permit appeal shall not be denied.

25 (e) *Expiration.*

26 (1) Sign maintenance or construction authorized by a land use permit for signage issued under this
27 section shall be completed within one year, after which time the permit expires.

28 (2) Prior to expiration of a permit, applicants can request one extension of one year from the zoning
29 administrator.

30 (f) *Permit revocation.* Where the terms or conditions on any land use permit for signage are violated, the
31 permit may be revoked by the zoning administrator.

32 (Res. No. 2018-16, 6-5-2018)

33 Secs. 30-527—30-537. - Reserved.

34 ARTICLE V. - REGULATION OF SPECIAL USES/CONDITIONAL USES

35 Sec. 30-538. - General provisions.

36 Except as added to or hereafter altered in this article, the procedures and requirements of article VIII
37 of this chapter governing conditional uses shall apply.

38 (Res. No. 2018-16, 6-5-2018)

39 Sec. 30-539. - Quarries and mines.

- (a) *Application required.* Application requesting county land use and information committee approval of a proposed quarrying activity shall be accompanied by:
- (1) A description of all phases of the contemplated operation including types of machinery and equipment, which will or might be necessary to carry on the operation. Where the operation is to include sand and gravel washing, the estimated daily quantity of water required, its source and its disposition shall be identified.
 - (2) A legal description of the proposed site.
 - (3) A restoration plan as hereinafter required.
- (b) *Consideration of compatibility.* In reviewing a proposal for a quarrying activity, the county land use and information committee shall take into consideration:
- (1) The effect of the proposed operation on drainage and water supply, particularly in connection with sand and gravel washing.
 - (2) The possibility of soil erosion as a result of the proposed operation.
 - (3) The most suitable land use for the area.
- (c) *Restoration plan and financial guarantee required.* No grant to carry on a quarrying operation shall be given until the applicant complies with all requirements of chapter 32, pertaining to nonmetallic mining, and Wis. Admin. Code ch. NR 135.
- (d) *Conditions for approval.* The county land use and information committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.
- (e) *Existing quarry operations.* Existing quarries shall be limited to registered areas and be subject to chapter 32, pertaining to nonmetallic mining, and Wis. Admin. Code ch. NR 135.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-540. - Salvage yards.

No salvage yard as defined herein shall be permitted in the county except in conformance with the standards, rules and regulations of the Wisconsin Administrative Code and the requirements herein specified.

- (1) *Application required.* An application is required prior to issuance of a conditional use permit for a salvage yard. This application requesting county land use and information committee approval of a proposed salvage yard activity shall be accompanied by:
 - a. A description of all phases of the contemplated operation including types of machinery and equipment, which will or might be necessary to carry on the operation.
 - b. A legal description of the proposed site.
 - c. A location map showing all adjacent land use.
- (2) *Consideration of compatibility.* In reviewing a proposal for a salvage yard, the county land use and information committee shall take into consideration:
 - a. The effect of the proposed operation on existing land uses.
 - b. The possibilities of noise, smoke, dust and other factors common to a salvage yard.
 - c. The most suitable land use for the area.

(3) *Conditions for approval.* The county land use and information committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses.

a. All salvage yards shall have minimum front, side and rear yards of 100 feet.

b. Salvage yards shall be screened in accordance with article VII of this chapter.

(4) *Existing salvage yard operations.*

a. Within 60 days after the effective date of the ordinance from which this chapter is derived, the owners of all existing salvage yard operations shall submit to the county land use and information committee the names of the salvage yard owners and operators and information regarding its operation. This shall include all persons possessing salvageable materials excepting those stored within the confines of a building.

b. Within one year after adoption of the ordinance from which this chapter is derived, the owners shall submit to the county land use and information committee a plan for making their salvage yard comply with the provisions of this chapter.

c. Within two years after the effective date of the ordinance from which this chapter is derived, any such existing operation shall be subject to the provisions.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-541. - Garbage and refuse disposal sites.

(a) No garbage or refuse disposal sites shall be permitted in the county except in conformance with the rules and regulations of Wisconsin Administrative Codes.

(b) All such disposal sites shall have a minimum front, side and rear yards of 100 feet each.

(c) Garbage and refuse disposal sites shall be screened in accordance with article VII of this chapter.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-542. - Mobile home/manufactured home parks.

Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located in the county except in a mobile home/manufactured home park, the plan of which has been approved by the county land use and information committee. Such parks shall meet the following requirements:

(1) Minimum size, five acres.

(2) Maximum number of mobile home/manufactured home sites, six per developable acre.

(3) Minimum width of a mobile home/manufactured home site, 40 feet.

(4) Maximum height of a mobile home/manufactured home, 20 feet. Height is measured as shown in chapter 45 of the Burnett County ordinances.

(5) The distance between separate mobile homes/manufactured homes shall not be less than 30 feet.

(6) Minimum distance between mobile home/manufactured home and service road, ten feet.

(7) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space for each mobile home/manufactured home and additional parking spaces for automotive vehicles within the park, totaling not less than 1¼ parking spaces for each mobile home/manufactured home space.

- (8) No mobile home/manufactured home sales office or other business or commercial use shall be located on the mobile home/manufactured home park site. However, laundries, washrooms, recreation rooms, maintenance equipment storage and one office are permitted.
- (9) Minimum side yard setback, 40 feet at all front, side and rear lot lines of the mobile home/manufactured home park.
- (10) Each mobile home shall be placed on a mobile home stand. The stand should provide for practical placement on and removal from the lot of the mobile home and retention of the home on the lot in a stable condition and in satisfactory relationship to its surroundings. The size of a development will be acceptable if it is suitable for the general market to be served by the individual proposal and fits the dimensions of mobile homes anticipated. The location of each mobile home stand shall be at such elevation, distance and angle in relation to the access street and the mobile home accessway that placement and removal of the mobile home is practical. Appropriate material, properly graded, placed and compacted so as to be durable and adequate for the support of the maximum anticipated loads during all seasons should be used.
- (11) All mobile home/manufactured home parks shall be screened in accordance with article VII of this chapter.
- (12) All mobile homes/manufactured homes shall meet the required construction standards.
- (13) Mobile home/manufactured home parks shall comply with the sanitation regulations of the county sanitary code and the appropriate requirements of the Wisconsin Administrative Codes.
- (14) Each manufactured home shall be placed on a foundation meeting the appropriate requirements of the Wisconsin Administrative Codes.
- (15) A land use dwelling permit from Burnett County must be obtained prior to replacing, rebuilding or structurally altering a mobile home/manufactured home.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-543. - Campgrounds.

Burnett County regulates campgrounds in order to protect the health, safety and welfare of its citizens, and the natural, historical and cultural resources of Burnett County. These land uses are permitted by Burnett County because of their importance in providing the general public access to recreational opportunities. It also is recognized that such land uses promote tourism and contribute to the general economic welfare of the County.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Awning means a covering used by campers for protection from the weather and may be used over a deck. An awning shall only be attached to the camping unit.

Camping unit means a portable vehicle or unit less than 400 square feet designed for and used in the pastime of camping.

Deck/patio means a platform which is intended to support persons/chattels.

Screen house means a structure with a roof and sides, with or without a floor, with at least 50 percent of each exposed wall covered by screen for protection from insects. There shall be no solid material (glass, wood, metal or rigid plastic material) in front of or behind the sides to impede the free movement of air through the screen. A temporary covering of canvas or flexible plastic material is permitted for protection from the weather.

1 *Storage structure* means a structure intended for storage purposes only; not to be used for human
2 habitation. The structure footprint shall not exceed 100 square feet. The structure height shall not exceed
3 12 feet.

4 *Tent* means a portable sleeping shelter made of canvas or other materials and supported by poles or
5 framework.

6 *Vacant* means a parcel with no habitable structure.

7 (b) Storage of a camping unit must meet all setback requirements. Prior PUD's with camping units are
8 allowed to continue under the specific conditions for the PUD.

9 (1) Campground requirements.

10 a. Must meet all Wis. Admin. Code ch. ATP 79 requirements which are enforced by the state
11 personnel or their designated agent, all sanitary requirements of the county sanitary
12 ordinance and Wisconsin Administrative Codes, and any other applicable county, state and
13 federal codes.

14 b. Minimum size of five acres.

15 c. Maximum number of sites shall be ten per developable acre.

16 d. Each site shall be clearly numbered and consistent with the placement shown on the
17 campground map.

18 e. A campground map shall be placed on file in the zoning office and shall include the
19 campground layout, location of campsites, roads, property lines, required setbacks,
20 structures, water supplies, private waste disposal system, recreation areas and any other
21 information the land use and information committee shall deem necessary. Any proposed
22 changes in the approved campground shall be presented to the zoning office for approval.
23 No implementation of the proposed change shall take place until written approval is received
24 from the zoning office.

25 f. Each site shall have sufficient area for one vehicle parking on that site. *Rustic/primitive sites*
26 *will have sufficient parking area available, this can be onsite or off-site parking.*

27 g. Each camping unit shall meet the setback requirements of 75 feet to the ordinary high-water
28 mark of any navigable water and there shall be a minimum 50-foot setback from all exterior
29 lot lines to each camping unit or storage structure or deck/patio. All other setback
30 requirements of this chapter and other Burnett County Ordinances along with any other
31 federal, state or local codes shall apply. The land use and information committee may require
32 additional setback requirements as per conditional use permit.

33 h. Screening provisions of article VII of this chapter shall apply where the land use and
34 information committee determines they are needed.

35 i. Individual site accessory uses require a land use permit and are limited to:

36 1. *Storage structure*. Each site may be provided with a one storage structure with a
37 footprint not to exceed 100 square feet and the structure height shall not exceed 12
38 feet. The storage structure shall not be used for human habitation. This structure must
39 meet floodplain requirements from Chapter 22 of the Burnett County Ordinances. *These*
40 *require a land use permit.*

41 2. *Awnings, decks/patios and screen houses*. Awnings, decks/patios and screen houses
42 will be permitted provided they do not exceed the unit size in square feet and in any
43 event the total area of these uses shall not exceed 200 square feet. These structures
44 must meet floodplain requirements. *These require a land use permit.*

45 3. *Accessory uses*. Via conditional use permit the land use and information committee may
46 grant larger storage structures, awnings, decks/patios and screen house as part of the
47 conditional use permit for larger sites. Each rental site must be mapped on the
48 campground map.

- 1 j. A separate area may be designated in a campground for group camping in tents; however,
2 such group camping shall not exceed two weeks in any one time period and no more than
3 20 tent units per acre shall be permitted. In addition, the group camping area must be
4 provided with proper sanitary provisions as required by Wis. Admin. Code ch. ATPC 79.
- 5 k. A campground may have a home and accessory buildings for the one owner's or one
6 manager's private use.
- 7 l. Campgrounds shall not be expanded except by conditional use permit review.
- 8 m. Requires a conditional use permit from the county if any of the following apply:
- 9 1. A person offers or intends to offer three or fewer campsites and advertises or otherwise
10 presents to the public an offer of the campground or specific campsites.
- 11 2. A person offers or intends to offer four or more campsites, regardless whether the
12 person advertises or otherwise presents to the public an offer of the campground or
13 specific campsites.

14 *(c) Camping – seasonal* is only allowed in the following situations:

- 15 1- Up to 100 units in In the RR-RC zoning district with a conditional use permit. This will require the
16 camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures
17 exists.
- 18 2- On a private parcel in areas outside the shoreland zone as defined in 45-21 and under the number
19 of campsites per ATPC 79-05(1)(a). This will require the camping unit to be connected to a
20 POWTS if any indoor or outdoor plumbing pipes or fixtures exists.
- 21 3- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use
22 permit for up to three years, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts. This will require
23 the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures
24 exists. After three years, any additional camping permit on the parcel will require a conditional use
25 permit.
- 26 4- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use
27 permit for up to six months in one calendar year, and only in the RR-1, RR-2, RR-3, A-2 or F-1
28 districts. This will require the camping unit to be connected to a POWTS if any indoor or outdoor
29 plumbing pipes or fixtures exists. During the other six months of the calendar year the camping
30 unit must be off the parcel or stored appropriately.
- 31 5- One unit on a private parcel within the shoreland zone as defined in 45-21 for less than 30
32 cumulative calendar days per year. During the other 335 days of the calendar year the camping
33 unit must be off the parcel or stored appropriately.

34 *(d) Camping – temporary* is only allowed in the following situations:

- 35 1- Up to 100 units in In the RR-RC zoning district with a conditional use permit.
- 36 2- Up to 25 units in the RR-3, A-2 or F-1 districts with a conditional use permit.
- 37 3- On a private parcel in areas outside the shoreland zone as defined in 45-21 and under the number
38 of campsites per ATPC 79-05(1)(a). This will require the camping unit to be connected to a
39 POWTS if any indoor or outdoor plumbing pipes or fixtures exists.
- 40 4- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use
41 permit for up to three years, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts. This will require
42 the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures
43 exists. After three years, any additional camping permit on the parcel will require a conditional use
44 permit.
- 45 5- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use
46 permit for up to six months in one calendar year, and only in the RR-1, RR-2, RR-3, A-2 or F-1

districts. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

- 6- One unit on a private parcel within the shoreland zone as defined in 45-21 for less than 30 cumulative calendar days per year.

(e) *Camping – rustic/primitive* is only allowed in the following situations:

- 1- Up to 100 units in In the RR-RC zoning district with a conditional use permit.

- 2- Up to 25 units in the RR-3, A-2 or F-1 districts with a conditional use permit.

- 3- On a private parcel in areas outside the shoreland zone as defined in 45-21 and under the number of campsites per ATCP 79-05(1)(a).

- 4- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use permit for up to three years, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts. After three years, any additional camping permit on the parcel will require a conditional use permit.

- 5- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use permit for up to six months in one calendar year, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts.

- 6- One unit on a private parcel within the shoreland zone as defined in 45-21 for less than 30 cumulative calendar days per year.

(f) *Camping unit - cabin* is only allowed in the following situations:

- 1- Up to 100 units in In the RR-RC zoning district with a conditional use permit. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

- 2- Up to 25 units in the F-1 district when not served by electricity and plumbing, and with a conditional use permit.

(g) *Camping unit - mobile* is only allowed in the following situations:

- 1- Up to 100 units in In the RR-RC zoning district with a conditional use permit. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

- 2- Up to 25 units in the RR-3, A-2 or F-1 districts with a conditional use permit.

- 3- On a private parcel in areas outside the shoreland zone as defined in 45-21 and under the number of campsites per ATCP 79-05(1)(a). This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

- 4- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use permit for up to three years, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists. After three years, any additional camping permit on the parcel will require a conditional use permit.

- 5- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use permit for up to six months in one calendar year, and only in the RR-1, RR-2, RR-3, A-2 or F-1 districts. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists. During the other six months of the calendar year the camping unit must be off the parcel or stored appropriately.

- 6- One unit on a private parcel within the shoreland zone as defined in 45-21 for less than 30 cumulative calendar days per year. During the other 335 days of the calendar year the camping unit must be off the parcel or stored appropriately.

(h) *Camping unit - park model* is only allowed in the following situations:

1- Up to 100 units in the RR-RC zoning district with a conditional use permit. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

2- On a private parcel in areas outside the shoreland zone as defined in 45-21 and under the number of campsites per ATCP 79-05(1)(a). This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

3- One unit on a vacant private parcel within the shoreland zone as defined in 45-21 per land use permit for up to three years, in the RR-1, RR-2, RR-3, A-2 or F-1 districts. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists. After three years, any additional camping permit on the parcel will require a conditional use permit.

(i) *Camping unit - yurt* is only allowed in the following situations:

1- In the RR-RC zoning district with a conditional use permit. This will require the camping unit to be connected to a POWTS if any indoor or outdoor plumbing pipes or fixtures exists.

2- In the F-1 district when not served by electricity and plumbing, and with a conditional use permit.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-544—30-566. - Reserved.

ARTICLE VI. - TELECOMMUNICATIONS FACILITIES

Sec. 30-567. - Purpose.

The purpose of this article is to regulate by zoning permits (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-568. - Exemptions.

(a) Exempt from review under this article will be television antennas, satellite dishes one meter (or 39 inches) in diameter or less, satellite dishes used commercially and three meters in diameter or less, receive only antennas, amateur radio facilities, and mobile services providing public information coverage of news events or of a temporary or emergency nature. None of these items can exceed 75 feet in height, without obtaining proper permits and approvals.

(b) Exempt from the permitting requirements of this article will be satellite dishes more than one meter in diameter, ground-mounted antennas not exceeding 75 feet in height, building-mounted antennas not exceeding 25 feet above the highest part of the building to which they are attached (also can't exceed 75 feet in total height as measured from the lowest building grade to the highest portion of the antenna), utility pole-mounted antennas not exceeding 75 feet in height in total height as measured from the lowest grade to the highest portion of the antenna.

(c) Exempt structures under this article are still subject to all other applicable provisions of the Land Use/Zoning Ordinance such as setbacks.

(Res. No. 2018-16, 6-5-2018)

1 Sec. 30-569. - Definitions.

2 (a) The following definitions shall apply to this division unless the context dictates otherwise. All definitions
3 in section 30-4 of this chapter shall apply, unless specifically defined in this article.

4 *Alternative support structure* means structures, including, but not limited to, clock towers, steeples,
5 silos, light poles, water towers, freestanding chimneys, utility poles and towers, towers, buildings or similar
6 structures that may support telecommunications facilities.

7 *Antenna* means any system of wires, poles, rods, reflecting discs, or similar devices used for the
8 transmission or reception of electromagnetic waves when such system is either external to or attached to
9 the exterior of a structure. Antennas shall include devices having active elements extending in any direction,
10 and directional beam-type arrays having elements carried by and disposed from a generally horizontal
11 boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom
12 and antenna support, all of which elements are deemed to be a part of the antenna.

13 *Antenna, building mounted* means any antenna, other than an antenna with its supports resting on the
14 ground, directly attached or affixed to a building.

15 *Antenna, ground mounted* means any antenna with its base placed directly on the ground.

16 *Camouflaged tower* means any telecommunications tower that due to design or appearance hides,
17 obscures, or conceals the presence of the tower and antennas. Camouflaging may be accomplished by a
18 suitable combination of the following examples: lack of lighting, low tower height, non-contrasting colors,
19 screening and landscaping, and others.

20 *Carrier* means companies licensed by the Federal Communications Commission (FCC) to build
21 personal wireless telecommunications facilities and operate personal wireless telecommunications
22 services. Also called a provider.

23 *Class 1 Collocation* means the placement of a new mobile service facility on an existing support
24 structure such that the owner of the facility does not need to construct a freestanding support structure for
25 the facility, but does need to engage in substantial modification.

26 *Class 2 collocation* means the placement of a new mobile service facility on an existing support
27 structure such that the owner of the facility does not need to construct a freestanding support structure for
28 the facility or engage in substantial modification.

29 *Co-location* means a telecommunications facility comprised of a single telecommunications tower or
30 building supporting multiple antennas, dishes, or similar devices owned or used by more than one public or
31 private entity.

32 *Guyed structure* means a telecommunications tower that is supported in whole or in part by guy wires
33 and ground anchors or other means of support besides the superstructure of the tower itself.

34 *Height, telecommunications tower* means the distance measured from the original grade at the base
35 of the tower to the highest point of the tower. This measurement excludes any attached antennas and
36 lighting.

37 *Lattice structure* means a telecommunications tower that consists of vertical and horizontal supports
38 and crossed metal braces.

39 *Monopole structure* means a telecommunications tower of a single pole design.

40 *Operation* means other than nominal use; when a facility is used regularly as an integral part of an
41 active system of telecommunications, it shall be deemed in operation.

42 *Provider.* See *Carrier*.

