

AMENDMENTS TO BAYFIELD COUNTY ZONING ORDINANCE

(Deleted text lined through; new text bolded and underlined)

1. Section 13-1-21(b)(6) is amended to read:

- (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 **or under the direction of the Bayfield County Land and Water Conservation Department.**

2. Section 13-1-21(b) 4 is amended as follows:

- (3) ***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 **residential** 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. A temporary structure of more than two hundred (200) square feet shall require a temporary permit.

3. Section 13-1-21(e) aa. is amended as follows:

(e) **Fees**

aa. Board of Adjustment Hearing

Special Exception.....	\$	550.00
Variance or Appeal.....	\$	800.00
<u>Reconsideration *</u>	\$	800.00

***Transcript and any copy fees shall be paid by individual(s) whom make the request)**

4. Section 13-1-22(e) is amended as follows:

- (e) ***Intermittent Streams.*** No structure shall be constructed or placed within 25 feet of the top edge of the eroded bank of ~~an intermittent~~ **non navigable** stream.

5. Section 13-1-28(d)(2)-(5) amended as follows:

- (2) Any recreational vehicle located outside a state or county approved park shall:
 - a. Require an RV placement permit issued by the Bayfield County Zoning Department prior to the unit being placed on an undeveloped parcel if placed more than twenty-one (21) days. The RV shall be permitted to be used for temporary dwelling purposes for an aggregate time period of up to four (4) months per calendar year in all zoning districts except Commercial, Forestry-2, Agricultural-2, Conservancy, and Industrial. Any such unit that is to be used for temporary dwelling purposes and which is located on an undeveloped site for a period of time greater than four (4) months per annum shall require a Class A **special use** permit.
 - d. Such units shall be permitted to be stored within a garage, carport, or accessory structure or in the rear or side yard areas of developed parcels of land, provided setback standards are met. The **placement or** storage of more than three (3) units shall require a conditional use permit. Units shall not be stored on undeveloped parcels.
- ~~(3) Recreational vehicles shall be permitted to be used for temporary dwelling purposes for an aggregate time period of up to four (4) months per calendar year in all zoning districts except Commercial, Forestry-2, Agricultural-2, Conservancy, and Industrial. Any such unit that is to be used for temporary dwelling purposes and which is located on an undeveloped site for a period of time greater than four (4) months per annum shall require a Class A permit.~~
- ~~(4)~~ (3) A time limit of not less than fifteen (15) days shall be given in the order for the removal of any recreational vehicle not complying with the provisions of this Section.
- ~~(5)~~ (4) Within one (1) year after the adoption of this amendment, all nonconforming recreational vehicles shall comply with the terms of this Section.

6. Section 13-1-40(c)(5) is amended to read:

- (5) ***Mitigation Measures.*** As specified in the following provisions, the

objective of these mitigation requirements is to compensate for adverse environmental effects when development is permitted to occur within designated shoreline setback areas. A site plan and implementation schedule describing any required mitigation shall be submitted by the property owner or owner's authorized agent and approved by the **Planning and Zoning Department and/or Land and Water Conservation Department** prior to issuance of the related land use permit(s). Mandatory mitigation measures shall include:

7. Section 13-1-40(c)(4)a.4. and 5. shall be created and amended as follows:

- a. With respect to such structures located less than forty (40) feet from the ordinary high water mark:
 1. Internal improvements shall be confined to the building envelope and may be constructed without a land use permit.
 2. Except as provided in subparagraph b., no new foundations of any kind, additional stories, other expansion, or accessory construction shall be permitted. For the purpose of this section of the Ordinance, repair of 25% or more of the lineal perimeter of the foundation shall be considered a replacement or new foundation and not a repair.
 3. Exterior improvements shall be limited to those which do not change the size or shape of the structure, except that a flat roof may be replaced by a pitched roof, provided that the additional space under the pitched roof may not be used for living area, storage, or other purpose.
 4. **Repair or replacement of a foundation or wall(s) which requires any land disturbance in the vegetation protection area shall require a land use permit.**
 5. The mitigation requirements of paragraph (5) below are complied with.

8. Section 13-1-42(c)(3) is amended to read:

- (3) The Zoning Department and Zoning Committee may request review of an E.I.A. by the Wisconsin Department of Natural Resources; the ~~Ashland, Bayfield, Douglas and Iron~~ County Land **and Water** Conservation Department; or a private consultant.

