

**AMENDMENTS TO BAYFIELD COUNTY ZONING AND SANITARY AND PRIVATE
SEWAGE ORDINANCES**

(Deleted text lined through; new text underlined)

1. Section 13-1-4(a)(61) is created to read:

(4x) **Bunkhouse/Guest Quarters.** A residential accessory structure or part of a residential accessory structure with or without plumbing which is used as temporary sleeping quarters only; no cooking facilities; and no greater than 500 sq. ft. of enclosed dwelling space.

(24c) **Foundation.** The portion of a building's structure that transfers the weight of the building into the ground; an underlying base or support; especially; the whole masonry substructure of a building; the lowest support of a structure (e.g. basement, cellar, crawl space, piers/posts, slab on grade,)

2. Section 13-1-21(b)(2) is created to read and the remaining paragraphs (2)-(5) are renumbered (accordingly):

(2) **Ingress and Egress:** Landings with steps shall not require a land use permit provided the landing area does not exceed 40 sq. ft., however; if landing is enclosed or covered a land use permit is required.

~~(2)~~ (3) **Improvements to Nonconforming Structures.** Exterior improvements and additions to nonconforming structures which change the size or shape thereof shall require a land use permit. Replacement of additions to, or decks attached to, non-conforming structures shall also require a land use permit.

~~(3)~~ (4) **Setback Compliance; Non-Habitable Structure Compliance.** All structures shall meet prescribed setback standards for the zoning district in which they are located. All structures in floodplain areas shall require a land use permit. A land use permit shall not be required for a non-habitable structure of less than two hundred (200) square feet in area, or for a private communication device, if not in a floodplain. A temporary structure of more than two hundred (200) square feet shall require a temporary permit.

~~(4)~~ (5) **Validity.** A land use permit shall expire twelve (12) months from its date of issuance if the authorized building activity, land alteration of use has not begun within such time.

~~(5)~~ (6) **Concurrent Jurisdiction Exemption.** A permit under this Chapter shall

not be required where another regulatory agency has concurrent jurisdiction and the substantive concerns of this Chapter are addressed and resolved by issuance of a permit under the authority of that regulatory agency.

3. Section 13-1-21(e)(s) is amended to read:

(e) **Fees.**

s.	Privy Permit (not including required soil verification)	\$	150.00
	<u>Portable Privy.....</u>	<u>\$</u>	<u>50.00</u>

4. Section 13-1-32(a)(2) is amended as follows:

Class 1 Lakes

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Siskwit	21-50-6	13

Class 3 Lakes

<i>Lake Name</i>	<i>Location</i>	<i>Rank</i>
Clay Corner	8-45-7	8
Connor	14-44-7 <u>9</u>	<u>8</u>

5. Section 13-1-33 is repealed and recreated to read:

Sec. 13-1-33 ~~Multiple Principal Buildings.~~ Multiple Structures

~~A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No more than one principal building may be located on a substandard lot.~~

(a) **Multiple Principal Buildings.** A conditional use permit shall be required for more than one (1) principal building on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback

requirements. No more than one principal building may be located on a substandard lot.

- (b) **Multiple Bunkhouse/Guest Quarters.** A conditional use permit shall be required for more than one (1) bunkhouse/guest quarter on a parcel of land, unless that parcel could be divided under the terms of the Bayfield County Subdivision Control Ordinance with each building located on a resulting lot and meeting applicable setback requirements. No bunkhouse/guest quarters may be located on a substandard lot.