43 *Satellite dish* means a device incorporating a reflective surface that is solid, open mesh, or bar
44 configured that is shallow dish, cone, horn, or cornucopia shaped and is used to transmit or receive
45 electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred
46 to as satellite earth stations, TVROs and satellite microwave antennas.

1 *Substantial modification* means the modification of a mobile service support structure, including the
2 mounting of an antenna on the structure that does any of the following:

- 3 1. For structures with an overall height of 200 feet or less, increases the overall height of the structure
4 by more than 20 feet.
- 5 2. For structures with an overall height of more than 200 feet, increases the overall height of the
6 structure by ten percent or more.
- 7 3. Measured at the level of the appurtenance added to the structure as a result of the modification,
8 increases the width of the support structure by 20 feet or more.
- 9 4. Increases the square footage of an existing equipment compound to a total area of more than
10 2,500 square feet.

11 *Telecommunications facility* means a facility, site, or location that contains one or more antennas,
12 telecommunications towers, alternative support structures, satellite dish antennas, other similar
13 communication devices, and support equipment which is used for transmitting, receiving, or relaying
14 telecommunications signals, excluding facilities exempted under section 30-568.

15 *Telecommunications facility structure* means a telecommunications tower or alternative support
16 structure on which telecommunications antenna(s) may be mounted.

17 *Telecommunications tower* means any structure that is designed and constructed primarily for the
18 purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or
19 monopole towers. This includes radio and television transmission towers, microwave towers, and common-
20 carrier towers. It shall exclude alternative support structures and those facilities exempted under section
21 30-568.

22 *Utility pole-mounted antenna* means an antenna attached to or upon an existing or replacement
23 electric transmission or distribution pole, streetlight, traffic signal, athletic field light, or other approved
24 similar structure.

25 (b) Additional definitions contained in § 66.0404(1) are hereby incorporated by reference.

26 (Res. No. 2018-16, 6-5-2018)

27 Sec. 30-570. - Siting and construction of any new mobile service support structure and facilities and class
28 1 collocation.

29 (a) *Application process.*

- 30 (1) A land use permit is required for the siting and construction of any new mobile service support
31 structure and facilities.
- 32 (2) A written permit application must be completed by any applicant and submitted to the Burnett
33 County Land Services Department. The application must contain the following information:
 - 34 a. The name and business address of, and the contact individual for, the applicant.
 - 35 b. The location of the proposed or affected support structure.
 - 36 c. The location of the proposed mobile service facility.
 - 37 d. If the application is to substantially modify an existing support structure, a construction plan
38 which describes the proposed modifications to the support structure and the equipment and
39 network components, (including antennas, transmitters, receivers, base stations, power
40 supplies, cabling, and related equipment associated with the proposed modifications).
 - 41 e. If the application is to construct a new mobile service support structure, a construction plan
42 which describes the proposed mobile service support structure, equipment, and network
43 components, (including antennas, transmitters, receivers, base stations, power supplies,

- cabling, and related equipment placed on or around the new mobile service support structure).
- f. If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not: result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.
- (3) A permit application will be provided by the county upon request to any applicant.
- (4) If an applicant submitted to the county an application for a permit to engage in an activity described in this article, which contains all of the information required under this article, the county shall consider the application complete. If the county does not believe that the application is complete, the county shall notify the applicant in writing within ten days of receiving the application that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- (5) Within 90 days of its receipt of a complete application, the county shall complete all of the following or the applicant may consider the application approved, except that the applicant and the county may agree in writing to an extension of the 90-day period:
- Review the application to determine whether it complies with all applicable aspects of the county's land use, floodplain and airport height ordinances. Subject to limitations set by Wis. Stats. § 66.0404.
 - Make a final decision whether to approve or disapprove the application.
 - Notify the applicant, in writing, of its final decision.
 - If the application is disapproved, written notification with substantial evidence which supports the decision shall be included.
- (6) The county may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under subsection (2)f.
- (7) If an applicant provides the county with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the setback or fall zone area required in a land use ordinance, that land use ordinance does not apply to such a structure unless the county provides the applicant with substantial evidence that the engineering certification is flawed.
- (8) The fee for constructing new structure or facility, or class 1 collocation permit is \$3,000.00

(Res. No. 2018-16, 6-5-2018)

Sec. 30-571. - Class 2 collocation.

(a) *Application process.*

- (1) A land use permit is required for a class 2 collocation.
- (2) A written permit application must be completed by any applicant and submitted to the county. The application must contain the following information:
 - The name and business address of, and the contact individual for, the applicant.
 - The location of the proposed or affected support structure.

1 c. The location of the proposed mobile service facility.

2 (3) A permit application will be provided by the county upon request to any applicant.

3 (4) A class 2 collocation is subject to the same requirements for the issuance of a building permit to
4 which any other type of commercial development or land use development is subject.

5 (5) If an applicant submits to the county an application for a permit to engage in an activity described
6 in this article, which contains all of the information required under this article, the county shall
7 consider the application complete. If any of the required information is not in the application, the
8 county shall notify the applicant in writing, within five days of receiving the application, that the
9 application is not complete. The written notification shall specify in detail the required information
10 that was incomplete. An applicant may resubmit an application as often as necessary until it is
11 complete.

12 (6) Within 45 days of its receipt of a complete application, the county shall complete all of the
13 following or the applicant may consider the application approved, except that the applicant and
14 the county may agree in writing to an extension of the 45-day period:

15 a. Make a final decision whether to approve or disapprove the application.

16 b. Notify the applicant, in writing, of its final decision.

17 c. If the application is approved, issue the applicant the relevant permit.

18 d. If the decision is to disapprove the application, include with the written notification substantial
19 evidence which supports the decision.

20 (7) The fee for the permit is \$500.00.

21 (Res. No. 2018-16, 6-5-2018)

22 Sec. 30-572. - Removal of abandoned telecommunications facilities.

23 It is the express policy of Burnett County that telecommunications facilities be removed and their sites
24 restored to their pre-construction state once they are no longer in use and not a functional part of providing
25 telecommunications service.

26 (1) Removal and restoration of such facilities is the responsibility of the owner of the facility.

27 (2) The telecommunications facility(s) shall be removed when use of the facility(s) has been
28 discontinued or the facility not been used for its permitted purpose for 12 consecutive months.
29 Mere intent to continue use of the facility(s) shall not constitute use. The applicant/owner shall
30 demonstrate through facility(s), lease(s), or other similar instruments that the use will be continued
31 without a lapse of more than 12 consecutive months to constitute actual use. If the applicant
32 cannot demonstrate actual use, the facility shall be considered abandoned and shall be removed.

33 (3) This restoration shall include removal of any subsurface structure or foundation, including
34 concrete, used to support the telecommunications facility; to a level of three feet below grade.

35 (4) Nothing in this section prevents the removal of the facility prior to expiration of the 12-month
36 period.

37 (Res. No. 2018-16, 6-5-2018)

38 Sec. 30-573. - Reporting requirements.

39 Notification shall be provided to the land services department if any of the information changes in
40 section(s) 30-570 or 30-571.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-574—30-606. - Reserved.

ARTICLE VII. - SCREENING AND FENCING

Sec. 30-607. - General provisions.

Screening or fencing as required by this article shall be subject to the following provisions:

(1) *Approval required.* Any use or conditional use listed in this chapter requiring screening or fencing shall be permitted only when authorized by the county land use and information committee and subject to its approval of a screening or fencing plan for that particular use.

(2) *Objective.* Planting or other suitable screening including fences or freestanding walls shall be required where deemed necessary for screening or enclosure purposes by the county land use and information committee, such as around outdoor storage yards and industrial property lines, salvage yards, refuse disposal sites, quarries and mines, mobile home parks, and trailer camps. Such provisions shall be required to the extent needed to provide for:

- a. Screening of objectionable views.
- b. Adequate shade.
- c. Enclosure of storage materials.
- d. Public health and safety.
- e. A suitable setting for the particular use and other facilities.

(3) *Extent.*

- a. *Screen planting.* Screen planting adequate to screen objectionable views effectively within a reasonable time; in some cases temporary screening devices may be required until suitable screen planting can be achieved.
- b. *Other planting.* For mobile home parks and trailer camps other planting should be adequate in size, quantity and character to provide an attractive setting for the mobile homes, trailers and other improvements, to provide adequate privacy and pleasant out-looks for living units, to minimize reflected glare and to afford summer shade.
- c. *Existing planting.* Existing planting acceptable as required planting to the extent that it is equivalent, suitable and preserved in good condition.
- d. *Fences and walls.* Fences and walls appropriately designed for the function intended and shall be substantially constructed to withstand conditions of soil, weather and use.
- e. *Maintenance.* All screenings, fences and walls required by this chapter shall be maintained so as not to provide an objectionable view by themselves.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-608—30-632. - Reserved.

ARTICLE VIII. - CONDITIONAL USES.

Sec. 30-633. - General provisions.

- (a) *Purpose.* One of the purposes of this chapter is to divide the unincorporated portions of the county into districts within which the use of land and buildings, and the bulk and location of buildings in relation to the land are mutually compatible, and substantially uniform.
- (b) *Impact and compatibility of certain uses.* There are certain uses that may be entirely appropriate and not necessarily incompatible with the basic uses permitted in any district, but not at every or any location therein or without restrictions or conditions being imposed by reason of unique problems the use of its particular location presents from a zoning standpoint, including the impact of those uses upon neighboring land or public facilities, and the public need for the particular uses at a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to their location, development, and operation. Such uses are hereby classified as conditional uses and are subject to the provisions specified herein.
- (1) *Approval required.* Any conditional uses listed in this chapter shall be permitted only when authorized by the county land use and information committee and subject to its approval. Upon such approval, issuance of a conditional use permit will be granted. Town board approval may be requested for conditional uses.
- (2) *Basis of approval.* The county land use and information committee shall consider the effect of such grant on the health, general welfare, safety and economic prosperity of the county and of the immediate area in which such use would be located considering Wis. Stats. § 59.69(5e).
- (3) *Conditions attached to conditional use permit.* Upon consideration of the factors as listed in subsection (b)(2) of this section, the land use and information committee may attach such conditions in addition to those required elsewhere in this chapter that it deems necessary in furthering the purpose of this chapter. Such conditions may include specifications for, without limitation because of specific enumeration: type of shorecover, increased setbacks and yards, specified sewage disposal and water supply facilities, parking and signs, type of construction, granting or denial of lake access and boat docks to off-lake developments. The committee may require, as a condition that a permit be first obtained from relevant state agencies having jurisdiction over the appropriate subject matter.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-634. - Procedure.

- (a) *Application.* Application for a conditional use permit shall be made to the county zoning administrator, who shall promptly refer the application to the county land use and information committee. In addition to the information required under article IX of this chapter for a land use permit, the county land use and information committee may require the applicant to submit other pertinent data and information necessary to properly evaluate the request.
- (b) *Fees.* The fee for filing of applications for conditional use permits shall be established by the county board. A copy of the current fee schedule shall be kept on file in the office of the county zoning administrator.
- (c) *Hearing.* The county land use and information committee shall schedule a public hearing on the application within 60 days after it is filed.
- (d) *Determination.* The land use and information committee shall report its decision within 60 days after the hearing of the application. Its decision shall include an accurate description of the use permitted, of the property on which it is permitted, and all conditions made applicable thereto.
- (e) *Mapping and recording.* When a conditional use permit is granted, an appropriate record shall be made of the land use and building permits and such grant shall be applicable solely to the structures, use and property so described.
- (f) *Termination.*

(1) Where a permitted conditional use does not continue in conformity with the conditions of the original approval, the conditional use permit shall be terminated by action of the land use and information committee.

(2) The expiration for conditional land use permits shall be the same as land use permit under section 30-658(c), and any conditionally permitted use which is discontinued for 12 consecutive months shall also expire.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-635—30-656. - Reserved.

ARTICLE IX. - ADMINISTRATION

Sec. 30-657. - Zoning administrator; duties and powers.

(a) *Designation.* The county land use and information committee shall appoint a county zoning administrator for the administration and enforcement of the provisions of this chapter.

(b) *Duties.* In administering and enforcing this chapter, the county zoning administrator and any of his/her deputies shall perform the following duties:

(1) Develop and maintain a system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator.

(2) Regularly inspect permitted work in progress to ensure conformity of the finished structures with the terms of the chapter.

(3) Develop and maintain a variance procedure which authorizes the board of adjustment for land use variances and the land use and information committee for subdivision variances 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 land use ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship.

(4) Develop and maintain a conditional use procedure.

(5) Keep a complete record of all proceedings before the board of adjustment and the land use and information committee.

(6) Develop and maintain an official map of all mapped zoning district boundaries, amendments, and recordings.

(7) 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 Wis. Stats. § 59.69(11).

(8) Pursue the prosecution of violations of this ordinance.

(9) Approve subdivision variance requests which appear to meet the intent of the Burnett County Ordinances. If the Zoning Administrator feels the subdivision variance request does not meet the intent of the Burnett County Ordinances then the subdivision variance shall be heard by the land use and information committee. A Certified Survey Map (CSM) or recorded plat will be required for each lot/parcel which is reconfigured as part of the subdivision variance and recorded with the Register of Deeds within one year of the approval.

(10) The zoning administrator may issue a special permit to relax the standards of this chapter in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the

1 facility is no longer used by the disabled person. A person applying for a permit for construction
2 under this section shall establish the nature and extent of the disability and that the relaxation
3 requested is the minimum necessary to provide reasonable use of the facility. A deed restriction
4 for the reasonable accommodation shall be recorded with the register of deeds.

5 (c) *Powers.* The county zoning administrator and his/her duly appointed deputies shall have powers and
6 authority including but not limited to the following:

7 (1) Access to any structure or premises for the purpose of performing his/her duties by the
8 permission of the owner or upon issuance of a special inspection warrant.

9 (2) Upon reasonable cause or question as to proper compliance, to revoke any land use permit and
10 issue cease and desist orders requiring the cessation of any building, moving, alteration or use
11 which is in violation of the provisions of this chapter.

12 (Res. No. 2018-16, 6-5-2018)

13 Sec. 30-658. - Land use permits.

14 (a) *Permit required.* No structure shall be built, moved, placed, or structurally altered until a land use
15 permit has been issued by the county zoning administrator. No land use shall be substantially altered
16 until a land use permit has been issued by the county zoning administrator. The zoning administrator
17 shall not issue a permit for a structure or a use not in conformity with the requirements of this chapter
18 or if any other land use violations exists on the property. Any permitted activity must comply with any/all
19 conditions of the permit. The fee for filing of applications for land use permits shall be established by
20 the county land use and information committee. A copy of the current fee schedule shall be kept on
21 file in the office of the county zoning administrator.

22 (b) *Application procedure.* Applications for land use permits shall be accompanied by scale maps or
23 drawings showing accurately the location, size and shape of the lots involved, and of any proposed
24 structures, including the relation to abutting streets and any abutting lakes or streams and the existing
25 and proposed use of each structure and lot, and the number of families to be accommodated.

26 (c) *Expiration.* Land use permits for construction, alteration, or removal of structures shall expire 12
27 months from their date of issuance. If additional time is needed, a 12-month extension may be granted
28 upon written request to the county zoning administrator.

29 (d) *Exceptions.*

30 (1) A land use permit is not required in agricultural districts for farm buildings or farm structures not
31 intended for human habitation provided such structures meet the dimensional and setback
32 requirements of this chapter or any other chapters, except in floodplain areas as designated on
33 official floodprone area maps. Farm buildings/farm structures only include; shed, pole building,
34 barn, silo, windmill, silage structure, grain/crop storage structure, or manure storage system as
35 defined in Wis. Admin. Code ch. ATCP 50.62(1)(e). These structures must be 100 percent
36 agricultural use only to be exempt from needing a land use permit.

37 (2) A land use permit is not required for accessory buildings such as dog houses, tool sheds,
38 playhouses, etc., which do not exceed 100 square feet in size, provided that such meet the
39 dimensional and setback requirements of this chapter and any other federal, state, county
40 requirements.

41 (Res. No. 2018-16, 6-5-2018)

42 Sec. 30-659. - Enforcement and penalties.

- (a) Any building or structure hereafter erected, moved or structurally altered or any use hereafter established in violation of the provisions of this chapter by any person, firm, association, corporation (including building contractors or their agent) shall be deemed an unlawful structure or use.
- (b) The district attorney or corporation counsel may bring an action to enjoin, remove or vacate any use, erection, moving or structural alteration of any building or use in violation of this chapter.
- (c) Any person who violates this chapter may be subject to forfeitures as established by the county citation ordinance codified in section 1-15. Each day of violation shall constitute a separate offense.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-660—30-676. - Reserved.

ARTICLE X. - NONCONFORMING USES AND STRUCTURES

Sec. 30-677. - Use of structures which are nonconforming.

The existing lawful use of a structure or premises which is compliant with shoreland setbacks, but is not in conformance with other provisions of the Burnett County Ordinances may be continued subject to the following conditions:

- (1) No structural addition to any nonconforming structure over the life of the structure shall exceed 25 percent of its building envelope and may not increase the nonconformity, unless a variance permitting expansion beyond 25 percent of its building envelope is successfully obtained. Any repair, maintenance, renovation, rebuilding or remodeling of a nonconforming structure or any part of a nonconforming structure is allowed within the same structure envelope as long as a permit is obtained (if required) prior to the activity taking place.
- (2) Discontinued nonconforming use. If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this chapter.
- (3) Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

(Res. No. 2018-16, 6-5-2018)

Secs. 30-678—30-697. - Reserved.

ARTICLE XI. - BOARD OF ADJUSTMENT

Sec. 30-698. - Create and appoint.

A board of adjustment is hereby created and appointed in accordance with the provisions of Wis. Stats. § 59.694. The board of adjustment shall have the duties and powers provided by Wis. Stats. § 59.694 and rules and bylaws of the county board of adjustment as adopted by the county board.

(Res. No. 2018-16, 6-5-2018)

Sec. 30-699. - Expiration date for variances.

Any action authorized by variance shall expire 12 months from the date of signed decision document. If additional time is needed, a 12-month extension may be granted upon written request to the county zoning administrator. The action authorized by variance must be completed within 24 months from the date of the signed decision document.

1 (Res. No. 2018-16, 6-5-2018)

2 Secs. 30-700—30-726. - Reserved.

3 ARTICLE XII. - AMENDMENTS

4 Sec. 30-727. - Procedure.

5 The county board may amend this chapter in accordance with the procedures of Wis. Stats. § 59.69.

6 (Res. No. 2018-16, 6-5-2018)

7 Sec. 30-728. - Fee.

8 Any petition for amendment submitted shall be accompanied by a fee to defray the cost of advertising,
9 investigation and processing. This fee shall be set by the county board and a copy of the current fee
10 schedule shall be on file in the land services department.

11 (Res. No. 2018-16, 6-5-2018)

12 Secs. 30-729—30-754. - Reserved.

13 ARTICLE XIII. - PUBLIC HEARINGS

14 Sec. 30-755. - Notice.

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

17 (Res. No. 2018-16, 6-5-2018)

18 Sec. 30-756. - Procedure.

19 (a) The procedure for posting/publishing shall be as follows:

20 (1) Notice of public hearing shall be given as per Wis. Stats. § 59.69.

21 (2) In addition when the hearing involves a proposed change in the zoning district classification of
22 any property or the granting of a conditional use the town in which the affected land is located
23 shall be notified as per Wis. Stats. § 59.69.

24 (Res. No. 2018-16, 6-5-2018)

Chapter 45 - SHORELAND PROTECTION ORDINANCE

Campground changes as approved by County Board on 10-21-2021

New language = yellow

Removed language = green and strike through

ARTICLE I. - STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE

Sec. 45-1. - Statutory authorization.

