

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

For the Zoning Dept To Issue a Land Use Permit The Following Dimensions are Required.				Minimum Side and Rear Yards Setbacks		Lakes Classification
Zoning District(s)	Minimum Area	Public Roads	Minimum Average Width	Principal Building	Accessory Building	
R-RB, R-1	30,000 sq. ft.	Legal access	150'	10'	10'	Class 1 75' from OHWM 10' min / 40' total 10' rear yard
F-1, R-2, A-1	4 ½ acres	Legal access	300'	75'	30'	
R-3	2 acres	Legal access	200'	20'	20'	Class 2 75' from OHWM 20' min / 50' total 20' rear yard
F-2, A-2	35 acres	Legal access	1,200'	75'	30'	
I, C*	20,000 sq. ft.	Legal access	100'	5'	5'	
R-4						Class 3 100' from OHWM 30' min / 60' total 30' rear yard
(a) Sewer/water	10,000 sq. ft.	Legal access	75'	10'	10'	
(b) Sewer only	15,000 sq. ft.	Legal access	75'	10'	10'	
(c) Water only	20,000 sq. ft.	Legal access	100'	10'	10'	

Lots/Parcels must have legal access from public roads and comply with Article C, Section 14-1-40 Survey and Recording Requirements. F-1 & Ag-1 zoning districts require Town Board approval for residences.

- (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.

**** If your lot does not meet the requirements above, please read Sec 13-1-26 below**

Sec. 13-1-26 Substandard Lots of Record.

- (a) **Substandard Lots of Record Prior to April 20, 1971.** A substandard lot of record in the Bayfield County Register of Deeds Office prior to April 20, 1971, which is not served by a public sanitary sewer and which is at least 10,000 sq. ft. in area, 65 ft. in width at the building line, and 65 ft. in width at the water line, or which is served by a public sanitary sewer and is at least 7500 sq. ft. in area, 50 ft. in width at the building line, and 50 ft. in width at the water line, may be used as a building site if it meets the following requirements:
 - (1) The proposed use of the site is permitted in the zoning district in which it is located.
 - (2) All applicable setback requirements of this ordinance and all provisions of the Bayfield County Sanitary and Private Sewage Ordinance are complied with.
- (b) **Lots Rendered Substandard by Adoption of Sec. 13-1-32.** A lot of record in the Bayfield County Register of Deeds Office prior to December 12, 2000 which met all of the applicable size and dimensional requirements of this ordinance in effect immediately prior to such date, but which does not meet the applicable size and dimensional requirements in Sec. 13-1-32 may nonetheless be used as a building site upon the issuance of a zoning permit, if it meets the following requirements:
 - (1) The proposed use of the site is permitted in the zoning district in which it is located.
 - (2) All applicable setback requirements of this ordinance and all provisions of the Bayfield County Sanitary and Private Sewage Ordinance are complied with.
- (c) **Other Substandard Lots.** A building permit for the improvement of a lot having lesser dimensions than those described in subsections (a) and (b) above shall be issued only after the granting of a variance by the Board of Adjustment.
- (d) **Common Ownership.** If a substandard lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel under the terms of this ordinance, and such substandard lots shall not be transferable unless re-divided to conform to the provisions of this ordinance and the Bayfield County Subdivision Control Ordinance, provided that this provision shall not apply to lots described in subsection (b) above in common ownership of record with abutting lands prior to December 12, 2000.

Note: If you have a sub-standard lot of record, it may be buildable provided it meets the above criteria and you obtain a copy of the recorded deed showing the parcel was created before your Township adopted zoning.

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 value.
- (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.

Sec. 13-1-32 Inland Lake Classification and Shoreland Lot Development Requirements.

Lake Class	Class 1	Class 2	Class 3
Lot Area	30,000 sq. ft.	60,000 sq. ft.	120,000 sq. ft.
Shoreline Frontage	150 ft.	200 ft.	300 ft.
Buildable Core	3,000 sq. ft.	3,000 sq. ft.	3,000 sq. ft.
Shoreline Setback	75 ft.	75 ft.	100 ft.
Shoreline Vegetation Protection Area	50 ft.	50 ft.	75 ft.
Side Yard Setback	10' min/ 40' min total	20' min/ 50' min total	30' min/ 60' total
Rear Yard Setback	10 ft	20 ft	30 ft

(a) **Classification of Inland Lakes.**

- (1) To achieve the following objectives the inland lakes of Bayfield County are classified as set forth in paragraph (2) into the following classes:

Class 1 (Most Developed Lakes). Objectives: Preserve and enhance water quality to provide conditions for recreational use and aesthetics; retain existing natural shorelines and encourage restoration; acknowledge a mix of natural and developed shorelines; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; promote peace and quiet; balance public and riparian interests in recreational uses.

