

## Article A: Introduction and Definitions

### Sec. 13-1-1 Authority.

This Chapter is enacted under the authority of Secs. 59.69, 59.962, 87.30 and 281.31, Wis. Stats.

### Sec. 13-1-2 Statement of Intent.

Pollution of the lakes of Bayfield County and uncontrolled development adversely affect the public health, safety, convenience and general welfare. The natural beauty of our waterways and lands is threatened and fish and wildlife habitat is being impaired. The unplanned use of our lakes and lands lessens their appeal and impairs the property tax base of the County. The Legislature of Wisconsin has established the need for County action and this need is hereby recognized by the County.

### Sec. 13-1-3 Statement of Purpose.

This Chapter is adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare, to further the maintenance of safe and healthful conditions, to prevent and control water pollution, to protect spawning grounds, fish, and aquatic life, to control building sites, placement of structures and land uses, to prevent overcrowding of any natural resource such as a lake, to preserve shorecover and natural beauty, and to promote the better uses of scenic resources.

### Sec. 13-1-4 Definitions.

(a) The following terms used in this Chapter have the meanings indicated:

- (1) **Accessory Structure.** A detached, subordinate structure which is clearly incidental to and customarily found in connection with the principal structure to which it is related and which is located on the same lot as the principal structure.
- (2) **Advertising Sign.** Any structure or part thereof or device attached to or printed or represented thereon which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or representation which is intended, directly or indirectly, to promote the sale or use of a business, product, service, commodity, entertainment, or real or personal property.
- (3) **Bed and Breakfast.** Any place of lodging that provides eight (8) or fewer rooms for rent for more than ten (10) nights in a twelve (12) month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
- (4) **Boathouse.** A building for the purpose of storing watercraft and related equipment.

- (4m) **Buildable Core.** That internal area of a lot which meets all applicable setbacks, as no wetlands or other unbuildable areas, can accommodate the placement of a structure, and is greater than twenty (20) feet in width.
- (4t) **Building.** A structure for support, shelter or enclosure of persons or property.
- (5) **Campground.** An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.
- (6) **Camping Resort.** Any privately or municipally owned parcel of land accessible by automobile or other engine driven vehicle designed for the purpose of supplying accommodations for overnight use by recreational vehicles.
- (7) **Class I Trout Streams.** Streams in this category are high-grade trout waters with conditions favorable for natural reproduction.
- (8) **Clear Cutting.** The cutting of all or substantially all trees over six (6) inches in diameter at breast height over any ten (10) year cutting cycle.
- (9) **Collection Station.** A solid waste facility or site at which refuse and recyclables are collected, temporarily stored, and transferred to the site of ultimate processing or disposal. Collection stations are of less capacity than transfer stations and, although less intrusive, are also subject to those regulations contained in NR 500, Wis. Adm. Code.
- (10) **Conditional Use.** Uses of the land or structure which are considered by the Zoning Committee.
- (11) **Condominium.** Any property subject to a condominium declaration established under Ch. 703, Wis. Stats.
- (11m) **Conservation Subdivision.** A division of land subject to the Bayfield County Subdivision Control Ordinance under Sec. 14-1-21(a), which is permitted to use more flexible lot standards, under Sec. 13-1-29A, than would otherwise be applicable, in order to provide more open space, preserve desirable natural features, and otherwise enhance the division and use of the land.
- (11t) **Developable Lot.** A lot in a Conservation Subdivision subject to restrictions limiting improvements thereon to one unit (with allowable accessory structures).
- (12) **Directional Sign.** A structure displaying the name and distance to the specific interest of the traveling public which advertise a business activity, and area of interest or a service available at a specific location.
- (12a) **Dog Kennel.** A parcel of land (under common ownership), including any structures thereon, where 12 or more dogs over the age of five (5) months are kept.
- (13) **Driveway.** An access road serving one (1) residence or one (1) parcel of

land.