This ordinance is adopted pursuant to the authorization in Wis. Stats. § 59.692 to implement Wis. Stats. §§ 59.692 and 281.31.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-2. - Finding of fact.

Uncontrolled use of the shorelands and pollution of the navigable waters of Burnett 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; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Burnett County, Wisconsin.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-3. - Purpose and intent.

For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

(1) *Further the maintenance of safe and healthful conditions and prevent and control water pollution through:*

- a. Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
- b. Establishing minimum lot sizes to provide adequate area for private on-site wastewater treatment systems (POWTS).
- c. Controlling filling and grading to prevent soil erosion problems.
- d. Limiting impervious surfaces to control runoff which carries pollutants.

(2) *Protect spawning grounds, fish and aquatic life through:*

- a. Preserving wetlands and other fish and aquatic habitat.
- b. Regulating pollution sources.
- c. Controlling shoreline alterations, dredging and lagooning.

(3) *Control building sites, placement of structures and land uses through:*

- a. Prohibiting certain uses detrimental to the shoreland-wetlands.
- b. Setting minimum lot sizes and widths.

- c. Setting minimum building setbacks from waterways.
- d. Setting the maximum height of near shore structures.
- (4) *Preserve and restore shoreland vegetation and natural scenic beauty through:*
 - a. Restricting the removal of natural shoreland cover.
 - b. Preventing shoreline encroachment by structures.
 - c. Controlling shoreland excavation and other earth moving activities.
 - d. Regulating the use and placement of boathouses and other structures.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-4. - Title.

Shoreland Protection Ordinance for Burnett County, Wisconsin.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.01.

Secs. 45-5—45-20. - Reserved.

ARTICLE II. - GENERAL PROVISIONS

Sec. 45-21. - Areas to be regulated.

Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Burnett County which are:

- (1) Within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages.
- (2) Within 300 feet of the ordinary high water mark of navigable rivers or streams, or to the landward side of the floodplain as mapped, whichever distance is greater.
- (3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stats. § 13.48(13) applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022(1) applies. Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. §§ 61.353 and 62.233.
- (4) Determinations of navigability and ordinary high water mark location shall initially be made by the zoning administrator or other designated zoning staff. When questions arise, the zoning administrator or other designated zoning staff shall contact the appropriate office of the department for a final determination of navigability or ordinary high water mark. The county may work with surveyors with regard to Wis. Stats. § 59.692(1h).
- (5) Under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
 - a. 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
- b. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Wis. Admin. Code §§ NR 115.02, 115.03(8).

Sec. 45-22. - Shoreland-wetland maps.

The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

(Res. No. 2017-05, 2-23-2017)

Sec. 45-23. - Compliance.

The use of any land; 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 wastewater disposal facilities (POWTS); the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings 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.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-24. - 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 Wis. Stats. § 13.48(13) applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1) applies.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-25. - Abrogation and greater restrictions.

The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stats. § 59.692 does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.

- (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 Burnett County Ordinances 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) This ordinance may establish standards to regulate matters that are not regulated in Wis. Admin. Code § NR 115, but that further the purposes of shoreland zoning as described in section 45-3 of this ordinance.
- (6) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that requires any of the following:
- a. Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
 - b. Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- (7) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:
- a. The department has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stats. ch. 30, 31, 281, or 283.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. §§ 59.692(1d)(b), (1k)(a)1, (2)(a), (2)(b), (5), and (7).

Sec. 45-26. - Interpretation.

In their interpretation and application, the provisions of this ordinance 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 statute and a standard in Wis. Admin. Code ch. NR 115, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Wis. Admin. Code 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.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. § 59.69(13).

Sec. 45-27. - 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.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-28—45-40. - Reserved.

ARTICLE III. - SHORELAND-WETLAND DISTRICT¹¹

Footnotes:

--- (1) ---

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04.

Sec. 45-41. - Designation.

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

- (1) *Locating shoreland-wetland boundaries.* Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04(b)2.note.

Sec. 45-42. - 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 impacts upon the wetland.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-43. - Permitted uses.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Wis. Stats. chs. 30, 31, and § 281.36 and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a zoning or land use permit, but which 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;
 - c. The pasturing of livestock;
 - d. The cultivation of agricultural crops;

- 1 e. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
2 f. The construction or maintenance of duck blinds.
- 3 (2) Uses which do not require the issuance of a zoning or land use permit and which may include
4 limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent
5 specifically provided below:
- 6 a. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry
7 conditions that would have an adverse impact on silvicultural activities if not corrected;
- 8 b. The cultivation of cranberries including flooding, dike and dam construction or ditching
9 necessary for the growing and harvesting of cranberries;
- 10 c. The maintenance and repair of existing agricultural drainage systems including ditching,
11 tiling, dredging, excavating and filling necessary to maintain the level of drainage required to
12 continue the existing agricultural use. This includes the minimum filling necessary for
13 disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is
14 placed on existing spoil banks where possible;
- 15 d. The construction or maintenance of fences for the pasturing of livestock, including limited
16 excavating and filling necessary for such construction or maintenance;
- 17 e. The construction or maintenance of piers, docks or walkways built on pilings, including limited
18 excavating and filling necessary for such construction and maintenance; and
- 19 f. The maintenance, repair, replacement or reconstruction of existing town and county highways
20 and bridges, including limited excavating and filling necessary for such maintenance, repair,
21 replacement or reconstruction.
- 22 (3) Uses which require the issuance of a zoning or land use permit and which may include limited
23 filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically
24 provided below:
- 25 a. The construction and maintenance of roads which are necessary to conduct silvicultural
26 activities or agricultural cultivation, provided that:
- 27 1. The road cannot as a practical matter be located outside the wetland;
- 28 2. The road is designed and constructed to minimize adverse impact upon the natural
29 functions of the wetland enumerated in section 45-45(b);
- 30 3. The road is designed and constructed with the minimum cross-sectional area practical
31 to serve the intended use; and
- 32 4. Road construction activities are carried out in the immediate area of the roadbed only.
- 33 b. The construction or maintenance of nonresidential buildings, provided that:
- 34 1. The building is essential for and used solely in conjunction with the raising of waterfowl,
35 minnows or other wetland or aquatic animals; or some other use permitted in the
36 shoreland-wetland district;
- 37 2. The building cannot, as a practical matter, be located outside the wetland;
- 38 3. Such building is not designed for human habitation and does not exceed 500 square
39 feet in floor area; and
- 40 4. Only limited filling or excavating necessary to provide structural support for the building
41 is authorized.
- 42 c. The establishment of public and private parks and recreation areas, natural and outdoor
43 education areas, historic and scientific areas, wildlife refuges, game bird and animal farms,
44 fur animal farms, fish hatcheries, and public boat launching ramps and attendant access
45 roads, provided that:

1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. ch. 29 where applicable;
 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 45-433(3)a.; and
 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- d. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 45-45(b).

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04(3).

Sec. 45-44. - Prohibited uses.

Any use not listed in sections 45-433(1), (2) or (3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 45-45 of this ordinance and Wis. Stats. 59.69(5)(e).

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04(4).

Sec. 45-45. - Rezoning of lands in the shoreland-wetland district.

- (a) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the Department shall be provided with the following:
- (1) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
 - (2) Written notice of the public hearing to be held on a proposed amendment at least ten days prior to such hearing;
 - (3) A copy of the county zoning agency's findings and recommendations on each proposed amendment within ten days after the submission of those findings and recommendations to the county board; and
 - (4) Written notice of the county board's decision on the proposed amendment within ten days after it is issued.

(b) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

- (1) Storm and floodwater storage capacity;
- (2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
- (3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
- (4) Shoreline protection against soil erosion;
- (5) Fish spawning, breeding, nursery or feeding grounds;
- (6) Wildlife habitat; or
- (7) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in Wis. Admin Code § NR 103.04, which can be accessed at the following web site: <http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

(c) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 45-45(b) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

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

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04(2).

Secs. 45-46—45.60. - Reserved.

ARTICLE IV. - LAND DIVISION REVIEW AND SANITARY REGULATIONS^[2]

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(2).

Sec. 45-61. - Land division review.

The county shall review, pursuant to Wis. Stats. § 236.45, all land divisions in shoreland areas which create three or more parcels or building sites of five acres each or less within a five-year period. In such review all of the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.

- (3) Public access to navigable waters, as required by law.
- (4) Adequate stormwater drainage facilities.
- (5) Conformity to state law and administrative code provisions.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(2).

Sec. 45-62. - Planned unit development (PUD).

- (a) *Purpose.* The planned unit development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of groundcover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the planned unit development at the time of its approval. A condition of all planned residential unit development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- (b) *Requirements for planned unit development.* The county land use and information committee may at its discretion, upon its own motion or upon petition, approve a planned unit development overlay district upon finding, after a public hearing, that all of the following facts exist:
 - (1) *Area.* The area proposed for the planned unit development shall be at least five acres in size or have a minimum of 300 feet of frontage on a navigable water. The area proposed for home sites is located in a district that permits residential use. Gross project area shall include total project area less any areas below the ordinary high water mark of navigable waters and may include lands in more than one zoning district.
 - (2) *Lots.* Any proposed lot in the planned unit development that does not meet the minimum size standards of sections 45-82 and 45-83 shall be a non-riparian lot.
 - (3) *Lot sizes, widths, setbacks, and vegetation removal.* When considering approval of a planned unit development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in section 45-212 and 45-213 shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development. Must have minimum setbacks of ten feet to side lot lines, 30 feet to front lot lines, 40 feet to rear lot lines and 40 feet to wetlands.
 - (4) *Pollution and erosion control.* The location and nature of the private on-site wastewater treatment systems, which will serve the home sites individually or collectively, are in compliance with the county sanitary code and Wis. Admin. Code SPS 383. Erosion control shall be designed/planned to minimize pollution and to follow the standards outlined in Article XII below.
 - (5) *Open space.* At least 50 percent of the project area shall be undivided and restricted in perpetuity from further development. Open space shall be deed and plat restricted to nonstructural agricultural, forestry, recreational or environmental protection uses except that accessory structures essential to the open space uses may be approved. A private on-site wastewater treatment system may be located in such an area provided no suitable site is available on the lot served by the system. Open space shall be contiguous. In this section contiguous shall mean at least 33 feet in width. Any restriction placed on use of lands, which is required by this ordinance, or which was placed as a condition of approval of a planned residential development shall vest in the county the right to enforce the restriction against anyone who has or acquires an interest in the land subject to the restriction. If the open space is to be held in common by owners of lots in

the development, a homeowner's association or similar legally constituted body shall be created to maintain it. Open space may be:

- a. Dedicated to the public. Land dedicated to the public must be accepted by action of the governing body of the accepting unit of government.
- b. Retained by the former owner, or held in individual ownership, while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.
- c. Held in common by the residents of the planned residential development.
- d. Held as individual outlots by owners of the planned residential development.
- e. Held by a nonprofit conservation organization acceptable to the county. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

(6) *Density.* The number of platted home sites shall not exceed 125 percent of those which would have been possible if the same land were platted in accordance with the minimum lot sizes, setbacks, widths and water frontage provided by the applicable provisions of this chapter, chapter 10, chapter 22, chapter 30, chapter 58 and chapter 70 of the Burnett County Ordinances. This figure shall be determined by use of the development yield analysis provided in the application and approval process of the applicable chapters.

(7) *Design guidelines for approval.*

- a. Roadways, lots and building envelopes shall be located in areas where they will have the least effect on forests, environmentally sensitive areas, crop land, pasture, meadow, farm buildings and historic structures, and where they will retain or enhance the visual character of the rural landscape. However, in resolving conflicts between these interests, priority shall be given to protection of waterways and their buffers, steep slopes, regulated floodplains and avoidance of a fragmented landscape.
- b. All residential lots and dwellings shall be encouraged into clusters. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site, and conflicts between incompatible uses.

(8) *Site development and land disturbing.*

- a. Existing natural drainage ways shall be retained to the greatest extent possible.
- b. Existing natural vegetation shall be preserved in areas where disturbance outside the building envelope is not essential.

(c) *Application procedure and approval process for a planned residential development.*

(1) *Initial conference.* Before submitting a conditional use application for a planned residential development, the subdivider shall schedule an appointment with the land use/zoning department staff to discuss the procedure for approval of a planned residential development, including submittal requirements and design standards.

(2) *Initial application.* After the initial conference, the subdivider shall submit a conditional use application and a series of maps and descriptive information to the land use/zoning department as required according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch equals 50 feet.

- a. Land contours based at a minimum upon the 2015 Burnett County Lidar with a contour interval of two feet.

- b. United States Department of Agriculture Natural Resource Conservation Service soil type locations and characteristics. Location of bedrock and areas of high potential for groundwater contamination should also be noted.
 - c. Hydrological characteristics, including surface water bodies, floodplains, wetlands, groundwater recharge and discharge areas, natural swales, drainage ways and steep slopes.
 - d. Land cover on the site, according to general cover type, including comments on the health and condition of trees and other vegetation.
 - e. Current and past land use, all buildings and structures on the land, cultivated areas, paved areas, and all encumbrances, such as easements and covenants. Any waste sites, brownfields or waste disposal practices should also be disclosed.
 - f. Known critical habitats for rare, threatened or endangered species.
 - g. Views of the site from surrounding roads, and/or nearby elevated areas, indicating on the map where photographs were taken.
 - h. Unique geological resources, such as rock outcrops or glacial features.
 - i. Cultural resources, if applicable, such as historic buildings, archaeological sites, and burial sites.
 - j. All items listed in section 45-62(b).
- (3) *Development yield analysis.* The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under this chapter, consistent with the minimum lot size, lot widths, setbacks and other provisions of this chapter, chapter 10, chapter 22, chapter 30, chapter 58 and chapter 70 of the Burnett County Ordinances and compare it to the number of dwellings proposed. Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g., floodways, wetlands) shall be excluded from the development yield analysis.
- (4) *Site analyses and concept plan.* Using the inventory provided in subsection (b) of this section, the development yield analysis provided in subsection (c) of this section, and the design standards in sections 30-425 through 30-427 of the Burnett County Ordinances, the subdivider shall submit a concept plan including at least the following information at a scale of no less than one inch equals 50 feet:
- a. Open space areas indicating which area is to remain undeveloped.
 - b. Boundaries of areas to be developed and proposed general roadway and lot layout.
 - c. Number and type of housing units proposed.
 - d. Proposed methods for and location of water supply, stormwater management and sewage treatment.
 - e. Inventory of preserved and disturbed natural features and prominent views.
 - f. Preliminary development envelopes showing areas for lawns, pavement, buildings and grading.
 - g. Proposed methods of ownership and management of open space.
- (5) *General location map.* The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas within 500 feet of the parcel. This information may be presented on an aerial photograph at a scale of no less than one inch equals 400 feet.
- (6) *Review of initial application.* Within 30 days following the filing of a complete application for conditional use, the land use/zoning department shall meet with the subdivider to review the application. Staff from appropriate state agencies may also be requested by the county to review

the conditional use application. The land use/zoning department shall make the determination of whether the application is complete. (For the purpose of this chapter, a complete application accepted by the land use and information committee may include a preliminary plat as provided for in the subdivision control ordinance codified in chapter 58 of the Burnett County Ordinances, which may be subject to modification through the public hearing process.)

(7) *[Scheduling of public hearing.]* Upon determination that the application is complete, the application will be scheduled for a public hearing for a conditional use permit as provided under article VIII of chapter 30 of the Burnett County Ordinances. (This public hearing may include review of the preliminary plat.) Copies of the petition and notice of the hearing shall also be sent to the appropriate office of the Department as described in section 45-505(b) of this ordinance.

(8) *Review of conditional use.* The conditional use application for a planned residential development shall be reviewed in accordance with the provisions of article VIII of chapter 30 of the Burnett County Ordinances, and the requirements of this ordinance. Approval of the conditional use application is required prior to the filing of the preliminary plat as required under the subdivision control ordinance codified in chapter 58 of the Burnett County Ordinances.

(9) *[Recommendations.]* The Burnett County Land Use and Information Committee report to the Burnett County Board shall reflect the recommendations of any federal, state or local agency with which the county zoning agency consults.

(10) *Findings and conditions of approval.* The county board shall make written findings as to the compliance or noncompliance of the proposed overlay district with each of the applicable requirements set forth in section 45-62(b). If the petition is granted in whole or in part, the county board shall attach such written conditions to the approval as are required by and consistent with section 45-62(b). The conditions of approval shall in all cases establish the specific restrictions applicable with regard to minimum lot sizes, width, setbacks, dimensions of vegetative buffer zone, dimensions of vegetation protection area and open space requirements.

(11) *Planning studies.* A landowner or petitioner may at their own expense develop the facts required to establish compliance with the provisions of section 45-62(b) or may be required to contribute funds to the county to defray all or part of the cost of such studies being undertaken by the county or any agency or person with whom the county contracts for such work.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)4.

Sec. 45-63. - Sanitary regulations.

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

(1) Where public water supply systems are not available, private well construction shall be required to conform to Wis. Admin. Code ch. NR 812.

(2) Where a public sewage collection and treatment system is not available, design and construction of private on-site wastewater treatment system (POWTS) shall, prior to July 1, 1980, be required to comply with Wis. Admin. Code ch. SPS Comm 383, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under Wis. Stats. § 59.70(5).

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(3))

Secs. 45-64—45-80. - Reserved.

ARTICLE V. - MINIMUM LOT SIZE^[3]

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1).

Sec. 45-81. - 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 and/or nearby body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included. The lot or parcel must comply with all other Burnett County ordinance requirements which require larger lot sizes or widths.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a).

Sec. 45-82. - Publically sewerred riparian lots.

Minimum area and width for each lot. The minimum lot area shall be 10,000 square feet and the minimum average lot width shall be 65 feet. The lot or parcel must comply with all other Burnett County ordinance requirements which require larger lot sizes or widths.

(1) The width shall be calculated by averaging the measurements of the shortest horizontal distance between side lot lines at the following locations:

- a. The ordinary high water mark.
- b. The building setback line of 75 feet from the ordinary high water mark. The setback averaging line will not be used in this case.
- c. The rear lot line. For lot width averaging purposes only, the definition of rear lot line is the line opposite of the ordinary high water mark. When there are two or more lines opposite of the ordinary high water mark, the shortest line will be used for averaging purposes. When there is no line opposite of the ordinary high water mark, then a value of zero will be used for averaging purposes.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)1.

Sec. 45-83. - Privately sewerred riparian lots.

Minimum area and width for each lot. The minimum lot area shall be 20,000 square feet and the minimum average lot width shall be 100 feet. The lot or parcel must comply with all other Burnett County ordinance requirements which require larger lot sizes or widths.

(1) The width shall be calculated by averaging the measurements of the shortest horizontal distance between side lot lines at the following locations:

- a. The ordinary high water mark.

- 1 b. The building setback line of 75 feet from the ordinary high water mark. The setback averaging
2 line will not be used in this case.
- 3 c. The rear lot line. For lot width averaging purposes only, the definition of rear lot line is the
4 line opposite of the ordinary high water mark. When there are two or more lines opposite of
5 the ordinary high water mark, the shortest line will be used for averaging purposes. When
6 there is no line opposite of the ordinary high water mark, then a value of zero will be used
7 for averaging purposes.

8 (Res. No. 2017-05, 2-23-2017)

9 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)2.

10 Sec. 45-84. - Substandard lots.

11 A legally created lot or parcel that met minimum area and minimum average width requirements when
12 created, but does not meet current lot size requirements, may be used as a building site if all of the following
13 apply:

- 14 (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by
15 plat or survey pursuant to Wis. Stats. § 236.
- 16 (2) The substandard lot or parcel has never been developed with one or more of its structures placed
17 partly upon an adjacent lot or parcel. Removing a structure or structures placed partly upon an
18 adjacent lot or parcel does not make the lots/parcels separate.
- 19 (3) The substandard lot or parcel is developed to comply with all other Burnett County ordinance
20 requirements.