6. Section 13-1-40(c)(2) is amended to read:

- (c) **Nonconforming Buildings and Structures.**

- (2) ***Nonconforming Accessory Buildings and Structures and Nonconforming Principal Buildings and Structures of Less than 600 Square Feet.*** Except as provided in paragraph (6) below regarding reconstruction of damaged or destroyed structures in the shoreland, nonconforming accessory buildings and structures and nonconforming principal buildings and structures of less than six hundred (600) square feet of ~~enclosed dwelling space~~ footprint are limited to ordinary maintenance and repair and shall not be ~~improved or expanded. However, such accessory buildings and structures may be externally improved by a land use permit.~~

7. Section 13-1-40(c)(4)c. 5. is amended to read and 7. is created to read:

- c. With respect to such structures located forty (40) or more feet but less than seventy-five (75) feet from the ordinary high water mark.
5. No new or raised ~~basement~~ foundation for the existing structure or any attached accessory structure shall be permitted, though a ~~basement~~ foundation may be constructed under a permitted lateral addition; and
7. Repair of 25% or more of the lineal perimeter of the foundation shall be considered a replacement or new foundation and not a repair.

8. Section 13-1-43(f)(1) is amended to read:

- (1) ***Submittal Information.*** For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the

following information to accompany every conditional use application. ~~Said information shall include, but may not be limited to:~~

9. Section 13-1-43(f)(1) g. is amended to read.

- g. In the case of a leased site, a lease agreement, option or binding lease memorandum which shows on its face that it does not preclude the lessee from entering into leases on the site with other provider(s) and the legal description and amount of property leased. The lease shall not be structured so as to create a bar to colocation of other providers. Colocation lease terms, including rent, shall be subject to arbitration, as set forth elsewhere herein, in the event the parties are unable to reach agreement on the issue of rent or other terms. ~~The leased site shall meet the minimum lot size requirements for the zoning district in which it is located;~~

10. Section 13-1-43(f)(1) l. o. r. and t. are relettered to h. i. j. and k.

- ~~h.~~ h. A description of the proposed facility including a diagram of the site showing the proposed location of the facility and other significant features, including the height and other dimensions of the facility, a visual representation of the facility, and a description of any proposed lighting;
- ~~o.~~ i. A tabular and map inventory of all of the applicant's existing telecommunications facilities that are located within Bayfield County and including all of the existing facilities which do or could provide services within Bayfield County. The inventory shall specify the location, height, type, and design of each of the applicant's existing telecommunication facilities, and the ability of the tower or antenna structure to accommodate additional colocation antennas;
- ~~r.~~ j. Certified statement from an RF engineer showing the coverage of the proposed facility;
- ~~t.~~ k. Such other information as the Committee may reasonably require to complete processing the application.

11. Section 13-1-43(f)(4) is created to read

- (4) **Land Use Information.** For all telecommunications facilities, except exempt facilities as defined in subsection (c), the Zoning Department shall require the

following information to be submitted prior to the issuance of the land use application.

12. Section 13-1-43(f)(1) is amended by relocating subparagraphs h, i, j, k, m, n, p, q, s, and t. thereof to a newly created Section 13-1-43(f)(4) and relettered a, b, c, d, e, f, g, h, i, and j; subparagraph i. shall be amended as follows:

- ~~h.~~ a. A description of the telecommunications service that the applicant offers or provides, to persons, firms, businesses or institutions;
- ~~i.~~ b. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable;
- ~~j.~~ c. Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communications Commission (FCC) or Environmental Assessment or Environmental Impact Study (EIS), if applicable;
- ~~k.~~ d. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings;
- ~~m.~~ e. An alternatives analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in subsection (3), subject to the review and approval of the Zoning Committee, which identifies at least three sites, technically feasible alternative locations and/or facilities which could provide the proposed telecommunication service. The intention of the alternative analysis is to present alternative strategies, which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the County. The analysis shall address the potential for colocation and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the determination of the Zoning Committee that the site applied for is more advantageous than any available, feasible alternative site. The County may require independent verification of this analysis at the applicant's expense;
- ~~n.~~ f. Plans indicating security measures (i.e. access, fencing, lighting, etc.);

- ~~g.~~ g. A report prepared by an engineer licensed by the State of Wisconsin certifying the structural design of the tower and its ability to accommodate additional antennas;
- ~~h.~~ h. Proof of liability coverage;
- ~~i.~~ i. Applicant and/or agent shall have copies of an Affidavit of Notification indicating that all operators and owners of airports located within five (5) miles of the proposed site, have been notified via certified mail; ~~and.~~
- ~~j.~~ j. Such other information as the Committee may reasonably require to complete processing the application.