- (14) **Duplex.** A structure consisting of two (2) dwelling units.
- (15) **Dwelling Unit.** A unit that is designed for independent human habitation, which includes sanitary and food preparation facilities.
- (16) **Enclosed Dwelling Space:** A space, measured by floor area, which is enclosed by walls (solid, windows, or screens) and covered by a roof, and is measured for each story of a multi-story structure, but does not include basements or garages.
- (17) **Environmental Impact Analysis.** A document drafted by the developer describing the impact of the environment in the general vicinity of the development.
- (18) **Erosion and Storm Water Runoff Control Measures.** Best management practices, maintenance or operational procedures, structural devices, or technologies to prevent or reduce the negative impacts of snowmelt or ice runoff, surface runoff and drainage, and soil, sediment, or rock fragments detached from the earth's surface by wind, water, ice or gravity from depositing in areas of lower elevation and/or waters of Bayfield County.
- (19) **Expansion.** Any structural modification which increases the existing structure's envelope or footprint.
- (20) **Exterior Improvement.** Upgrades in aesthetics, function, or worth of the outside surface(s) or components of a structure. Such improvements may include, but are not limited to, structural alteration for the expansion or addition of doors, windows, or the replacement of basement/foundation walls and footings.
- (21) **Farm.** Any building, structure, or use of land intended for the production of field or truck crops or the raising of livestock and livestock products for commercial gain.
- (22) **Farm Operation.** Any activity conducted solely or primarily for the production of one or more agricultural communities in sufficient quantity to be capable of contributing materially to the operator's support.
- (23) **Floodplains.** The area adjoining a watercourse which have been and hereafter may be covered by the regional flood.
- (24) **Footprint.** That portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane.
- (25) **Hotel/Motel.** A building, or buildings on the same lot (including a parcel constituting the common elements of a condominium) with five or more units for human occupancy used for short-terms rentals.
- (26) **Household Occupation.** A gainful occupation conducted by a member of the family within his/her place of residence, where the space is incidental to residential use, where the floor area does not exceed twenty-five percent (25%) of the total floor space.

- (27) **Human Habitation.** That which provides sleeping, eating, sanitary or related facilities required for human needs.
- (28) **Impervious Surface.** A surface consisting of asphalt, concrete, roofing material, brick, paving block, plastic, or other similar material which does not readily absorb water.
- (29) **Intermittent Stream.** A non-navigable watercourse which has a bed and bank differentiated from adjacent upland by evidence of erosion, but which does not have a sufficient level or flow to support navigation on an annually occurring basis, but does not include drainage ditches.
- (30) **Internal Improvement.** Upgrades in aesthetics, function, or worth of the interior surface(s) or components of a structure. Such improvements may include, but are not limited to, replacement or the addition of interior doors, cabinets, drywall, insulation, or plumbing, heating, and electrical system components.
- (31) **Junk or Salvage Yard.** An area consisting of buildings, structures or premises where junk, waste, discarded or salvage materials are brought, sold, exchanged, stored, baled, packed, disassembled or handled, including automobile wrecking yards, house wrecking and structural steel not including the purchase or storage of used furniture and household equipment or used cars in operable condition; the storage of two (2) or more unlicensed and inoperable vehicles.
- (32) **Land Use and Development.** Any construction or other activity which materially changes the use or appearance of the land or structure.
- (33) **Livestock.** Domestic animals kept for use on a farm or raised for sale and profit.
- (34) **Lot.** A parcel of land under common ownership. Except for lots and outlots established by certified survey map or plat approved pursuant to Title 14, Chapter 1, contiguous lands under common ownership shall constitute a single lot for purposes of this chapter, and land under common ownership but separated by a river, stream, non-fee title public road, private road or easement shall constitute a single lot for purposes of this chapter. Lands under common ownership separated by fee title road, or public lake bed shall not constitute a single lot. Effective May 30, 2006.
- (35m) **Lot Area.** The horizontal projection of a lot, exclusive of any portion of public right of way or any portion of a lot thirty (30) feet or less in width. Measurements are to be made by standard surveying methods. Any portion of a lot covered by a private easement shall be included in the lot area.
- (36) **Maintenance and Repairs.** Ordinary and routine actions necessary to continue or restore the safe use of a structure which has been damaged or has deteriorated through natural aging and wear and which does not result in a substantial structural improvement or a significant increase in value. Such actions may include, but are not limited to, painting and

staining, repair of exterior windows, sky lights, doors, vents, siding, insulation, shutters, gutters, flooring, shingles, roofing materials, the repair of walls, or the foundation, and internal improvements within the structural envelope without doing a structural alteration.

