

Article D: Zoning Districts

Sec. 13-1-60 Zoning District Dimensional Requirements.

- (a) Subject to subsections (b) through (i), Zoning District Dimensional Requirements for lots shall be as follows (provided that for lots with lake frontage or adjoining or including river or streams, any more restrictive applicable requirements in Sec. 13-1-32 shall apply instead):

| Zoning District | Minimum Area | Minimum Average Width for Non-Shoreland Lots Only | Minimum Side & Rear Yards Principal Building | Minimum Side & Rear Yards Accessory Building |
|-----------------|----------------|---|--|--|
| R-RB, R-1 | 30,000 sq. ft. | 150' | 10' | 10' |
| F-1, R-2, A-1 | 4½ acres | 300' | 75' | 30' |
| R-3 | 2 acres | 200' | 20' | 20' |
| F-2, A-2 | 35 acres | 1,200' | 75' | 30' |
| I, C* | 20,000 sq. ft. | 100' | 5' | 5' |
| R-4 | | | | |
| (a) Sewer/water | 10,000 sq. ft. | 75' | 10' | 10' |
| (b) Sewer only | 15,000 sq. ft. | 75' | 10' | 10' |
| (c) Water only | 20,000 sq. ft. | 100' | 10' | 10' |

For Setback Requirements see Section 13-1-22.

Lots must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements.

- (b) Commercial zoning districts within and utilizing the services of a sanitary district shall be permitted to apply R-4 Zoning District lot size standards. Commercial zoning districts not located within a sanitary district that involves a residence shall apply R-1 Zoning District lot size standards.
- (c) The minimum road frontage on a cul-de-sac shall be fifty (50) feet in a R-1, R-3, R-4, R-RB, Commercial, or Industrial Zoning District.
- (d) The radius of a cul-de-sac shall not be less than forty-five (45) feet in a F-1, R-2, A-1, R-3, F-2, A-2, Industrial, Commercial, or R-4 Zoning District.
- (e) The side yard setback for buildings and structures may be reduced to not less than one-third of the otherwise required setback where a proposed division of land will separate buildings of an existing farmstead.

The reduced setback shall apply only along the property line that separates the existing farmstead and only to buildings and structures that predate the proposed division. The Zoning Committee may require drainage, visual screening, and other measures to mitigate the effect of side yard setback reduction as a condition of division approval.

- (f) Notwithstanding any of the above provisions, the following dimensional requirements shall apply within R-4 Zoning Districts within the Town of Cable, regardless of the availability of sewer and/or water service:

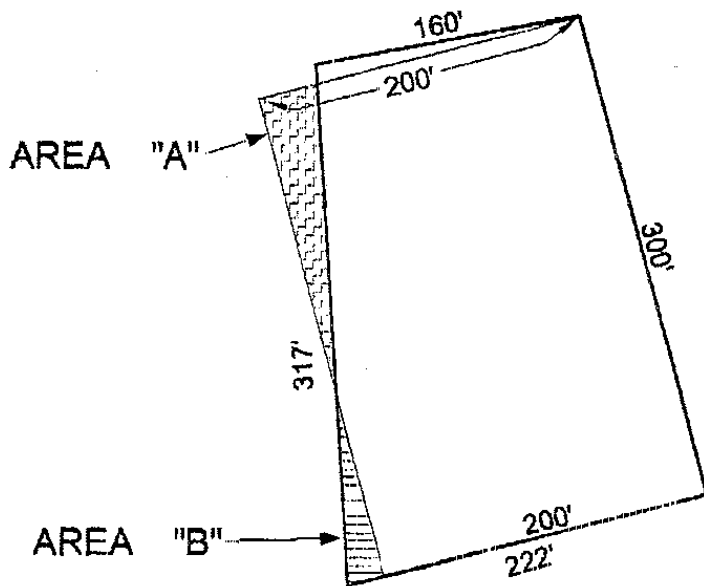
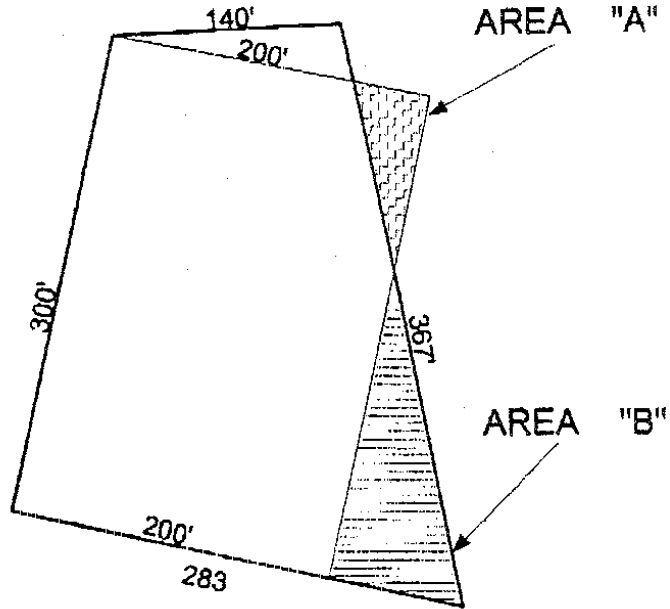
| Minimum Area | Minimum Frontage Width | Minimum Average | Minimum Side and Rear Yards for Principal and Accessory Buildings |
|---------------------|-------------------------------|------------------------|--|
| 20,000 sq. ft. | 100 ft. | 100 ft. | 10 ft. |

- (g) Lots to be developed with duplexes shall meet the following requirements.
 - (1) A lot providing access to navigable waters to be developed with a duplex shall meet the requirements of Sec. 13-1-32)(dg)
 - (2) A lot not providing access to navigable waters to be developed with a duplex shall have minimum lot area equal to twice the minimum lot area required in the zoning district in which it is located.
- (h) Lots in a Conservation Subdivision are not subject to the minimum area and minimum average width requirements of subsection (a) above, but are subject to the requirements of Sec. 13-1-29A.
- (i) Compliance with the minimum average width requirements shall be determined whenever feasible as demonstrated by the following example. In applying the example, the side of the rectangle equivalent to the required minimum average width shall be aligned with the side of the lot fronting a road, or, if there is no road frontage, with the side of the lot to which access is provided. If, due to a lot's configuration, it is not feasible to determine the minimum average width as demonstrated by the example, such determination shall be made as reasonably determined by the Zoning and Planning Administrator.