Class 2 (Moderately Sensitive Lakes and Moderately Developed). Objectives: Preserve and enhance water quality to provide conditions for recreational use and aesthetics; balance the current level of development with the sensitivity of these lakes to maintain and protect water quality; maintain and restore natural shoreline aesthetics and encourage restoration; identify and protect current natural and undeveloped areas; promote peace and quiet; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; balance public and riparian interests in recreational uses.

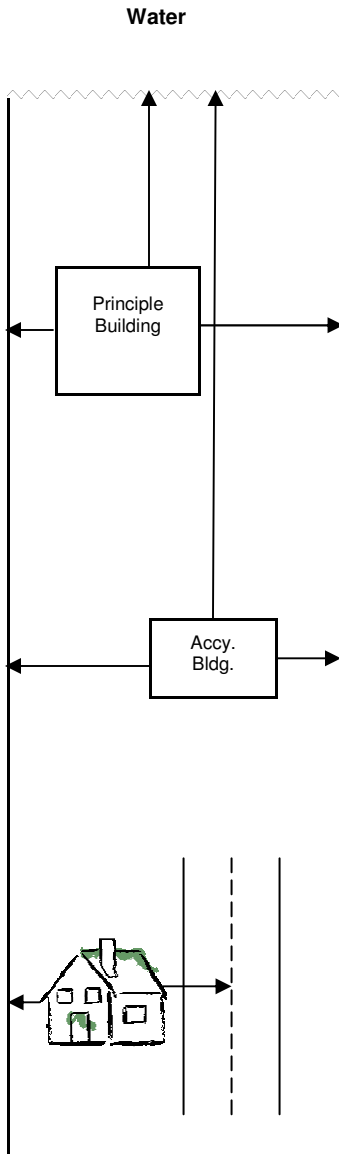
Class 3 (Most Sensitive Developed and Undeveloped Lakes). Objectives: Maintain and protect water quality; protect or restore the natural/wild appearance of shorelines and lands visible from the water; promote a quiet and peaceful experience; protect or restore a self-sustaining local ecosystem capable of supporting diverse native flora and fauna; discourage commercial use.

- (c) **Lake Superior Lot Requirements.** Lots having frontage on Lake Superior and any improvements thereon shall be subject to the requirements applicable to lots on Class 1 lakes, except that if a lot has a bank or a bluff fronting the lake, the top of which is discernible due to evidence of erosion, (including but not limited to exposed rock), the required shoreline setback shall be 75 feet back from the top edge of the bank or bluff, and if a lot is located in an area of active or potential erosion designated on a map entitled Erosion Hazard Areas—Bayfield County, a greater setback may be required as determined by the Zoning Committee or its duly designated agent, based on projected shoreland recession rates.

- (d) **Lots on Rivers and Streams.** Lots adjoining or including rivers or streams shall meet the following or minimum requirements:

Lot Area	120,000 square feet
Shoreline Frontage	300 feet
Shoreline Setback	100 feet
Buildable Core	300 feet
Side Yard Setback	30 feet/ 60 feet total
Rear Yard Setback	30 feet
Shoreline Vegetation Protection Area	75 feet
View Corridor	30 feet

BUILDING SETBACKS



Wetlands:

A setback of 25' on all mapped wetlands 2 acres or greater.

Principle & Accessory Buildings:

All structures (dwelling, commercial, or industrial structure, etc.) shall be set a minimum of 75' from the ordinary high water mark of navigable waters, **except** setbacks shall be a minimum of 100' from the ordinary high water mark of a **Class (3) Lake** or any designated trout stream.

Side yard setbacks shall be a minimum of:

- 5' in (C) and (I) Zoning Districts
- 10' in (R-RB), (R-1) & (R-4) Zoning Districts & *Class (1) Lakes* *
- 20' in (R-3) Zoning Districts & *Class (2) Lakes* *
- 30' on *Class (3) Lakes* *
- 75' in (R-2), (Ag-1) & (Ag-2) and (F-1) & (F-2) Zoning Districts

* **Class 1**-10'min/40'min total, 10' rear yard **Class 2**-20'min/50'min total, 20' rear yard **Class 3**-30'/60' min total, 30' rear yard

Accessory Buildings -(storage shed, residential garages, etc.) side yard setbacks shall be a minimum of:

- 5' in (C) & (I) Zoning Districts
- 10' in (R-RB), (R-1), & (R-4) Zoning Districts & *Class (1) Lakes* *
- 20' in (R-3) Zoning Districts & *Class (2) Lakes* *
- 30' in (R-2), (Ag-1) & (Ag-2), (F-1), & (F-2) Zoning Districts & *Class (3) Lakes* *

* **Class 1**- 10'min/40'min total, 10' rear yard **Class 2**- 20'min/50'min total, 20' rear yard **Class 3**- 30'/60' min total, 30' rear yard

Highway and Road Setbacks: **

- A. All State or U.S. Highways 110' from centerline or 50' from right-of-way, whichever is greater.
- B. All County Highways, 75' from centerline or 42' from right-of-way, whichever is greater.
- C. All Town Roads 63' from centerline or 30' from right-of-way, whichever is greater.
- D. All Privately constructed Streets or Roads 40' from the centerline except individual driveways.