- (37) **Marina.** Waterfront establishments whose business is offering the sale or rental of boats and marine sporting equipment and the servicing, repair or storage of same. Such establishments may also provide travelift services, slip rental, gasoline, sanitary pumpout service and food, drink and transient lodging accommodations.
- (37m) **Metallic Mine.** A process in which metallic minerals are extracted, milled, and concentrated to produce input material for smelters/processors, which produce raw materials for the international market. Metallic minerals are mined for common metals such as copper, gold, iron, lead, silver, and zinc.
- (38) **Mineral.** A naturally occurring element or combination of elements, metallic or nonmetallic, that occur in the earth in a solid, liquid or gaseous state, but shall not include soil.
- (39) **Mining.** All or part of the processes involved in the extraction and processing of mineral materials. Mining activity shall normally be divided into four (4) distinct phases: a. Exploration. On-site geologic examination from the surface of an area by core, rotary, percussion, geophysical (including seismic operation-percussion or explosives), or other drilling for the purpose of searching for mineral deposits. Exploration includes associated activities such as clearing and preparing sites or constructing roads for drilling. b. Prospecting. Examination of an area for the purpose of determining the quality and quantity of minerals other than by exploration, but including the obtaining of ore samples by physical means. c. Operation. The preparation for production and the mineral extraction and/or processing for commercial purposes, including the transportation thereof. d. Reclamation. Process by which an area physically or environmentally affected by mining is rehabilitated to either its original state or to a pre-agreed state of long-term environmental stability.
- (40) **Mitigation.** Compensatory action(s) to restore natural functions and values lost through development and human alterations.
- (41) **Mobile Home.** A self-contained unit exceeding forty-five (45) feet in length, that is designated to be transported on its own wheels, or those of another vehicle, and may contain the same water supply, sewage disposal and electric system as immobile housing and is used for either permanent or seasonal occupancy.
- (42) **Motor Home.** A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

- (42m) **Multiple Unit Development.** A development on a single lot consisting of three or more units. It may be a condominium (in which case the lot consists of the condominium property); or a lot improved with a multiple unit dwelling; or a lot improved with a hotel/motel; or a lot improved with three or more units of other types.
- (43) **Multiple Unit Dwelling.** A building consisting of three or more dwelling units.
- (44) **Navigable Water.** Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of the state, including the Wisconsin portion of boundary waters which are navigable under the laws of the state. Under Sec. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Sec. 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to farm drainage ditches if such lands are not adjacent to a natural, navigable river or stream, those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching and such lands are maintained in nonstructural agricultural use. A navigable body of water must have a bed differentiated from adjacent uplands and flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis.
- (45) **Nonconforming Uses or Structures.** Any structure, land or water lawfully used, occupied, or erected at the time of the effective date of this Chapter or amendments thereto which does not comply with this Chapter. Any such structure not conforming in respect to frontage, width, height, area, yard or distance requirements shall be considered a nonconforming structure and not a nonconforming use.
- (45m) **Nonmetallic Mine.**
- (a) Operations or activities at a nonmetallic mining site for the extraction from the earth of mineral aggregates or nonmetallic minerals for sale or use by the operator. Nonmetallic mining includes use of mining equipment or techniques to remove materials from the in-place nonmetallic mineral deposit, including drilling and blasting, as well as associated activities such as excavation, grading and dredging. Nonmetallic minerals include, but are not limited to, stone, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat, talc and topsoil.
  - (b) Processes carried out at a nonmetallic mining site that are related to the preparation or processing of the mineral aggregates or nonmetallic minerals obtained from the nonmetallic mining site. These processes include, but are not limited to, stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, blasting, grading, crushing, screening, scalping and dewatering.