Non-shoreland Lot Minimum Average Width Example:

This calculation example will work in most cases to calculate average width on irregular shaped lots: (example case requires a 200 ft average width).

AREA "A" IS SMALLER
THEN AREA "B"
THIS LOT DOES MEET
THE 200' AVERAGE
WIDTH REQUIREMENT



AREA "A" IS LARGER
THEN AREA "B"
THIS LOT DOES NOT
MEET THE 200'
AVERAGE WIDTH
REQUIREMENT

Sec. 13-1-61 Zoning Districts.

This Section is to divide the unincorporated areas of Bayfield County into districts within which the uses of land will be mutually compatible:

- (a) **R-1 Residential-1.** This district provides for permanent residential developments in unsewered neighborhood environments capable of being served with required services and utilities while, at the same time, being protected from traffic hazards and the intrusion of incompatible land uses.
- (b) **Home-Based Businesses.** Home-based businesses shall require a special use permit and shall occupy not more than twenty-five percent (25%) of the residential floor space or seventy-five percent (75%) of the floor space of an accessory structure and shall not employ more than one (1) nonresident employee.
- (c) **R-2 Residential-2.** This district is to require large lot residential development as a means of preserving the space characteristics of country living.
- (d) **R-3 Residential-3.** This district is to provide medium size lots for residential development as a means of preserving estate living.
- (e) **R-4 Residential-4.**
 - (1) This district provides for permanent residential developments in neighborhood environments with water and/or sewer as well as other services and utilities. Such developments should be protected from traffic hazards and the intrusion of incompatible land uses.
 - (2) Upon the installation of public sewer and/or water supply facilities in an existing unincorporated village, the area may be rezoned to the Residential-4 District.
 - (3) The Residential-4 District is not intended for and shall not be applied to areas outside existing unincorporated villages.
- (f) **R-RB Residential-Recreational Business.** This district is intended to provide for permanent or seasonal residential development and associated recreational use.
- (g) **F-1 Forestry-1.** This district is to provide continuation for forestry programs and to permit compatible recreational development.
- (h) **F-2 Forestry-2.** This district is to provide for large contiguous tracts that may be used primarily for forestry programs; no residential structures allowed.
- (i) **A-1 Agricultural-1.** This district is designed to provide areas for general agriculture and to prevent the encroachment of scattered commercial and industrial enterprises, and small lot residential development.
- (j) **A-2 Agricultural-2.** This district is to provide for large contiguous tracts that may remain in general agricultural use; no residential structures allowed.

- (k) **C Commercial.** This district is intended to provide for the orderly and attractive grouping, at convenient locations, of retail stores, shops, offices, and establishments serving the daily needs of the area.
- (l) **I Industrial.** This district is intended to provide for any manufacturing or industrial operation, which on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the County as a whole by reason of noise, dust, smoke, odor, traffic, physical appearance, or other similar factors, and subject to such regulatory controls as will reasonably insure compatibility in this respect. Any use determined to be objectionable by the Zoning Administrator or the Zoning Committee on the basis of the aforementioned grounds shall be denied, subject to appeal under Section 13-1-102.
- (m) **W Conservancy.** This district is intended to be used to prevent destruction or alteration of natural or manmade resources which are considered to have valuable ecological or aesthetic assets. All efforts should be made in these areas to preserve the qualities for which they have been set aside.
- (n) **UVOD Unincorporated Village Overlay District.**
- (1) The Unincorporated Village Overlay District is created to accommodate the land use patterns of those established unincorporated villages where, in order to insure development consistent with the intent of this Chapter, special provisions shall be applied.
 - (2) The Unincorporated Village Overlay District shall encompass the lands contained in the Villages of Drummond, Cornucopia, Iron River, Herbster, Grand View, and Port Wing as these boundaries are delineated on the orders creating these respective sanitary districts created under the provisions of Ch. 60.3, Wis. Stats, and on file at the Register of Deeds Office.
 - (3) This District shall also include the property included within the Cable Sanitary District service area in Section 18-43-7, in the Town of Cable, as shown on the map of said section showing proposed zoning district changes for the Cable Sanitary District prepared by the Bayfield County Land Records Department and filed with the Bayfield County Planning and Zoning Department on April 20, 2005.
- (o) **S-W Shoreland-Wetland.** The Shoreland-Wetland Overlay District is created to accomplish the objectives contained in Ch. NR 115, Wis. Adm. Code, and Title 13, Chapter 3 of this Code of Ordinances. This district, delineated on the final Wisconsin Wetlands Inventory Maps for Bayfield County, shall supersede all zoning districts previously mapped prior to the adoption of Title 13, Chapter 3.

(Ord. No. 2000-003, § 6, 6-7-2001)

Sec. 13-1-62 Classification of Uses.