21 *Note:* The intent of this provision is to allow lots that were legally created that currently do not meet
22 the minimum lot width and area requirements to be considered a building site provided all other Burnett
23 County ordinance requirements can be met. Substandard lots that have been reconfigured by a certified
24 survey map or consolidated into one legal description with the register of deeds, which result in a larger
25 (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a
26 legal description for each substandard lot on record with the register of deeds but have one tax parcel
27 number assigned by the real property lister or assessor for taxing/assessing purposes should be considered
28 separate building sites and should not be considered consolidated. Lots that have had development over
29 the lot lines shall be combined with a certified survey map or recorded plat prior to new development
30 occurring or within three months of the land use permit being issued.

31 (Res. No. 2017-05, 2-23-2017)

32 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)3.

33 Sec. 45-85. - Other substandard lots.

34 Except for lots which meet the requirements of section 45-84, a building permit for the improvement of
35 a lot having lesser dimensions than those stated in sections 45-82, 45-83, 45-86 and 45-87 shall be issued
36 only if a variance is granted by the board of adjustment.

37 (Res. No. 2017-05, 2-23-2017)

38 Sec. 45-86. - Publically sewerred non-riparian lots.

1 *Minimum area and width for each lot.* The minimum lot area shall be 10,000 square feet and the
2 minimum average lot width shall be 65 feet. The lot or parcel must comply with all other Burnett County
3 ordinance requirements which require larger lot sizes or widths.

4 (1) The width shall be calculated by averaging the measurements of the shortest horizontal distance
5 between side lot lines at the following locations:

- 6 a. *The front lot line.* For lot width averaging only, the definition of front lot line is the line which
7 abuts a road. For corner lots the higher ranking road will be considered the front. Ranking
8 highest to lowest is: federal road, state road, county road, town/village road, private road.
9 For corner lots where each road has the same ranking, then the shortest side shall be used
10 for averaging purposes. When the lot has no road frontage, then the front will be considered
11 the side which contains the access point to the lot.
- 12 b. The building setback line from the front lot line or road right-of-way, whichever is more
13 restrictive.
- 14 c. The rear lot line. For lot width averaging purposes only on non-riparian lots, the definition of
15 rear lot line is the line opposite the front lot line. When there are two or more lines opposite
16 of the front lot line, the shortest line will be used for averaging purposes. When there is no
17 line opposite of the front lot line, then a value of zero will be used for averaging purposes.

18 (Res. No. 2017-05, 2-23-2017)

19 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)1.

20 Sec. 45-87. - Privately sewerer non-riparian lots.

21 *Minimum area and width for each lot.* The minimum lot area shall be 20,000 square feet and the
22 minimum average lot width shall be 100 feet. The lot or parcel must comply with all other Burnett County
23 ordinance requirements which require larger lot sizes or widths.

24 (1) The width shall be calculated by averaging the measurements of the shortest horizontal distance
25 between side lot lines at the following locations:

- 26 a. *The front lot line.* For lot width averaging only, the definition of front lot line is the line which
27 abuts a road. For corner lots, the higher ranking road will be considered the front. Ranking
28 highest to lowest is: federal road, state road, county road, town/village road, private road.
29 For corner lots where each road has the same ranking, then the shortest side shall be used
30 for averaging purposes. When the lot has no road frontage, then the front will be considered
31 the side which contains the access point to the lot.
- 32 b. The building setback line from the front lot line or road right-of-way, whichever is more
33 restrictive.
- 34 c. The rear lot line. For lot width averaging purposes only on non-riparian lots, the definition of
35 rear lot line is the line opposite the front lot line. When there are two or more lines opposite
36 of the front lot line, the shortest line will be used for averaging purposes. When there is no
37 line opposite of the front lot line, then a value of zero will be used for averaging purposes.

38 (Res. No. 2017-05, 2-23-2017)

39 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(a)2.

40 Secs. 45-88—45-100. - Reserved.

41 ARTICLE VI. - BUILDING SETBACKS^[4]

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(b).

Sec. 45-101. - 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.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-102. - Shoreland setbacks.

Unless exempt under section 45-102(1), or reduced under section 45-103, or increased under section 45-104, a setback of 75 feet from the ordinary high water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

(1) *Exempt structures.* All of the following structures are exempt from the shoreland setback standards in section 45-102:

a. Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The following standards apply to boathouses:

1. The construction or placement of a boathouse below the ordinary high water mark of any navigable waters shall be prohibited.
2. Boathouse shall be designed and constructed solely for the storage of boats and related equipment.
3. The boathouse shall not exceed 250 square feet in size (outside dimensions).
4. One boathouse is permitted per buildable lot as an accessory structure.
5. The siding and roofing color schemes shall be muted (non-reflective with dull intensity) and shall only be shades of grey or brown.
6. The boathouse shall have a gabled roof with a pitch that equals or exceeds a 4/12 rise to run ratio but is not steeper than 6/12 rise to run ratio. The roof shall not be designed or used as decks, observation platforms or for other similar uses.
7. The boathouse shall not exceed one story.
8. No attached/detached decks or patios will be allowed.
9. The width of the boathouse, parallel to the shoreline, to length ratio shall not exceed 1:3 and shall not be less than 1:1.
10. The boathouse framing shall only be built out of wood. No concrete or asphalt slabs shall be allowed in the construction. Concrete footings may be used, but they must be no more than six inches above the outside grade.
11. One garage style access door not exceeding ten feet in width and no less than eight feet in width shall be installed on the boathouse. The garage style door shall be on the water body side of the structure and may not contain windows.

12. A maximum of ten square feet of window surface may be allowed on each of the three sides that do not face the water body. No windows may be on the water body side of the boathouse including in the garage door, or on the roof of the structure.
13. One service/entry door not exceeding 36 inches in width shall be allowed per boathouse. The service/entry door shall not be on the water body side of the boathouse.
14. The width of the boathouse on the water body side shall not exceed 12 feet.
15. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
16. Any construction on slopes greater than 20 percent shall require a filling/grading permit in conjunction with approval from the land and water conservation department.
17. No retaining walls shall be used in the construction.
18. Boathouses shall be constructed in conformity with local floodplain zoning standards.
19. Boathouses must meet all other setbacks, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks.
20. A set of construction plans shall be submitted as part of the application.
21. A map of survey shall be submitted with the permit application to demonstrate the location of the proposed structure along with floodplain information and required setback information.
22. Applicant must obtain any relative permits from their town before construction.
23. An agreement to abide by these requirements shall be notarized and recorded with the register of deeds office prior to the permit being issued. The agreement shall be binding on all future owners and shall run with the land until the boathouse is completely removed and the site is restored to a natural state.
- b. The roof of an existing boathouse may be used as a deck provided that:
 1. The existing boathouse has a flat roof.
 2. The existing boathouse roof has no side walls or screens.
 3. The boathouse was legally constructed.
 4. The roof may have a railing that meets the department of safety and professional services standards.
 5. The existing roof material is to be used as the deck surface. This provision does not allow a deck to be constructed over the existing roof surface.
- c. Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stats. § 59.692(1v):
 1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary high water mark.
 2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.

In calculating this square footage, boathouses, walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline shall be excluded.
 3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
 4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the shoreland setback area that is nearest to the water.

5. An enforceable affidavit must be recorded with the register of deeds prior to the permit being issued acknowledging the limitations on vegetation.
6. All other setback requirements apply, such as wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks.
7. These structures are not exempt from floodplain requirements.

Note: The statutory requirements under Wis. Stats. § 59.692(1v) which require the establishment of a vegetative buffer for the construction of open-sided structures is not superseded by Wis. Stats. § 59.692(1f)(a).

- d. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter. The broadcast signal receiver shall be located entirely within the access and viewing corridor or outside the vegetated buffer zone. All other setback requirements apply, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks. The structure does not exceed 35 feet in height.
- e. Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Wis. Admin. Code ch. SPS 383, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure. The utility structure shall be located entirely within the access and viewing corridor or outside the vegetated buffer zone. All other setback requirements apply, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks. The structure does not exceed 35 feet in height.
- f. Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width. If a rail system and a stairway/walkway are necessary (per section 45-502(12)) and desired on the same lot/parcel then they shall be constructed adjacent and parallel to each other and shall not exceed 120 inches in width at any point. The combined width of both structures will be measured from the outside edge of the stairway/walkway to the outside edge of the rail system basket/platform. The stairway/walkway or rail system structure shall be located entirely within the access and viewing corridor or outside the vegetated buffer zone. All other setback requirements apply, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks. The structure does not exceed 35 feet in height or is no more than six feet above the existing grade at any point. No roofs are allowed on walkways, stairways or rail systems.
- g. Devices or systems used to treat runoff from impervious surfaces. The structure shall be located entirely within the access and viewing corridor or outside the vegetated buffer zone. All other setback requirements apply, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and sanitary setbacks. The structure does not exceed 35 feet in height at any point.

- (2) *Existing exempt structures.* Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint, does not change the existing use and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Wis. Stats. § 59.692(1k)(a)2m prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 45-102(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code §§ NR 115.05(1)(b)1 and 1m, and Wis. Stats. §§ 59.692(1k)(a)2m and (1k)(a)(6).

Sec. 45-103. - Reduced principal structure setback.

A setback less than the 75 feet required setback from the ordinary high water mark shall be permitted for a proposed principal structure (this is not allowed for additions to existing principal structures, must be a new principal structure) and shall be determined as follows:

- (1) Where there are existing principal structures on both sides, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing legal principal structures are located on adjacent side lots to the proposed principal structure.
 - b. Both of the existing legal principal structures are located within 250 feet of the proposed principal structure and are the closest structures.
 - c. Both of the existing legal principal structures are located less than 75 feet from the ordinary high water mark.
 - d. The average setback shall not be reduced to less than 35 feet from the ordinary high water mark of any navigable water.

Note: Wis. Stats. § 59.692(1d)(a) requires counties to adopt the standards consistent with section 45-102(1) for reducing the shoreland setback.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. § 59.692(1n).

Sec. 45-104. - Increased principal structure setback.

A setback greater than the required 75 feet from the ordinary high water mark may be required for a proposed principal structure and determined as follows:

- (1) Where there are existing principal structures on both sides, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
 - a. Both of the existing legal principal structures are located on adjacent side lots to the proposed principal structure.
 - b. Both of the existing legal principal structures are located within 200 feet of the proposed principal structure.
 - c. Both of the existing legal principal structures are located greater than 75 feet from the ordinary high water mark.
 - d. Both of the existing legal principal structures were required to be located at a setback greater than 75 feet from the ordinary high water mark.
 - e. The increased setback does not apply if the resulting setback limits the placement to an area on which the structure cannot be built.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. § 59.692(1n)(c).

Sec. 45-105. - Floodplain structures.

Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(b)2.

Sec. 45-106. - Road setbacks.

(a) All state and U.S. numbered highways are hereby designated class A highways. The setback line for class A highways and for any other roads designated as major roads on official maps in effect in the county shall be 66 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 130 feet from centerline when no survey exists.

(b) All county trunk highways not otherwise designated as class A highways are hereby designated class B highways. The setback for class B highways and for roads designated as arterial roads on official maps in effect in the county shall be 42 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 75 feet from centerline when no survey exists.

(c) All town roads not otherwise designated class A or class B highways are hereby designated class C highways. The setback for class C highways and for streets other than major and arterial roads designated as such on official maps in effect in the county shall be 30 feet from road right-of-way as established by a Wisconsin licensed professional land surveyor or 63 feet from centerline when no survey exists.

(d) A setback equal to the average setback of all existing principal buildings located within 300 feet of a proposed building site and on the same side of the road for class A, class B and class C highways, shall be permitted where three of these buildings do not conform to the appropriate setback line. If the average is less than 25 feet, the proposed building shall be constructed no closer than 25 feet to the right-of-way.

(e) Minor, readily removable structures, such as fences or signs permitted by this ordinance or other Burnett County ordinances, may be placed within setback lines. When deemed necessary by the county land use and information committee in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any such structures erected within setback lines.

(f) Public utility equipment without permanent foundations are allowed, such as; overhead telephone, overhead electric, open fences less than ten feet in height, underground telephone, underground electric, underground fiber optic, underground gas, underground public sewer, underground public water as long as they have approval from the department/agency who has oversight of the highway/road that it will not be a safety hazard. Public utility equipment with foundations and roofed or enclosed buildings must be at least ten feet from any property line and must have approval from the department/agency who has oversight of the highway/road that it will not be a safety hazard. No roofed or enclosed building shall be more than ten feet in height. When deemed necessary by the county land use and information committee in connection with development such as highway improvement programs, property owners and public utilities may be required to remove, at their own expense and without right of compensation, any such structures erected within setback lines.

(g) Any proposed or planned roads (e.g., frontage roads, service roads, access roads, etc.) indicated in the county land use/zoning maps shall require all buildings to meet the required setbacks designated above. Any proposed or planned roads not designated shall be considered class C highways for setback purposes.

- 1 (h) Structural setbacks from privately constructed roads (except individual driveways) shall be 40 feet
2 from the centerline of the road.
- 3 (i) Within the unincorporated village overlay district a minimum structural setback distance of ten feet
4 from the right-of-way line of any road or alley shall be maintained.
- 5 (1) Special structural setback reductions will be permitted within the unincorporated village overlay
6 if there are at least three existing principal buildings, built to less than the required setback (ten
7 feet), within 300 feet on either side of the proposed site, the reduced setback may be equal to but
8 no closer than the setback of the closest adjacent principal building.

9 (Res. No. 2017-05, 2-23-2017)

10 Sec. 45-107. - Rear setbacks.

11 Rear setbacks shall be 40 feet in all zoning districts except as listed in chapter 30.

12 (Res. No. 2017-05, 2-23-2017)

13 Sec. 45-108. - Side setbacks.

14 Side setbacks shall be ten feet in all zoning districts except those as listed in chapter 30.

15 (Res. No. 2017-05, 2-23-2017)

16 Sec. 45-109. - Wetland setbacks.

17 A setback of 40 feet from the wetland to the nearest part of a building or structure shall be required for
18 all buildings and structures.

19 (Res. No. 2017-05, 2-23-2017)

20 Sec. 45-110. - Eave setbacks.

21 Standard eaves two feet or less in width will not apply to the setback requirements.

22 (Res. No. 2017-05, 2-23-2017)

23 Secs. 45-111.—45-130. - Reserved.

24 ARTICLE VII. - ACCESSORY USES AND STRUCTURES

25 Sec. 45-131. - Accessory uses and structures.

- 26 (a) Any structure shall conform to the setback and other dimensional requirements of the district within
27 which it is located, unless it is exempt structure under section 45-102(1) above.
- 28 (b) A single (one per lot/parcel) bunkhouse/temporary guest quarters will be permitted by land use permit
29 where:
- 30 (1) The bunkhouse/temporary guest quarters shall be located within or as part of an accessory
31 structure.

- (2) The bunkhouse/temporary guest quarters shall not exceed 50 percent of the gross floor area of the accessory structure with a maximum of 499 square feet of habitable floor area. Square footage is measured as all area within the exterior walls of the habitable area and all area within the exterior walls of the entire area of the structure. Enclosed porches will be included in these amounts, decks will not be included in these amounts. Although not habitable by definition bathrooms, utility rooms, kitchens, entry ways, closets and interior stairwells will be included in the square footage not to exceed 499. Storage area must be separate and segregated from any habitable area (can have a door from the habitable area to the storage area).
 - (3) All of the setback requirements are met including shoreland, road, property line and wetland.
 - (4) Minimum average lot width of 100 feet and minimum lot area of 30,000 square feet are provided.
 - (5) Plumbing, if installed, conforms to the state sanitary code.
 - (6) Leasing, rental or use as a residence is strictly prohibited.
 - (7) A document is recorded with the register of deeds outlining use restrictions.
 - (8) The lot/parcel does not exceed the principal building density allowed.
 - (9) Not allowed in commercial or industrial districts.
 - (10) The POWTS on the lot must be sized to handle the number of occupants in the bunkhouse.
- (c) A single (one per lot/parcel) independent bunkhouse/temporary guest quarters will be permitted by land use permit where:
- (1) The structure does not exceed 250 square feet of footprint. Square footage is measured as the exterior wall area of the structure. Enclosed porches will be included in this amount, decks will not be included in these amounts. Entry ways and interior stairwells will be included in the square footage not to exceed 250.
 - (2) Plumbing of the structure is prohibited.
 - (3) All of the setback requirements are met including shoreland, road, property line and wetland.
 - (4) Minimum average lot width of 100 feet and minimum lot area of 20,000 square feet are provided.
 - (5) Leasing, rental or use as a residence is strictly prohibited.
 - (6) A document is recorded with the register of deeds outlining use restrictions.
 - (7) The lot/parcel does not exceed the principal building density allowed.
 - (8) Not allowed in commercial or industrial districts.
 - (9) For those beyond the shoreland setback, the height limit shall not exceed 20 feet as measured in section 45-272 below.
 - (10) The POWTS on the lot must be sized to handle the number of occupants in the bunkhouse.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-132—45-150. - Reserved.

ARTICLE VIII. - PARKING/LOADING/UNLOADING REQUIREMENTS

Sec. 45-151. - Parking/loading/unloading requirements.

- (a) Any building hereafter erected or placed on a lot shall be provided with off-road parking spaces for those using such building. Off-road is located outside of the road right-of-way.
- (1) Each parking space required must be at least 180 square feet of usable parking area.

- (2) Residential uses shall be provided with at least one parking space for each dwelling unit.
- (3) Commercial and industrial uses as listed and permitted in the zoning districts, shall be provided, except as noted below, with one parking space for each 200 square feet of floor area. However, restaurants, taverns and similar establishments shall be provided with at least one space for each three seats devoted to patron use; motels, tourist cabins and similar establishments, shall be provided with at least one space for each unit; drive-in eating stands offering in-car service shall be provided with at least five spaces for each person employed to serve customers.
- (4) Public gathering uses shall be provided with at least one space for each five patrons to be accommodated on the premises.
- (5) Off-road parking will not be required in the unincorporated village overlay district (UVOD) where parking is allowed and provided for on public right-of-way.
- (b) Any commercial or industrial building hereafter erected or placed on a lot, shall be provided with sufficient off-road loading and unloading space so that no public roads or alleys need be blocked by such activities. In the commercial and industrial districts such buildings shall be provided with a minimum of 400 square feet of off-road loading and unloading space.
- (c) Parking/loading/unloading areas are considered structures and must meet the shoreland setbacks.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-152—45-170. - Reserved.

ARTICLE IX. - DRIVEWAYS AND PRIVATE ROADS

Sec. 45-171. - Driveways and private roads.

- (a) Private roads are described as those serving more than one parcel. All private roads serving multiple parcels shall be a minimum width of two rods.
- (b) Driveways are described as serving only one parcel. All driveways which serve new agricultural/residential/commercial/industrial buildings that are greater than 75 feet from a public or private road shall meet the following within 60 days of land use permit issuance:
- (1) Driveways shall have a minimum clearance width of 20 feet. Any curves in driveways must not be less than 100-foot radius.
 - (2) Overhead clearance shall be established at a minimum height of 13 feet.
 - (3) Driveways exceeding 150 feet in length must provide an adequate turnaround area that will accommodate a 30-foot long fire truck. The turnaround space can be provided by one of the following methods and shall be within 75 feet of the principal building:
 - a. If a circle drive is constructed, it must have a radius of no less than 35 feet to the centerline;
 - b. A turnaround space free of trees and other obstructions may be provided if it has the dimensions of not less than 60 feet by 50 feet; or
 - c. A turnout may be provided with the following dimensions: the length shall be a minimum of 30 feet. The width at the entrance shall also be a minimum of 30 feet. The turnout may be trapezoidal in shape, thereby tapering down to a minimum of 20 feet at the rear. In addition, a minimum of 40 feet of driveway must be provided between the building and the turnout to allow enough room to back a 30-foot long fire truck into the turnout.
- (c) Exemptions from the provisions of this section would include:
- (1) New buildings that are 75 feet or less from a public or private road.
 - (2) Those portions of both private roads and driveways that are restricted by existing easement.