- (46) **Normal High Water Elevation.** A mark delineating the highest water level of a body of water which has been maintained for a sufficient period of time to leave evidence upon the landscape. The normal high water elevation is commonly that point where the natural vegetation and landscape changes from predominantly aquatic to predominately terrestrial.
- (47) **Open Space.** The area of a parcel exclusive of the land upon which the principal and nonrecreational accessory structures are located. Open space areas may be left in their natural state, or developed for recreational uses such as playgrounds, tennis courts, horticultural activities, or similar recreational amenities.
- (47m) **Open Space Lot.** A lot in a Conservation Subdivision subject to restrictions prohibiting improvements thereon, except for walkways, docks, benches, or other minor improvements if approved in the issuance of a conditional use permit.
- (48) **Ordinary High Water Mark.** Ordinary high water mark means the point on the bank or shore up to which the presence and action of surface water is too continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics. For the purpose of this Chapter, the terms "ordinary high water mark" and "normal high water mark" are synonymous.
- (49) **Parcel.** A piece of land of any size.
- (50) **Pickup Camper.** A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.
- (52) **Principal Building.** A building in which is conducted the principal use of the lot or site on which it is located.
- (53) **Public Road.** An access road or street serving more than one (1) residence or serving more than one (1) parcel of land.
- (54) **Recreational Vehicle.** A vehicle or unit that is mounted on or drawn by another vehicle and is primarily designed for temporary living, including but not limited to, such items as travel trailers, motor homes, and pickup campers.
- (55) **Regional Flood.** The regional flood is a flood determined by the Division of Environmental Protection which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream or other streams in the same general region.
- (56) **Replacement.** To restore to a former state or to provide an equivalent.

- (58) **Shore Cover.** Trees and shrubbery.
- (59) **Shoreland Vegetation Protection Area.** An area of natural vegetation types along the shoreline of a water body, stream, or wetland. It provides many ecological benefits including, but not limited to, minimizing impacts on the water resource from adjacent upland and landward activities through the filtration of sediment and runoff, uptake of nutrients, and stabilization of the shoreland; provides food and cover for wildlife; and improves aesthetic qualities.
- (60) **Shorelands.** Shorelands means lands within the following distances from the ordinary high water mark of navigable water: One thousand (1,000) feet from a lake, pond or flowage and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (61) **Shoreline Frontage.** The shortest horizontal straight line that can be established between points on the side lot lines at the waterfront end of a lot or parcel abutting a lake or stream. At least one point along the horizontal straight line must lie on the ordinary high water mark, and its entire extent must lie wholly within the lot or parcel.
- (61m) **Short-term Rental.** Rental for less than one month.
- (61s) **Short-term Rental Accommodation.** A building, or buildings on the same lot (including a building or buildings located on condominium property), with one to four units for human occupancy used for short-term rentals, but not including a Bed and Breakfast.
- (62) **Sign on Premises.** A sign relating in its subject matter to the premises on which it is located, or to products, accommodations, services, or activities on the premises.
- (63) **Site.** An area devoted to the location of an individual dwelling unit in a mobile home park, campground, or camping resort. The physical land surface area that is covered by a principal building or accessory structure. A piece of land considered for a certain purpose.
- (64) **Structural Alteration.** Any activity not considered ordinary maintenance and repair that results in a change to the internal framework, or the exterior silhouette or footprint of a structure.
- (65) **Structure.** Anything constructed or erected.
- (66) **Substandard Lot.** A lot which does not meet the applicable lot size and dimensional requirements of this Chapter.
- (67) **Temporary.** Not permanent; a period of time less than a year.

- (68) **Transfer Station.** A solid waste facility or site at which temporary storage and transference of solid waste from one vehicle or container to another, generally of larger capacity, occurs prior to transportation to a point of processing or disposal. A transfer station is an intermediary point between the location(s) of waste generation (e.g. households, businesses, industries) and the site(s) of ultimate processing or disposal.
- (69) **Travel Trailer.** A vehicular portable structure built on a chassis which can be transported by a motor vehicle and is designated to be used as a temporary dwelling for travel, recreation, and vacation use, and which does not fall within the definition of a mobile home.
- (70) **Unit.** A principal building or part thereof which is intended to be used separately from other parts of the building or other buildings on the same property, such as a six unit motel containing four (4) rental units, one (1) office and a restaurant.
- (71) **Wetlands.** 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 set conditions.
- (72) **Zoning Committee.** The Bayfield County Planning and Zoning Committee.
- (73) **Zoning Department.** The Bayfield County Planning and Zoning Department.
- (74) **Zoning District.** A geographical location dividing zones.

(Ord. of 12-12-00, §13)

**Secs. 13-1-5 through Sec. 13-1-19 Reserved for Future Use.**