- (a) The letter "C" appearing in the following table for any use means that the use is allowed as a conditional use and may be permitted in the zoning district only if a conditional use permit is granted. "S-A or SB" means that the use is allowed as a Class A or Class B special use, respectively, and may be permitted in that zoning district only if a special use permit is granted. "P" means that the use is permitted in the zoning district. If the space is blank, it means that the use is not permitted in that zoning district. For uses not included on this list, application shall be made to the Zoning Committee for interpretation:

| PERMISSIBLE USES | R-4 R-3 R-1 | R-2 | R-RB | C | I | A-1 | A-2 | F-1 | F-2 | W |
|--|-------------------|-----|------|----|----|-----|-----|-----|-----|---|
| Abattoir (Slaughter House) | | | | | C | | | | | |
| Acoustical Material, Storage Mfg. | | | | SB | P | | | | | |
| Advertising, Display Mfg. | | | | C | P | | | | | |
| Agricultural Implements, Distributor, Display, Repair Sales | | | | P | P | SB | | | | |
| Airport, Public or Private including Seaplane Base | | C | C | | C | C | | C | | |
| Amusement Park | | | C | C | | | | | | |
| Animal Boarding Facility | | SB | | | P | C | SB | C | | |
| Animal Hospital | | C | | C | | C | | C | | |
| Archery Range | | | SB | | | | | SB | | |
| Armory | | | | C | SB | | | | | |
| Arms, Ammunition, Mfg., Wholesale and Storage | | | | | C | | | C | | |
| Asphalt and Asphalt Products, Processing | | | | | C | C | | C | | |
| Association (Clubs and Lodges) Private | C | SB | SB | P | | | | SB | | |
| Asylum, Public and Private | C | C | C | | | C | | C | | |
| Athletic Club | | | P | P | | | | SB | | |
| Athletic Field | SB | SB | P | P | | SB | | SB | | |
| Auditorium, Arena | | | C | SB | | | | | | |
| Automobile and Truck Sales, Repair, Parts, Supplies, Storage | | | C | P | P | SB | | | | |
| Automobile and Truck Salvage and Scrap Yards, Junk and Salvage Yards | | | | | C | C | | C | | |
| Bait, Sales (Live and Artificial) | | | SB | P | | | | | | |
| Baked Foods, Manufacturing, Sales | | | | P | P | | | | | |
| Bank and Trust Company, Loan Company | | | C | P | | | | | | |
| Bar, Cocktail Lounge, Tavern | | | C | P | | | | | | |
| Barber | | | | P | | | | | | |
| Beauty Shop | | | | P | | | | | | |
| Bed & Breakfast Facility | SB | SB | SB | P | | SB | | SB | | |
| Beverages, Wholesale & Storage | | | | P | P | | | | | |
| Bicycle, Motorcycle, Small Engine, Sale & Repair, Snowmobile | | | C | P | C | SB | | SB | | |
| Billiard Parlor | | | C | P | | | | | | |
| Boathouses | P | P | P | SB | | | | | | |
| Boat or Yacht Club, Marina | | | C | | | | | C | | |
| Boat Sales, Repair & Service | | | SB | P | | | | | | |
| Bottled Gas, Storage & Distribution | | | | C | C | | | | | |

| PERMISSIBLE USES | R-4 R-3 R-1 | R-2 | R-RB | C | I | A-1 | A-2 | F-1 | F-2 | W |
|---|-------------------|-----|------|----|----|-----|-----|------|-----|---|
| Bottling Plant | | | | | P | | | | | |
| Bowling Alley, Commercial | | | C | P | | | | | | |
| Broadcasting Studio [Radio, TV] | | | | P | | | | | | |
| Brewery | | | | | P | | | | | |
| Broker, Real Estate | | | SB | P | | | | | | |
| Building Contractor, Equipment & Material Storage | | | | SB | P | SB | | SB | | |
| Bus Line Depot, Garage, Repair | | | C | P | P | | | | | |
| Cafe, Restaurant, Supper Club | | | C | P | SB | | | | | |
| Camp, Private | | | C | | | | | C | | |
| Camper Sales & Service [Trailers, etc.] | | | C | P | | | | | | |
| Campground, Equestrian [Private or Commercial] | | | | | | C | | | | |
| Campground, Private [Commercial], Camping Resort | | | C | | | | | C | | |
| Campground, Public & Camping Resort | | | C | | | | | C | | |
| Carpenter Shop, Cabinet Making, Woodworking Shop, etc. | | | C | P | P | C | | C | | |
| Cement & Concrete Products Mfg., Sales, Storage | | | | | P | C | | C | | |
| Cemetery | | C | C | | | C | | C | | |
| Child Care Center & Play School | SB | SB | SB | SB | | SB | | SB | | |
| Church Synagogue, Shrine | SB | SB | SB | SB | | SB | | SB | | |
| Clinic, Public & Private | | | | P | | | | | | |
| Clothing Manufacturing | | | | SB | P | | | | | |
| Clothing Store | | | SB | P | | | | | | |
| Collection Station | SB | SB | SB | SB | SB | SB | | SB | | |
| College, Public or Private | | C | C | | | C | | | | |
| Community Center, Town Hall | SB | SB | SB | P | | SB | | SB | | |
| Conservation Subdivision *Subject to 13-1-29A and requirements for specific uses | C* | C* | C* | C* | | C* | | C* | | |
| Convent, Retreat House | SB | SB | SB | | | SB | | SB | | |
| Country Club | | | C | | | C | | C | | |
| Curio & Souvenir Shop | | | SB | P | | | | | | |
| Dairy Products, Mfg., Sales | | | | C | P | SB | SB | | | |
| Disposal Plant, Incinerator | | | | | C | | | | | |
| Disposal Plant, Sewage | | | C | C | C | C | C | C | | |
| Dog Kennel, 12-39 Dogs | | SB | SB | | | SB | SB | SB | | |
| Dog Kennel, 40 Dogs and Over | | C | C | | | C | C | C | | |
| Dog Pound | | | | C | P | | | | | |
| Drag Strip, Auto, Motorcycle | | | | | | C | | C | | |
| Drive-In Restaurant | | | SB | P | | | | | | |
| Drive-In Theater | | | C | | | SB | | SB | | |
| Driving Range, Golf | | | C | | | SB | | SB | | |
| Dwelling, Single Family, Duplex* Subject to 13-1-62(b) --see also 13-1-63 | P | P | P | SB | | S-A | | S-A* | | |
| Eggs, Poultry Processing | | | | | SB | SB | SB | | | |
| Electric Generating Windmill [Non-Commercial] | SB | P | SB | SB | P | P | P | SB | | |
| Electric Generating Windmill [Commercial] | | | | | C | C | C | C | C | |
| Electric Light & Power Company Substations | SB | SB | SB | SB | SB | SB | SB | SB | SB | |
| Electric Light & Power Company Yards | | | | C | P | | | | | |
| Elevators, Grain Storage, etc. | | | | C | C | SB | C | | | |
| Explosives; Mfg., Storage & Distribution | | | | | C | | | C | | |
| Express Company, Warehouse, Garage | | | | SB | P | | | | | |
| Fairgrounds | | | | | | C | | | | |
| Farm Related, Single Family Dwelling | | | | | | P | P | | | |