** **Exception:** A setback equal to the average setbacks of existing principle buildings within 300' of the proposed structure shall be permitted. In no case shall this be less than 1/2 the requirement setback from the right-of-way.



← **Note:** All setback distances are horizontal measurements from the furthest extension of the structure (i.e., decks, eaves, bowed windows, etc.)

Residential-Recreational Business (R-RB), Residential-1 (R-1), Residential-2 (R-2), Residential-3 (R-3), Residential-4 (R-4), Forestry-1 (F-1), Forestry-2 (F-2), Agricultural-1 (Ag-1), Agricultural-2 (Ag-2), Commercial (C), Industrial (I)

- (2) **Reduced Roadway, Rear Yard, and Shoreline Setbacks for Undeveloped and Redeveloped Lots of Record.**
- a. **Nonconforming Plats.** If a lot platted prior to December 12, 2000, is not deep enough to accommodate required roadway or rear yard and shoreline setbacks, the roadway or rear yard setback may be reduced until a thirty-foot deep building site is established provided the resulting setback is not less than one-half the distance of the required setback. In such case, in order to avoid visual and other obstructions, no garage doorway may open toward and no parking area may be located in the reduced roadway setback area.
 - b. **Shoreland Adjustment.** If the road or rear yard setback reduction above does not provide a thirty-foot deep buildings site, the shoreline setback may then be reduced until a thirty-foot deep building site is established provided the resulting shoreline setback is not less than two-thirds of the distance of the required setback.
 - c. **Mitigation.** A property owner shall comply with the mitigation requirements of Section 13-1-40(e) in order to qualify for the setback reductions of this Section.
- (1) **Reduced Setbacks.** A reduced structural setback shall be allowed where an existing building(s) within three hundred (300) feet on either side of the proposed site is less than the required setback. In such cases, the setback shall be the average of the nearest principal building on each side of the proposed site. If there is no principal building on one side, the setback shall be the average of the one existing principal building and the required setback. In no case shall it be less than one-half (1/2) the required setback from the right-of-way line.
- (2) **Private Road Setbacks.** Structural setbacks from privately constructed streets or roads, including those located on easements providing access to other lots, shall be forty (40) feet from the centerline of the street or road.
 - (3) **Unincorporated Village Overlay District Setbacks.** Within the unincorporated village overlay district, a minimum setback distance of ten (10) feet from the right-of-way line of any street, road or alley shall be maintained. Special structural setback reductions will be permitted within unincorporated villages if there are at least three (3) existing principal buildings, built to less than the required setback, within three (300) feet on either side of the proposed site, the reduced setback may be equal to but no greater than, the setback of the closest adjacent principal building.
- (c) **Greater Setbacks.** In cases of adverse soil to topographical conditions, the Zoning Administrator and/or Zoning Committee may require greater setbacks.
 - (d) **Livestock Buildings, Feed Lots.** Buildings used for housing livestock, barnyards and feed lots, shall have a minimum setback distance of three hundred (300) feet from a commercial district or any residence on a nonfarm lot and shall have a minimum setback distance of one hundred (100) feet from the normal high water mark of any navigable water (subject to diversion dikes where needed to control runoff).
 - (e) **Intermittent Streams.** No structure shall be constructed or placed within 25 feet of the top edge of the eroded bank of an intermittent stream.
 - (c) **Lake Superior Lot Requirements.** Lots having frontage on Lake Superior and any improvements thereon shall be subject to the requirements applicable to lots on Class 1 lakes, except that if a lot has a bank or a bluff fronting the lake, the top of which is discernible due to evidence of erosion, (including but not limited to exposed rock), the required shoreline setback shall be 75 feet back from the top edge of the bank or bluff, and if a lot is located in an area of active or potential erosion designated on a map entitled Erosion Hazard Areas—Bayfield County, a greater setback may be required as determined by the Zoning Committee or its duly designated agent, based on projected shoreland recession rates.
 - (d) **Lots on Rivers and Streams.** Lots adjoining or including rivers or streams shall meet the following minimum requirements (provided that if an applicable zoning district dimensional requirement in Sec 13-1-60 is more restrictive, it shall apply instead)

Shoreline Setback	100 feet
Side Yard Setback	30 feet/60 feet total
Rear Yard Setback	30 feet
Shoreline Vegetation Protection Area	75 feet
View Corridor	30 feet
 - a. If a shoreland lot which was legally created prior to December 12, 2000, is less than 150 feet in width, the minimum side yard setback for structures on such lot shall be the minimum side yard setback requirement which applied to such lot prior to December 12, 2000.