(d) In the interest of public safety and better delivery of emergency services, the county board encourages and recommends that existing driveways be upgraded to these minimum standards.

(e) Driveways and private roads are considered structures and must meet the shoreland setbacks.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-172—45-190. - Reserved.

ARTICLE X. - FENCES

Sec. 45-191. - Fences.

(a) Solid fences. A setback of 75 feet from the ordinary high water mark of any navigable water to the nearest part of a solid fence shall be required. A solid fence is considered to be wood panels, wood boards, metal panels, glass panels, or any other type of fence structure besides chain link, wood rail, or wire.

(b) Agricultural/livestock open type fences might be exempt under other statutes. These are only allowed in zoning districts which allow livestock.

(c) An open fence is considered to be a chain link, wood rail or wire and will not obstruct the adjoining property owner's view of the water. A setback of 75 feet from the ordinary high water mark of any navigable water to the nearest part of an open fence shall be required, except for those exempt under section 45-191(b).

(d) Fence height is measured from the lowest original grade at the fence location perpendicular to the slope to the highest point of any fence component.

(e) Any open or solid fence less than ten feet in height is allowed to be placed on the side, front, or rear lot line with a setback of zero feet. Lake and wetland setbacks still apply in this case.

(f) Any open or solid fence less than ten feet in height is allowed to be placed on the road right-of-way line with a setback of zero feet. Lake and wetland setbacks still apply in this case.

(g) No county land use permit will be required for open or solid fences if they comply with the above criteria sections 45-191(1) to 45-191(6).

(h) Any open or solid fence over ten feet in height will be treated as an accessory structure and must meet all accessory structure setback requirements and requires a land use permit.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-192—45-210. - Reserved.

ARTICLE XI. - VEGETATION^[5]

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(c).

Sec. 45-211. - Purpose.

To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(c)1.

Sec. 45-212. - Activities allowed within a vegetative buffer zone.

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

- (1) The county may allow routine maintenance of vegetation.
- (2) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. No filling and/or grading is allowed within the access and viewing corridors. Tree stumps should be removed by a stump grinder to preserve existing grade. Per Wis. Stats. § 59.692(1f)(b), the viewing corridor may be at least 35 feet wide for every 100-foot increment of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned. For lots with less than 100 feet of shoreline frontage, the viewing corridor can be up to 35 percent of the shoreline frontage. For lots over 100 feet of shoreline frontage, the viewing corridor will be 35 feet for every 100-foot increment of shoreline frontage. Some examples are: 100.00—199.99 feet of shoreline frontage gets 35 feet of corridor, 200.00—299.99 feet of shoreline frontage gets 70 feet of corridor, 300.00—399.99 feet of shoreline frontage gets 105 feet of corridor, 400.00—499.99 feet of shoreline gets 140 feet of corridor, this pattern continues on.
- (3) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with ten or more acres of forested land consistent with "generally accepted forestry management practices" as defined in Wis. Admin. Code § NR 1.25(2)(b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
- (5) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subsection shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

Note: Wis. Stats. § 59.692(1f)(a) prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(c)2.

1 Sec. 45-213. - Activities allowed within a vegetation protection area.

2 To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote
3 preservation and restoration of native vegetation, the county ordinance shall designate land between 35
4 feet inland from the ordinary high water mark and 50 feet inland from the ordinary high water mark as a
5 vegetation protection area and prohibit removal of vegetation in the vegetation protection area except as
6 follows:

- 7 (1) The county may allow routine maintenance of vegetation.
- 8 (2) The county may allow removal of trees and shrubs in the vegetation protection area to create
9 access and viewing corridors. No filling and/or grading is allowed within the access and viewing
10 corridors. Tree stumps should be removed by a stump grinder to preserve existing grade. The
11 access and viewing corridor may be at least 35 feet wide for every 100-foot increment of shoreline
12 frontage. The access and viewing corridor may run contiguously for the entire maximum width of
13 shoreline frontage owned. For lots with less than 100 feet of shoreline frontage, the access and
14 viewing corridor can be up to 35 percent of the shoreline frontage. For lots over 100 feet of
15 shoreline frontage, the access and viewing corridor will be 35 feet for every 100-foot increment of
16 shoreline frontage. Some examples are: 100.00—199.99 feet of shoreline frontage gets 35 feet
17 of corridor, 200.00—299.99 feet of shoreline frontage gets 70 feet of corridor, 300.00—399.99
18 feet of shoreline frontage gets 105 feet of corridor, 400.00—499.99 feet of shoreline gets 140 feet
19 of corridor, this pattern continues on.
- 20 (3) The county may allow removal of trees and shrubs in the vegetation protection area on a parcel
21 with ten or more acres of forested land consistent with "generally accepted forestry management
22 practices" as defined in Wis. Admin. Code § NR 1.25 (2)(b) and described in Department
23 publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that
24 vegetation removal be consistent with these practices.
- 25 (4) The county may allow removal of vegetation within the vegetation protection area to manage
26 exotic or invasive species, damaged vegetation, vegetation that must be removed to control
27 disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed
28 be replaced by replanting in the same area as soon as practicable.
- 29 (5) The county may authorize by permit additional vegetation management activities in the
30 vegetation protection area. The permit issued under this subsection shall require that all
31 management activities comply with detailed plans approved by the county and designed to control
32 erosion by limiting sedimentation into the waterbody, to improve the plant community by
33 replanting in the same area, and to maintain and monitor the newly restored area. The permit
34 also shall require an enforceable restriction to preserve the newly restored area.

35 (Res. No. 2017-05, 2-23-2017)

36 Secs. 45-214—45-230. - Reserved

37 ARTICLE XII. - FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING^[6]

38
39 Footnotes:

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41 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(d).

42 Sec. 45-231. - Filling, grading, lagooning, dredging, ditching and excavating.

1 Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance
2 with the provisions of Wis. Admin. Code § NR 115.04, the requirements of Wis. Stats. ch. 30, and other
3 local, state and federal laws where applicable, and only if done in a manner designed to minimize erosion,
4 sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

5 (Res. No. 2017-05, 2-23-2017)

6 Sec. 45-232. - General standards.

7 Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under
8 section 45-233(b) may be permitted in the shoreland area provided that:

- 9 (1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding
10 the vegetative buffer.
- 11 (2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and
12 wildlife habitat.
- 13 (3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets
14 the requirements of section 45-43(2) of this ordinance.
- 15 (4) All applicable federal, state and local authority is obtained in addition to a permit under this
16 ordinance.
- 17 (5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative
18 cover or a bulkhead.
- 19 (6) It is not done within the vegetation protection area unless necessary for establishing or expanding
20 the vegetation protection area.

21 (Res. No. 2017-05, 2-23-2017)

22 Sec. 45-233. - Permit required.

23 Except as provided in section 45-232, a permit is required:

- 24 (1) For any filling or grading of any area which is within 300 feet landward of the ordinary high water
25 mark of navigable water and which has surface drainage toward the water and on which there is
26 either:
 - 27 a. Any filling or grading on slopes of more than 20 percent.
 - 28 b. Filling or grading of more than 1,000 square feet on slopes of 12 percent—20 percent.
 - 29 c. Filling or grading of more than 2,000 square feet on slopes less than 12 percent.
- 30 (2) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon,
31 pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark
32 of a navigable body of water or where the purpose is the ultimate connection with a navigable
33 body of water.

34 (Res. No. 2017-05, 2-23-2017)

35 Sec. 45-234. - Permit conditions.

36 In granting a permit under section 45-133, the county shall attach the following conditions, where
37 appropriate, in addition to those provisions specified in section 45-503;

- 38 (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

- (2) Temporary groundcover (such as 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 engineering 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) Channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-235—45-250. - Reserved.

ARTICLE XIII. - IMPERVIOUS SURFACE STANDARDS⁷

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e).

Sec. 45-251. - Purpose.

Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high water mark of any navigable waterway.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-252. - Calculation of percentage of impervious surface.

Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 45-255 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: Wis. Admin. Code § NR 115.05(1)(e)1m clarifies that if an outlot lies between the ordinary high water mark and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion

of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc., on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.

For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e)1.

Sec. 45-253. - General impervious surface standard.

Except as otherwise allowed in sections 45-254 and 45-255, the county shall allow up to 15 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e)2.

Sec. 45-254. - Maximum impervious surface standard.

A property may exceed the impervious surface standard under 45-253 provided the following standards are met:

(1) For properties where the general impervious surface standard applies under section 45-253, a property owner may have more than 15 percent impervious surface but not more than 30 percent impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark.

(2) For properties that exceed the standard under section 45-253 but do not exceed the maximum standard under section 45-254(1), a permit can be issued for development with a mitigation plan that meets the standards found in section 45-341.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e)3.

Sec. 45-255. - Treated impervious surfaces.

Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 45-232:

(1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.

(2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

Note: The provisions in section 45-255 are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption

only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized to handle and treat a 10-year storm event) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with section 45-255 will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under section 45-255.

To qualify for the statutory exemption, property owners shall submit a complete permit application, that is reviewed and approved by the county. The application shall include:

- (1) Calculations showing how much runoff is coming from the impervious surface area;
- (2) Documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and
- (3) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the register of deeds prior to the issuance of the permit.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e)3m; and Wis. Stats. § 59.692(1k)(a)5.

Sec. 45-256. - Existing impervious surfaces.

For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 45-253 or the maximum impervious surface standard in section 45-254, the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces;
- (2) Replace existing impervious surfaces with similar surfaces within the existing footprint; or
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in sections 45-102, 45-102 or 45-103.
- (4) For impervious surface purposes only a land use permit is required for sections 45-256(2) and (3) if the area of replacement, relocation or modification exceeds 100 square feet in size. Other Burnett County ordinance requirements for land use permits still apply.

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(e)4.

Secs. 45-257—45-270. - Reserved.

ARTICLE XIV. - HEIGHT^[8]

1

2 Footnotes:

3 --- (8) ---

4 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(1)(f).

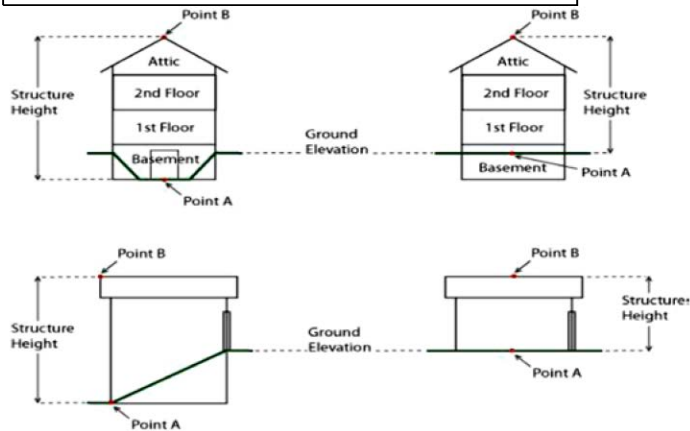
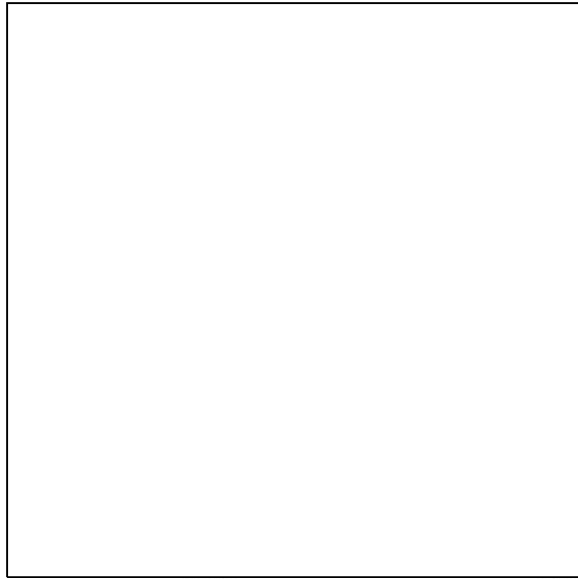
5 Sec. 45-271. - Height.

6 To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a
7 county may not permit any construction that results in a structure taller than 35 feet within 75 feet of the
8 ordinary high water mark of any navigable waters.

9 (Res. No. 2017-05, 2-23-2017)

10 Sec. 45-272. - How to determine structure height.

11 Structure height is the measurement of the vertical line segment starting at the lowest point of any
12 exposed wall and its intersect with the ground (point A in the following diagram) to a line horizontal to the
13 highest point of a structure (point B in the following diagram), unless specified under other sections of this
14 Code.



(Res. No. 2017-05, 2-23-2017)

Sec. 45-273. - Height limit beyond 75-foot setback.

To protect and preserve wildlife habitat and natural scenic beauty, a county may not permit any construction that results in a structure outside of the 75-foot shoreland setback taller than 40 feet.

- (1) Chimneys are exempt from the 40-foot height limit if they are less than ten feet in height above point B as shown in section 45-272 and less than ten square feet in footprint area above point B as shown in section 45-272.
- (2) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter are exempt from the 40-foot height limit if they are less than ten feet in height above point B as shown in section 45-272.
- (3) Certain agricultural buildings are exempt per section 30-658(d)(1) of the Burnett County Ordinances.
- (4) Certain telecommunication facilities per chapter 30 article VI of the Burnett County Ordinances.
- (5) If any portion of the structure is within the 75-foot shoreland setback, then a height limit of 35 feet applies to the entire structure.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-274—45-290. - Reserved.

ARTICLE XV. - NONCONFORMING USES AND STRUCTURES⁹¹

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(g).

Sec. 45-291. - Discontinued nonconforming use.

If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to all Burnett County ordinance requirements.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(g)3.

Sec. 45-292. - Maintenance, repair, replacement or vertical expansion of nonconforming structures.

An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements. The following requirements must be met to allow replacement or vertical expansion of a nonconforming existing structure:

- (1) The use of the existing structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The lot or parcel in which the existing structure is located on must comply with lot dwelling density.
- (3) The existing structure must be conforming to all other setback requirements, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and the requirements of Wis. Admin. Code ch. SPS 383.
- (4) Floodplain requirements shall be met.
- (5) Land uses related to conditional uses within a zoning district shall not be permitted to be replaced or vertically expanded unless made into a conforming zoning district land use or obtaining a new conditional use permit prior to replacement or vertical expansion.

Note: Wis. Stats. §§ 59.692(1k)(a)2, 4, and (b) prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 45-292. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Note: Wis. Admin. Code § NR 115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. §§ 59.692(1k)(a)2,4 and (b).

Sec. 45-293. - Lateral expansion of nonconforming principal structures within the setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 45-102 may be expanded laterally, 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 if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high water mark than the closest point of the existing principal structure.
- (4) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 45-341.
- (5) All other provisions of the shoreland ordinance shall be met.
- (6) The lot or parcel in which the structure is located on must comply with lot dwelling density.
- (7) Floodplain requirements shall be met.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(g)5.

Sec. 45-294. - Expansion of a nonconforming principal structures beyond setback.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 45-102 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 45-102 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per article XIII.

The following requirements must be met to allow expansion of a nonconforming existing structure beyond the setback:

- (1) The use of the existing structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The lot or parcel in which the existing structure is located on must comply with lot dwelling density.
- (3) Floodplain requirements shall be met.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(g)5m.

Sec. 45-295. - Relocation of nonconforming principal structures.

An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 45-102 may be relocated on the property provided 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 if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high water mark than the closest point of the existing principal structure.
- (4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 45-102.
- (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 45-341, and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted relocation on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the relocated structure being permitted. 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) All other provisions of the shoreland ordinance shall be met.
- (7) The lot or parcel in which the existing structure is located on must comply with lot dwelling density.
- (8) The relocated structure must conform to all other setback requirements, such as; wetland, side lot line, front lot line, rear lot line, property lines, road right-of-way and the requirements of Wis. Admin. Code ch. SPS 383.
- (9) Floodplain requirements shall be met.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(1)(g)6.

Secs. 45-296—45-320. - Reserved.

ARTICLE XVI. - MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES
AUTHORIZED BY VARIANCE^[10]

Footnotes:

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State Law reference— Similar provisions, Wis. Admin. Code §§ 59.692(1k)(a)2. and (a)4.

1 Sec. 45-321. - Maintenance, repair, replacement or vertical expansion of structures that were authorized
2 by variance.

3 A structure of which any part has been authorized to be located within the shoreland setback area by
4 a variance granted before July 13, 2015, may be maintained, repaired, replaced, restored, rebuilt or
5 remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure
6 may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade
7 level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is
8 necessary to comply with applicable state or federal requirements. The following requirements must be met
9 to allow replacement or vertical expansion of a structure authorized by a shoreland setback variance:

10 (1) The lot or parcel in which the existing structure is located on must comply with lot dwelling
11 density.

12 (2) The existing structure must be conforming to all other setback requirements, such as: wetland,
13 side lot line, front lot line, rear lot line, property lines, road right-of-way and the requirements of
14 Wis. Admin. Code ch. SPS 383. Example: a structure was given a variance to reduce the
15 shoreland setback, it was built without knowing where the side lot line was, now it is determined
16 that the structure does not meet the required side setback. Since a variance was not granted to
17 reduce the side setback this structure is illegal.

18 (3) Floodplain requirements shall be met.

19 *Note:* Wis. Stats. § 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee
20 or mitigation requirement for the activities specified in section 45-321. However, it is important to note that
21 property owners may be required to obtain permits or approvals and counties may impose fees under
22 ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning,
23 sanitary codes, building codes, or even stormwater erosion control

24 (Res. No. 2017-05, 2-23-2017)

25 Secs. 45-322—45-340. - Reserved.

26 ARTICLE XVII. - MITIGATION^[11]

28 Footnotes:

29 --- (11) ---

30 **State Law reference**— Similar provisions, Wis. Admin. Code §§ NR 115.05 (1)(e)3, (g)5, and (g)6.

31 Sec. 45-341. - Mitigation.

32 When the county issues a permit requiring mitigation under sections 45-254, 45-293 and 45-295, the
33 property owner must submit a complete permit application that is reviewed and approved by the county.
34 The application shall include the following:

35 (1) A site plan that describes the proposed mitigation measures.

36 a. The site plan shall be designed and implemented to restore natural functions lost through
37 development and human activities.

38 b. The mitigation measures shall be proportional in scope to the impacts on water quality, near-
39 shore aquatic habitat, upland wildlife habitat and natural scenic beauty.