| PERMISSIBLE USES | R-4 R-3 R-1 | R-2 | R-RB | C | I | A-1 | A-2 | F-1 | F-2 | W |
|--|-------------------|-----|------|----|----|-----|-----|-----|-----|---|
| Farming [Including Livestock] All Types & Farm Related Structures | | | | | | P | P | SB | | |
| Feed, Wholesale, Sales & Storage & Fertilizer | | | | SB | SB | SB | C | | | |
| Fire Tower | | | | | | SB | SB | SB | SB | |
| Fish or Meat, Wholesale, Storage or Curing | | | | C | SB | | | | | |
| Fish Farm, Processing, Storage or Curing | | | | C | | C | | | | |
| Fish Hatchery, Public or Private | | | SB | | | SB | | SB | | C |
| Florist Greenhouse & Nursery [Commercial] | | | SB | P | | P | SB | | | |
| Florist Sales | | | SB | P | | SB | C | | | |
| Frozen Food, Cold Storage Locker | | | | P | SB | | | | | |
| Fur Farm Preparation & Storage | | | | | | SB | | SB | | |
| Game Farm | | | C | | | C | SB | SB | SB | |
| Garages [Commercial] | | | C | P | SB | C | | | | |
| Garages [Private] | P | P | P | SB | | P | | P | | |
| Gasoline, Fuel Oil, Bulk Storage Tanks & Related Facilities | | | | C | C | | | | | |
| Golf, Miniature | | | C | P | | SB | | | | |
| Golf Course, Public or Private | | | C | | | C | | C | | |
| Grocery Store | | | SB | P | | | | | | |
| Hardware, Sporting Goods | | | SB | P | | | | | | |
| Health Center (Commercial) | | | C | P | | | | | | |
| Hobby Farm, Farm Animals | SB | SB | SB | | | P | P | SB | | |
| Home-based Businesses (25%) | SB | SB | SB | SB | | SB | | SB | | |
| Home, Old Age, Children, Maternity, Nursing, etc. <i>*Community living arrangements, foster homes, treatment foster homes, and adult family homes, covered by §59.69(15), Stats., shall be governed by that subsection rather than by this entry in the classification table. The procedures to be provided under paragraphs (d) and (e) therein shall be the procedure for seeking a conditional use permit.</i> | C | C | C | C | | | | | | |
| Hospital, Public or Private | C | C | C | | | | | | | |
| Hotel, Motel | | | C | C | | | | | | |
| Ice, Mfg., Sales & Storage | | | SB | P | P | | | | | |
| Irrigation Facilities, Canals, Dams, Reservoirs, etc. | C | C | C | | C | C | C | C | C | C |
| Landfill, Solid Waste Disposal | | | | C | C | | C | C | | |
| Laundry, Dry Cleaning, Pickup Station | | | C | SB | P | | | | | |
| Liquor, Off-Sale | | | C | P | | | | | | |
| Machine Shop, Welding, Metal Fabrication & Processing, Welding Shop | | | | | P | C | | C | | |
| Metallic Mining, Quarry, Equipment, Storage, etc. | | | | | C | C | | C | C | |
| Mobile Home Park | C | C | C | | | | | | | |
| Mobile Home Sales & Services | | | | P | | | | | | |
| Multiple Unit Development <i>*Subject to 13-1-29 and requirements for specific uses</i> | C* | C* | C* | C* | | C* | | C* | | |
| Museum, Art, Cultural, Historical | SB | SB | SB | P | | SB | | SB | | |
| Nonmetallic Mining | | | | | C | C | | C | C | |
| Paper & Wood Products Mfg. & Storage | | | | | P | | | | | |
| Paving-batch Plant for Cement, Asphalt & Related Materials | | | | | C | C | | C | | |
| Pipe, Culvert, Mfg. & Storage | | | | | P | | | | | |
| Pipe, Culvert, Sales & Storage | | | | P | SB | | | | | |