9. Section 13-1-43(g)(2) is amended to read:

(g) **Information Report.**

- (2) Information Report Fee. Following the conditional use approval and with the initial filing of the Report, the tower owner shall submit to the **Planning and Zoning** Department a one-time fee of Two Hundred Dollars (\$200.00) per tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the **Planning and Zoning** Department.

10. Section 13-1-43(i)(2)a. & b. are amended to read:

(i) **Preexisting Telecommunication Towers and Antennas.**

(2) Existing Use Review.

- a. Existing Use Review for Those Towers Structurally Capable to Colocate -

Beginning February 28, 2002, within forty-five (45) days: (1) of receipt of a written request from the Bayfield County Zoning Department; or (2) of any change in ownership or occupancy of the tower, all telecommunications tower owners operating in Bayfield County prior to the adoption of this section shall provide the information required under subsection (a) (except proof of bond and proof of insurance), of this section. ~~By February 28, 2002, such owners shall pay a onetime fee of Two Hundred Dollars (\$200.00) per tower site.~~ Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the Zoning Department.

- b. Existing Use Review for Those Towers Structurally Incapable for Colocation -

By February 28, 2002, within forty-five (45) days: (1) of receipt of a written request from the Bayfield County Zoning Department; or (2) of any change in ownership or occupancy of the tower, all telecommunications tower owners operating in Bayfield County prior to the adoption of this section shall provide the information required under subsection (g) (except proof of bond and proof of insurance), and submit documents that the tower is structurally incapable of collocation. ~~By February 28, 2002, such owners shall pay a one time fee of Two Hundred Dollars (\$200.00) per tower site.~~ Failure to provide this information as required above may result in a civil forfeiture for each day elapsing until the information is received by the Bayfield County Zoning Department.

11. Section 13-1-43(k)(2)c. is created to read:

- b. Towers shall be permitted to a maximum height of 199 feet, including antennas, ~~except that~~ this height limitation shall not apply to radio or television broadcasting towers. Unless permitted by the Committee after review, towers shall be constructed so as to accommodate a minimum of three collocation sites. Collocation sites need not be available on the tower as initially placed or constructed, provided that the tower will support at the specified maximum height later addition of at least three collocation sites. Notwithstanding the height and number of collocation sites on the tower as initially placed or constructed, the tower design approved and permitted shall be for a tower capable of extension to 199 feet in height, including the required collocation sites. The Committee may vary the above collocation requirements if use of a monopole is a condition of the permit.
- c. The Planning and Zoning Committee may grant a tower expansion not to exceed 250 feet in height if applicant can demonstrate the need [e.g. increase coverage area, lack of existing towers, impact of density area, alleviating the need for additional towers, greater collocation capability, lighting requirements].**

12. Section 13-1-62(a) is created and amended as follows:

PERMISSIBLE USES	R-4	R-2	R-RB	C	I	A-1	A-2	F-1	F-2	W
	R-3 R-1									
<u>Campground, Equestrian [Private or Commercial]</u>						<u>C</u>				
Campground, Private [Commercial], Camping Resort			C					C		
Campground, Public & Camping Resort			C					C		

Dwelling, Single Family, Duplex* Subject to 13-1-62(b) see also 13-1-63	P	P	P	SB		S-A		S-A*		
Fish or Meat, Wholesale, Storage or Curing				C	SB					
<u>Fish Farm, Processing, Storage or Curing</u>				<u>C</u>		<u>C</u>				
Fish Hatchery, Public or Private			SB			SB		SB		C

13. Section 13-1-62(b) is created and amended as follows:

- (b) A lot created by the subdivision of a parcel of land in an F-1 zoning district into three (3) or more lots of less than ten (10) acres each within a five (5) year period, regardless of any change(s) in ownership during such period, may not be improved with a single family dwelling or duplex unless the subdivision has been approved as **a Conservation Subdivision** meeting the requirements of Section 13-1-29A **or an alternative development meeting the requirements of Section 13-1-63(e)**. [Note; Under Section 13-1-29A(b)(9) a Conservation Subdivision in an F-1 zoning district may not be developed with more than 3 units.]