

Article C: Shoreland-Wetland Zoning District

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

The following maps are hereby adopted and made a part of this Chapter and are on file in the office of the Bayfield County Zoning Department:

- (a) Wisconsin Wetland Inventory map stamped "Final" on March, 1985.
- (b) United States Geological Survey Quadrangle Maps for Bayfield County.
- (c) U.S. Department of Housing and Urban Development's Flood Hazard Boundary Map for Bayfield County dated September 2, 1977.

Sec. 13-3-21 District Boundaries.

- (a) **Purpose.** This District is created to fulfill those purposes stated in Section 13-3-2. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.
- (b) **Designation.** This District shall include all shorelands within the jurisdiction of this Chapter which are wetlands of five (5) acres or more (excluding point symbols) and which are shown on the Wisconsin Wetland Inventory Maps that are adopted and made part of this Chapter. A portion of a wetland which is less than five (5) acres in size, and which is located in the unincorporated shoreland area within the County, shall be included in the Shoreland-Wetland District where the wetland as a whole is five (5) acres or larger, but extends across the County boundary or across the shoreland limits, so that the wetland is not regulated in its entirety by the County.
- (c) **Determinations of Navigability.** Determinations of navigability and ordinary high-water mark shall initially be made by the Zoning Department. When questions arise, the Zoning Department shall contact the appropriate district office of the Department for the final determination of navigability or ordinary high-water mark.
- (d) **Discrepancies.** When an apparent discrepancy exists between the shoreland-wetland district boundary shown on the official shoreland-wetland zoning maps and the actual field conditions at the time the maps were adopted, the Zoning Department shall contact the appropriate district office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If the Department staff concurs with the Zoning Department that a particular area was incorrectly mapped as a wetland, the Zoning Department shall have the authority to immediately grant or deny a land use or building permit in accordance with the regulations applicable to the correct zoning district. The Zoning Department shall initiate a shoreland-wetland map amendment within a reasonable period in order to correct these mapping discrepancies.

Sec. 13-3-22 Permitted Uses.

The following uses shall be allowed, subject to general shoreland zoning regulations contained in this Chapter, subject to the provisions of Chapters 30 and 31, Wis. Stats., and the provisions of other local, state and federal laws, if applicable:

- (a) **No Wetland Alteration.** Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under Subsections (b) or (c) below:
 - (1) Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating;
 - (2) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 - (3) The practice of silviculture, including the planting, thinning and harvesting of timber;
 - (4) The pasturing of livestock;
 - (5) The cultivation of agricultural crops; and
 - (6) The construction and maintenance of duck blinds.
- (b) **Wetland Alteration Restricted.** Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
 - (1) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultura activities if not corrected;
 - (2) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries;
 - (3) The maintenance and repair of existing agricultural drainage systems where permissible by Sec. 30.20, Wis. Stats., including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that the filling is permissible by Ch. 30, Wis. Stats., and that dredged spoil is placed on existing spoil banks where possible;

- (4) The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 - (5) The construction and maintenance of piers, docks and walkways, observation decks and trail bridges built on pilings, including limited excavating and filling necessary for such construction or maintenance; and
 - (6) The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (c) **Permit Required.** Uses which are allowed upon the issuance of a zoning permit and which may include wetland alterations only to the extent specifically provided below:
- (1) The construction and maintenance of roads which are necessary for the continuity of the municipal street system, the provision of essential utility and emergency services or to provide access to uses permitted in this Section, provided that:
 - a. The road cannot, as a practical matter, be located outside the wetland;
 - b. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37(c) of this Chapter;
 - c. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
 - d. Road construction activities are carried out in the immediate area of the roadbed only; and
 - (2) The construction and maintenance of nonresidential buildings provided that:
 - a. The building is used solely in conjunction with a use permitted in the shoreland-wetland district or for the raising of waterfowl, minnows or other wetland or aquatic animals, or some other use permitted in the Shoreland-Wetland District;
 - b. The building cannot, as a practical matter, be located outside the wetland;
 - c. The building does not exceed five hundred (500) square feet in floor area; and

- d. Only limited filling and excavating necessary to provide structural support for the building is allowed.
- (3) The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps and attendant access roads, provided that:
- a. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable.
 - b. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in Subsection (c)(1) above.
 - c. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
- (4) The construction and maintenance of electric and telephone transmission lines, gas and water distribution lines, and sewage collection lines, and related facilities and the construction and maintenance of railroad lines provided that:
- a. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
 - b. Such construction or maintenance is done in a manner designed to minimize the adverse impact upon the natural functions of the wetland listed in Section 13-3-37 (c) of this Chapter.

Sec. 13-3-23 Prohibited Uses.

Any use not listed in Section 13-3-22 of this Chapter is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Chapter in accordance with Section 13-3-37 of this Chapter and Sec. 59.97(5)(e), Wis. Stats.

Sec. 13-3-24 through Sec. 13-3-29 Reserved for Future Use.