| PERMISSIBLE USES | R-4 R-3 R-1 | R-2 | R-RB | C | I | A-1 | A-2 | F-1 | F-2 | W |
|--|-------------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| Pipeline, Gas, Oil | C | C | C | C | C | C | C | C | C | C |
| Printing, Lithograph, Photo Engraving, etc. | | | | C | P | | | | | |
| Professional Office, Engineer, Doctor, Attorney, Dentist, etc. | | | SB | P | | | | | | |
| Public & Municipal Building | SB | SB | SB | SB | P | SB | | SB | | |
| Public Service, Utility Facilities & Plants | C | C | C | C | P | C | | C | | |
| Racetrack [Automotive, Horses, Snowmobile] | | | | | | C | | C | | |
| Radio, TV Transmitting Station & Tower, Telecommunications Tower [Commercial] | | | | C | C | C | C | C | C | |
| Riding Stable | | | SB | | | P | SB | SB | | |
| Rifle Range | | | | | | C | C | C | C | |
| Roadside Park or Wayside Rest | SB | SB | SB | SB | | SB | | SB | SB | |
| Roadside Produce Stand [Permanent Structure] | | | | | | P | P | | | |
| Rollerskating Rink | | | C | SB | | | | | | |
| Salvage & Scrap Yards, [Automobile, Truck, Junk] | | | | | C | C | | C | | |
| Sauna , Steambath (Commercial) | | | | SB | P | | | | | |
| Sawmill & Lumber Yard | | | | | P | C | | C | | |
| School, Commercial, Beauty, Business | | | | P | | | | | | |
| School, Public or Private | SB | SB | SB | | | SB | SB | SB | | |
| Septic Tank Sales, Service, Mfg. | | | | SB | P | C | | | | |
| Shopping Center | | | | P | | | | | | |
| Shoreland Grading | S-A | S-A | S-A | S-A | S-A | S-A | S-A | S-A | S-A | S-A |
| Short-term Rental Accommodation (1 Unit) | S-A | S-A | S-A | S-A | | S-A | | S-A | | |
| Short-term Rental Accommodation (2-4 Units) | C | C | C | C | | C | | C | | |
| Signs On-Premises *subject to 13-1-80 et seq. | S-A* | S-A* | P* | P* | P* | P* | P* | P* | P* | P* |
| Signs Off-Premises *subject to 13-1-80 et seq. | S-A* | S-A* | P* | P* | P* | P* | P* | P* | P* | P* |
| Signs Town of Bayfield *subject to 13-1-80 et seq. (See Town Overlay District 13-1-64) | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB | S-A or SB |
| Storage [Campers, Boats, Mini-Storage, etc.] | | | SB | P | | SB | | SB | | |
| Storage Warehouse [Commercial, Industrial] | | | | SB | P | | | | | |
| Store, General Retail Goods | | | | P | | | | | | |
| Swimming Pool, Private | P | P | P | | | P | | P | | |
| Swimming Pool, Public | SB | SB | SB | P | | SB | | SB | | |
| Taxidermist | | | SB | P | SB | | | C | | |
| Tire Recapping, Equipment & Supplies Including Sales | | | | C | P | | | | | |
| Transfer Stations [Solid Waste] | C | C | C | C | C | C | | C | | |
| Travel Bureau | | | | P | | | | | | |
| Water Reservoir Systems & Regulating Facilities Potable | SB | SB | SB | | SB | SB | SB | SB | | |
| Winery, Vineyard, Bottling, Sales | | | SB | | | SB | | | | |

- (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.]

Sec. 13-1-63 Town of Russell Overlay District

- (a) **Applicability.** The Town of Russell Overlay District shall apply to and include all lands within the Town of Russell.
- (b) **Intent of Town of Russell Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.
- (c) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4 unless otherwise defined within this section.
- (1) **Alternative Development.** A development or land division in which dwellings and other buildings are located on only a portion of a development, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish either of the following:
- a. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation;
 - b. Create, maintain or expand protective barriers contiguous with roadways, lakes, wetlands and other natural resources in the Town of Russell.
- (2) **Certified Forester.** A person meeting the requirements of Section NR 1.21(2)(e) of the Wisconsin Administrative Code.
- (3) **Conservation Easement.** As provided in §700.40, Wis. Stats., a holder's non-possessory interest in real property imposing any limitation or affirmative obligation, the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the

availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70(1)(b), Wis. Stats. or preserving the historical, architectural, archaeological or cultural aspects of real property.

- (4) **Deed restriction.** A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
 - (5) **Historic Site Overlay.** An area designated by the Bayfield County Board that possesses a contiguous or nearly contiguous historic site(s), building(s), structure(s) or objects united historically and/or aesthetically by a common theme or a set of common characteristics that are historically or architecturally significant to the Town of Russell, the state or the nation.
 - (6) **Historic Site.** Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of, humanity, or upon which a historic event has occurred and which has been designated as a historic site under this section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as, and constituting part of, the premises on which the historic structure is situated.
 - (7) **Historic Structure/Building.** Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the Town of Russell, the state or the nation and which has been designated as a historic structure pursuant to the provisions of this section.
 - (8) **Old-Growth Forest.** A forest that includes at least eight 100-year old trees per acre; is at least five acres in size.
- (d) **Zoning District Dimensional Requirements and Classification.** Except as provided in subsections (e) and (f) below, the following dimensional requirements shall apply to all parcels located within the Town of Russell Overlay District:

| Zoning District | Minimum Area | Minimum Frontage | Minimum Average Width | Minimum Side and Rear Yard | |
|-----------------|--------------|------------------|-----------------------|----------------------------|--------------------|
| | | | | Principal Building | Accessory Building |
| R-RB, R-1 | *20 acres | 150' | 150' | 10' | 10' |
| F-1, R-2, A-1 | *20 acres | 300' | 300' | 75' | 30' |
| R-3 | *20 acres | 200' | 200' | 20' | 20' |
| F-2, A-2 | 35 acres | 1,200' | 1,200' | 75' | 75' |
| I, C | *5 acres | 300' | 300' | 75' | 75' |
| R-4 | | | | | |
| (a) Sewer/Water | *20 acres | 75' | 75' | 10' | 10' |
| (b) Sewer Water | *20 acres | 75' | 75' | 10' | 10' |
| (c) Water Only | *20 acres | 100' | 100' | 10' | 10' |
| W | **5 acres | N/A | N/A | N/A | N/A |

* Or the equivalent of $\frac{1}{2}$ of a $\frac{1}{4}$ - $\frac{1}{4}$ section.

** Or the equivalent of $\frac{1}{8}$ of a $\frac{1}{4}$ - $\frac{1}{4}$ section.

The classification of uses stated in Section 13-1-62 of the Bayfield County ordinances as of the date of the adoption of this section shall apply to the Town of Russell Overlay District.

(e) **Alternative Developments.** In order to further the goals and policies of the Town of Russell Land Use Plan, the Bayfield County Zoning Committee will favor plans for land divisions that provide for an alternative development. At the discretion of the Bayfield County Zoning Committee, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans.