- (2) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures.
- a. The enforceable obligations shall be evidenced by an instrument recorded in the office of the register of deeds prior to the issuance of the permit.
- (3) Mitigation points as shown in section 45-341(6) required for lateral expansion per section 45-293 are 2.0 points for 0.01—100.00 square feet of lateral expansion and 4.0 points for 100.01—200.00 square feet of lateral expansion.
- (4) Mitigation points as shown in section 45-341(6) required for relocation of a nonconforming principal structure per section 45-295 are 2.0 points for 0.01—500.00 square feet of relocated building footprint within the shoreland setback area, 3.0 points for 500.01—999.99 square feet of relocated building footprint within the shoreland setback area, and 4.0 points for 1,000.00 and over square feet of relocated building footprint within the shoreland setback area.
- (5) Mitigation points as shown in section 45-341(6) required for maximum impervious surface standard per section 45-254 are 2.0 points for 15.01 percent—20.00 percent impervious surface, 4.0 points for 20.01 percent—25.00 percent, and 6.0 points for 25.01 percent—30.00 percent impervious surface.
- (6) Mitigation points are as follows:
- a. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with a state-allowed-width viewing and access corridor on lots with 200.00 feet or more of shoreline. (2.0 points)
- b. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with only a 30-foot-wide viewing and access corridor on lots with 200.00 feet or more of shoreline. (4.0 points)
- c. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with a state-allowed-width viewing and access corridor on lots with less than 200 feet of shoreline but more than 100 feet of shoreline. (2.0 points)
- d. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with only a 20-foot-wide viewing and access corridor on lots with less than 200 feet of shoreline but more than 100 feet of shoreline. (3.0 points)
- e. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with a state-allowed-width viewing and access corridor on lots with less than 100 feet of shoreline. (1.0 points) Allow 35 percent of shoreline to be used for the viewing and access corridor for lots with 100 feet or less of shoreline.
- f. Restore and maintain native vegetation along the vegetative buffer zone within 35 feet of the ordinary high water mark with only a 15-foot-wide viewing and access corridor on lots with less than 100 feet of shoreline. (2.0 points)
- g. Restore and maintain the vegetation protection area. (2.0 points) The use of this option requires the vegetative buffer zone and viewing and access corridor to be in compliance or be brought into compliance.
- h. Remove nonconforming accessory buildings from the shoreland setback area. (1.0 points for a structure from 0.01 square feet to 199.99 square feet in size, 2.0 points for a structure 200.00 square feet or larger). Illegal structures do not qualify for these points. Exempt structures (boathouse, stair/walkway, etc.) do not qualify for these points.
- i. Installation of gutters on all structures on the lot/parcel and divert all gutter water to a rain garden located on the same lot/parcel or stormwater treatment device located on the same lot/parcel (3.0 points). Rain garden or stormwater treatment device must be designed by a Wisconsin licensed professional engineer and the engineer must sign off after construction that it was built according to the plans. Maintenance on the rain garden or storm water treatment device must be performed as required. Rain garden or storm treatment device

must be able to handle and treat a 10-year storm event. This type of mitigation in section 45-341(6)i. can be excluded from the impervious surface calculation in section 45-252.

- j. Divert all water from gutters, driveways, patios, sidewalks and all other impervious surfaces on the lot/parcel to a rain garden located on the same lot/parcel or stormwater treatment device located on the same lot/parcel (4.0 points). Rain garden or stormwater treatment device must be designed by a Wisconsin licensed professional engineer and the engineer must sign off after construction that it was built according to the plans. Maintenance on the rain garden or stormwater treatment device must be performed as required. Rain garden or storm treatment device must be able to handle and treat a 10-year storm event. This type of mitigation in section 45-341(6)j. can be excluded from the impervious surface calculation in section 45-252.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-342—45-360. - Reserved.

ARTICLE XVIII. - LAKE CLASS STANDARDS FOR RIPARIAN LOTS

Sec. 45-361. - Lake class standards for riparian lots.

- (a) The following classification lists identify lakes named in "Surface Water Resources of Burnett County," published by the state department of natural resources, and appearing by name on the 1:24,000 scale topographic maps published by the U.S. Geological Survey, commonly referred to as the U.S.G.S. quadrangle maps.

- (1) All unnamed lakes listed in the "Surface Water Resources of Burnett County," state department of natural resources and all named lakes 50 acres in size or less are considered class 3 protection lakes.
- (2) In addition, any lake inadvertently omitted from the "Surface Water Resources of Burnett County" over 50 acres in size will be classified according to available information and unlisted lakes 50 acres or less in size will be considered class 3 protection lakes.
- (3) It should be noted that the county's shoreline regulation jurisdiction extends only to those portions of shoreline outside the boundaries of any incorporated municipality.
- (4) Development standards for rivers and streams refer to all rivers and streams in the county deemed by the state department of natural resources to be navigable.
- (5) There are unnamed lakes that have "local" names and for the purpose of this classification are considered class 3 lakes.

- (b) Dimensional requirements. Class development standards apply to all riparian parcels.

Lakes Classification	Side Yard Setback for all Structures
Class 1	10' min.
Class 2	10' min.
Class 3	10' min.

Rivers and Streams - Also considered Class 3	10' min.
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1

2 (c) Burnett County Lakes Classification List of Lakes.

3 *CLASS 1*

Austin
Big McKenzie
Big Sand
Burlingame
Clam (Upper and Lower to the dam)
Devils
Dunham
Lipsett
Little Wood
Little Yellow
Middle McKenzie
Mud Hen
Rice (15-39-14)*
Round (27-37-18)
Sand (25-40-15)

Spirit
Trade (Big and Little)
Twenty-Six
Viola
Warner
Webb
Wood
Yellow

1

2 *CLASS 2*

Bashaw
Bass (23-39-16)
Bass (13-40-17)
Benoit
Big Bear
Big Doctor
Birch Island
Bluff
Bonner
Briggs

Buck (26-39-15)
Buffalo
Cadotte/Loon (1-40-15)
Clam River Flowage
Clear
Cranberry (8-38-15)
Cranberry (36-41-16)
Crooked (8-38-16)
Danbury Flowage (County Rd U to dam)
Deer
Des Moines
Dubois
Eagle (34-41-15)
Falk
Fish (8-40-14)
Fremstadt
Gaslyn
Godfrey
Green
Gull

Ham
Hanscom
Holmes
Johnson (23-40-16)
Lily (34-41-14)
Little Bear
Long (33-41-14)
Long (16-38-16)
Loon (31-41-15)
Loon/Cadotte
Love
Mallard
McGraw (Big & Little)
Minerva
Minnow
Nicaboyne
No Mans
North Rice
Oak
Owl

Pine (22-37-18)
Pokegama
Poquette
Prinel
Rooney
Round (33-41-16)
Sand (22-38-16)
Shoal
Silver (22-38-16)
Spencer
Staples
Tabor
Taylor
Upper Twin

1

2 CLASS 3

Baker (2-39-15)
Baker (18-39-14)
Banach
Barren Springs #1

Barren Springs #2
Bartash
Bass (24-39-14)
Bass (13-41-16)
Bass (25-38-15)
Bass (9-38-15)
Bass (23-40-15)
Bass (3-41-14)
Bass (17-37-18)
Bass Lake Springs
Behr
Berg
Big
Black
Blomberg
Bogey
Bradley
Buck (14-37-14)
Chase
Clam River Springs

Clubhouse
Conners
Corwick
Cranberry (4-40-14)
Crescent
Crooked (12-40-16)
Crystal
Culbertson
Culbertson Springs
Deep
Doctor
Dogtown Springs
Durand
Eagle (27-40-14)
Echo
Elbow
Fawn
Fenton
Ferry
Fish (6-38-16)

Frog (23-41-14)
Gabrielson
Glendenning
Goose
Greenwood
Hayden
Horseshoe
Hunters
Indian
Island
Johnson (24-41-15)
Kent
Kreiner
Lake 32
Larson
Lily (6-39-15)
Lind
Lindy
Little Bass (22-40-16)
Little Bass (36-38-15)

Little Deer
Little Dunham
Little Mallard
Little Round
Lone Star
Long (33-41-16)
Lost (2-39-14)
Lost (27-39-15)
Lost Lakes
Lower Loon (Lang)
Lower Twin
Lucerne
McElroy
Meeker Run
Middle Loon (Myre)
Miller
Mingo
Miniature
Mollette
Money

Mud (34-41-15)
Mud (26-40-16)
Myrick
Mystery
North
North Lang
North Twin
Our
Peacock
Perch
Peterson
Pickle
Pike
Pine (25-40-15)
Places
Point
Pratt
Put
Rahn
Rice (36-37-18)

Richart
Robie
Rohr
Round (3-39-15)
Saginaw
Silver (36-38-18)
Smith
South Twin
Spook
Spring Creek Springs
Stone
Stullen
Swamp (11-39-15)
Swamp (30-38-16)
Tamarack
Tanda
Temple
Thatcher
Tomoe
Tucker

Twenty-Six Lake Spring
Upper Loon (Phernetton)
Wilson
All unnamed lakes
All rivers and streams

1

2 (Res. No. 2017-05, 2-23-2017)

3 Secs. 45-362—45-380. - Reserved.

4 ARTICLE XIX. - REGULATION OF CONDITIONAL USES

5 Sec. 45-381. - Regulations of conditional uses.

6 Except as added to or hereafter altered in this ordinance, the procedures and requirements of article
7 VIII of chapter 30 of the Burnett County Ordinances governing conditional uses shall apply.

8 (Res. No. 2017-05, 2-23-2017)

9 Sec. 45-382. - Quarries and mines.

10 (a) Application requesting county land use and information committee approval of a proposed quarrying
11 activity shall be accompanied by:

12 (1) A description of all phases of the contemplated operation including types of machinery and
13 equipment, which will or might be necessary to carry on the operation. Where the operation is to
14 include sand and gravel washing, the estimated daily quantity of water required, its source and
15 its disposition shall be identified.

16 (2) A legal description of the proposed site.

17 (3) A restoration plan as hereinafter required.

18 (b) In reviewing a proposal for a quarrying activity, the county land use and information committee shall
19 take into consideration:

20 (1) The effect of the proposed operation on drainage and water supply, particularly in connection
21 with sand and gravel washing.

22 (2) The possibility of soil erosion as a result of the proposed operation.

23 (3) The most suitable land use for the area.

24 (c) No grant to carry on a quarrying operation shall be given until the applicant complies with all
25 requirements of chapter 32 of the Burnett County Ordinances, pertaining to nonmetallic mining, and
26 Wis. Admin. Code ch. NR 135.

- (d) The county land use and information committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses. Suitable fencing and landscaping may be required.
- (e) Existing quarries shall be limited to registered areas and be subject to chapter 32 of the Burnett County Ordinances, pertaining to nonmetallic mining, and Wis. Admin. Code ch. NR 135.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-383. - Salvage yards.

No salvage yard as defined in chapter 30 of the Burnett County Ordinances shall be permitted in the county except in conformance with the standards, rules and regulations of the Wisconsin Administrative Code and all other requirements of the Burnett County Ordinances.

- (1) An application is required prior to issuance of a conditional use permit for a salvage yard. This application requesting county land use and information committee approval of a proposed salvage yard activity shall be accompanied by:
 - a. A description of all phases of the contemplated operation including types of machinery and equipment, which will or might be necessary to carry on the operation.
 - b. A legal description of the proposed site.
 - c. A location map showing all adjacent land use.
- (2) In reviewing a proposal for a salvage yard, the county land use and information committee shall take into consideration:
 - a. The effect of the proposed operation on existing land uses.
 - b. The possibilities of noise, smoke, dust and other factors common to a salvage yard.
 - c. The most suitable land use for the area.
- (3) The county land use and information committee may set forth conditions regarding appropriate setback and other dimensional requirements, particularly with reference to avoiding a nuisance effect on surrounding residential uses.
 - a. All salvage yards shall have minimum front, side and rear yard setback of 100 feet.
 - b. Salvage yards shall be screened in accordance with article VII of chapter 30 of the Burnett County Ordinances.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-384. - Garbage and refuse disposal sites.

- (a) No garbage or refuse disposal sites shall be permitted in the county except in conformance with the rules and regulations of Wisconsin Administrative Codes.
- (b) All such disposal sites shall have a minimum front, side and rear yard setback of 100 feet each.
- (c) Garbage and refuse disposal sites shall be screened in accordance with article VII of chapter 30 of the Burnett County Ordinances.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-385. - Mobile home/manufactured home parks.

1 Except as otherwise specifically authorized, no mobile home intended for occupancy shall be located
2 in the county except in a mobile home/manufactured home park, the plan of which has been approved by
3 the county land use and information committee. Such parks shall meet the following requirements:

- 4 (1) Minimum size, five acres.
- 5 (2) Maximum number of mobile home/manufactured home sites, six per acre.
- 6 (3) Minimum width of a mobile home/manufactured home site, 40 feet.
- 7 (4) Maximum height of a mobile home/manufactured home, 20 feet. Height is measured from the
8 lowest original site grade to the highest point of the roof.
- 9 (5) The distance between separate mobile homes/manufactured homes shall not be less than 30
10 feet.
- 11 (6) Minimum distance between mobile home/manufactured home and service road, ten feet.
- 12 (7) All drives, parking areas and walkways shall be hard surfaced. There shall be one parking space
13 for each mobile home/manufactured home and additional parking spaces for automotive vehicles
14 within the park, totaling not less than one and one-quarter parking spaces for each mobile
15 home/manufactured home space.
- 16 (8) No mobile home/manufactured home sales office or other business or commercial use shall be
17 located on the mobile home/manufactured home park site. However, laundries, washrooms,
18 recreation rooms, maintenance equipment storage and one office are permitted.
- 19 (9) Minimum side yard setback, 40 feet at all front, side and rear lot lines of the mobile
20 home/manufactured home park.
- 21 (10) Each mobile home shall be placed on a mobile home stand. The stand should provide for
22 practical placement on and removal from the lot of the mobile home and retention of the home on
23 the lot in a stable condition and in satisfactory relationship to its surroundings. The size of a
24 development will be acceptable if it is suitable for the general market to be served by the individual
25 proposal and fits the dimensions of mobile homes anticipated. The location of each mobile home
26 stand shall be at such elevation, distance and angle in relation to the access street and the mobile
27 home accessway that placement and removal of the mobile home is practical. Appropriate
28 material, properly graded, placed and compacted so as to be durable and adequate for the
29 support of the maximum anticipated loads during all seasons should be used.
- 30 (11) All mobile home/manufactured home parks shall be screened in accordance with article VII of
31 chapter 30 of the Burnett County Ordinances.
- 32 (12) All mobile homes/manufactured homes shall meet the required construction standards.
- 33 (13) Mobile home/manufactured home parks shall comply with the sanitation regulations of the
34 county sanitary code and the appropriate requirements of the Wisconsin Administrative Codes.
- 35 (14) Each manufactured home shall be placed on a foundation meeting the appropriate
36 requirements of the Wisconsin Administrative Codes.

37 (Res. No. 2017-05, 2-23-2017)

38 Sec. 45-386. - ~~Camping and camping grounds.~~ Campgrounds

39 Burnett County regulates campgrounds in order to protect the health, safety and welfare of its citizens,
40 and the natural, historical and cultural resources of Burnett County. These land uses are permitted by
41 Burnett County because of their importance in providing the general public access to recreational
42 opportunities. It also is recognized that such land uses promote tourism and contribute to the general
43 economic welfare of the County.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Awning means a covering used by campers for protection from the weather and may be used over a deck. An awning shall only be attached to the camping unit.

Deck/patio means a platform which is intended to support persons/chattels.

Screen house means a structure with a roof and sides, with or without a floor, with at least 50 percent of each exposed wall covered by screen for protection from insects. There shall be no solid material (glass, wood, metal or rigid plastic material) in front of or behind the sides to impede the free movement of air through the screen. A temporary covering of canvas or flexible plastic material is permitted for protection from the weather.

Storage structure means a structure intended for storage purposes only, not to be used for human habitation. The structure footprint shall not exceed 100 square feet. The structure height shall not exceed 12 feet.

~~*Tent* means a portable sleeping shelter made of canvas or other materials and supported by poles or framework.~~

(b) No camping unit shall be located within the shoreland areas of the county except in a permitted federal, state, town and county camp, a private campground or planned unit development, except that a camping unit may be placed on a private lot for not more than 30 days in any one calendar year without a land use permit for a private camping unit or a conditional permit as per article VIII of chapter 30 of the Burnett County Ordinances. Camping units on private parcels cannot be issued a land use permit on parcels that have an existing dwelling or other structures for human habitation.

(1) Camping grounds requirements.

a. Must meet all Wis. Admin. Code ch. ATP 79 requirements which are enforced by the state personnel or their designated agent, all sanitary requirements of the county sanitary ordinance and Wisconsin Administrative Codes, and any other applicable local, state and federal codes.

b. Minimum size of five acres.

c. Maximum number of sites shall be ten per developable acre.

d. Each site shall be clearly numbered and consistent with the placement shown on the campground map.

e. A campground map shall be placed on file in the zoning office and shall include the campground layout, location of campsites, roads, property lines, required setbacks, structures, water supplies, private waste disposal system, recreation areas and any other information the land use and information committee shall deem necessary. Any proposed changes in the approved campground shall be presented to the zoning office for approval. No implementation of the proposed change shall take place until written approval is received from the zoning office.

f. Each site shall have sufficient area for one vehicle parking on that site. **Rustic/primitive sites will have sufficient parking area available, this can be onsite or off-site parking.**

g. Each camping unit shall meet the setback requirements of 75 feet to the ordinary high water mark of any navigable water and there shall be a minimum 50-foot setback from all exterior lot lines to each recreation unit. All other setback requirements of this chapter and other Burnett County Ordinances along with any other federal, state or local codes shall apply. The land use and information committee may require additional setback requirements as per conditional **use** permit.

h. Screening provisions of article VII of chapter 30 of the Burnett County Ordinances shall apply where the land use and information committee determines they are needed.

- 1 i. Individual site accessory uses require a land use permit and are limited to:
- 2 1. *Storage structure.* Each site may be provided with a one storage structure with a
- 3 footprint not to exceed 100 square feet and the structure height shall not exceed 12
- 4 feet. The storage structure shall not be used for human habitation. This structure must
- 5 meet floodplain requirements. These require a land use permit.
- 6 2. *Awnings, decks/patios and screen houses.* Awnings, decks/patios and screen houses
- 7 will be permitted provided they do not exceed the unit size in square feet and in any
- 8 event the total area of these uses shall not exceed 144 200 square feet. These
- 9 structures must meet floodplain requirements. These require a land use permit.
- 10 3. ~~Accessory uses. Via conditional use permit the land use and information committee may~~
- 11 ~~grant larger storage structures, awnings, decks/patios and screen houses as part of the~~
- 12 ~~conditional use permit for larger sites. Each rental site must be mapped on the~~
- 13 ~~campground map.~~
- 14 j. A separate area may be designated in a campground for group camping in tents; however,
- 15 such group camping shall not exceed two weeks in any one time period and no more than
- 16 20 tent units per developable acre shall be permitted. In addition, the group camping area
- 17 must be provided with proper sanitary provisions as required by Wis. Admin. Code ch. ATP
- 18 79.
- 19 k. A campground may have a home and accessory buildings for the one owner's or one
- 20 manager's private use.
- 21 l. Campgrounds shall not be expanded except by conditional use permit review.
- 22 (2) Provisions required to be met before issuing a six month land use permit for a camping unit on
- 23 a private lot:
- 24 a. One unit per lot.
- 25 b. Must have private on-site waste water treatment system (POWTS) meeting the requirements
- 26 of Wis. Admin. Code ch. SPS 383. A privy type waste water treatment system is not allowed
- 27 to be the only treatment system used for the camping unit if the camping unit has any indoor
- 28 or outdoor plumbing pipes or fixtures.
- 29 c. No camping unit shall be less than 75 feet from the ordinary high water mark of a navigable
- 30 water body. No camping unit shall be less than 25 feet from the side lot line. No camping
- 31 unit shall be less than 40 feet from a wetland. The camping unit must meet all other setback
- 32 requirements and meet floodplain requirements.
- 33 d. Camping units to be allowed on the lot for no more than the six months per year allowed by
- 34 land use permit. Only one of these permits to be issued per lot, per calendar year.
- 35 e. ~~Must have statements from adjoining property owners stating they have no objections to this~~
- 36 ~~land use.~~
- 37 f. Each camping unit must have a unique site address issued by the county.
- 38 (3) Provisions required to be met before issuing a three year land use permit for a camping unit on a
- 39 private lot:
- 40 a. One unit per lot.
- 41 b. Must have private on-site waste water treatment system (POWTS) meeting the requirements
- 42 of Wis. Admin. Code ch. SPS 383. A privy type waste water treatment system is not allowed
- 43 to be the only treatment system used for the camping unit if the camping unit has any indoor
- 44 or outdoor plumbing pipes or fixtures.
- 45 c. No camping unit shall be less than 75 feet from the ordinary high water mark of a navigable
- 46 water body. No camping unit shall be less than 25 feet from the side lot line. No camping

unit shall be less than 40 feet from a wetland. The camping unit must meet all other setback requirements and meet floodplain requirements.

d. Each camping unit must have a unique site address issued by the county.

e. This land use permit can't be extended. Only one of these permits can be issued to a parcel, regardless if the ownership changes.