13. Section 13-1-43(i)(1)

- (1) Nonconforming and conforming telecommunication towers, antennaes and facilities may add, move or replace antennas, the tower and support facilities upon issuance of a land use permit. An existing telecommunication tower may be relocated or reconstructed within fifty (50) feet of its existing location to accommodate colocation subject to meeting all other sections of this Ordinance except subsection (k) (7). Routine maintenance and repair on telecommunications facilities is permitted. ~~See subsection (14)(2).~~

14. Section 13-1-43(l)(2)g. is amended to read.

(l) Separation and Setback Requirements.

- (2) **Setbacks.** All setbacks shall be measured from the base of the tower or structure. Notwithstanding any other provisions of this Ordinance, the following minimum setbacks shall apply unless a greater distance is established by the Zoning Committee in a conditional use permit:
 - g. Setbacks from zoning districts in which towers are prohibited. Every new tower shall be set back a minimum of 300% of its height ~~feet~~ from the boundary of any zoning district in which the tower would be a prohibited use. If the tower is designed-engineered with a reduced collapse zone the setback shall be 125% of the designed collapse zone.

15. Section 13-1-82(b) is amended to read:

- (b) Off-premise signage. Each ~~parcel~~ business may include up to two (2) signs off the premise with area of each sign not to exceed 50 square feet.

16. Section 14-1-40(b) is amended to read:

- (b) A certified survey map shall be prepared and recorded for all land divisions resulting in the creation of 1, 2, 3, or 4 lots of less than five (5) acres, or ~~of any size if a shoreland lot (as defined in Section 13-1-4(60))~~ of less than nineteen (19) acres if any part thereof is located within shorelands (as defined in Section 13-1-4(a)(60)).

17. Section 14-1-40(d) 52 is amended to read:

52. _____ Where it is questionable that a 3,000 sq. ft. buildable core or dry land access exists, this note must be added to the CSM:
“CAUTION: There may not be a 3,000 sq. ft. buildable core on this lot nor dry land access to it.” (see Section 13-1-32(b)(1) & (d)).

18. Section 15-1-10(a) is amended to read:

- (a) Buildings intended for human habitation proposing an addition of 250 sq. ft. or more require verification as outlined in Section 15-1-13(b)(c). The lifetime total of all accumulative additions/alterations may not exceed the 250 sq. ft without requiring verification.

19. Section 15-1-14(e) is created to read:

(e) Portable Privies

- (1) Portable privies may not be used for habitable buildings; unless they have a 200 gallon capacity tank.
- (2) Portable privies may be used at construction sites, but must be removed upon completion of construction. A County Sanitary Permit is not required for construction sites.
- (3) Portable privies located on property intended to be used by the public in locations that the public has access to (i.e. boat landings, parks,

campgrounds, beaches, resorts, golf courses, road waysides, scenic overlooks, etc.) may be placed for an unlimited period with no affidavit required.

- (4) Portable Privies should meet all required setbacks where feasible. The Bayfield County Planning and Zoning Department will make the final setback location determinations based upon the site limitations.
- (5) A County Sanitary Permit and Fee will be required to place these units.
- (6) Portable Privies must be pumped or inspected on a yearly basis and are required to be reported to the County within 30 calendar days.

20. Section 15-1-19(c)(61) is created to read:

- (a) The owner of a holding tank may be placed on a three (3)-year maximum inspection cycle. The inspection report shall be submitted to the County within 30 calendar days from the date of inspection.

The inspection required shall be performed by one of the following:

- a. A licensed master plumber.
- b. A licensed master plumber–restricted service.
- c. A certified POWTS inspector.
- d. A certified septage servicing operator under ch. NR 114.
- e. A registered POWTS maintainer.