- (1) Minimal Lot Area. The minimal lot area as stated in subsection (d) above shall apply unless the developer submits an application and plan for an alternative development that includes a plan as to how the minimal open space will be maintained. Upon consideration of the recommendation by the Town of Russell and the approval by the Bayfield County Zoning Committee of a plan for an alternative development, the minimal lot requirements of Section 13-1-60 of the Bayfield County Zoning Ordinance shall apply to that portion of the development not required to meet the open space requirements.
- (2) Minimal Open Space. A plan for an alternative development shall include minimal open space as set forth in the table below.

| Zoning District | Percent of acreage required to remain open space | Percentage of acreage dividable under section 13-1-60 |
|----------------------|--|---|
| R-RB, R-1, R-4, I, C | 35% | 65% |
| F-1, R-2, R-3, A-1 | 45% | 55% |
| F-2, A-2 | 50% | 50% |

- (3) Ownership of Minimal Open Space. Ownership of the open space shall as follows:
- a. Each unit created under this section may own an equal amount of the required minimum open space, or an unequal amount of open space if that was the wishes of the owner as long as the minimum requirement was met. (e.g. If there is 18 acres of open space required, for four units, each unit must have at least 4.5 acres of the open space.) A deed restriction shall be recorded describing the open space and buildable space, restricting the entire lot from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space or
 - b. An individual or entity may own the entire open space. A deed restriction shall be recorded describing the open space, prohibiting the open space from being subdivided and prohibiting any structure; any change in the use of the land requiring a permit within the open space
 - c. The creation of any lots and open space shall be by a Certified Survey Map.
 - d. A Class B Special Use permit shall be required prior to any subdivision under this section.
- (4) Uses of Open Space. Space that is dedicated to be open shall be maintained in a natural, undisturbed condition, which shall include the farming of crops. Limited access may be allowed for passive or active recreation.
- (5) Additional Plan Requirements. A plan for an alternative development shall meet all of the requirements of the Bayfield County Zoning Ordinance and shall include the following:
- a. The location of all improvements and minimal open space and a plan as to how the minimal open space will be maintained.
 - b. A plan that as to how the minimal open space will be used and maintained;
 - c. Existing zoning on and adjacent to the proposed development;

- d. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed development in relation to the access;
 - e. Any proposed lake and stream improvements or relocation;
 - f. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
 - g. The County Zoning Committee shall require submission of a draft of protective covenants, where a covenant is proposed and whereby the land divider intends to regulate land use in the proposed development.. The covenants may be subject to the review and approval of the Bayfield County Corporation Counsel as to form;
 - h. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements and service easements;
 - i. A detailed statement as to whether and how the proposed development is consistent with the Town of Russell Land Use Plan;
 - j. Characteristics of vegetation;
 - k. Historic and cultural features;
 - l. Scenic vistas.
 - m. A plan for an alternative development shall and shall assure proper use, construction and maintenance of open space facilities and shall result in a development superior to conventional development in terms of its benefits to future owners of the development, surrounding residents and the general public. The County Zoning Committee may place whatever additional conditions or restrictions it may deem necessary to insure development and maintenance of the desired character, including plans for disposition or re-use of property if the open space use is not maintained in the manner agreed upon or is abandoned by the owners.
- (f) **Nonconforming Parcels...**Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county-approved certified survey map or plat prior to the adoption of this section on the 30th day of August 2005, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section.
- (g) **Historic Site Overlay District.** It is hereby declared a matter of public policy that the protection, enhancement, perpetuation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people.
- (1) The purpose of this section is to:
- a. Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which

- represent or reflect elements of the Town of Russell's cultural, social, economic, political, artistic and architectural history;
- b. Safeguard the Town of Russell's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts;
 - c. Foster civic pride in the notable accomplishments of the past;
 - d. Stabilize and improve property values and enhance the visual and aesthetic character of the Town of Russell;
 - e. Protect and enhance the Town of Russell's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
- (2) Applicability. The Historic Site Overlay District shall apply to and include historic sites and/or historic structures placed therein pursuant to the provisions of paragraph (3) below.
- (3) Classification Procedure and Criteria
- a. Addition and Removal of Historic sites – Procedure
 1. Historic sites and historic structures may be added to, or removed from, the Historic Site Overlay District upon a petition by either the landowner or Town of Russell Board.
 2. Before adding or removing any site or structure to or from the Historic Site Overlay District, the Bayfield County Zoning Committee shall review the recommendation of the Town of Russell.
 3. The committee shall then vote to add or remove the site or structure to or from the Historic Site Overlay District based upon the recommendation of the Town of Russell and the criteria in paragraph b. below. The final decision shall be made by the Bayfield County Board.
 - b. Criteria for Addition and Removal of Historic sites – For purposes of this section, a locally designated historic structure, historic site or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the Town of Russell, the state or the nation, which:

1. Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state or community; or
 2. Is identified with historic personages or with important events in national, state or local history; or
 3. Embodies the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or
 4. Is representative of the notable work of a master builder, designer or architect who influenced his age; or
 5. Has yielded, or may be likely to yield, information important to prehistory or history.
- (4) Management and Maintenance – Ordinary maintenance and repairs may be undertaken, provided that the work involves repairs to existing features of a historic structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site and does not require the issuance of a building permit.
- (5) Permitted Uses – All uses permitted within the underlying zoning district, by right or by special exception, shall be permitted unless specifically prohibited below. In all cases, the more restrictive requirement(s) shall apply.
- (6) Prohibited Uses – The following shall not be permitted within a historic district prior to the issuance of a special use permit.
- a. The construction or reconstruction, alteration or demolition of all of or any part of the property.
 - b. Improvements made to any site or structure beyond the typical maintenance that will not change the appearance or character of the site or structure.
 - c. The construction, building or maintenance of any road path or thoroughfare for the passage of motor vehicles.
- (7) The Town Board shall recommend and the county shall issue a special use or permit unless:

- a. In the case of a historic structure or historic site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;
- b. In the case of the construction of a new improvement upon a historic site, or within a historic district, the exterior of such improvement would adversely affect, or not be compatible with, the external appearance of other neighboring improvements on such site or within the district;
- c. In the case of any property located in a historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district;
- d. In the case of a request for the demolition of a deteriorated building or structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair;
- e. The building or structure is of such local architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the city and state;
- f. In the case of a request for a demolition permit, the denial of the demolition permit would result in the loss of reasonable and beneficial use of, or return from, the property.