(4) ~~If the provisions of subsection (b)(2)d. or (b)(2)e. of this section cannot be met, a conditional use permit must be acquired before a camping unit can be placed on a private lot in a shoreland area for more than 30 days.~~ Once the land use permit in subsection (b)(3) expires, a conditional use permit will be required for each consecutive three year period.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-387. - Major recreational equipment.

(a) The parking, storage, or use of major recreational equipment shall not be subject to the provisions of this section, except that no major recreational equipment shall be parked or stored on any lot in a residential district ~~for more than 30 days per year~~ except in a garage or carport or ~~completely covered behind the nearest portion of a building to a street.~~

(b) It shall be further required that the storage of such equipment must meet all standard setback requirements, and with parcels having lake or river frontage, this equipment must be stored so it is not visible from the water.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-388—45-400. - Reserved.

ARTICLE XX. - ESTABLISHMENT OF DISTRICTS

Sec. 45-401. - Establishment of districts.

For the purposes of this article, the unincorporated areas of the county are hereby divided into the following types of districts:

Zoning Districts		
(1)	RR-1	Residential-Recreation District
(2)	RR-2	Residential-Recreation District
(3)	RR-3	Residential-Recreation District
(4)	A	Exclusive Agricultural District
(5)	A-1	Agricultural-Transition District
(6)	A-2	Agricultural-Residential District

(7)	A-3	Agricultural-Residential District
(8)	A-4	Ag/Forestry/Residential District
(9)	C-1	Commercial District
(10)	I-1	Industrial District
(11)	F-1	Forestry District
(12)	W-1	Resource Conservation District
(13)	SP-1	Shoreland Protection District
(14)	PUD	Planned Unit Development District
(15)	SW-1	Shoreland-Wetland District
(16)	UVOD	Unincorporated Village Overlay District
(17)	AP	Airport District
()	RR-RC	Residential Recreational – Recreational Commercial

1

2 (See district purpose, permitted district uses and conditional uses in chapter 30 of the Burnett County
3 Ordinances)

4 (Res. No. 2017-05, 2-23-2017)

5 Sec. 45-402. - Zoning map, district boundaries, dimensional requirements and land use requirements.

6 For purpose of this chapter, the county, outside the incorporated villages and cities, is hereby divided
7 into the zoning districts identified and described in section 30-27 of the Burnett County Ordinances. The
8 purpose, permitted uses, conditional uses, and dimensional requirements from each zoning district will
9 apply within the shoreland areas. The boundaries of districts are established as shown upon the maps
10 designated as the "Zoning Map of Burnett County, Wisconsin," which are hereby adopted and made a part
11 of this chapter. All notations, references and other information shown upon the zoning maps shall be as
12 much a part of this chapter as if the matter and things set forth by said maps were fully described herein.
13 The zoning maps are on display in the office of the zoning administrator.

14 (Res. No. 2017-05, 2-23-2017)

1 Secs. 45-403—45-420. - Reserved.

2 ARTICLE XXI. - SIGN REGULATIONS

3 Sec. 45-421. - Sign regulations.

4 Sign regulations in chapter 30, article IV of the Burnett County Ordinances apply in all shoreland areas.

5 (Res. No. 2017-05, 2-23-2017)

6 Secs. 45-422—45-440. - Reserved.

7 ARTICLE XXII. - TELECOMMUNICATIONS FACILITIES

8 Sec. 45-441. - Telecommunications facilities.

9 Telecommunication facility regulations in chapter 30, article VI of the Burnett County Ordinances apply
10 in all shoreland areas.

11 (Res. No. 2017-05, 2-23-2017)

12 Secs. 45-442—45-460. - Reserved.

13 ARTICLE XXIII. - SCREENING AND FENCING

14 Sec. 45-461. - Screening and fencing.

15 Screening and fencing regulations in chapter 30, article VII of the Burnett County Ordinances apply in
16 all shoreland areas when required by any use or conditional use.

17 (Res. No. 2017-05, 2-23-2017)

18 Secs. 45-462—45-480. - Reserved.

19 ARTICLE XXIV. - OTHER NONCONFORMING USES AND STRUCTURES

20 Sec. 45-481. - Other nonconforming structures.

21 The existing lawful use of a structure or premises which is compliant with shoreland setbacks, but is
22 not in conformance with other provisions of the Burnett County Ordinances may be continued subject to
23 the following conditions:

24 (1) No structural addition to any nonconforming structure over the life of the structure shall exceed
25 50 percent of its building envelope, or the replacement of more than 50 percent of its structural
26 components, and may not increase the nonconformity, unless a variance permitting expansion
27 beyond 50 percent of its building envelope or replacement of more than 50 percent of its structural
28 components, or an increase in its nonconformity, is successfully obtained.

29 (2) Discontinued nonconforming use. If a nonconforming use is discontinued for a period of 12
30 months, any future use of the building, structure or property shall conform to this chapter and all
31 other Burnett County Ordinance provisions.

(3) Uses or adjuncts thereof which are nuisances shall not be permitted to continue as nonconforming uses.

(Res. No. 2017-05, 2-23-2017)

Secs. 45-482—45-500. - Reserved.

ARTICLE XXV. - ADMINISTRATIVE PROVISIONS^[12]

Footnotes:

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Editor's note— Similar provisions, Wis. Admin. Code § NR 115.05(4).

Sec. 45-501. - Administrative provisions.

The shoreland zoning ordinance adopted by each county shall require all of the following:

- (1) The appointment of an administrator and such additional staff as the workload may require.
- (2) The creation of a zoning agency as authorized by Wis. Stats. § 59.69, a board of adjustment as authorized by Wis. Stats. § 59.694, and a county planning agency as defined in § 236.02(3), and required by § 59.692(3). The zoning agency and planning agency is called the land use and information committee in Burnett County.
- (3) Shoreland wetland map amendments according to Wis. Admin. Code § NR 115.04. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within five days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least ten days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the Department within ten days after the decision is issued.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-502. - Zoning administrator.

The zoning administrator shall have the following duties and powers:

- (1) Develop and maintain a system of permits for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county zoning administrator.
- (2) Regularly inspect permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- (3) Develop and maintain a variance procedure which authorizes the board of adjustment for land use variances and the land use and information committee for subdivision variances 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.
- (4) Develop and maintain a conditional use procedure.

- (5) Keep a complete record of all proceedings before the board of adjustment and the land use and information committee.
- (6) Provide written notice to the appropriate office of the Department at least ten days prior to any hearing on a requested variance or conditional use permit, appeal for a map or text interpretation, map or text amendment, and copies of all proposed land divisions submitted to the county for review under article IV.
- (7) Submit to the appropriate office of the Department, within ten days after grant or denial, any decision on a variance or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- (8) Develop and maintain an official map of all mapped zoning district boundaries, amendments, and recordings.
- (9) 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 Wis. Stats. § 59.69(11).
- (10) Pursue the prosecution of violations of the shoreland ordinance.
- (11) Approve subdivision variance requests which appear to meet the intent of the Burnett County Ordinances. If the zoning administrator feels the subdivision variance request does not meet the intent of the Burnett County Ordinances, then the subdivision variance shall be heard by the land use and information committee. A certified survey map (CSM) or recorded plat will be required for each lot/parcel which is reconfigured as part of the subdivision variance within one year of the approval.
- (12) The zoning administrator may issue a special permit to relax the standards of this ordinance in order to provide reasonable accommodations as required by provisions of federal and state law. Such relaxation shall be the minimum necessary to be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer used by the disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility. A deed restriction for the reasonable accommodation shall be recorded with the register of deeds.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.05(4).

Sec. 45-503. - Permits.

- (a) *When required.* Except where another section of this ordinance specifically exempts certain types of development from this requirement, a permit shall be obtained from the zoning administrator or board of adjustment or land use and information committee before any new development.
- (b) *Application.* An application for a permit shall be made to the zoning administrator upon forms furnished by the county and shall include for the purpose of proper enforcement of these regulations, the following information:
 - (1) Name and address of applicant and property owner.
 - (2) Legal description of the property and type of proposed use.
 - (3) A to scale drawing 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.

- (4) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
 - (5) Plans for appropriate mitigation when required.
 - (6) Payment of the appropriate fee.
 - (7) Additional information required by the zoning administrator.
 - (8) When the zoning administrator or other designated zoning staff determines the impervious surface appears to cover 12 percent or more of the portion of the lot/parcel that is within 300 feet of the ordinary high water mark, then the applicant shall submit a map of survey drawn to a scale of 1:10 to 1:60 by a Wisconsin licensed professional surveyor with the application. The map must show all existing and proposed structures, existing and proposed impervious surfaces and existing and proposed mitigation or treatment devices/components. The map must include a chart documenting the existing and proposed square footage area of all buildings/structures, asphalt/pavement, concrete, decks/patios/stairs, paver blocks and gravel driveways/walkways/paths.
- (c) *Expiration of permit.* Zoning permits shall expire 12 months from date issued. If additional time is needed, a 12-month extension may be granted upon written request to the zoning office and upon paying the corresponding permit extension fee. Only one extension will be allowed.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-504. - Conditional use permits.

- (a) *Application for a conditional use permit.* Any use listed as a conditional use in this chapter or any other Burnett County ordinance shall be permitted only after an application has been submitted to the zoning administrator and a conditional use permit has been granted by the land use and information committee. To secure information upon which to base its determination, the land use and information committee may require the applicant to furnish, in addition to the information required for a zoning 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 or any other Burnett County ordinance requirements.
 - (6) Rationale for why the proposed conditional use meets all of the conditional use criteria listed in this ordinance or any other Burnett County ordinance requirements.
- (b) *Notice, public hearing and decision.* Before deciding whether to grant or deny an application for a conditional use permit, the land use and information committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the land use and information committee, shall be given as a class 2 notice under Wis. Stats. ch. 985. Such notice shall be provided to the appropriate office of the department at least ten days prior to the hearing. The land use and information committee meeting minutes shall state in writing the grounds for granting or denying a conditional use permit.
- (c) *Standards applicable to all conditional uses.* In deciding a conditional use application, the land use and information committee shall evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The location and safety of proposed parking areas.
- (3) The prevention of noise pollution.
- (4) The prevention and control of water pollution including sedimentation.
- (5) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- (6) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (7) The location of the site with respect to existing or future access roads.
- (8) The need of the proposed use for a shoreland location.
- (9) Its compatibility with uses on adjacent land.
- (10) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- (11) 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; and
 - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (d) *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 land use and information committee shall attach such conditions, in addition to those required elsewhere in this ordinance or any other Burnett County ordinances, as are necessary to further the purposes of this ordinance or any other Burnett County ordinances. Violations of any of these conditions shall be deemed a violation of this ordinance.
- In granting a conditional use permit, the land use and information committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance or any other Burnett County ordinance. Where the ordinance is silent as to the extent of restriction, the land use and information committee may impose any reasonable permit conditions to affect the purpose of this ordinance or any other Burnett County ordinance.
- (e) *Recording.* When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. 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 ten days after it is granted or denied.
- (f) *Revocation.* Where the conditions of a conditional use permit are violated, the conditional use permit shall be revoked.

(Res. No. 2017-05, 2-23-2017)

Sec. 45-505. - Variances.

- (a) *Variance criteria to be met.* The board of adjustment for land use variances and the land use and information committee for subdivision variances may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

- (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;
 - (3) The request is not contrary to the public interest; and
 - (4) The request represents the minimum relief necessary to relieve unnecessary burdens.
- (b) *Notice, public hearing and decision.* Before deciding on an application for a variance, the board of adjustment for land use variances and the land use and information committee for subdivision variances 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 Wis. Stats. ch. 985. Such notice shall be provided to the appropriate office of the Department at least ten days prior to the hearing. The board/committee shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the Department within ten days of the decision.
- (c) Land Use variances are heard by the board of adjustment. Subdivision variances are heard by the land use and information committee.
- (d) The land use and information committee may grant a variance from the lot/parcel dimensional standards (subdivision variance) of this ordinance pursuant to this section. In granting a variance, the land use and information 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 land use and information committee may impose any reasonable permit conditions to affect the purpose of this ordinance or any other Burnett County ordinance.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Stats. § 59.694(6).

Sec. 45-506. - Board of adjustment.

The county executive, county administrator or chair of the county board shall appoint a board of adjustment consisting of three or five members under Wis. Stats. § 59.694. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by Wis. Stats. § 59.694(3).

(1) *Powers and duties.*

- a. The board of adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stats. § 59.694.
- b. It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.
- c. It may grant a variance from the dimensional standards of this ordinance pursuant to section 45-505. Subdivision variances are heard by the land use and information committee.
- d. 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 or any other Burnett County ordinance.

- (2) *Appeals to the board.* Appeals to the board of adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the zoning administrator, land use and information committee, or other administrative officer, or other designated zoning staff. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the zoning administrator, and with the board of adjustment, a notice of

1 appeal specifying the reasons for the appeal. The zoning administrator shall promptly transmit to
2 the board all the papers constituting the record concerning the matter appealed.

3 (3) *Hearing appeals and applications for variances.*

4 a. The board of adjustment shall fix a reasonable time for a hearing on the appeal or application.
5 The board shall give public notice thereof by publishing a class 2 notice under Wis. Stats.
6 ch. 985 specifying the date, time and place of the hearing and the matters to come before
7 the board. Notice shall be mailed to the parties in interest. Written notice shall be provided
8 to the appropriate office of the department at least ten days prior to hearings on proposed
9 shoreland variances, and appeals for map or text interpretations.

10 b. A decision regarding the appeal or application shall be made as soon as practical. Copies of
11 all decisions on shoreland variances, and appeals for map or text interpretations shall be
12 provided to the appropriate office of the Department within ten days after they are granted
13 or denied.

14 c. The final disposition of an appeal or application to the board of adjustment shall be in the
15 form of a written resolution or order signed by the chair and secretary of the board. The final
16 disposition of an appeal or application to the board of adjustment shall be in the form of a
17 written decision document signed by the chair and secretary of the board. The decision
18 document shall either affirm, deny, vary or modify the appeal and list the specific reasons for
19 the determination.

20 d. At the public hearing, any party may appear in person or by agent or by attorney.

21 (Res. No. 2017-05, 2-23-2017)

22 **State Law reference**— Similar provisions, Wis. Stats. §§ 59.694, 59.694(6).

23 Sec. 45-507. - Fees.

24 The county board may, by resolution, adopt fees for the following:

- 25 (1) Zoning permits.
- 26 (2) Planned unit development reviews.
- 27 (3) Public hearings.
- 28 (4) Legal notice publications.
- 29 (5) Conditional Use permits.
- 30 (6) Variances.
- 31 (7) Administrative appeals.
- 32 (8) Other duties as determined by the county board.

33 (Res. No. 2017-05, 2-23-2017)

34 **Editor's note**— Similar provisions, Wis. Stats. §§ 59.69, 59.694, 59.696, and 59.697.

35 Sec. 45-508. - Changes and amendments.

36 The county board may from time to time, alter, supplement or change the regulations contained in this
37 ordinance in accordance with the requirements of Wis. Stats. § 59.69(5)(e), Wis. Admin. Code ch. NR 115,
38 and this ordinance where applicable.

(1) *Amendments.* Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).

(2) *Shoreland wetland map amendments.* Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the Department within five days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department at least ten days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be provided to the appropriate office of the Department within ten days after the decision is issued.

(Res. No. 2017-05, 2-23-2017)

State Law reference— Similar provisions, Wis. Admin. Code § NR 115.04.

Sec. 45-509. - Enforcement and penalties.

Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The zoning administrator, other designated zoning staff or the county zoning agency shall refer violations to the corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$200.00 per offense, together with the taxable costs of action. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

(1) *Penalty.* Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this ordinance shall be subject to a forfeiture of not less than \$200.00 for each violation plus the cost of prosecution. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and as such, forfeitures shall apply accordingly. The zoning administrator or other designated zoning staff shall refer violations to the corporation counsel who shall prosecute violations.

(2) *Injunction.* Any use or action which violates the provisions of this ordinance shall be subject to a court injunction prohibiting such violation.

(3) *Responsibility for compliance.* It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this ordinance will be notified in writing of such violation by the county zoning administrator or other designated zoning staff. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

(4) *Suspension of permit.* Whenever the zoning administrator or other designated zoning staff, determines there are reasonable grounds for believing there is a violation of any provision of this ordinance, the zoning administrator or other designated zoning staff shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30-day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any

1 decision by the zoning administrator or other designated zoning staff or apply to the Burnett
2 County Board of Adjustment for land use variances or the land use and information committee for
3 subdivision variances for a variance from the strict rule of the ordinance within 30 days of receipt
4 of a notice or order.

- 5 (5) *Emergency conditions.* Whenever the zoning administrator finds that an emergency exists such
6 as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or
7 circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable
8 which requires immediate action to protect the public health, safety and welfare, the administrator
9 may, without notice or hearing, issue an order citing the existence of such emergency and may
10 require that such action be taken as may be deemed necessary to meet the emergency. The
11 administrator shall notify the chairperson of the land use and information committee within 24
12 hours of such situations. Notwithstanding any other provisions of this ordinance such order shall
13 become effective immediately. Any person to whom such order is directed shall comply therewith
14 immediately. Appeals or challenges to emergency orders may be brought after emergency
15 conditions have ceased to the board of adjustment.

16 (Res. No. 2017-05, 2-23-2017)

17 **State Law reference**— Similar provisions, Wis. Admin. Code § NR 115.05(4)(j).

18 Secs. 45-510—45-530. - Reserved.

19 ARTICLE XXVI. - DEFINITIONS

20 Sec. 45-531. - Purpose.

21 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall
22 be interpreted as follows: Words used in the present tense include the future; words in the singular number
23 include the plural number; and words in the plural number include the singular number. The word "shall" is
24 mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

25 (Res. No. 2017-05, 2-23-2017)

26 Sec. 45-532. - Meaning of terms.

27 The following terms used in this ordinance mean:

28 *Access and viewing corridor* (NR 115.03(1d)) means a strip of vegetated land that allows safe
29 pedestrian access to the shore through the vegetative buffer zone or through the vegetation protection
30 area.

31 *Accessory structure* means a subordinate structure on the same property as the principal structure
32 which is devoted to a use incidental to the principal use of the property. Accessory structures include, but
33 are not limited to, detached garages, sheds, barns, gazebos, patios, decks, swimming pools, hot tubs,
34 fences, doghouses, swing sets, wood sheds, tool sheds, retaining walls, driveways, parking lots, sidewalks,
35 detached stairways and lifts. Accessory structures which are detached and independent of any other
36 structure and which are less than 100 square feet in footprint will not require a land use permit provided
37 that such meet the dimensional and setback requirements of this chapter.