(h) Old-Growth Overlay District

- (1) Purpose. The purpose of the Old-Growth Overlay District is to:
 - a. Discourage development and disturbance to the natural environment in areas with old-growth/virgin timber.
 - b. Provide areas where native flora and fauna may prosper in a natural habitat
- (2) Applicability. The Old-Growth Overlay District shall apply to Old-Growth Forests placed therein pursuant to paragraph (3) below.
- (3) Classification procedure

- a. Old-growth forests may be added to, or removed from, the Old-Growth Overlay District upon a petition by either the landowner or the Town of Russell Board.

Sec. 13-1-64 Town of Bayfield Overlay District

- (a) **Applicability.** The Town of Bayfield Overlay District shall apply to and include all lands within the Town of Bayfield.
- (b) **Intent of Town of Bayfield Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to permit the careful planning and efficient maintenance of roadways; to ensure adequate highway, utility, health, educational and recreational facilities; to recognize the needs of agriculture, forestry, industry and business in future growth; to encourage uses of land and other natural resources which are in accordance with their character and adaptability; to encourage the protection of old-growth forests; to preserve wetlands; to conserve soil, water and forest resources; to protect the beauty and amenities of landscape and man-made developments; to provide healthy surroundings for family life; and to promote the efficient and economical use of public funds.
- (c) **Sign Regulation Purpose.** The purposes of this ordinance are to protect the natural scenic beauty and rural character of the Town of Bayfield, promote traffic safety and provide important information to the traveling public. These purposes shall be achieved by restricting the number, size, location, maintenance, and spacing of outdoor advertising signs through the administration of this ordinance.
- (1) **No outdoor advertising sign visible to the traveling public shall be erected, structurally altered, or maintained except as provided in this ordinance.**
- (2) **Number and Size of Permitted Signs.**

| Class | Type | Maximum Number | Maximum Size (Square Feet) |
|--------------|--|-----------------------|-----------------------------------|
| A | On premise | 2 | 50 per sign* |
| B | Off premise | 2 | 50 per sign** |
| B | Off-premise (Multi-tenant) | 1 | 16 per sign*** |
| B | Off-premise (Agri-business directional) | 2 | 4 per sign**** |

* Except as provided in (4)

- ** No off premise signs shall be permitted along State Highway 13 other than those authorized by State law.
- *** Developments containing multi-businesses (commercial or industrial parks) or parcels with a structure designed for multi-business tenants shall be permitted to erect one (1) multi tenant sign not to exceed 14 feet in height and include a maximum of one (1) panel for each business with an area not to exceed 16 square feet. Each panel included in the multi tenant sign shall count as one 50 square foot on premise or off premise sign depending on sign location. Multi-tenant signs shall be limited to one per development or multi-tenant parcel. A multi-tenant sign may be located on a multi-tenant parcel or at the first common road intersection serving a multi-tenant business parcel or multi-business development site.
- **** Agri-business signs shall be located at road intersections or points of common road entry to agricultural areas. The first sign placed will be required to obtain a Class B permit designating the location as an “agricultural sign mall”. Only businesses engaged in agricultural production and sales or the sale of processed agricultural products shall be allowed a sign at an “agricultural sign mall” location.

Note: For purposes of this Section, two back-to-back faces on one sign structure constitute a single sign.

(3) Off Premise Signs

Off premise signs visible from the same road and located on the same side thereof, including signs advertising different businesses, products, etc., shall have a minimum separation distance of one thousand three hundred twenty (1,320) feet between them. Multi-tenant signs, if off-premise, described in Section 2 are exempt from the distance requirement.

(4) Exempt Signs

The following signs are exempt from the requirements of this ordinance.

- a. Signs advertising garage sales, auctions, carnivals, or other events if all of the following requirements are met:
1. The sign does not hinder traffic safety or visibility
 2. The sign is less than eight (8) square feet
 3. The sign is erected no sooner than fourteen (14) days prior to the advertised event end
 4. The sign is removed no later than 7 days after the advertised event.

- b. Signs on rolling stock of common carriers parked in a visible location while loading and unloading.
- c. Signs of two (2) square feet or less with no letters, numbers, symbols, logos, or designs in excess of two (2) inches in vertical or horizontal dimensions.
- d. Specific information signs authorized under Sec. 86.195, Wis. Stats., tourist oriented directional signs authorized under Sec. 86.196, Wis. Stats., and guidance signs authorized under TRANS 200.03, Wis. Adm. Code.
- e. Temporary "For Sale" signs if they do not hinder traffic safety or visibility, and if less than ten (10) square feet.
- f. Temporary banners over roads if all of the following requirements are met:
 - 1. The banner is securely fastened
 - 2. Made of durable materials
 - 3. Mounted at least twenty (20) feet high above the road surface
 - 4. Located so as to not hinder traffic safety or visibility, and not displayed for more than one hundred twenty (120) days in any year.
- g. Signs for religious organizations or service clubs, if all of the following requirements are met:
 - 1. The sign does not hinder traffic safety or visibility.
 - 2. A single sign with multiple listings may be placed along State Highway 13 north of the City of Bayfield and south of the City of Bayfield. Each listing shall be limited to a one foot (1) by six foot (6) sign with black letters on a white background.
 - 3. With the exception of State Highway 13, no more than two (2) off premise and two (2) on premise signs shall be permitted per organization or club.
 - 4. Off premise signs visible from the same road and located on the same side thereof, including signs of different organizations or clubs, shall have a minimum separation distance of three hundred (300) feet between them.

(5) Non Conforming Signs

Grace Period

- a. All signs in existence on the effective date of this ordinance which do not comply with Section 3 and Section 8 and are not exempted under Section 5 shall be brought into compliance or removed within five (5) years of such date, provided that this provision shall not apply in such instances where it would be contrary to state or federal law or where it would result in a loss of state or federal funds for maintenance of the road from which the sign in question is visible Highway 13 and provided further that any nonconforming sign in existence on the effective date of this ordinance which is adjacent to such a road and which cannot remain in its existing location due to widening of the road, may be moved to a corresponding location relative to the widened road without losing its nonconforming status.
- b. A nonconforming sign that is exempt from the removal requirement under subsection (a) above, may be replaced with a new sign that shall also be exempt from such requirement subject to the following requirements:
 1. The area of the new sign shall not exceed 50 square feet.
 2. If the sign to be replaced is fastened to a building, the new sign shall not extend above the highest part of the building's roof. If the sign to be replaced is freestanding, the new sign shall not extend more than 20 feet above ground level.

(6) General Sign Requirements

- a. No back lighted, flashing, multicolored, intermittent, or moving lights, moving parts, or sound producing devices, shall be used with or on any sign.
- b. Signs shall not be placed or allowed to interfere with any governmental or directional signs, or driver visibility.
- c. Signs shall be placed on safe and sturdy supports except that on premise signs may be fastened to a building.
- d. Signs shall not be closer than three (3) feet to a property line or right of way line, and except as provided in Section 7(b)(2), shall not extend more than ten (10) feet high above the ground level, except that signs fastened to a building may be higher so long as it is not higher than the highest part of that building's roof.

- e. All signs are structures for purposes of location at the required setback from navigable waters.
- f. No business on or off premise sign shall be intended, designed, or erected to be visible by those boating or swimming on navigable waters, except that no more than two (2) unlighted signs of less than ten (10) square feet may be erected on the site of a riparian business to advertise the name and services of that business.
- g. All signs, sign faces, and sign supports shall be maintained in a safe and good state of appearance and repair as determined by the Bayfield Town Board.

(7) **Noncompliance**

The Zoning Committee may revoke any permit or order the removal, relocation, alteration, or repair of any sign the Committee finds to be in violation of this Section. The Zoning department may issue a citation for any violation of this Article.

(8) **Removal Notice**

Except for signs subject to removal under 13-1-64 (6), a time limit of not less than thirty (30) days shall be given in any order for the removal of any sign. The immediate removal of a sign may be ordered where the sign poses a threat to traffic safety or visibility.

(9) **Removal of Obsolete Signs**

An off premise sign advertising a business, product, service, commodity, entertainment, or real or personal property sale which has been terminated shall be removed within three (3) months after such termination.

Sec. 13-1-65 Town of Barnes Overlay District

- (a) **Applicability.** The Town of Barnes Overlay District shall apply to and include all lands within the Town of Barnes.
- (b) **Intent of the Town of Barnes Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to encourage uses of land, water and other natural resources which are consistent with The Town of Barnes Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the

beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism and family life.

- (c) **Nonconforming Parcels.** Notwithstanding Sec. 13-1-26(d), any parcel of land with dimensions not conforming to the zoning district dimensions of this section that was created by a county-approved certified survey map or plat prior to the adoption of this section on the 29th day of September 2009, shall not be subject to the dimensional requirements of this section. Further subdivision of such parcels and all other parcels shall be governed by this section.
- (d) **Definitions.** All terms contained herein shall be as defined in Sec. 13-1-4.
- (e) **Shoreline Frontage Requirements for Multiple Unit Developments and Conservation Subdivisions in the Town of Barnes.** Part of the purpose and intent of the Town of Barnes Overlay shall be achieved by applying minimum shoreline frontage requirements for both Multiple Unit Developments and for Conservation Subdivisions that are equal to the minimum shoreline frontage requirements for single unit dwellings as provided in Sec. 13-1-32(b)(1). All Multiple Unit Developments and Conservation Subdivisions providing access to navigable waters in the Town of Barnes shall be subject to the following minimum shoreline frontage requirements:

| | Class 1 Lakes | Class 2 Lakes | Class 3 Lakes Rivers, Streams |
|---------------------------|--|--|--|
| Shoreline Frontage | 150 feet per unit; 600 feet minimum | 200 feet per unit; 800 feet minimum | 300 feet per unit; 1,200 feet minimum |

All other minimum requirements for Multiple Unit Developments and Conservation Subdivisions which provide access to navigable waters in the Town of Barnes shall be as stated in, respectively, Sec. 13-1-32(e)(1) and Sec. 13-1-32(em)(1).

Sec. 13-1-66 Town of Drummond Overlay District

- (a) **Applicability.** The Town of Drummond Overlay District shall apply to and include all lands within the Town of Drummond.
- (b) **Intent of the Town of Drummond Overlay District.** The intent of this overlay district is to promote the public health, safety, convenience and general welfare; to encourage planned and orderly land use development; to protect property values and the property tax base; to encourage uses of land, water and other natural resources which are consistent with The Town of Drummond Comprehensive Land Use Plan; to maintain water clarity in lakes, rivers and streams; to protect soil and preserve wetlands; to protect groundwater and surface water; to protect the beauty and amenities of landscape and man-made developments; and to provide healthy surroundings for recreation, tourism and family life.

- (c) **Nonconforming Parcels.** When a land division occurs in Ag-1 and F-1 zoning districts, the minimum parcel size that may be created with the intent for development is 10 acres. No development of any kind may be permitted on land divisions of less than 10 acres in Ag-1 and F-1 zoning districts created after the adopted date of this amendment.

Secs. 13-1-67 through Sec. 13-1-79 Reserved for Future Use.