38 *Addition* means a contiguous weatherproof roofed and walled connection no less than six feet wide at
39 any point.

40 *Attached buildings* means there is a continuous weatherproof roof and walls between the two
41 structures at least six feet wide at any point.

1 *Average lot width for riparian lots* is calculated by averaging the measurements of the shortest
2 horizontal distance between side lot lines at the following locations:

- 3 (1) The ordinary high water mark.
- 4 (2) The building setback line of 75 feet from the ordinary high water mark.
- 5 (3) The rear lot line. For lot width averaging only on riparian lots, the definition of rear lot line is the
6 line opposite of the ordinary high water mark. When there are two or more lines opposite of the
7 ordinary high water mark the shortest line will be used for averaging purposes. When there is no
8 line opposite of the ordinary high water mark then a value of zero will be used for averaging
9 purposes.

10 *Average lot width for non-riparian lots* is calculated by averaging the measurements of the shortest
11 horizontal distance between side lot lines at the following locations:

- 12 (1) The front lot line. For lot width averaging only, the definition of front lot line is the line which abuts
13 a road. For corner lots the higher ranking road will be considered the front. Ranking highest to
14 lowest is: federal road, state road, county road, town/village road, private road. For corner lots
15 where each road has the same ranking, then the shortest side shall be used for averaging
16 purposes. When the lot has no road frontage, then the front will be considered the side which
17 contains the access point to the lot.
- 18 (2) The building setback line (from the front lot line).
- 19 (3) The rear lot line. For lot width averaging purposes only on non-riparian lots, the definition of rear
20 lot line is the line opposite the front lot line. When there are two or more lines opposite of the front
21 lot line, the shortest line will be used for averaging purposes. When there is no line opposite of
22 the front lot line, then a value of zero will be used for averaging purposes.

23 *Boathouse* (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and
24 associated materials and includes all structures which are totally enclosed, have roofs or walls or any
25 combination of these structural parts.

26 *Building* see definition of "Structure".

27 *Building envelope* (NR 115.03(1p)) means the three dimensional space within which a structure is
28 built.

29 *Bunkhouse/temporary guest quarters* means an accessory structure or part of an accessory structure
30 with or without plumbing which is used as temporary sleeping quarters only.

31 *Campground* means a parcel or tract of land owned by a person, state or local government that is
32 designed, maintained, intended, or used for the purpose of providing campsites offered with or without
33 charge, for temporary overnight sleeping accommodations.

34 *Camping unit* means any portable device, no more than 400 square feet in area, used as a temporary
35 shelter, including, but not limited to, a camping trailer, motor home, bus, van, pickup truck or tent that is
36 fully licensed, if required, and ready for highway use.

37 *Camping type – seasonal* means camping where the unit is allowed to be stored on the campsite/parcel
38 during periods when the unit is not occupied or when the campground is not in operation.

39 *Camping type – temporary* means camping where the unit is removed when the unit is not occupied.

40 *Camping type – rustic/primitive* means camping as defined in ATCP 79.27.

41 *Camping unit - cabin* means a building or other structure as defined in ATCP 79.03(4). These are used
42 for temporary living quarters or shelter during periods of recreation, vacation or leisure time.

43 *Camping unit - mobile* means a tent, tent trailer, travel trailer, camping trailer (ATCP 79.03(5)), pickup
44 camper, motor home (ATCP 79.03(20)) or any other portable device or vehicular type structures as may be
45 developed, marketed or used for temporary living quarters or shelter during periods of recreation, vacation,
46 leisure time or travel.

1 *Camping unit - park model* means a camping unit that is built on a single chassis mounted on wheels
2 that has a gross trailer area of not more than 400 square feet in setup mode, and bears a label, symbol or
3 other identifying mark indicating construction to nationally recognized standards ANSI 119.5 (ATCP
4 79.03(23)). Typically these have the tongue and wheels removed after set-up and/or is skirted and not
5 meant to be mobile. A park model camping unit is not considered a mobile camping unit due to the fact of
6 its limited mobility. These are used for temporary living quarters or shelter during periods of recreation,
7 vacation or leisure time. These type of camping units are required to be connected to a POWTS; unless it
8 is located at a facility licensed to sell this type of camping unit and only located there for the purpose of
9 sale.

10 *Camping unit - yurt* means a building or other structure as defined in ATCP 79.03(42). These are used
11 for temporary living quarters or shelter during periods of recreation, vacation or leisure time.

12 *Chimney* means as defined in Wis. Admin. Code SPS 320.07(13).

13 *Common open space* means undeveloped land within a planned residential development that has
14 been designated, dedicated, reserved or restricted in perpetuity from further development, and is set aside
15 in the interest of the residents of the development. Common open space shall not be part of individual
16 residential lots. It shall be substantially free of structures, but may contain historic structures and
17 archeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on
18 the approved development plan.

19 *Conservation easement* means the grant of a property right or interest from the property owner to a
20 unit of government or nonprofit conservation organization stipulating that the described land shall remain
21 in its natural, scenic, open or wooded state, precluding future or additional development.

22 *Conditional use* means a use that is specifically listed in a local zoning ordinance as a conditional use,
23 and that can only be permitted if the Burnett County Land Use and Information Committee determine that
24 the conditions specified in the ordinance for that use are satisfied.

25 *County zoning agency* (NR 115.03(2)) means that committee or commission created or designated by
26 the county board under Wis. Stats. § 59.69(2)(a) to act in all matters pertaining to county planning and
27 zoning.

28 *Deck* means as defined in Wis. Admin. Code SPS 320.07(21m).

29 *Department* (NR 115.03(3)) means the department of natural resources.

30 *Development* means any artificial change to improved or unimproved real estate, including, but not
31 limited to, the construction of buildings, structures or accessory structures; the repair of any damaged
32 structure or the improvement or renovation of any structure, regardless of the percentage of damage or
33 improvement; the construction of additions or substantial improvements to buildings, structures or
34 accessory structures; the placement of buildings and structures; mining, dredging, filling, grading, paving,
35 excavation, or drilling operations; the storage, deposition or extraction of materials or equipment, and the
36 installation, repair or removal of public or private sewage disposal systems or water supply facilities.

37 *Development envelopes* means areas within which grading, lawns, pavement and buildings will be
38 located.

39 *Drainage system* means one or more artificial ditches, tile drains or similar devices which collect
40 surface runoff or groundwater and convey it to a point of discharge.

41 *Dwelling* means a building designed or used as the living quarters for one or more families. A dwelling
42 is construed to include manufactured homes.

43 *Dwelling, multifamily* means a dwelling or group of dwellings on one plot containing separate living
44 units for two or more families but which may have joint services or facilities or both.

45 *Eave* means the part of a roof that overhangs the walls of a building.

46 *Enclosed dwelling area* means a space, measured by floor area, which is enclosed by walls (solid,
47 windows, or screens) and covered by roof, and is measured for each story of a multistory structure, but
48 does not include basements or garages.

1 *Essential services* means services provided by public and private utilities necessary for the exercise
2 of the principal use or service of the principal structure. These services include underground surface or
3 overhead gas, electrical, steam, water, sanitary sewerage, stormwater drainage and communications
4 systems and accessories thereto such as poles, towers, wires, mains, drains, vaults, culverts, laterals,
5 sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes,
6 traffic signals, pumps, lift stations, and hydrants, but not including buildings.

7 *Existing development pattern* (NR 115.03(3m)) means that principal structures exist within 250 feet of
8 a proposed principal structure in both directions along the shoreline.

9 *Expansion* means an addition to an existing structure regardless of whether the addition is vertical or
10 horizontal or both.

11 *Facility* means any property or equipment of a public utility, as defined in Wis. Stats. § 196.01(5), or a
12 cooperative association organized under Wis. Stats. ch. 185 for the purpose of producing or furnishing heat,
13 light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas,
14 heat, light, or power.

15 *Family* means one or more persons living, sleeping, cooking and eating on the same premises as a
16 single housekeeping unit.

17 *Farming, general* means the production of field crops or the raising of livestock or livestock products
18 for commercial gain.

19 *Floodplain* (NR 115.03(4)) means the land which has been or may be hereafter covered by floodwater
20 during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are
21 defined in Wis. Admin. Code ch. NR 116.

22 *Floor area* means the square foot measurement of all area within the outside of the exterior walls
23 (siding) of the structure.

24 *Footprint* means the land area covered by a structure at ground level measured on a horizontal plane.
25 The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall
26 and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios,
27 carports) - a single horizontal plane bounded by the furthest portion of the structure projected to natural
28 grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the
29 footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the
30 exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under Wis. Admin.
31 Code § NR 115 and would need to follow NR 115.05(1)(g)5.

32 *Foundation* means the underlying base of a building or other structure, including, but not limited to,
33 pillars, footings and concrete and masonry walls.

34 *Generally accepted forestry management practices* (NR 1.25(2)(b)) means forestry management
35 practices that promote sound management of a forest. Generally accepted forestry management practices
36 include those practices contained in the most recent version of the department publication known as
37 Wisconsin Forest Management Guidelines and identified as PUB FR-226.
38 <http://dnr.wi.gov/topic/forestmanagement/documents/guidelines/foreword.pdf>

39 *Guest cabin* means the same as dwelling. See definition of "dwelling".

40 *Habitable* means any room used for sleeping, living or dining purposes.

41 *Home occupation* means a gainful occupation conducted by a member of the family within his or her
42 place or residence where the space used is incidental to residential use and no article is sold or offered for
43 sale except such as is produced by such home occupation.

44 *Hospital*, unless otherwise specified, shall be deemed to include sanitarium, sanatorium, clinic, rest
45 home, convalescent home and any other place for the diagnosis, treatment or other care of ailments, and
46 shall be deemed to be limited to places for diagnosis, treatment or other care of human ailments.

47 *Impervious surface* (NR 115.03(4g)) means an area that releases as runoff all or a majority of the
48 precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks,

1 driveways, parking areas, parking lots, streets, roadways and private roads unless specifically designed,
2 constructed, and maintained to be pervious. Roadways as defined in Wis. Admin. Code § 340.01(54) or
3 sidewalks as defined in § 340.01(58) are not considered impervious surfaces.

4 *Lot* means a parcel of land occupied or capable of being occupied by structures and/or uses consistent
5 with the provisions of this ordinance and the Burnett County Subdivision Ordinance. Adjoining lands of
6 common ownership shall be considered a contiguous parcel even if divided by a public or private road,
7 easement or navigable rivers or streams.

8 *Lot area* means the horizontal projection of a parcel of land, exclusive of any portion of public right-of-
9 way, any portion of a lot 33 feet or less in width. Measurements are to be made by standard surveying
10 methods. This area shall be exclusive of lakebeds and easements. (This excludes blanket easements.)

11 *Lot of record* means any lot, the description of which is properly recorded with the register of deeds,
12 which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

13 *Lot line* means any line dividing one lot from another.

14 *Maintenance and repairs* means any work done on a structure, including such activities as interior
15 remodeling, painting, decorating, paneling, plumbing, insulation, and replacement of windows, doors,
16 wiring, siding, roof and other nonstructural components; and repair of cracks in foundations, sidewalks,
17 walkways, and the application of waterproof coatings to foundations.

18 *Manufactured home* means a home factory-built in the United States to the U.S. Department of
19 Housing and Urban Development (HUD) construction standards. This HUD code took effect on June 15,
20 1976. A HUD-coded home will display documentation called the "certification label and the data plate".
21 Removing the certification label and data plate is illegal. Removal could hinder the buying, selling,
22 permitting, financing or insuring of a manufactured home, they are not replaceable.

23 *Mitigation* (NR 115.03(4r)) means balancing measures that are designed, implemented and function
24 to restore natural functions and values that are otherwise lost through development and human activities.

25 *Mobile home* means any structure originally designed to be capable of transportation by motor vehicle
26 upon public highway which does not meet standards established for manufactured housing construction
27 and safety standards as administered by the U.S. Department of Housing and Urban Development (HUD).
28 This HUD code took effect on June 15, 1976. A mobile home is considered built before June 15, 1976, or
29 not built to a uniform construction code.

30 *Navigable waters* (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within
31 Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this
32 state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state.
33 Under Wis. Stats. § 281.31(2m), notwithstanding any other provision of law or administrative rule
34 promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692 and Wis. Admin. Code
35 ch. NR 115 do not apply to lands adjacent to:

36 (1) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river
37 and such lands were not navigable streams before ditching; and

38 (2) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not
39 hydrologically connected to a natural navigable water body.

40 *Nonprofit conservation organization* means any charitable corporation, charitable association or
41 charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the
42 natural scenic or open-space values of real property, assuring the availability or real property for
43 agricultural, forest, recreational or open-space use, protecting natural resources, maintaining or enhancing
44 air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real
45 property.

46 *Non-riparian lot* means a lot or parcel of land which does not abut navigable water.

47 *Non-riparian owner* means someone who owns land which does not abut navigable water.

1 *Ordinary high water mark* (NR 115.03(6)) means the point on the bank or shore up to which the
2 presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion,
3 destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily
4 recognized characteristics.

5 *Planned residential development* means a housing development in a rural setting that is characterized
6 by compact lots and common open space, and where the natural features of the land are maintained to the
7 greatest extent possible. (Also known as a conservation subdivision).

8 *Planned unit development* means a zoning district which permits smaller non-riparian lots and
9 preserves open space preferably on the shoreland in perpetuity.

10 *POWTS* means a private onsite wastewater treatment system.

11 *Previously developed* means a lot or parcel that was developed with a structure legally placed upon it.

12 *Principal structure* means a building or structure in which the principal use of the lot on which it is
13 located is conducted.

14 *Quarry* includes, but is not limited to, sand, gravel and marl pits.

15 *Reconstruction* means replacement of all, or substantially all (more than 50 percent) of the components
16 of a structure or to the point when reconstruction of a principal structure will require the construction to be
17 done in accordance with the Uniform Dwelling Code, Wis. Admin. Code SPS 320—325, or the Commercial
18 Building Code, Wis. Admin. Code SPS 361.

19 *Regional flood* (NR 115.03(7)) means a flood determined to be representative of large floods known
20 to have generally occurred in Wisconsin and which may be expected to occur on a particular lake, pond,
21 flowage, river or stream because of like physical characteristics, once in every 100 years.

22 *Renovation of a principle structure* means the process of improving a structure by alteration,
23 refurbishment and/or restoration, including the replacement of no more than 50 percent of the structural
24 members, but not to the point of requiring compliance as a new structure under the Uniform Dwelling Code,
25 Wis. Admin. Code SPS 320—325, or the Commercial Building Code, Wis. Admin. Code SPS 361.

26 *Riparian lot* means a lot or parcel of land that abuts navigable water.

27 *Riparian owner* means a riparian owner is someone who owns land which abuts navigable water.

28 *Routine maintenance of vegetation* (NR 115.03(7m)) means normally accepted horticultural practices
29 that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

30 *Salvage yard* means a lot, land or structure, or part thereof, used for the collecting, storage or sale of
31 waste paper, rags, scrap metal or discarded material; or for the collecting, dismantling, storage or salvaging
32 of machinery or vehicles not in running condition or for the sale of parts thereof.

33 *Salvageable material* means discarded material no longer of value as intended, but which is stored or
34 retained for salvage, sale or future reuse.

35 *Sign* means any structure or natural object or part thereof or device attached thereto or printed or
36 represented thereon which is intended to attract attention to any object, product, place, activity, person,
37 institution, organization, or business, or which shall display or include any letter, word, banner, flag,
38 pennant, insignia, device, or representation used as or which is in the nature of an announcement, direction,
39 or advertisement.

40 *Shoreland* (NR 115.03(8)) means lands within the following distances from the ordinary high water
41 mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or
42 to the landward side of the floodplain, whichever distance is greater.

43 *Shoreland setback*, also known as the "shoreland setback area" in Wis. Stats. § 59.692(1)(bn), means
44 an area in a shoreland that is within a certain distance of the ordinary high water mark in which the
45 construction or placement of structures has been limited or prohibited under an ordinance enacted under
46 Wis. Stats. § 59.692.

1 *Shoreland-wetland district* (NR 115.03(9)) means a zoning district, created as a part of a county zoning
2 ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory
3 maps prepared by the department.

4 *Special exception* see definition of "Conditional use".

5 *Structure* (Wis. Stats. § 59.692(1)(e)) means a principal structure or any accessory structure including
6 a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit either
7 permanently or temporarily attached to, placed upon, or set onto or into the ground, lakebed, streambed,
8 or upon another structure.

9 *Structural alteration* means the replacement of or alteration of one or more of the structural
10 components of any nonconforming structure.

11 *Structural component* means any part of the framework of a building or other structure. A structural
12 component may be non-load bearing, such as the gable end of a one-story house. Wall coverings, such as
13 siding on the exterior or drywall on the interior, are not included in the definition of structural component.

14 • The structural components of a building's exterior walls include the vertical studs, top and
15 bottom plates, sheathing and window and door sills and headers.

16 • The structural components of a building's roof include the ridge board, rafters, rafter ties, or
17 roof trusses, and roof sheathing.

18 • The structural components of a building's floors and ceilings include girder(s), joist, bridging,
19 subfloor(s), and posts.

20 • The structural components of a building's foundation include footings, foundation walls and
21 concrete slabs.

22 *Structure height* see article XIV of this ordinance for how this is determined.

23 *Substandard lots* means a legally created lot or parcel that met the minimum area and minimum width
24 requirements when created but does not meet current requirements for a new lot.

25 *Temporary living quarters* means for seasonal or temporary use for 180 cumulative days or less per
26 year.

27 *Unnecessary hardship* (NR 115.03(11)) means that circumstance where special conditions, which
28 were not self-created, affect a particular property and make strict conformity with restrictions governing
29 area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the
30 purposes of this ordinance.

31 *Use* means the specific purpose for which land or a building is designed, arranged, intended, or for
32 which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed
33 to include any nonconforming use.

34 *Variance* means an authorization granted by the board of adjustment for land use variances or the
35 land use and information committee for subdivision variances to construct, alter or use a building or
36 structure, or reconfigure a parcel in a manner that deviates from the dimensional standards of this
37 ordinance.

38 *Vegetative buffer zone* means an area that contains three layers of native vegetation: trees, shrubs
39 and groundcover. Under the shoreland habitat standard in 643A NRCS, which provides that shoreland
40 habitat means an "area adjacent to a waterbody or water course in a non-agricultural setting that is
41 vegetated with a diverse mixture of native species that can include grasses, grass-like species, forbs,
42 shrubs and trees." The vegetated buffer zone contains the area between the ordinary high water mark and
43 35 feet inland from the ordinary high water mark.

1 *Vegetation protection area* means an area that contains three layers of native vegetation: trees, shrubs
2 and groundcover. Vegetated with a diverse mixture of native species that can include grasses, grass-like
3 species, forbs, shrubs and trees. The vegetation protection area contains the area between 35 feet inland
4 from the ordinary high water mark and 50 feet inland from the ordinary high water mark.

5 *Wetlands" (NR 115.03(13))* means those areas where water is at, near or above the land surface long
6 enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of
7 wet conditions.

8 *Yard, front* means an open, unoccupied space on the same lot with the building between the front line
9 of the building and the front line of the lot and extending the full width of the lot.

10 *Yard, rear* means an open, unoccupied space on the same lot with the building between the rear line
11 of the building and the rear line of the lot and extending the full width of the lot.

12 *Yard, side* means an open, unoccupied space on the same lot with the building situated between the
13 building and the side line of the lot and extending from the front yard to the rear yard.

14 (Res. No. 2017-05, 2-23-2017)